



City of Pflugerville
Proposed Unified Development Code (UDC)
Amendments

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Subchapter 1. GENERAL PROVISIONS

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SUBCHAPTER 1. GENERAL PROVISIONS

1.1 SHORT TITLE

This Chapter shall be known, and can be cited, as the Unified Development Code of the City of Pflugerville, Texas. References to “this Chapter” or “the Chapter” shall be interpreted as references to the Unified Development Code.

1.2 AUTHORITY

Under the authority of Texas Local Government Code Chapters 211 and 212, the City of Pflugerville adopts the regulations set out in this Chapter to control the use of land within the corporate limits of the City and the subdivision of land within the corporate limits of the City and its extra-territorial jurisdiction (ETJ). In the ETJ of the City, the site development standards in this Chapter shall serve as a guide for the expectation of development that occurs.

1.3 PURPOSE

The zoning and subdivision regulations and related standards are hereby established in accordance with the City’s Comprehensive Plan for the purposes of promoting the health, safety, morals and general welfare of the present and future residents and guests of Pflugerville and promoting safe, orderly and healthful development of the community. This Unified Development Code also regulates site development to achieve objectives of the Comprehensive Plan and the “SH 45 and SH 130 Corridor Study” that include, but are not limited to:

- A. Create a series of unique places to shop, work and live.
- B. Establish a diversified tax base.

- C. Establish an enhanced, long-term market capture.
- D. Utilize smart, healthy and sensible design concepts.
- E. Lessen congestion in the streets.
- F. Secure safety from fire, panic and other dangers.
- G. Ensure adequate light and air.
- H. Prevent the overcrowding of land to avoid undue concentration of population.
- I. Facilitate the adequate provision of transportation, water, sewerage, parks, open spaces and other public requirements.
- J. Maintain property values and encourage the most appropriate use of land throughout the corridor consistent with the Comprehensive Plan and the Corridor Plan.
- K. Establish a process that effectively and fairly applies the regulations and standards of this Code.

1.4 ADMINISTRATION

- A. The general regulations described in this Chapter apply uniformly to all districts.
- B. The Administrator is hereby designated to administer the provisions of this Chapter.
- C. The Administrator, or any person duly authorized by him/her, has the right to enter upon any premises at all reasonable times necessary to carry out their duties in the implementation and enforcement of this Chapter.
 - 1. If such premises are occupied, the Administrator shall first present proper credentials and request entry. If entry is denied, Administrator shall proceed to initiate legal process to force entry.
 - 2. If such premises are unoccupied, the Administrator shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.
 - 3. If a development application has been submitted on behalf of the property owner, and property owner has signed the development application with the right of entry consent provision stated thereon, this shall permit City officials to enter upon the premises for which the development application has been submitted.
- D. Many of the standards established in this Chapter are dependent on the district assigned to adjacent land. For the purposes of determining the standards required by this Chapter, the City considers that:
 - 1. Unincorporated land or land within an adjacent municipality that is not zoned is to be considered Agriculture/Conservation, regardless of the existing land use.
 - 2. Land within another municipality's jurisdiction that is zoned, has a zoning classification that most closely resembles the zoning that would apply to it if the land were in the City.

1.5 SEQUENCE OF PERMITS

- A. Land shall be used or occupied in conformity with all of the regulations specified for the district in which it is located. The appropriate zoning that permits the use shall be in place prior to the issuance of any development permits.
- B. Prior to the issuance of a site development permit or building permit, the developer shall follow the procedures for the subdivision process included within Subchapter 15 of this Code.

- C. Prior to the issuance of a site development permit, the developer may apply for a site disturbance permit in accordance with the procedures established in Subchapter 3.
- D. No fill or spoil may be transported to or from a site without a site development permit or site disturbance permit.
- E. The City shall not approve an application for a site development permit unless the subject development is on a legally platted lot and it conforms to the standards and reflects the development guidelines established in this Chapter and by the City codes that apply to the proposed development area.
- F. The City shall not issue a permit for the construction of a building or buildings upon any tract or lot under Chapter 150 or any other provision of the City Code until the following conditions have occurred:
 - 1. The lot or tract is part of a plat of record, properly approved by the City, and filed in the Official Plat Records of Travis and/or Williamson Counties, Texas as applicable; and
 - 2. The plat or lot is all or part of a site plan officially approved by the Administrator and complies with the provisions and improvements approved on such site plan for all utility and drainage easements, and dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land.
- G. No construction plan permit, site disturbance permit, site development permit, building permit, or certificate of occupancy shall be issued, or any use of land, construction of structures, or similar action commenced unless such action conforms to the standards and procedures of this Chapter.

1.6 COMPLIANCE

- A. The general regulations described in this Chapter apply uniformly to all land, unless the land is specifically exempted by this Chapter or State statute.
- B. A person shall not use or occupy land, unless such activity conforms to all of the applicable regulations specified in this Chapter.
- C. A person shall not erect, convert, enlarge, construct, reconstruct, structurally alter or use a building, or move a building onto a lot or tract, unless such activity complies with all of the applicable development provisions and requirements of this Chapter.
- D. Within the corporate limits of the city, a person shall not use or occupy a building constructed, converted or structurally altered after adoption of this Chapter until the Building Official issues a certificate of occupancy, which signifies compliance with the appropriate zoning district regulations.
- E. All construction and development on land shall comply with the site specific fire code requirements of Chapter 150 of the City Code as determined by the Fire Marshal.

1.7 VIOLATIONS

A. It is a violation of this Chapter to:

1. Subdivide property within the City and ETJ without first complying with the requirements of Subchapter 15, Subdivision Process unless otherwise exempted by the Texas Local Government Code.
2. Use any land within the corporate limits of the City without complying with the requirements of this Chapter.
3. Use any land within the corporate limits of the City without complying with the requirements of the approved standards for a Planned Unit Development (PUD) district, if applicable.
4. Use land or structures inconsistent with any conditions established by the Board of Adjustment for which a variance or special exception was granted.
5. Refuse entry by the Administrator upon any premises under the appropriate procedure provided in Section 1.4.C.

B. If a corporation is found to be in violation of this Chapter, each of its officers, agents, and/or employees who were in any way responsible for such violation are individually and severally liable for penalties herein prescribed.

1.8 PENALTY

A. Any individual who violates any provision of this Chapter is guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than \$1 nor more than \$2,000. Each day of such violation may constitute a separate offense. Such penalty is cumulative and not exclusive of any other rights or remedies the City may exercise.

B. The owner(s) of any building or premises, or part thereof, where anything in violation of this Chapter is placed, or exists, and any architect, engineer, builder, contractor, agent, person, or corporation employed in connection therewith, and who can have assisted in the commission of any such violation, is guilty of a separate offense and upon conviction thereof, shall be fined as herein before provided.

C. In addition to the remedies set forth above, the City may enforce compliance with the requirements of this Chapter by:

1. Refusing to issue street addresses,
2. Withholding building permits or certificates of occupancy,
3. Not allowing connection to or disconnection of utility service, or
4. Issuing a stop work order.

D. In addition to the remedies described in subsections (A) through (C) immediately above, the City may utilize any and all remedies and relief available at law and/or equity in furtherance of the enforcement of this Chapter.

1.9 PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES

By the passage of this Chapter, no currently illegal use shall be deemed to have been made legal. Depending on the particular circumstances, uses not permitted by this Chapter may be legal nonconforming uses, when so recognized according to the provisions of Subchapter 8, or illegal uses. Furthermore, it is the intent and declared purpose of this Chapter that no offense committed, and no liability, penalty, or forfeiture, whether civil or criminal, shall be discharged or affected by the adoption of this Chapter; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or proceeded with for causes presently pending.

1.10 INTERPRETATION, PURPOSE AND CONFLICT

The provisions of this Chapter shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. This Chapter is not intended to interfere with, rescind, or invalidate any easements, covenants, or other agreements between parties, or any statute, or regulation, except that, if this Chapter imposes a greater restriction or higher standards, this Chapter controls.

1.11 SAVING OF CITY RIGHTS AND REMEDIES

All rights or remedies of the City are expressly saved as to any and all violations of previous zoning regulations or amendments thereto of the City that have accrued at the time of the effective date of this Chapter; and to such accrued violations, the City and the courts have all the powers that existed prior to the effective date of this Chapter; and that all existing violations of previous zoning regulations which would otherwise become nonconforming uses under this Chapter shall not become legal nonconforming uses under this Chapter, but shall be violations of this Chapter in the same manner that they were violations of prior zoning regulations.

1.12 REPEAL OF CONFLICTING ORDINANCES

All ordinances, or parts of ordinances, in conflict or inconsistent with any of the provisions of this Chapter are hereby repealed insofar as the same are in conflict with the provisions hereto and insofar as necessary to give this Chapter full force and effect.

1.13 SEVERABILITY

If any provision, section, subsection, sentence, clause, or phrase of this Chapter, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Chapter shall not be affected thereby, it being the intent of the City Council in adopting this Chapter that no portion thereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Chapter are declared to be severable for that purpose. Moreover, it is also the intention of the City Council that in lieu of each provision, section, subsection, sentence, clause, or phrase of this Chapter, collectively "provision", that is found to be illegal, invalid, or unenforceable a provision be added to this Chapter which is legal, valid and enforceability and is a similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

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2.14.2	Establishment

2.1 CITY COUNCIL

2.1.1 General

The City Council shall be responsible for final action regarding the text of this Chapter and the Official Zoning District Map.

2.1.2 Powers and Duties

As provided and established within the City of Pflugerville Home Rule Charter, the City Council has the following powers and duties regarding this Chapter:

A. Appointments

The City Council appoints and removes members of the Planning and Zoning Commission, Board of Adjustment, Parks and Recreation Commission and Capital Improvement Advisory Committee.

B. Final Action. The City Council hears and takes final action on the following matters:

1. Annexations
2. Comprehensive Plan amendments
3. Unified Development Code text and Official Zoning District Map Amendments
4. Variances to the Sign Code in accordance with Chapter 154
5. Specific Use Permits
6. Impact fees
7. Capital Improvement Plan (CIP) priorities
8. Parkland dedication
9. Appeals to requests for waivers approved or denied by the Planning and Zoning Commission
10. Heritage Tree removal
11. Easements publicly dedicated by separate instrument

2.2 PLANNING AND ZONING COMMISSION

2.2.1 Creation

The City Council appoints a Planning and Zoning Commission in accordance with Article VIII of the City Charter and Chapter 31 of the City Code.

2.2.2 Composition and Term

The Commission consists of seven members as provided by the City Charter, Section 8.08. Members must meet the requirements of Section 8.02 of the City Charter, entitled "Membership Qualifications." Terms are for two years and subject to the provisions of Section 31.40 of the City Code.

2.2.3 Rules of Procedure

As provided by the City Charter, Section 8.08, the Commission shall require a quorum consisting of at least four members of the Commission and that an affirmative vote of a majority of those present is necessary to act on pending questions. The chairman is permitted to vote on any question. If only the minimum quorum requirement of four members is met, an unanimous affirmative vote by the four members present shall be required to approve or deny a request.

2.2.4 Powers and Duties

The Commission shall exercise the following powers pursuant to Section 8.08 of the City Charter and this Chapter:

- A. The Commission shall make and recommend a Comprehensive Plan for the physical development of the city to the City Council for approval.
- B. The Commission shall amend, extend, and add to the approved Comprehensive Plan periodically to address changing socioeconomic conditions and development within the city.
- C. In order to implement the Comprehensive Plan, the Commission shall have the following duties and responsibilities:
 - 1. Receive, review, revise and make recommendations to the City Council on all proposals to adopt or amend City development regulations including zoning, subdivision, site development, building code, transportation, utilities, environmental concerns and other police powers regarding use or development of land within the City; and
 - 2. Ensure that all such proposals conform to the goals and intent of the Comprehensive Plan.
- D. The Commission shall annually submit a five-year Capital Improvements Plan (CIP) to the City Council, at least 120 days before the beginning of the budget year. The plan shall list projects in order of preference with a recommendation for the year of construction for each project to keep the Comprehensive Plan, or any individual element of the Comprehensive Plan, current over the course of time.
- E. The Commission shall exercise control over platting, subdivision and site plan review procedures, as applicable, to ensure consistency with the Comprehensive Plan, or any individual element of the Comprehensive Plan.
- F. At least every two years after the date of Comprehensive Plan adoption, the Commission shall prepare a thorough review, analysis and evaluation of the Comprehensive Plan for the benefit of the City Council.
- G. The Commission shall perform its duties and obligations under this Chapter as an advisory body to the City Council, including:
 - 1. Consider proposed waivers greater than 20% from the minimum site development standards and requirements within the Suburban, Urban and Urban Center zoning districts.
 - 2. Consider proposed waivers concerning architecture for all structures, including but not limited to building articulation, exterior building wall standards and roof treatment, as specified throughout this Chapter.
 - 3. Consider an application for a major site development permit or a referral by the Administrator of a minor site development permit, as specified in Chapter 155,

Site Development Code, Subchapter B, Central Business District, also known as the Downtown District Overlay.

4. Consider proposed subdivisions submitted to the City in accordance with the Unified Development Code.
5. Consider development regulations governing platting and subdividing of land that are consistent with the state constitution and laws and recommending them to the City Council for adoption.
6. Consider and recommend an annual annexation plan to the City Council.
7. Meet at least once each month.
8. Perform other duties, including exercising other powers as the City Council shall from time to time prescribe.

2.3 BOARD OF ADJUSTMENT

2.3.1 Creation

The City Council appoints the Board of Adjustment in accordance with Article VIII of the City Charter and Chapter 31 of the City Code.

2.3.2 Composition and Term

The Board consists of five regular members and four alternate members who serve two-year terms as provided by City Charter, Section 8.09, and subject to the provisions of Section 31.50 of the Code of Ordinances. Alternate members may participate in meetings and vote on matters in the absence of regular members when requested to do so by the City Manager or the City Manager's designee. The City Council may remove a member for cause set out in a written charge and as determined by the City Council after a public hearing on the charge.

2.3.3 Rules of Procedure

The presiding officer shall call meetings at least quarterly and may administer oaths to witnesses and compel attendance of witnesses. Cases are heard in open meeting by at least four members and not more than five members. The minutes of meetings are public records of the board's examinations, official actions, and other proceedings and reflect each member's vote, absence or failure to vote on each question.

2.3.4 Powers. The Board of Adjustment exercises the following authority:

- A. Hears and decides any appeal that alleges error in an order, requirement, decision or determination made by the Administrator in implementing or enforcing this Chapter.
- B. Hears and decides special exceptions to terms of this Chapter when this Chapter so requires, provided that exceptions granted are consistent with the general purpose and intent of the Chapter and in accordance with any applicable rules contained in the Chapter.
- C. In specific cases, hears and decides requested variances from the terms of this Chapter, provided that the variances are not contrary to the public interest and that, due to special conditions, literal enforcement of this Chapter would result in unnecessary hardship on the applicant requesting the variance. In authorizing variances, the Board ensures that the spirit of this Chapter is observed and substantial justice is done.

D. Hears and decides other matters authorized by this Chapter.

2.4 CAPITAL IMPROVEMENT ADVISORY COMMITTEE

2.4.1 Creation

The City Council may appoint a Capital Improvement Advisory Committee. All regulations and restrictions adopted by the Committee shall be pursuant to applicable statutory provisions of the State of Texas for the purpose of providing recommendation and analysis of impact fees administered by the City of Pflugerville.

2.4.2 Composition and Term

The Capital Improvement Advisory Committee shall consist of the Planning and Zoning Commission and an ad hoc voting member of the Commission who is of the building, real estate or development community with interests in the ETJ as required by Chapter 395 of the Texas Local Government Code.

2.4.3 Rules of Procedure

The Capital Improvements Advisory Committee shall follow the rules of procedure established by the City Council.

2.5 PARKS AND RECREATION COMMISSION

2.5.1 Creation

The City Council appoints the Parks and Recreation Commission in accordance with Article VIII of the City Charter and Chapter 31 of the City Code.

2.5.2 Powers and Duties

The Commission's powers and duties as they relate to this Chapter are specified in the City Charter and include:

- A. Submitting annually a five-year comprehensive park plan to the City Council and City Manager, at least 120 days before the beginning of the budget year. The plan shall list projects in order of preference with a recommendation for the year of construction for each project.
- B. Making recommendations to the City Council and City Manager concerning the receipt of donations, legacies, or bequests for the improvement or maintenance of public parks or for the acquisition of new parks.
- C. Providing a recommendation to the City Council and/or the Planning and Zoning Commission regarding fee in lieu of parkland dedication in accordance with Subchapter 14, Public Parkland Standards.

2.6 ADMINISTRATOR

2.6.1 Designation

The City Manager shall designate the Assistant City Manager for the City of Pflugerville, referred to in this Chapter as the “Administrator.”

2.6.2 Responsibilities

Where this Chapter assigns a responsibility, power or duty to the Administrator, the Administrator may delegate that responsibility, power or duty to any other agent or employee of the City whom the Administrator may reasonably determine.

2.6.3 Power and Duties

The Administrator shall have the following powers and duties:

- A. The Administrator or designee shall administer and enforce the provisions of this Chapter.
- B. The Administrator or designee is responsible for interpreting the provisions of Chapter 155, Subsection B (Site Development Code for the Central Business District, also known as the Downtown District Overlay), and Chapter 157, Unified Development Code. The Administrator shall make written interpretations of these Chapters when requested, setting forth the reasons and explanation for such interpretations.
- C. The Administrator may consider and approve or disapprove any requests to shift, realign or otherwise move by up to 1,000 feet a thoroughfare alignment indicated on the City’s official Master Transportation Plan map provided the Administrator determines that the change will not adversely affect adjacent property owners.

2.7 PLANNING DIRECTOR

2.7.1 Designation

The Administrator shall designate and supervise the Planning Director for the City of Pflugerville.

2.7.2 Responsibilities

The Planning Director shall ensure conformance with all provisions under the Unified Development Code, act and serve as staff for each review body provided for within the Unified Development Code, review and certify that the proposed alteration or use of land, or the proposed construction or moving of structures, complies with the provisions of this Chapter prior to the issuance of a site development permit or final approval of a subdivision plat. The Planning Director may delegate such responsibility, power or duty to any other agent or employee of the City whom the Planning Director may reasonably determine.

The Planning Director shall also review and report or make recommendation to the City Council, Planning and Zoning Commission and Board of Adjustment regarding the following items, subject to the conditions as outlined within the Unified Development Code:

- A. Rezoning (Zoning map amendment)
- B. Development agreements
- C. Comprehensive Plan amendment
- D. Special Use Permit
- E. Special Exemption
- F. Text Amendments to the Unified Development Code
- G. Variance

2.7.3 Final Action

The Planning Director or designee shall review and take final action on the following:

- A. Site development permit applications not located in the Central Business District (also known as the Downtown District Overlay).
- B. Minor permits in the Central Business District.
- C. Waivers as prescribed in Subchapter 3.
- D. Minor and amended subdivision plats.

2.8 BUILDING OFFICIAL

2.8.1 Designation

The Administrator shall designate and supervise the Building Official for the City of Pflugerville.

2.8.2 Responsibilities

The Building Official or designee shall implement, administer, and oversee the provisions, terms and conditions of all building and related codes and flood hazard protection requirements within this Chapter. The Building Official may delegate such responsibility, power, or duty to any other agent or employee of the City whom the Building Official may reasonably determine.

2.8.3 Final Action

The Building Official or designee shall review and take final action on the following:

- A. Building inspections.
- B. Building permits.
- C. Sign permits in accordance with Chapter 154 of the City Code.
- D. Certificates of Occupancy.
- E. Floodplain management.
- F. Irrigation permits.

2.9 CITY ENGINEER

2.9.1 Designation

The Administrator shall designate and supervise the City Engineer for the City of Pflugerville.

2.9.2 Responsibilities

The City Engineer or designee shall implement, administer, and oversee the provisions, terms and conditions of all Unified Development Code provisions involving engineering standards or considerations, and of the latest edition of the City's Engineering Design Manual and Construction Standards, and engineering related elements included within City's Comprehensive Plan.

2.9.3 Powers and Duties

The City Engineer shall have the following powers and duties:

- A. Review and approve, approve with conditions, or deny driveway and median break applications.
- B. Maintain and hold open for public inspection all records pertaining to the City's Engineering Design Manual and Construction Standards, water and wastewater master plans, and public infrastructure elements of the City's Comprehensive Plan.
- C. Review and approve, approve with conditions, or deny all applications for right-of-way and construction plan permits.
- D. Ensure adequate inspection of construction permitted under the terms and conditions of this Chapter to confirm that such construction is carried out in accordance with the approved construction plans.
- E. Maintain, update and provide to interested parties at a reasonable cost the City's Engineering Design Manual and Construction Standards, Water and Wastewater master plans, and public infrastructure elements of the City's Comprehensive Plan.
- F. Review and utilize any acceptable new flood study data in accordance with the City's Engineering Design Manual and Construction Standards.
- G. Review and make recommendations to the City Council concerning proposed new or amended development agreements.
- H. Administer and manage the City's Regional Storm water Management Program (RSMP).
- I. Ensure land development is consistent with applicable components of the water and wastewater master plans, public infrastructure elements of the City's Comprehensive Plan, and with future City capital improvement projects.
- J. Determine and enforce dedication requirements for rights-of-way and easements.
- K. Determine and enforce requirements for off-site utility extension and for utility over-sizing.

2.9.4 Qualifications

The City Engineer must be a registered professional engineer in the State of Texas.

2.10 CITY FORESTER

2.10.1 Designation

The Administrator shall designate and supervise the City Forester for the City of Pflugerville.

2.10.2 Responsibilities

The City Forester shall oversee the City's urban forestry program and serve as an advisor to Development Services. In doing so, the City Forester or designee shall implement, administer, and oversee the provisions, terms and conditions of all aspects of public tree planting and the Public Tree

Care Ordinance, and relevant provisions and procedures for tree preservation and landscaping throughout the development process.

2.10.3 Powers and Duties

The City Forester shall have the following powers and duties:

- A. Review and make recommendations to Development Services regarding proposed tree preservation measures on development applications.
- B. Enforce the City's Tree Technical Manual in the development review process.

2.11 PARKS AND RECREATION DIRECTOR

2.11.1 Designation

The Administrator shall designate and supervise the City Parks and Recreation Director for the City of Pflugerville.

2.11.2 Responsibilities

The Parks and Recreation Director shall oversee the City's parkland program and serve as an advisor to Development Services. In doing so, the Parks and Recreation Director or designee shall implement, administer, and oversee the provisions, terms and conditions of all aspects of public parkland, and relevant provisions and procedures for tree preservation and landscaping throughout the development process.

2.11.3 Powers and Duties

The Parks and Recreation Director shall have the following powers and duties:

- A. Review and make recommendations to the Parks and Recreation Commission regarding proposed parkland dedication and development related to development applications.
- B. Enforce the City's parkland requirements in the development review process.

2.12 DEVELOPMENT REVIEW COMMITTEE

2.12.1 Designation

The Administrator shall designate the Development Review Committee for the City of Pflugerville.

2.12.2 Responsibilities

The Development Review Committee shall host pre-application conferences and review pre-applications, commercial site plans, subdivision applications, zoning applications and other development applications.

2.12.3 Powers and Duties

The Development Review Committee shall have the following powers and duties:

- A. Review and approve site development and site disturbance permits.
- B. Review subdivision applications including preliminary plans, final plats, replats, amended plats, minor plats, and where applicable, vacation plats.
- C. Other duties as assigned by the Administrator, including but not limited to reviewing and making recommendations related to requests for annexation, change of zoning, specific use permits, and Comprehensive Plan amendments.

2.13 OFFICIAL ZONING DISTRICT MAP

2.13.1 The boundaries of zoning districts set out in this Chapter are delineated upon the Official Zoning District Map of the City, which the City Council adopts as part of this Chapter as fully as if the same were set forth in this Chapter in detail.

2.13.2 The Official Zoning District Map shall reflect all changes in zoning district boundaries and all changes in zoning designations for properties as approved through ordinance by the City Council and may include an ordinance reference to the most recent zoning amendment. The Official Zoning District Map shall be maintained by the City's GIS Department.

2.13.3 The following rules shall be used to determine the location of any zoning district boundary line shown on the Official Zoning District Map. Where a physical feature on the ground differs from the representation of such feature on the Official Zoning District Map, the physical feature on the ground shall control.

- A. Where district boundaries are generally shown to follow streets or alleys, the boundary is considered to follow the centerline of the street or alley.
- B. Where district boundaries are generally shown to follow platted lot lines, the boundary is considered to be the platted lot lines.
- C. Where district boundaries are generally shown to follow lines dividing land ownership, the boundary is considered to be the land ownership dividing lines.
- D. Where district boundaries are generally shown to follow City limit lines, the boundary is considered to be the City limit line.
- E. Where district boundaries are generally shown to follow railroad lines, waterways, utility lines or similar features, the boundary is considered to be the centerline of the feature.
- F. Where district boundaries are shown as separated from but generally parallel to a street, platted lot line, line dividing land ownership, political boundary, physical feature or other feature, the boundary is considered to be parallel to the feature and separated by the distance on the map indicated by the scale of the map.

2.14 UDC SUPPLEMENTAL SCHEDULE AND TECHNICAL MANUALS

2.14.1 The City Council shall adopt a Unified Development Code Supplemental Schedule, which contains information pertaining to the review of development applications and similar details will be available when referenced by this Chapter.

2.14.2 City Council shall adopt annually by resolution the schedule and any amendment thereto.

2.14.3 The City Council shall adopt and update by ordinance, technical manuals which provide specific design guidelines and standards for development within the City and ETJ. Examples of such technical manuals shall include, but are not limited to:

- A. Engineering Design Manual and Construction Standards
- B. Parks Development Manual
- C. Tree Technical Manual

Subchapter 3. PROCEDURES

<u>Section</u>	<u>Title</u>
3.1	General
3.1.1	Purpose
3.1.2	Applicability of Procedures (with Table)
3.1.3	Submission of Concurrent Applications
3.2	Common Review Elements
3.2.1	Pre-Application Conference (PAC) <ul style="list-style-type: none">A. PurposeB. Mandatory conferencesC. Optional conferencesD. Submittal requirements
3.2.2	Application Forms and Fees <ul style="list-style-type: none">A. FormsB. Electronic SubmittalsC. FeesD. Application DeadlineE. Application CompletenessF. Staff ReviewG. Expedited Review CyclesH. Expiration of Dormant Projects
3.3	Public Hearing and Notice Requirements
3.3.1	Provision of Public Notice
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3.4	Comprehensive Plan Amendment
3.4.1	Purpose
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 - A. Revisions
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- 3.10.8 Inspections and Certificate of Occupancy

3.11 Site Disturbance Permit

- 3.11.1 Applicability
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3.12 Building Permits, Signs, and Irrigation

- 3.13 Appeals, Variances and Special Exceptions**
- 3.13.1 General
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3.14 Administrative Waivers

- 3.15 Administrative Interpretation**
- 3.15.1 Applicability
- 3.15.2 Request for Interpretation
- 3.15.3 Interpretation by Administrator
- 3.15.4 Official Record
- 3.15.5 Appeal

SECTION 3.1 GENERAL

3.1.1 Purpose

The purpose of this Chapter is to establish application procedures, internal review procedures, public notice and hearing procedures, and review criteria for the processing of applications and actions that affect the development and use of property subject to the jurisdiction of the City.

3.1.2 Applicability of Procedures

The following Table shows which review procedures, applications and permits apply in the City and its extraterritorial jurisdiction.

Table 3.1.2 Applicability of Procedures

	City Limits	Extraterritorial Jurisdiction
Land Use & Zoning		
Comprehensive Plan Amendment	X	X
UDC Text Amendment	X	X
Rezoning (Zoning Amendment)	X	
Specific Use Permit	X	
Development Agreement		X
Zoning Verification Letter	X	
Subdivision & Platting of Land		
Preliminary Plan	X	X
Construction Plan (Public Infrastructure)	X	X
Final Plats (Minor, Amending)	X	X
Replat	X	X
Vacation Plat	X	X
Subdivision Variance	X	X
Plat Waiver	X	
Development Application Process		

Site Plans (Private Infrastructure)	X	
Construction Plans (Public Infrastructure)	X	X
Site Disturbance	X	X
Tree Removal	X	X
Temporary Use Permit	X	
Architectural Review (Downtown District Overlay)	X	
Sign Permit	X	X
Deviation from Code Requirement Processes		
Appeal of Administrative Decision	X	X
Administrative Exception	X	X
Variance (Zoning)	X	
Special Exception	X	
Architectural Waiver	X	

3.1.3 Order of Processes

- A. The submittal of multiple applications simultaneously is discouraged, however may occur as long as the consideration of the applications remain in the following development application sequence of processes, with the exception of a site disturbance permit, if applicable:
 - 1. Comprehensive Plan Amendment;
 - 2. Zoning;
 - 3. Preliminary Plan;
 - 4. Final Plat;
 - 5. Construction Plan;
 - 6. Site Plan; and
 - 7. Building Permit

- B. Any application submitted concurrently is subject to the approval of all other related applications. Denial or disapproval of any concurrently submitted application shall halt the consideration of any related applications.

- C. Staff review of such applications may be delayed due to the sequence of such submittals. It is recommended that the applicant delay the submittal of a development application until such time staff provides the initial review of the preceding development application in the sequence of application processes.

3.2 COMMON REVIEW ELEMENTS

3.2.1 Pre-Application Conference (PAC)

A. Purpose

Prior to the submission of an application required by this Chapter, the Planning Director may require a pre-application conference with the Development Review Committee to discuss, in general, procedures, standards, or regulations relating to development. The pre-application conference is not considered a “permit” and does not vest any right to a proposed project.

B. Mandatory Conference

A pre-application conference shall be required with the Development Review Committee to initiate the processes listed below:

1. All subdivision plans
2. Site plans;
3. Rezoning, comprehensive plan amendments and text amendments to this Chapter including amendments to create a planned unit development;
4. Specific use permits;
5. Architectural review in Downtown District Overlay; and
6. Special exception and variance requests.

C. Submittal Requirements

The Planning Director may require the applicant to submit information ten (10) business days prior to the pre-application conference to allow the Development Review Committee adequate time to review the proposal and provide direction and feedback.

3.2.2 Application Forms and Fees

The following regulations shall apply to all applications:

A. Forms

Applications required under this Code shall be submitted on forms, with the information and attachments requested, and in such numbers, as required by the City, including any checklists for submittals in accordance with the UDC Supplemental Schedule. Additional information may be requested by the Planning Director in order to ensure compliance with the Unified Development Code (UDC).

B. Electronic Submission Required

All subdivision plans, plats and site plans shall be prepared and submitted upon request in an electronic form acceptable to the Planning Director and compatible with the City's Geographic Information System (GIS).

C. Fees

1. Filing fees shall be established from time-to-time by resolution of the City Council and are located within the Unified Development Code Supplemental Schedule.
2. All required fees shall be made payable to "The City of Pflugerville."
3. Once an application has been deemed complete by the Administrator or designee, the applicant shall not be entitled to a refund.
4. The following fees are non-refundable:
 - a. Filing fees for text or map amendments
 - b. Impact fees
 - c. Fee in lieu payments (e.g., parkland, park development, sidewalk, etc.)
 - d. Regional Stormwater Management Program (RSMP) fees

D. Application Deadline

All applications shall be completed and submitted to the Planning Director in accordance with a schedule established annually by the City. An application shall not be considered officially submitted until it has been determined to be complete in accordance with Subsection 3.2.2 E of this Subchapter.

E. Application Completeness

1. An application shall be considered submitted only after the Administrator has determined it is complete and provided that it is on the required form, with all required information, including all exhibits, and is accompanied by the applicable fee. A determination of application completeness shall be made by the Administrator within five (5) business days of turning in an application. If an application is determined to be incomplete, the Administrator, or designee shall provide written notice to the applicant providing an explanation of the application's deficiencies.
2. Any application that requires a pre-application conference as outlined in Section 3.2.1 may not be submitted for completeness until the pre-application conference has been held.
3. Determination that an application is complete does not determine or imply that the application has successfully met all review criteria and is then subject to review and possible disapproval.

F. Staff Review

1. Once the application has been determined to be complete by the Administrator, the Development Review Committee shall review the application according to its applicable review schedule identified in this Subchapter.
2. For applications that warrant more than three (3) review cycles by staff to ensure adherence of all development regulations and staff comments have been addressed, the fourth (4th) review cycle shall require additional review fees in accordance with the Unified Development Code Supplemental Schedule. The Administrator may approve a fee waiver upon the request of an applicant and a

showing by the applicant that multiple submittals were due to the complexity of matters being reviewed or fault of the reviewing staff person and not due to slovenliness or conscious indifference on the part of the applicant.

G. Expedited Review Cycles

1. General

The intent of expedited review cycles by the City is to allow for relatively small, highly planned projects to move through the development process in a manner that may allow for concurrent reviews of multiple development applications related to the same project within shorter time frames by City staff at the discretion of the Administrator. The Administrator may utilize the following in the determination of granting expedited review cycles:

2. Application Types

For the development applications listed in this section, the applicant may request expedited staff review cycles, for no less than five (5) business days and limited to three (3) review cycles.

- a. Preliminary Plans
- b. Final Plats
- c. Site Plans
- d. Site Disturbance

3. Criteria for Consideration

The Administrator may utilize the following in the determination of granting expedited review cycles:

- a. One consolidated PAC to address all proposed development application types for the related project.
- b. Submittal of applications shall follow the "Order of Processes" outlined in Section 3.1.3, and may not become out of sequence during the review process with subsequent submittals at any time.
- c. Limitations for Concurrent Reviews as identified in Section 3.2.2(G)(4) below and Section 3.1.3.
- d. Site is contained fully within the City of Pflugerville city limits.
- e. No legal review required.
- f. No Traffic Impact Analysis is required.
- g. No public hearing notice required.
- h. No FEMA floodplain applications are required.
- i. All property entitlements are secured (Example, zoning).

4. Limitation of Concurrent Reviews

If multiple development applications types are in the review process at the same time for a related project, staff shall not be required to provide staff review reports to the applicants within the same expedited review time frame for all the development

applications submitted, and that a five (5) business day delay in the review cycle may occur between each application type according to the order of processes listed in Section 3.1.3.

5. Process

- a. The applicant shall submit a request for a PAC, whereby the applicant may be required to submit an electronic copy of the development plan to the Planning Director, or designee, at least seven (5) business days prior to the meeting.
- b. The applicant shall make a written request to the Planning Director identifying how the development application(s) meet the criteria for approval, upon the completion of a consolidated PAC with all applicable members of the Development Review Committee present.
- c. The Administrator, at his/her full discretion with the criteria for consideration as listed in Section 3.2.2(G)(3) as guidance, shall render a determination within five (5) business days of said request. The Administrator may place conditions upon applications permitted to follow the applicable expedited review process.
- d. If the development application is permitted to follow the expedited review process, the applicant may submit the application with the applicable review fees in accordance with the UDC Supplemental Schedule.
- e. Once application is determined to be complete upon submittal, staff shall proceed with a City staff review of five (5) business days, unless otherwise conditioned by the Administrator, up to three (3) review cycles.
- f. Phone or in-person conferences may be held by the individual staff reviewer(s) with the applicant after such staff review reports have been provided to the applicant for each submittal.
- g. However, prior to the third (3rd) submittal of the development application by the applicant, the applicant is required to meet with staff to discuss remaining comments. A phone conference may be acceptable.
- h. If the third (3rd) submittal by the applicant does not address all of staff's review comments, the application shall expire. The Administrator shall not be obligated to grant additional expedited reviews by City staff for said expired applications upon reactivation of a development application.
- i. The fourth (4th) submittal of the development application with outstanding staff review comments shall be subject to a renewal fee as outlined in the Supplemental Schedule and will follow standard review times. If the fourth (4th) and final submittal of the development plans does not warrant staff review, as determined by the Planning Director, this shall not count as a review cycle.

H. Expiration of dormant applications

1. An accepted application for which there has been no action taken by an applicant for a period of 180 days or more from the date of the last action shall be determined

dormant and considered withdrawn by the applicant and the file subsequently closed.

2. Reapplication of an expired application will require a new application and new fees and the project will be subject to current regulations, as of the date of the new application.

3.3 PUBLIC HEARING AND NOTICE

3.3.1 Provision of Public Notice

A. Summary of Notice Required

Notice shall be required for application review as shown in the following Table 3.3.1 A.

Table. 3.3.1 A. Mailed Notice			
Type of Application	Published Notice	Mailed Notice	Signage Posted
Comprehensive Plan Amendment	X		
UDC Text Amendment	X		
Annexation	In accordance with state statutes		
Rezoning (Zoning Amendment)	X	X	X
Planned Unit Development (PUD) District	X	X	X
Specific Use Permit	X	X	X
Replat of Residential Property (Resubdivision)	X	X	
Replat of Commercial Property (Resubdivision)	X		
Appeal of Administrative Decision	X		
Variance (Zoning)	X	X	X
Special Exception	X	X	X
X = Notice Required			

B. Published Notice

1. Before the 10th day before the scheduled public hearing date before the Planning and Zoning Commission, notice of the hearing must be: published at least one time in the City’s official newspaper or a paper of general circulation in the City, which

includes the date of the public hearing, time of the public hearing, location, and a general description of the request before the Planning and Zoning Commission.

2. Not later than 15 days before the scheduled public hearing date before the City Council or Board of Adjustment, notice of the hearing must be published at least one time in the City's official newspaper or a paper of general circulation in the City, which includes the date of the public hearing, time of the public hearing, location, and a general description of the request.

C. Mailed Notice

1. Generally

A notice of public hearing shall be sent by U.S. mail to owners of record of real property within a certain distance of the boundary of the property under consideration in accordance with the following Table 3.3.1 C, as determined by the most recent municipal tax roll information. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in United States mail prior to the date set for the public hearing in accordance with the timelines established for the published notice in section 3.3.1(B) above, or as otherwise required by the Texas Local Government code, as amended.

Table 3.3.1 C Mailed Notice

Type of Application	Notification Distance from Subject Property (Feet)	HOA(s) Notified
Annexation	Notification in accordance with State law	
Appeal of Administrative Decision	Notification in accordance with State law	
Planned Unit Development (PUD) District	500	X
Replat of Residential Property (Resubdivision)	200	
Rezoning (Zoning Amendment)	500	X
Special Exception	200	X
Specific Use Permit	500	X
Variance (Zoning)	200	X
X = Special Notice Required		

2. Mailing letters to all homeowner's associations or neighborhood associations whose jurisdiction is within 200 feet of the boundary of the subject area. Such homeowner association or neighborhood association must be registered with the City Planning Department annually as prescribed in the Unified Development Code Supplemental Schedule.
3. Special Mailed Notice for Rezoning
 - a. Before the 10th day before the hearing date, written notice of each public hearing on a proposed change in a zoning classification affecting residential or multifamily zoning shall be sent to each school district in which the property for which the change in classification is proposed is located.
 - b. The notice shall be served by its deposit, properly addressed with postage paid, in the United States mail.
4. Special Mailed Notice Required for PUD Modification
 - a. For purposes of mailed notice, the boundary of a PUD Modification shall be the boundary of any tract of land for which PUD standards or requirements are proposed to change due to the modification.
 - b. In addition to the requirements of paragraph 1 of Section 3.3.1 C., mailed notice shall also be provided to all owners of property within the entire PUD boundary, not otherwise notified. The financial obligation for such notification shall be the applicant's responsibility, and shall be in addition to the standard application amendment fee.
5. Special Mailed Notice Required for Specific Use Permits
 - a. Before the 10th day before the hearing date, written notice of each public hearing on a proposed change in a zoning classification affecting residential or multifamily zoning shall be sent to each school district in which the property for which the change in classification is proposed is located.
 - b. The notice shall be served by its deposit, properly addressed with postage paid, in the United States mail.
6. Special Mailed Notice Required for Certain Replats

Replats containing any area or lot that, during the preceding five years, was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot or in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot, require mailed notice to all owners of lots that are part of the original subdivision and located within 200 feet of the boundary of the property to be replatted, in the same manner as prescribed in this Section above and in accordance with §212.015 of the Texas Local Government Code, as amended.

D. Posted Notice

1. Notice shall be posted in the format and amount determined by the Administrator on every street right-of-way adjacent to the land under consideration.
2. The applicant shall be responsible for maintaining the sign on a format approved by the Administrator during the course of the public hearings, until such time staff remove the signage from the property.
3. Posted notice shall be posted consistent with the timeline(s) established for published notice per subsection B. above.

E. Content of Notice

Published or mailed notices shall contain at least the following specific information:

1. The general location of land that is the subject of the application, including a location map with the mailed notice only;
2. The legal description or street address;
3. The substance of the application, including the type of proposed development and the current zoning district;
4. The time, date, and location of the public hearing;
5. A phone number to contact the City; and
6. A statement that interested parties may appear at the public hearing.

F. Special Hearing Notice Required for Certain Replats

A replat without vacation of the preceding plat must conform to the requirements of Sections 212.014 and 212.015 of the Texas Local Government Code.

3.3.2 Public Hearing Required

The following table identifies the types of applications requiring a public hearing and the review body responsible for conducting the hearing.

Table. 3.3.2 Summary of Required Public Hearings

Type of Application	Planning & Zoning	City Council	Board of Adjustment
Annexation	In accordance with state statutes		
Appeal of Administrative Decision			X
Comprehensive Plan Amendment	X	X	
Planned Unit Development (PUD) District	X	X	
UDC Text Amendment	X	X	
Rezoning (Zoning Amendment)	X	X	

Replat (Resubdivision)	X		
Specific Use Permit	X	X	
Special Exception			X
Variance (Zoning)			X
X = Public Hearing Required			

3.3.3 Postponement of Application

An applicant may request to postpone an application at any time prior to the public notice being sent for publication and mailed to the applicable property owners within the notification area. If the request for postponement is received after public notice has been sent, the Administrator may approve the request on a showing of good cause and applicant’s payment of all re-notification fees.

3.4. COMPREHENSIVE PLAN AMENDMENT PROCEDURES

3.4.1 Purpose

For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the City, the Comprehensive Plan, including specifically, the Land Use Plan and the Transportation Master Plan, shall be amended only based upon changed or changing conditions in a particular area or in the City.

3.4.2 Applicability

If it is determined that a proposed rezoning is not in accordance with the Future Land Use Plan located within the Master Plan, a comprehensive plan amendment application shall be required to accompany the application of the applicant initiated rezoning request with the applicable review fees in accordance with the UDC Supplemental Schedule.

3.4.3 Initiation of Amendment

An amendment may be initiated by:

- A. City Council;
- B. The Planning and Zoning Commission;
- C. The recommendation of the Administrator; or
- D. Application by the property owner(s).

3.4.4 Procedure

The procedure for the processing of a Comprehensive Plan amendment shall conform to the procedures for “Unified Development Code Text Amendments” as provided in Section 3.5, except as provided herein.

- A. Amendment Application

A complete application for a Comprehensive Plan amendment shall be submitted to the Administrator as set forth in Subchapter 3 with letter of explanation for the request and any support information related to the request.

B. Review and Report by Administrator

Once the application is complete, the Administrator shall review the proposed amendment in light of the remainder of the Comprehensive Plan and conditions in the City, and give a report and recommendation to the Planning and Zoning Commission.

C. Review by the Planning and Zoning Commission

The Planning and Zoning Commission shall review the amendment and recommend approving, approving with conditions, denying, or determine that the proposed development complies with the Comprehensive Plan and no amendment is required. The Planning and Zoning Commission will advise the City Council of their recommendation regarding the requested Comprehensive Plan, or any element of the Comprehensive Plan. If the Planning and Zoning Commission determines that no amendment is required, the applicant may proceed with the next step in the development process with no further action required by the City Council.

D. Review and Action by the City Council

After receiving a recommendation by the Planning and Zoning Commission, the City Council may then adopt all or a certain individual elements of the Comprehensive Plan. The City Council may also adopt additional elements it deems necessary to fulfill the goals and intent of the Comprehensive Plan. The City Council shall act on the Comprehensive Plan, or an element of the Comprehensive Plan, within 60 days following its submission to the City Council by the Planning and Zoning Commission. The City Council may: (i) adopt the plan as submitted by the Planning and Zoning Commission; (ii) adopt the Comprehensive Plan with changes or amendments; or (iii) direct the Planning and Zoning Commission to further study or review the Comprehensive Plan, or a portion thereof.

3.4.5 Approval Criteria

A. The City Council shall consider the following approval criteria in an analysis of immediate needs and consideration of the long-terms effects.

1. The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action; and
2. The amendment promotes the health, safety or general welfare of the City and the safe orderly, and healthful development of the City.

B. In considering amendments to the Comprehensive Plan, the City Council should be guided by the following:

1. The need for the proposed change;
2. The effect of the proposed change on the need for City services and facilities;

3. The compatibility of the proposed change with the existing uses and development patterns of nearby property and with the character of the neighborhood; and
4. The implications, if any, that the amendment may have for other parts of the Plan.

3.5 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS

3.5.1 Applicability

Amendments to this Unified Development Code may be made in order to establish and maintain sound, stable, and desirable development within the jurisdiction of the City, to correct errors in the text or because of changed or changing conditions in the City. All text amendments shall be consistent with the Comprehensive Plan.

3.5.2 Initiation of Text Amendment.

A text amendment to this UDC may be initiated in one of the following ways:

A. **Direction of the City Council**

The City Council may initiate a UDC text amendment in one of two ways:

1. City Council, by majority vote, may direct initiation of a UDC text amendment review.
2. City Council, by a super majority vote, may initiate an emergency UDC text amendment.

B. **Recommendation by the Planning & Zoning Commission**

The Planning and Zoning Commission, by majority vote, may direct initiation of a UDC text amendment review.

C. **Recommendation by the Planning Director**

The Director may make recommendation to the City Council for the initiation of a UDC text amendment review.

D. **Application by a Citizen or Property Owner**

A citizen or property owner may make application for a UDC text amendment. The applicant shall provide staff with draft text of their proposed UDC amendment along with supporting information detailing how the proposed changes meet the criteria outlined in Section 3.5.4.

3.5.3 Review and Approval Process

A. **Staff Review**

The Planning Director shall prepare a report to be forwarded to the Planning and Zoning Commission for consideration, including each proposed version of the text and a recommendation for final action.

B. Planning & Zoning Commission Review

The Planning and Zoning Commission shall hold a public hearing in accordance with its rules and shall make a recommendation on the proposed change(s) to the City Council.

C. City Council Final Action

The City Council shall hold a public hearing in accordance with its rules and state law and may take final action on the proposed amendment. The amendment shall then become effective in the manner provided by the City Charter or State Law.

3.5.4 Approval Criteria

In determining whether to approve, approve with modifications or disapprove a proposed amendment, the City Council shall consider the following matters:

- A. The proposed amendment promotes the health, safety or general welfare of the City and the safe, orderly, and healthful development of the City.
- B. The proposed amendment is consistent with the Comprehensive Plan.

3.6 ANNEXATION

Annexation into the city limits may occur in accordance with the procedures set out in applicable state statutes, and the City Charter.

3.7 ZONING PROCEDURE

3.7.1 Applicability

Prior to the submission of any development application, if located within the City limits, Staff shall determine whether the proposed land use is permitted by right, permitted with conditions, permitted by specific use permit, or prohibited in the subject site's zoning district. If the proposed land use is permitted by right or with the prescribed conditions within this Chapter, the applicant shall be entitled to proceed to the next development application in the sequence of processes. If the use is not permitted by right or with conditions, the applicant may consider applying for a rezoning or a specific use permit (SUP) or Planned Unit Development (PUD) where applicable.

3.7.2 Prerequisite for Consideration

The proposed rezoning must be consistent with the future land use element of the Comprehensive Plan; or must be accompanied with a request for an amendment to the Comprehensive Plan.

3.7.3 Procedure

- A. A zoning amendment procedure may be initiated by:
 - 1. Recommendation of the City Council
 - 2. Recommendation of the Planning and Zoning Commission
 - 3. Recommendation of the City Manager
 - 4. Recommendation of the Planning Director
 - 5. Application by the property owner or authorized agent
- B. A public hearing shall be required before the Planning and Zoning Commission in accordance with state law and Section 3.3 of this Subchapter.
- C. After the public hearing on the application, the Planning and Zoning Commission shall make a recommendation to the City Council with respect to such application.
- D. After the Planning and Zoning Commission makes its recommendation, the City Council shall conduct a public hearing in accordance with state law. The public hearing shall be conducted within 60 days following the date of the Planning and Zoning Commission's recommendation. If a public hearing is not held before City Council within the prescribed 60 days, City Council may extend the 60 day period for a maximum of 30 days by resolution of the Council; a maximum of two 30 day extensions may be granted in this manner, or the application will be considered withdrawn.
- E. Within 60 days of the public hearing before the City Council, City Council must either:
 - 1. Approve by ordinance, the requested amendment as submitted;
 - 2. Approve by ordinance, the amendment as recommended by the Planning and Zoning Commission;
 - 3. Approve by ordinance, an alternate amendment than that which was submitted;
 - 4. Deny the requested rezoning by record vote; or
 - 5. Extend the 60-day period for a maximum of 30 days by a resolution of the Council; a maximum of two 30-day extensions may be granted in this manner.

If the City Council fails to approve or deny or extend the request within 60-days after the public hearing on the request, and the delay is due in whole or part to applicant's request for extension(s), the request is deemed withdrawn and no further action shall be taken without a new zoning application being submitted.

- F. A zoning map amendment to this Chapter requires the approval by a three-fourths vote of all members of the City Council if:
 - 1. The Planning and Zoning Commission has recommended to deny the requested amendment; or
 - 2. A written protest is received by the Administrator against such rezoning, or creation and amendment of an PUD District signed by the owners of 20 percent or more of either:
 - a. The area of the lots or land included in such proposed amendment, or

- b. The area of the lots or land within 200 feet of the boundary of the subject area, excluding the land included in such proposed amendment. In computing the percentage of land area, the area of streets and alleys shall be included.

3.7.4 Creating or Amending a Planned Unit Development (PUD) District

A. Application Requirements

1. Complete application form and supplemental requirements included in the Unified Development Code Supplemental Schedule; an application shall be submitted with applicable fees and required information and any additional information requested by the Planning Director. The application shall:
 - a. Specify the extent to which deviation from otherwise applicable Code requirements is justified by unique characteristics of the site or other exceptional circumstances.
 - b. Describe steps taken to protect or preserve any natural resource features on the site, or to incorporate such features as focal points within the proposed development.
2. Filing fee; and
3. A written legal and graphic description of the subject land

B. Criteria for Consideration

The proposed PUD District application meets the criteria stated in Subchapter 4 and conforms to the purpose and intent of the Comprehensive Plan and Unified Development Code.

C. Process

The process for a PUD is outlined below. An application for a PUD will be scheduled for action once staff and the applicant have had the opportunity to review and finalize the requirements of the PUD. Dates for public hearings and action will be scheduled once review of the application is complete. Sections 3 and 4 may be repeated until all comments are addressed or the applicant submits a written request for the proposal to be reviewed by the Planning and Zoning Commission.

1. A pre-application conference is required to discuss the proposed development and to determine whether the property and proposal meet the minimum criteria for a PUD at the proposed location.
2. The applicant submits a completed application in accordance with Section 3.2.2 E. and the provisions for a PUD outlined in Subchapter 4.
3. The Planning Director will review the request and submit comments to the applicant not later than 10 business days following the date that the request was submitted.

4. The applicant can revise the proposal based on the Planning Director's comments.
5. If the PUD District includes residential lots or units, within 7 business days of receipt of a complete application the Planning Director must request a determination from the Parks and Recreation Director as to whether or not the PUD application must be presented to the Parks and Recreational Commission for review. In the event that the Parks and Recreation Director determines a review and recommendation from the Parks and Recreation Commission is required, the matter shall be placed on the next available meeting date. An application for a PUD District that includes residential lots or units is not deemed complete to proceed to the Planning and Zoning Commission without a determination by the Parks and Recreation Director; and, if applicable, a recommendation by the Parks and Recreation Commission regarding parkland dedication provisions. If the project is modified at the request of the applicant, staff or a commission, a reconsideration from the Parks and Recreation Commission is required if the overall parkland requirements for land or fee in lieu are affected by the proposed changes.
6. The application will be scheduled for hearing by the Planning and Zoning Commission with appropriate notifications, once:
 - a. All comments from the Planning Director have been addressed; or
 - b. The applicant submits a written request for the proposal to be reviewed by the Planning and Zoning Commission.
7. The Planning and Zoning Commission shall consider the application following a public hearing, as prescribed in Section 3.3 and provide a recommendation with any associated conditions to City Council. The Planning and Zoning Commission shall determine if the application meets the requirements outlined in Subchapter 4.
8. The City Council must conduct a public hearing and take action on the proposed creation of a PUD district according to the procedure established in Section 3.3.
9. If approved, the City staff must amend the Official Zoning Map to indicate the name of the district that has been approved and include the approved development standards and accompanying map in the Unified Development Code Supplemental Schedule.
10. Land within the PUD district can then be used or developed in conformance with the adopted standards.

D. Standards

1. The entire area proposed for a Planned Unit Development (PUD) district must be given a unique name as approved by the Planning Director, which will be used as a reference to the district if approved.
2. The proposed development shall consist of a parcel or group of parcels which form a single contiguous land unit with labels for individual tracts.
3. A development standards form and accompanying map, included in the Unified Development Code Supplemental Schedule, must be included with the application.

4. All aspects of land development must be addressed in the development standards form.
 - a. The development standards form must propose permitted and/or prohibited uses, building restrictions, standards for public improvements and similar aspects for each sub-area.
 - b. Where the proposed standards are identical to standards already established by the City, reference to the City standards on the development standards form is necessary.
 - c. Any uses that are not addressed in the development standards form are not permitted within the district.
 - d. Any other aspect that is not addressed in the development or other applicable City Code provisions.

3.7.5 Withdrawal of a zoning/rezoning request

An application or amended application for zoning or rezoning may be withdrawn a maximum of two times in a twelve-month period. After an application for the same property has been withdrawn twice in a twelve-month period, no further applications for a zoning or rezoning to the same or less restrictive zoning district will be accepted for a period of twelve months from the date of the second withdrawal.

3.8 SPECIFIC USE PERMITS

3.8.1 Applicability

An applicant may submit an application for those land uses listed as permitted by specific use permits (SUP), under the particular zoning districts in Subchapter 4 of this Code.

3.8.2 Process

The process for a SUP is outlined below. An application for a SUP will be scheduled for action once staff and the applicant have had the opportunity to review and finalize the requirements of the SUP. Dates for public hearings and action will be scheduled once review of the application is complete. Sections B and C may be repeated until all comments are addressed or the applicant submits a written request for the proposal to be reviewed by the Planning and Zoning Commission.

- A. A pre-application conference is required to discuss the proposed development and to determine whether the property and proposal meet the criteria for a SUP at the proposed location.
- B. Upon application submittal, the Planning Director will review the application and submit comments to the applicant not later than fifteen (15) business days following the date that the application was submitted.
- C. The applicant can revise the proposal based on the Administrator's comments.
- D. The application will be scheduled for public hearing by the Planning and Zoning Commission with appropriate notifications, once:

1. All comments from the Planning Director have been addressed; or
 2. The applicant submits a written request for the proposal to be reviewed by the Planning and Zoning Commission.
- E. The Planning and Zoning Commission shall consider the application following a public hearing, as prescribed in Section 3.3 and provide a recommendation with any associated conditions to City Council. The Planning and Zoning Commission shall determine if the application meets the requirements outlined in Section 3.8.4 and Subchapter 4.
- F. The City Council must conduct a public hearing and take action on the proposed creation of a SUP district according to the procedure established in Section 3.3 and criteria outlined in Sections 3.8.3 through 3.8.6.
- G. If approved, the City staff must amend the Official Zoning Map to indicate the name of the district that has been approved and include the approved development standards and accompanying map in the Unified Development Code Supplemental Schedule as outlined in Section 3.8.5(E).
- H. Land within the SUP district can then be used or developed in conformance with the adopted standards.

3.8.3 Consideration

The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the Planning and Zoning Commission that the uses are in general conformance with the Comprehensive Plan and general objectives of the City and containing such requirements and safe guards as are necessary to protect adjoining property, authorize application and shall be accompanied by a Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and instruction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of 200 feet. The Planning and Zoning Commission or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.

3.8.4 Criteria for Approval

In recommending that a specific use permit for the premises under consideration be granted, the Planning and Zoning Commission shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, area or security lighting, heights of structures and compatibility of buildings. The Planning and Zoning Commission and City Council shall consider the following criteria in determining the validity of the specific use permit request:

- A. Whether the use is harmonious and compatible with its surrounding existing uses or proposed uses;
- B. Whether the activities requested by the applicant are normally associated with the requested use;
- C. Whether the nature of the use is reasonable; and
- D. Whether any adverse impact on the surrounding area has been mitigated.

3.8.5 Conditions of Permit

In granting a specific use permit, the City Council may impose conditions that the owner or grantee must comply with before the Building Official may issue a Certificate of Occupancy for use of the building on such property pursuant to such specific use permit and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in the ordinance approving the SUP. The Administrator shall verify compliance with such conditions prior to issuance of the certificate of occupancy.

- A. No specific use permit shall be granted unless the applicant, owner and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawing (or drawings) and approved by the Planning and Zoning Commission and City Council.
- B. If required by the specific use permit ordinance, a building permit shall be applied for and secured within six months from the time of granting the specific use permit, provided however, that the City Council may authorize an extension of this time upon recommendation by the Planning and Zoning Commission.
- C. A building, premises, or land used under a specific use permit may be enlarged, modified, structurally altered, or otherwise changed provided these changes do not:
 - 1. Increase the height of structures, including antenna support structures.
 - 2. Increase building square footage from its size at the time the original specific use permit was granted by more than 10 percent;
 - 3. Reduce the distance between a building or noise-generating activity on the property and an adjacent, off-site residential use. This provision shall not apply if the property and the residential use are separated by a major thoroughfare depicted on the City's Transportation Master Plan; or
 - 4. Reduce the amount of open space by more than 10 percent, as indicated in the approved specific use permit.
 - 5. All other enlargements, modifications, structural alterations, or changes shall require the approval of a new specific use permit. Antennas may be placed on a tower with an existing specific use permit without approval of a separate specific use permit subject to approval of a final plat and site plan for the property.
- D. The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination or ruling with respect to the specific land use designated by any specific use permit.
- E. When the City Council authorizes granting of a specific use permit, the Official Zoning District Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate

zoning district for the approved use and prefixed by an “S” designation. Specific use permits granted shall be indicated by numerical designation on the Zoning District Map.

- F. Upon holding a properly notified public hearing in accordance with Section 3.3, the City Council may amend, change or rescind a specific use permit if:
1. There is a violation and conviction of any of the provisions of this Chapter or any provision of the City code that occurs on the property for which the specific use permit is granted;
 2. The building, premises, or land used under a specific use permit is enlarged, modified, structurally altered, or otherwise significantly changed without approval of a separate specific use permit for such enlargement, modification, structural alteration or change;
 3. Violation of any provision of the terms or conditions of a specific use permit; or
 4. The specific use permit was obtained by fraud or with deception.

3.8.6 Additional Criteria for Corridor Districts

Additional criteria for specific use permit requests within corridor zoning districts. Specific use permits may be approved in the SH 130 and SH 45 corridor districts if the requirements for the approval of a specific use permit, as stated in this subchapter, have been met in addition to the following additional criteria:

- A. The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action.
- B. The application illustrates conformance with the four guiding principles for the SH 130 and SH 45 corridor and consideration of the following desirable characteristics:
1. Retail activity is preferred to be clustered within proximity to the following major intersections:
 - a. SH 130 and SH 45,
 - b. SH 130 and Pecan Street,
 - c. SH 45 and Heatherwilde Boulevard,
 - d. SH 130 and Pflugerville Parkway, and
 - e. FM 685 and Pflugerville Parkway.
 2. Structures should orient to public streets and designated trails as noted on the Future Trails Map referenced in the Comprehensive Plan.
 3. The extent of connectivity among proposed and existing right-of-ways is demonstrated.
 4. The extent to which uses, such as freestanding pad sites, are clustered at focal points or key features within a development and relate to other components of the overall development. Such focal points or key features may include, but are not limited to retention systems, greenways, dedicated hike/bike facilities, or plazas, parks or other features that create a gathering place.
 5. The application illustrates compliance with the requirements and guidelines of this Chapter.

6. The application exhibits compatibility of the design with surrounding properties and development patterns.
7. The application exhibits compatibility and coordination between the character of the streetscape and the planned surrounding built environment.
8. The application exhibits no substantial negative impacts on the historic, cultural or architectural nature of the site or surrounding area, or successfully mitigates such impacts.

3.8.7 Permit Expiration

Notwithstanding the provisions of Section 3.8.5 above, a specific use permit shall automatically expire within 24 months from the date of approval by the City Council if a site development permit has not been secured for the development. If a site development permit has been approved, the specific use permit will remain valid until such time the approved site plan has expired.

3.9 SUBDIVISION

Refer to Subchapter 15 for procedures

3.10 SITE DEVELOPMENT PERMIT

3.10.1 Applicability

- A. The site development permit review process ensures any future development will occur in a planned, orderly and attractive manner.
- B. No construction or site improvement work may commence until the issuance of a site disturbance permit or a site development permit.

3.10.2 Submittal Requirements

The following items must be submitted for the initial review of all site development applications:

- A. Filing fee
- B. Black line copies of the plan in the amount and to the specifications indicated in the Unified Development Code Supplemental Schedule.
- C. Complete application form including all information required by the currently approved application form and Unified Development Code Supplemental Schedule.
- D. Runoff computation for drainage areas in accordance with the City Drainage Criteria Manual including drainage calculations, drainage plan and other pertinent information.
- E. If the proposed subdivision or any interim phase or combination of phases is expected to generate 2000 or greater vehicle trips on the peak day for the proposed uses within the proposed subdivision or phase(s), according to the latest edition of the Institute of Transportation Engineers' Trip Generation, a licensed engineer with experience in traffic flow analysis, shall make, prepare and sign a traffic impact analysis (TIA) and

certify to its completeness and accuracy. A TIA, including the initial scope, shall meet the minimum requirements outlined in the Engineering Design Manual with final approval by the City Engineer.

- F. If the proposed site requires driveway access from a state highway, a permit to construct driveway facilities on highway right-of-way and related permits issued by the Texas Department of Transportation is required.
- G. A warranty deed conveying any required parkland to the City, or payment of a fee in lieu of dedicating parkland, if applicable, in accordance with Subchapter 14 of the City Code. The applicant shall utilize the City's standard deed template, unless otherwise approved by Administrator.
- H. An Erosion and Sedimentation Control Plan (ESCP) identifying temporary and permanent erosion control measures per Chapter 158.04, Stormwater Pollution Control Ordinance and in accordance with Section 7 of the Engineering Design Guidelines shall be included with the site development plan set.
- I. Prior to issuance of a site development permit, a copy of the permit issued by TCEQ for the Stormwater Pollution Prevention Plan (SWP3) shall be provided.

3.10.3 Content of Site Plan

The required content included within the site plan can be found within the Unified Development Code Supplemental Schedule.

3.10.4 Process

- A. The applicant for a site development permit shall submit legible copies of a complete application to the Administrator in the amount and to the specifications indicated in the Unified Development Code Supplemental Schedule.
- B. Upon receipt of a complete application, the Administrator shall distribute the application to the proper reviewing authorities, and review the site plan for compliance with the provisions of this chapter.
- C. No later than fifteen (15) business days following the submittal of a complete application for a site plan, the Administrator must either present the applicant with comments regarding the review of the site plan, if there are no comments, or approve the plan and issue a site development permit.
- D. Upon resubmittal of the updated site development plans the Administrator must review and submit comments to the applicant no later than ten (10) business days. The Administrator must either present the applicant with comments regarding the review of the updated site plan, if there are no comments, or approve the plan and issue a site development permit. This cycle may be repeated until all comments are addressed unless the application expires due to lack of resubmittal and/or progress.
- E. The site plan application may be eligible for an expedited review process in accordance with Section 3.2.2.G. of this Subchapter.

- F. If not approved, the site development application shall expire after 180 days from the date the application was filed with the City or after the third (3rd) review cycle, whichever occurs first. If the applicant wishes to continue, new plans shall be resubmitted and current fees shall be required. The Planning Director may extend the time period if the applicant can demonstrate that substantial progress has been consistently made since the initial submittal.

3.10.5 Permit Expiration

- A. All site development permits are valid for two years from the date the permit is issued.
- B. A one-time, 180-day extension may be requested through an application and approved administratively by the Planning Director if the site development permit remains valid under the existing codes and ordinances at the time of the request.
- C. The Planning Director reserves the right to deny any extension request. If denied, an appeal may be made to the City Council.
- D. Any additional extensions will require City Council consideration. At no time may an extension request be greater than 180-days.

3.10.6 Criteria for Approval

The Planning Director shall determine whether to grant a site development permit based on the following criteria:

- A. The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action.
- B. The application illustrates compliance with the requirements and guidelines of this Chapter.
- C. The application exhibits compatibility of the design with surrounding properties.
- D. The application exhibits no substantial negative impacts on the historic, cultural or architectural nature of the site or surrounding area, or successfully mitigates such impacts.

3.10.7 Revisions and Corrections

- A. Revisions
 - 1. A minor revision is a modification to an approved site development permit application that does not substantially change the overall design of the original application however, is significant enough to effect various aspects of the site.
 - 2. A major revision is a modification to an approved site development permit that substantially alters the overall design of the originally approved site plan which may require the re-review of multiple sheets within the approved site plan including, but

not limited to drainage, grading, landscape plan, building elevations, and photometric plan sheets.

3. A formal application for review of the revision is required that includes legible copies of a complete application to the Planning Director in the amount and to the specifications indicated in the Unified Development Code Supplemental Schedule. The revision plan set should include the originally approved coversheet that has been updated to include details of the revision in the revision block, and additional copies of the coversheet and revised sheets per Planning Director's request.
4. Upon receipt of a complete application, the Planning Director shall distribute the application to the proper reviewing authorities, and review the site plan revision for compliance with the provisions of this chapter.
5. No later than ten (10) business days following the submittal of a complete application for a site plan revision, the Planning Director must either present the applicant with comments regarding the review of the site plan revision, or if there are no comments, approve the plan revision by signing the revision block on the cover sheet.
6. A revision may be eligible for an expedited review process in accordance with Section 3.2.2.G. of this Subchapter.
7. A revision does not extend the life of a site development permit beyond its expiration date and/or a previously approved extension.

B. Corrections

1. A correction to a site plan can be initiated by the applicant if an engineering, architectural or landscaping design element within the site plan was represented inaccurately or made in error and the correction is so insignificant that it does not warrant a full review of the site plan and the modification may be reviewed and approved without requiring further applications by the Planning Director or City Engineer within two (2) business days.
2. Corrections may not include extensive review of drainage or traffic elements.
3. The correction plan set should include the originally approved coversheet that has been updated to include details of the correction in the revision block, and additional copies of the coversheet and corrected sheets per Administrator's request.
4. A correction does not extend the life of a site development permit beyond its expiration date and a previously approved extension.

3.10.8 Inspections and Certificate of Occupancy

- A. Inspections during the installation of the site improvements shall be made by staff to ensure conformity with the approved site development plans.

- B. It is the responsibility of the permittee to request final inspections when construction is complete or nearing completion to ensure that all work is in accordance with the approved site development plans.
- C. Letters of concurrence that all improvements are in place are required to be received from the applicant's civil engineer and landscape architect prior to the performance of final inspections. If a final inspection is performed by the Planning or Engineering Departments, and outstanding items remain to be addressed, re-inspection fees shall be assessed in accordance with the UDC Supplemental Schedule, prior to re-inspection.
- D. The development review committee will notify the building official once it has been determined that all work is in accordance with the approved site development plans.
- E. All site improvements shall be complete and in conformance with the site development permit prior to issuance of a certificate of occupancy by the building official.

3.11. SITE DISTURBANCE PERMIT

3.11.1 Applicability

- A. A site or subdivision applicant may request a site disturbance permit prior to the issuance of a subdivision construction plan permit or site development permit for early grading and clearing. No other construction or site improvement work may commence until the issuance of a site development permit or subdivision construction plan.
- B. Per Subchapter 12 of the Unified Development and the Tree Technical Manual, tree protection measures for protected trees shall be implemented throughout the site disturbance phase. The Administrator reserves the right to deny a site disturbance permit if a subdivision concept plan or site plan has not been provided to staff to justify the removal of protected trees without a reasonable explanation, including site design constraints or physical hardships.
- C. Fiscal security and tree mitigation shall be provided in accordance with Subchapter 12. Tree Preservation Standards.

3.11.2 Submittal Requirements

Refer to the Supplemental Schedule for submittal requirements.

3.12 BUILDING PERMITS, SIGN PERMITS & IRRIGATION

3.12.1 Building Permits

In addition to the standards set forth in Chapter 150. Building Regulations of the Code of Ordinances, the following provisions shall apply to residential building permits in order to ensure compliance with Chapter 157. Unified Development Code.

- A. In order to ensure compliance with the provisions of Subchapter 9 of this Chapter, all residential building permit applications shall include written descriptions on the plot plan

and architectural building plan as applicable describing compliance with the minimum requirements. Acceptable documentation may include photographs or elevations of the other structures in question.

- B. A subdivision or phase thereof may be reviewed as a whole for conformity with this requirement, provided that adequate documentation to ensure conformity is submitted with each building permit application.
- C. The Administrator will review the submitted documentation and any previously approved building permits and make a determination. Where the Administrator finds that a dwelling for which a building permit is being requested does not conform to the standards established per Subchapter 9, the permit shall be denied.

3.12.2 Sign Permits

The process and standards for sign permits shall be in accordance with Chapter 154. Signs of the Code of Ordinances.

3.12.3 Irrigation

In addition to the irrigation standards established in Ch. 113. Irrigators of the Code of Ordinances, the following provisions shall apply to residential and commercial development where applicable with Subchapter 11. Landscaping and Screening Standards of the Unified Development Code and the Tree Technical Manual. In order to ensure compliance with the landscaping and irrigation provisions of Subchapter 11 of the UDC and the Tree Technical Manual, the Administrator may require a landscape plan for residential development to accompany an irrigation permit request.

3.13 APPEALS, VARIANCES, AND SPECIAL EXCEPTIONS

3.13.1 General

All appeals of an Administrator's decision, request for variances or special exceptions shall be reviewed by the Board of Adjustment (Board).

A. Initiation

A request for an appeal, variance, and special exception from the terms of this Chapter may be made by a property owner of the affected property or their authorized agent.

B. Application

Applications for an appeals, variances or special exceptions must comply with the UDC Supplemental Schedule. Applications must include all materials determined necessary by the Planning Director.

C. Completeness Determination

Before a public hearing may be scheduled regarding an appeal, variance, or special exception, a complete application as described in Section 3.2.2, which includes the following items, must be submitted to the Administrator in accordance with the Unified Development Code Supplemental Schedule:

1. Complete application form included in the Unified Development Code Supplemental Schedule;
2. Filing fee; and,
3. In addition to the above listed items, an application for a special exception must be accompanied by a site plan and elevations of the proposed site.

D. Notice and Hearing

1. The Board of Adjustment shall hold a public hearing for consideration of an appeal, variance or special exception in accordance with Section 3.3.
2. Written notice of the public hearing for an appeal, variance or special exception shall be provided as set forth in Section 3.3 of this Code.
3. The applicant may appear at the hearing in person or by agent or attorney.

E. Procedure

1. The Board will hold a public hearing on all requests for an appeal, variance, or special exception.
2. Before a public hearing may be scheduled regarding an appeal, variance, or special exception, a complete application as described in Section 3.2.2, which includes the following items, must be submitted to the Administrator in accordance with the Unified Development Code Supplemental Schedule:
 - a. Complete application form included in the Unified Development Code Supplemental Schedule;
 - b. Filing fee; and,
 - c. In addition to the above listed items, an application for a special exception must be accompanied by a site plan and elevations of the proposed site.

F. Determination

The Board of Adjustment will make a determination on an appeal, variance or special exception within 45 days of the public hearing.

1. The Board of Adjustment must grant, deny or grant with conditions, the requested variance or special exception.
2. For appeals, the Board of Adjustment must either uphold or overturn the action of the Administrator that is the subject of the appeal.
3. In granting, or granting with conditions, a variance or special exception, the Board of Adjustment must make findings regarding how the granted variance or special exception, complies with the criteria listed in Subsections 3.13.3 or 3.13.4, respectively.
4. The Board of Adjustment must file an official written record of action specifying the action it took on an appeal, request for a variance, or special exception and the reasons therefore with the Administrator within 10 days from the date of its action.

G. Recordation

Recordation of the Board of Adjustment's decision will be filed in the appropriate County's records.

3.13.2 Appeals

- A. Appeals to the Board of Adjustment may be made by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Administrator. An appeal must be filed within thirty (30) days after the decision has been rendered. The appeal must be filed with the Administrator specifying the grounds thereof and paying a filing fee as prescribed by the Unified Development Code Supplemental Schedule. The Administrator will immediately transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
- B. An appeal, properly filed as herein provided, will stay all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Board that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property, in which case the proceedings may continue, unless a restraining order is issued by the Board or by a court of record after notice to the Administrator and on due cause shown.
- C. A person may not appeal the same or related matter before the expiration of 180 days from a previous ruling by the Board on such matter unless the Board or City Council has taken action on other land in the immediate vicinity in a matter that alters the facts and conditions upon which the previous Board action was based. Such change of circumstances will permit the rehearing of an appeal by the Board before the expiration of the 180-day period, but the changed conditions will in no way have any force in law to compel the Board, after a hearing, to grant a subsequent appeal. A subsequent appeal will be considered entirely on its merits and the peculiar and specific conditions related to the property about which the appeal is brought.
- D. In exercising its powers, the Board may, in conformity with the provisions of the statutes of the State of Texas as existing or hereafter amended, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from, make such order, requirement, decision, or determination as ought to be made, and have all the powers of the Administrator. The Board has the power to impose reasonable conditions upon any decision that the applicant must comply with.

3.13.3 Variances

- A. Applicability

In accordance with the provisions of the Texas Local Government Code Chapter 211, the Board of Adjustment (Board) shall have the authority to hear and grant requests for a variance from the zoning provisions of the Unified Development Code. A variance to the development standards of this Code shall be considered an exception to the regulations, rather than a right.

- B. Limitations

The Board of Adjustment may not grant a variance when the effect of which would be any of the following:

1. To any procedural requirement established by this Chapter;

2. To allow a use in a district in which it is not permitted, conditionally permitted, or are specifically prohibited;
3. To increase the density of a use above that permitted by the applicable district;
4. To physically extend a nonconforming use of land;
5. To change the zoning district's boundaries shown on the Official Zoning Map;
6. To grant waivers or subdivision variances of the standards required for plat approval whereby the Planning & Zoning Commission holds authority;
7. To grant architectural waivers whereby the Planning and Zoning Commission holds authority;
8. To amend or seek relief from conditional provisions of an ordinance approved by the specific use permit process; or
9. To grant sign variances, whereby the City Council holds authority.

C. Required Findings

The Board of Adjustment may authorize a variance from the requirements of the zoning provisions of this Unified Development Code if the variance from the terms of the zoning provisions is not contrary to the public interest and, due to special conditions, a literal enforcement of the requirements would result in unnecessary hardship, so the spirit of this Code is preserved, and substantial justice done. No variance shall be granted unless the Board finds all of the following:

1. **Extraordinary Conditions:** That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Unified Development Code will deprive the applicant of the reasonable use of their land. For example, a Variance might be justified because of topographic or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.
2. **No Substantial Detriment:** That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area or to the City in administering this Code.
3. **Other Property:** That the conditions that create the need for the variance do not generally apply to other property in the vicinity.
4. **Applicant's Actions:** That the conditions that create the need for the variance are not the result of the applicant's own actions.
5. **Comprehensive Plan:** That the granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this Code.
6. **Utilization:** That because of the conditions that create the need for the variance, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
7. **Insufficient Findings:** The following types of possible findings do not constitute sufficient grounds for granting a variance:
 - a. That the property cannot be used for its highest and best use.

- b. That there is a financial or economic hardship.
- c. That there is a self-created hardship by the property owner or their agent.

D. Expiration of Variance

Variance approval shall expire 24 months from the date of BOA approval unless a building permit has been issued and construction commenced or, if no building permit is required, a certificate of occupancy has been issued.

3.13.4 Special Exceptions

A. Applicability

In accordance with the provisions of the Texas Local Government Code Chapter 211, the Board of Adjustment, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of the zoning ordinance that are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance.

B. Approval for Criteria

The Board of Adjustment may grant the requested special exception in accordance with Subchapter 8 under specific circumstances.

C. Expiration. A special exception shall expire 6 months from the date of Board of Adjustment approval, unless a certificate of occupancy has been issued.

3.14 ADMINISTRATIVE WAIVER

3.14.1 Site Development Waivers

The Planning Director may grant an administrative waiver for a reduction up to twenty percent (20%) for any numerical standard required per Subchapters 9, Architectural, Site Design, and Layout Provisions or Subchapter 10 Parking, Mobility, and Circulation. The Planning and Zoning Commission may grant a waiver to the architectural requirements reducing the architectural standards above the twenty percent (20%) and shall be considered fully discretionary.

3.14.2 Non-conforming Site Waivers

The Administrator may grant an administrative waiver for lawfully non-conforming sites created due to amendments to the zoning regulations over time. Its purpose is to provide temporary relief to such properties that would otherwise be required to bring such nonconformities up to City standards prior to its occupancy, expansion or other improvements to structures on the non-conforming property. The grant of a non-conforming site administrative waiver shall not confer conforming status to a non-conforming property; but, rather, provide a mechanism for which improvements shall be achieved over a specified time-frame, never to exceed 36 months. Such Administrative Waiver would allow the property to be occupied by a temporary certificate of occupancy until such time the City has inspected the site and determined such site's compliance with City standards.

- A. Approval for Criteria
The Administrator may grant the requested administrative waiver for the continuation or expansion of a lawfully non-conforming site, with or without conditions, provided the request for the administrative waiver complies with the following criteria:
1. All health and safety regulations have been met; and
 2. The granting of the administrative waiver prevents an unreasonable financial loss; and
 3. The initial improvements installed prior to the temporary certificate of occupancy is a significant improvement to the non-conforming sites which are evident when viewed from off-site premises; and
 4. The granting of the administrative waiver does not negatively impact adjacent properties in terms of visibility of outdoor storage or other commonly perceived negative impacts of development on adjacent property; and
 5. The granting of the administrative waiver is in harmony with the purpose and intent of this Chapter and of the Comprehensive Plan for the physical development of the surrounding area.
 6. The granting of the administrative waiver is not to be contrary to the spirit and intent of this Chapter.
- B. Expiration
An Administrative Waiver shall expire 12 months from the date of Administrative approval, unless:
1. A permanent certificate of occupancy has been issued.
 2. The Administrator, when approving the Administrative Waiver for non-conforming sites, and upon a finding of good cause, approves a longer expiration date, not to exceed 36 months.

3.15 ADMINISTRATIVE INTERPRETATION

3.15.1 Applicability

The Administrator shall have authority to make all written interpretations concerning the provisions of this Code and other development related codes of the city.

3.15.2 Request for Interpretation

A request for interpretation shall be submitted to the Administrator in a form established by the Administrator and made available to the public. Such request shall only be made during development review of a pending application or when a code enforcement requirement is in question.

3.15.3 Interpretation by Administrator

The Administrator shall:

- A. Review and evaluate the request in light of the text of this Code, the Official Zoning District Map, the Comprehensive Plan, and any other relevant information;
- B. Consult with other staff, as necessary; and
- C. Render an opinion.

- D. Provide the interpretation to the applicant in writing.

3.15.4 Official Record

The Administrator shall maintain an official record of interpretations. The record of interpretations shall be available for public inspection during normal business hours.

3.15.5 Appeal

Appeals of written interpretations made by the Administrator shall be filed, only by a party affected by the written interpretation, with the Board of Adjustment for appeals of written interpretations of the Unified Development Code within 30 days of the Administrator's decision in accordance with the procedures found in Section 3.13 of this Subchapter. If no appeal is filed within 30 days, the written interpretation shall be deemed final.

Subchapter 4. ZONING DISTRICTS AND USE REGULATIONS

<u>Section</u>	<u>Title</u>
4.1	Zoning Districts Established
4.2	Residential Districts
4.2.1	Residential Districts Defined
4.2.2	Residential Districts - Land Use Table
4.2.3	Residential Districts - Land Use Conditions
4.2.4	Residential Districts - Development Regulations
	A. General Regulations - Single Family, Agriculture/Conservation and Two Family Districts
	B. General Regulations - Multi Family Housing and Manufactured Housing Districts
	C. Height Regulations – All Residential Districts
	D. Setback Encroachments
	E. Reference to Development Standards
4.3	Non-Residential Districts (Office, Commercial, Industrial Districts)
4.3.1	Non-Residential Districts Defined
4.3.2	Non-Residential Districts - Land Use Table
4.3.3	Non-Residential Districts - Land Use Conditions
4.3.4	Non-Residential Districts - Development Regulations
	A. General Regulations & Height Standards
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4.4	Corridor Districts (CL3, CL4, CL5)
4.4.1	Corridor Districts Defined
4.4.2	Corridor Districts - Land Use Table
4.4.3	Corridor Districts - Land Use Conditions
4.4.4	Corridor Districts - Development Regulations
	A. General Regulations & Height Standards
	B. Setback Encroachments
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4.5	Special Districts and Overlays
4.5.1	Downtown District Overlay
	A. Downtown District Overlay Defined
	B. Land Use Table
	C. Base Districts General Regulations - Applicability
4.5.2	685 Commercial Park Overlay District
	A. 685 Commercial Park District Defined

- B. Applicability
 - C. Permitted Uses
 - D. General Regulations
 - E. Development Requirement - Development Area 1
 - F. Development Requirement - Development Area 2
 - G. Public Sidewalk Requirement
 - H. Screening Standards
 - I. Landscaping
 - J. Irrigation
 - K. Non-Residential Fencing and Wall Standards
 - L. Reference to Development Standards
- 4.5.3 Planned Unit Development (PUD) District
- A. General Intent
 - B. Content Requirements
 - C. Minor PUD Amendments
 - D. Major PUD Amendments

4.6 Accessory Uses and Structures

- 4.6.1 Accessory Uses
- 4.6.2 Accessory Buildings/Structures
- 4.6.3 Accessory Dwelling Units
- 4.6.4 Home Occupations
- 4.6.5 Outdoor Storage and Display

4.7 Temporary Uses

- A. Garage Sales
- B. Sales of Seasonal Products
- C. Religious Revival Tents
- D. Buildings and Equipment Incidental to Construction
- E. Facilities for Concrete Production
- F. Farmers' Markets
- G. Residential Sales Office and Model Homes
- H. Non-Profit Seasonal Fundraisers

4.8 Wireless Transmission Facilities (WTF)

4.9 Mobile Food Vendor (MFV)

4.10 Mobile Food Park (MFP)

4.1 ZONING DISTRICTS ESTABLISHED

The zoning districts and associated regulations have been created with consideration for the character of each district, the suitability for the uses identified, and fostering the most appropriate use of the land throughout the City consistent with the Comprehensive Plan.

The City is hereby divided into the following zoning districts:

ZONING DISTRICTS		
District Name		Prior District Names
Residential Zoning Districts		
Agriculture/Conservation	A	
Single Family Estate	SF-E	
Single Family Suburban Residential	SF-S	RS1
Single Family Residential	SF-R	
Single Family Mixed Use Residential	SF-MU	SF-U
Two Family Residential	2-F	
Multi Family 10	MF-10	MF-S, RM1
Multi Family 20	MF-20	MF-U, RM2
Manufactured Housing	MH	
Non-Residential Zoning Districts		
Office	O	O1 & O2
Neighborhood Service	NS	
Retail	R	
General Business 1	GB1	
General Business 2	GB2	
Campus Industrial	CI	
Light Industrial	LI	
General Industrial	GI	
SH130 and SH45 Corridor Districts		
Suburban	CL3	
Urban	CL4	
Urban Center	CL5	
Special Districts and Overlays		
Downtown District Overlay	DD	CBD
685 Commercial Park Overlay District		
Planned Unit Development	PUD	ALUR

4.2 RESIDENTIAL DISTRICTS

The purpose of residential zoning districts is to provide appropriate dwelling choices and diversity based upon location and function within the City. Residential zoning districts are comprised of A, SF-E, SF-S, SF-R, SF-MU, 2-F, MF-10, MF-20, and MH.

4.2.1 RESIDENTIAL DISTRICTS DEFINED

Agriculture/Conservation (A)

The district identifies where an agricultural use may be appropriate, or areas with unique environmental features that are desired for conservation (such as open space, public parks and floodplain).

The Agriculture/Conservation district may also be used as an interim zoning district for land that is relatively undeveloped, but identified with growth potential in the Comprehensive Plan. Utilizing the district in an interim period will assist in efficient development while recognizing current conditions. For properties subject to non-annexation development agreements pursuant to Section 212.172 and 43.035 of the Texas Local Government Code, development regulations of this district shall apply.

Single Family Estate District (SF-E)

The district is intended to address larger lot, single family development with lots generally greater than one half ($\frac{1}{2}$) acre in size. New single family estate neighborhoods can be established using this district, however the location should be carefully considered to reduce sprawl, and ensure compliance with utility infrastructure master plans.

Single Family Suburban Residential District (SF-S)

The district is intended to include land which is being used, or intended to be used for low density, single family suburban housing types. The district is designed to provide sufficient, suitable residential neighborhoods, protected from incompatible uses, and provided with necessary facilities and services.

Single Family Residential District (SF-R)

The district may be used to master plan a large, low density residential subdivision with an opportunity for a mixture of lot sizes based on overall acreage. In certain cases, the district may also be used where an infill of single family suburban housing types may be appropriate.

Single Family Mixed Use Residential District (SF-MU)

The district is intended to address small lot, single family detached and single family attached (townhome) housing opportunities at a low to medium density. This district may be used in areas of 20 acres or less with direct access to major thoroughfares. Non-residential uses may be considered if cohesively designed as a mixed use neighborhood.

Two Family Residential District (2-F)

The district is intended to include land which is used, or intended to be used for duplex or similar two unit housing types. This district should be used to establish a low to medium density neighborhood which may provide a transition to more intense land uses.

Multi-Family-10 District (MF-10)

The district is intended to address opportunities for small, suburban multi-family developments with up to 10 units per acre. The district should be used as a transition to more intense land uses including major thoroughfares.

Multi-Family-20 District (MF-20)

The district provides opportunities for medium to high density residential, including multi-family and mixed use developments with up to 20 units per acre. The district should be located adjacent to major thoroughfares, including major collectors and arterial streets, and used in commercial areas or as a buffer to more intense land uses. Incidental non-residential uses providing neighborhood services to the primary residential use may be considered with conditions.

Manufactured Housing District (MH)

This district provides for establishing a mobile home park or subdivision which consists of at least 20 dwelling units not built on-site, including modular type homes, mobile homes, manufactured homes or other prefabricated type dwellings. The district should be used in areas where direct access may be obtained from a collector level or higher level roadway.

4.2.2 Residential Districts – Land Use Table

Land uses identified in Table 4.2.2 with the following designations shall be interpreted according to the provisions herein. If there is no designation found for a particular use in a specific zoning district, that use is not allowed within that zoning district. In the event that a use is not listed or classification is otherwise required, the Administrator shall classify the use as appropriate in accordance with Subchapter 3.

- A. Permitted Uses: Uses noted with a “P” are permitted by right within the given district, provided that all other requirements applicable to the use within each section are met.
- B. Uses Permitted with Conditions: Uses noted with a “C” are permitted by right within the given district provided that specific conditions are met. Specific conditions applicable to these certain uses are provided in the corresponding “Land Use Conditions” section of this Subchapter.
- C. Uses Requiring a Specific Use Permit: Uses noted with an “S” require consideration of impacts associated with a particular location for the proposed use, in addition to the standards that otherwise apply to the use under this Subchapter.
- D. Uses Permitted with Conditions unless authorized by a Specific Use Permit: Uses noted with a “C/S” are permitted by right within the given district provided that specific conditions are met, unless authorized by a Specific Use Permit.

Table 4.2.2: Residential Districts - Permitted Uses									
Residential Uses	A	SF-E	SF-S	SF-R	SF-MU	2-F	MF-10	MF-20	MH
Accessory Dwelling Unit	P	P	P	P	C				
Assisted Living							P	P	
Campground or Recreational Vehicle Park	P								
Condominium				C	P	P	P	P	
Duplex						P			
Live Work Unit					C			C	
Manufactured Home Dwelling									P
Multi-Family							P	P	
Nursing Home/Skilled Nursing (Convalescent)							P	P	
Single Family Attached (2 units)						P			
Single Family Attached (3 or more units) Townhome					P		P	P	
Single Family, Detached	P	P	P	C	P		C	C	

Non-Residential Uses	A	SF-E	SF-S	SF-R	SF-MU	2-F	MF-10	MF-20	MH
Amenity Center	C	C	C	C	C	C	P	P	P
Bar/Tavern								C ²	
Brewpub/Wine Bar					C ¹			C ²	
Campground or Recreational Vehicle Park	S								
Cemetery/Mausoleum	C								
Day Care Facility					C ¹			C ²	
Dry Cleaning, Minor					C ¹			C ²	
Event Center	S								
Farm, Ranch, Garden, Orchard, or Vineyard	P				C ¹			C ²	
Financial Institution					C ¹			C ²	
Golf Course and/or Country Club	P	P	S	S	S				
Golf Driving Range	P								
Government Facilities	P	P	P	P	P	P	P	P	P
Health/Fitness Center					C ¹			C ²	
Massage Therapy, Licensed					C ¹			C ²	
Museum/Art Gallery					C ¹			C ²	
Park or Playground	P	P	P	P	P	P	P	P	P
Personal Services					C ¹			C ²	
Place of Worship	P	P	P	P	P	P	P	P	P
Restaurant					C ¹			C ²	
Retail Sales and Services					C ¹			C ²	
School: Private or Parochial	S	S	S	S	S	S	S	S	S
School: Public	Refer to Government Facilities								
Stable, Commercial	C								
Utilities	C	C	C	C	C ¹	C	C	C ²	C
Wireless Telecommunication Facilities (WTFs)	C/S						C/S	C/S	

¹ See 4.2.3 "Non-residential Uses in the SF-MU District" instead of the use name

² See 4.2.3 "Non-residential Uses in the MF-20 District" instead of the use name

4.2.3 Residential Districts – Land Use Conditions

The uses indicated in the land use Table 4.2.2 with the letter "C" in one or more districts must comply with the conditions as indicated below. The use is permitted in the subject district(s) provided the use or site complies with the conditions indicated for the use. Conditions are specified for each use in the following alphabetical list.

- Amenity Center*
- Must take access from at least one collector or arterial street. The pool and all buildings must be located at least 100 feet from all residential property lines, except in the SF-MU district or when part of a mixed-use development at which point the pool and all buildings shall be located at least 100-feet away from the overall subdivision development boundary line.

- Cemetery/Mausoleum*
- Must be at least 20 acres in size.
 - Must take access only from a collector or arterial street. Conditions are not required for a mausoleum located in conjunction with a place of worship.

Condominium **SF-R District:**

(Residential)

- A condominium shall be allowed within the SF-R district provided the condominium component consists of no more than 10% of a preliminary plan.
- SF-R District: A condominium component allowed in the SF-R district may consist of single family detached or single family attached (3 or more) townhome structures provided they comply with the applicable design standards per structure type as outlined in Subchapter 9.

Live Work Unit **SF-MU District:**

- Permitted when part of a vertical mixed use development comprised of residential and non-residential uses;
- Shall be limited to the corner of an intersection of two collector or higher classification roads or major drive aisles, unless an adjacent use is another live work unit or a non-residential use as permitted herein;
- Each live work unit tenant space shall be limited to no more than 5,000 square feet;
- At no time shall a drive thru be permitted;
- Non-residential uses adjacent to conforming residential use or district other than SF-MU, MF-10 or MF-20 shall comply with the buffer requirements provided in Subchapter 11.

MF-20 District:

- Permitted when part of a vertical mixed use development comprised of residential and non-residential uses;
- Encouraged to be located at the corner of an intersection of two collector or higher classification roads or major drive aisles, unless an adjacent use is another live work

unit or a non-residential use as permitted herein;

- Each non-residential use or tenant space shall be limited to no more than 5,000 square feet;
- At no time shall a drive thru be permitted;
- Non-residential uses adjacent to conforming residential use or district shall comply with the buffer requirements provided in Subchapter 11.

Non-residential Uses in the SF-MU District:
(Applicable to all uses identified with a “C”)

- Shall only be permitted when a component of a mixed use development comprised of residential and non-residential uses;
- Shall be limited to the corner of an intersection of two collector or higher classification roads or major drive aisles, unless the block is designed with at least two adjacent vertical mixed use structures;
- Each non-residential tenant space shall be limited to no more than 5,000 square feet;
- The principal structure associated with a place of worship shall be at least 100 feet from all site boundary lines and take access only from a collector or arterial street.
- At no time shall a drive thru be permitted;
- When a non-residential use is adjacent or has a common property or boundary line with a residential use within the SF-MU district, a minimum 10-ft wide landscape buffer extending the length of the common property or boundary line shall be provided. The buffer shall consist of a combination of native landscaping including shrubs, ornamental grasses, and perennials (15 per 100 linear feet) and one (1) type C ornamental tree (1 per 20 linear feet) of said common property or boundary line. The buffer shall also contain a pedestrian gathering space consisting of a pedestrian pathway, seating, pedestrian scaled lighting, and decorative hardscape to establish cohesion within the development.
- When a non-residential parking area is located next to a residential use, parking lot screening shall be provided per Subchapter 11.
- Non-residential uses are encouraged to be designed as liner buildings with a complimentary building line as neighboring residential structures.
- Off-street parking for a non-residential use shall be provided per Subchapter 10 and is encouraged to be located to the side or rear of the building, away from an adjacent residential use;
- Non-residential uses adjacent to a conforming single family residential use or district other than SF-MU, MF-10 or MF-20 shall comply with the buffer requirements provided in Subchapter 11.

*Non-residential Uses in the
MF-20 District:
(Applicable to all
uses identified with
a “C”)*

- Shall only be permitted when a component of a mixed use development comprised of residential and non-residential uses;
- Each use or tenant space shall be limited to no more than 5,000 square feet with exception of place of worship;
- The principal structure associated with a place of worship shall be at least 100 feet from all site boundary lines and take access only from a collector or arterial street.
- At no time shall a drive thru be permitted;
- When a non-residential parking area is located next to a residential use, parking lot screening consisting of evergreen shrubs, ornamental shrubs, 3-ft stone wall, picket fence or a combination shall be provided.
- Off-street parking for a non-residential use shall be provided per Subchapter 10 and located to the side or rear of the building;
- Non-residential uses are encouraged to be designed as liner buildings with a complimentary building line as neighboring structures.
- Pedestrian gathering areas and pedestrian pathways shall be provided between the residential and non-residential uses to establish cohesion within the development.
- Non-residential uses adjacent to conforming single family residential use or district shall comply with the buffer requirements provided in Subchapter 11.

Single Family, Detached

SF-R District:

- Overall preliminary plan must be at least 10 acres in size;
- Between 10 and 50 acres: A minimum of 10% of the lots within the overall preliminary plan shall have a minimum 9,000 sq ft lot area. At no point shall a lot have a lot area less than 7,500 square feet;
- Greater than 50 acres: A minimum of 25% of the lots within the overall preliminary plan shall have a minimum 7,500 sq. ft. lot area. A minimum of 10% of the lots within the overall preliminary plan shall have a minimum 9,000 sq. ft. or greater lot area. At no point shall a lot have a lot area less than 6,250 square feet.

MF-10 and MF-20

- The structural form of a single-family detached unit shall only be permitted if a component of a “for rent, multi-family development”
- The structural form shall comply with the General

Regulations for “Condo” in the respective district Table 4.2.4(A)&(B);

- The structural form shall comply with the Design Standards for Single-Family Detached per the MF-10 and MF-20 district outlined in Subchapter 9.1.

Utilities

- All facilities must be screened from view from adjacent residential areas and public right-of-ways with an opaque screen of 8’ masonry fence or masonry wall.

Stable, Commercial

- Subject to Title 9, Chapter 90

Wireless

Telecommunication Facilities (WTF):

- Refer to Section 4.8

4.2.4 Residential Districts – Development Regulations

A. General Regulations - Agriculture/Conservation, Single Family and Two Family

The following general regulations shall apply for all single-family districts, Agriculture/Conservation district, and the Two Family district. Where a condominium project is proposed in a district as permitted by the land use table, the respective setbacks per district shall apply in the same capacity as if a lot line had been established for each structure type.

Table 4.2.4 A – General Regulations

General Regulations	A	SF-E	SF-S	SF-R		SF-MU			2-F
Structure Type	SF Detach	SF Detach	SF Detach	SF Detach	SF Condo: Detach or Attach	SF Detach	SF Attached; Non-Residential	Condo: SF Detach, SF Attach, Non-Residential	Duplex
Minimum Site Area	3 ac	½ ac	9,000 sq ft	10 ac		N/A			10 ac
Maximum Site Area	N/A	N/A	N/A	N/A	Max 10% of preliminary plan	20 ac for a single use 40 ac for multiple uses			10 ac
Minimum Lot Area	3 ac	1/2 ac	9,000 sq ft	10-50 ac: 7,500 sq ft	N/A	5,000 sq ft	2,500 sq ft	N/A	9,000 sq ft
				50+ ac: 6,250 sq ft					

Minimum Lot Width measured at front street setback (Corner lots require additional 10 feet)	70'	90'	70'	10-50 ac: 60'	N/A	40'	25'	N/A	70'
				50+ ac: 50'					
Minimum Lot Depth	125'	140'	125'	125'	N/A	120'	100'	N/A	125'
Minimum Front Street Setback	25'	25'	25'	25'	25'	15' (20' when front loaded garage is proposed)	15' (20' when front loaded garage is proposed)	15' from street (20' when front loaded garage is proposed)	25'
Minimum Side Street Setback (corner lots)	15'	15'	15'	15'	15'	15'	15'	15' from street or drive	15'
Minimum Interior Side Setback	7.5'	7.5'	7.5'	5'	5'	5' or 0'	0' per unit; 10' between structures	10' between structures	7.5'
Minimum Interior Side Setback (abutting SF-S zoning or existing single family detached unit)	7.5'	7.5'	7.5'	7.5'	7.5'	7.5'	10'	7.5' for SF Detach 10' for SF Attach and Non-Resd.	7.5'
Minimum Rear Setback	20'	20'	20'	20'	20'	20'	15'	40' between SF Detach; 30' between SF Attach	20'
Minimum Rear Setback (abutting SF-S zoning or existing single family detached unit)	20'	20'	20'	20'	20'	20'	20'	20'	20'
Maximum Lot Coverage	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Dwelling Unit area	1,400 sq ft	1,400 sq ft	1,400 sq ft	1,400 sq ft	1,400 sq ft	1,100 sq ft	900 sq ft	SF Detach: 1,100 sq ft SF Attach: 900 sq ft	1,200 sq ft

Maximum Units per Structure	1 ⁽¹⁾	1 ⁽¹⁾	1 ⁽¹⁾	1 ⁽¹⁾	SF Detach: 1 ⁽¹⁾ SF Attach: 6	N/A	SF Attach: 6	SF Detach: N/A SF Attach: 6	2
Maximum Building Length	N/A	N/A	N/A	N/A	200'	N/A	200' Non-Resid: N/A	SF Detach: N/A SF Attach: 200' Non-Resid: N/A	N/A
Single Family Adjacency Vegetative Bufferyard (See Subchapter 11)	N/A	N/A	N/A	N/A	10'	N/A	10'	10'	N/A

(1) Allows an Accessory Dwelling Unit as identified within the use conditions

B. General Regulations - Multi Family and Manufactured Housing Districts

The following general regulations shall apply for all multi-family and Manufactured Housing district(s):

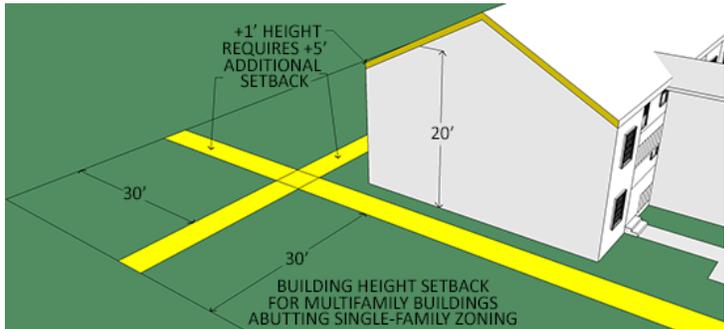
Table 4.2.4 B – General Regulations							
General Regulations	MF-10			MF-20			MH
Structure Type	MF; Assisted Living; Mixed Use	SF Attach	Condo: SF Detach, SF Attach	MF; Assisted Living; Mixed Use; All Non-residential	SF Attach	Condo: SF Detach, SF Attach	MH
Minimum Site Area	N/A	N/A	N/A	N/A	N/A	N/A	90,000 sq ft
Maximum Site Area	N/A	N/A	N/A	N/A	N/A	N/A	50 ac
Minimum Lot Area	N/A	2,500 sq ft	N/A	N/A	2,500 sq ft	N/A	4,500 sq ft per dwelling unit
Minimum Front Street Setback	15'	15'	15' from street (20' when front loaded garage is proposed)	15'	15'	15' from street (20' when front loaded garage is proposed)	25'
Minimum Side Street Setback (corner lots)	15'	25'	N/A	15'	25'	N/A	15'

Minimum Interior Side Setback	10'	0' per unit; 10' between structures	10' between structures	10'	0' per unit; 10' between structures	10' between structures	20' required between units
Minimum Interior Side Setback (abutting SF-E, SF-S, SF-R zoning or conforming single family detached unit)	30'	30'	30' between structures and property line	30'	30'	30' between structures and property line	15'
Minimum Rear Setback	15'	15' (20' when rear loaded garage is proposed)	30' between SF Attach (40' when rear loaded garage is proposed)	15'	15' (20' when rear loaded garage is proposed)	30' between SF Attach (40' when rear loaded garage is proposed)	15'
Minimum Rear Setback (abutting SF-E, SF-S, SF-R zoning or conforming single family detached unit)	30'	30'	30' between structures and property line	30'	30'	30' between structures and property line	20' (include "A" zoning)
Streetscape Yard	15'	15'	15'	15'	15'	15'	25' along arterial; 15' along collector
Single Family Adjacency Vegetative Bufferyard (See Subchapter 11)	30'	30'	30' between structures and property line	30'	30'	30' between structures and property line	30'
Maximum Lot Coverage	40%	N/A	N/A	N/A	N/A	N/A	N/A
Maximum Density (units per acre)	10/acre	10/acre	10/acre	20/acre	20/acre	20/acre	8/acre
Minimum Dwelling Unit area	600 sq ft ⁽¹⁾	900 sq ft	SF Detach: 1,100 sq ft SF Attach: 900 sq ft	600 sq ft ⁽¹⁾	900 sq ft	SF Detach: 1,100 sq ft SF Attach: 900 sq ft	650 sq ft
Unit Mix Required	Min. 40% 1 Bed / Studio; Max 10% 3+ Bed	Max 6 units SF Attach	Max 6 units SF Attach	Min. 40% 1 Bed / Studio; Max 10% 3+ Bed	Max 6 units SF Attach	Max 6 units SF Attach	N/A
Maximum Building Length	N/A	200'	200'	200'	200'	200'	N/A

(1) Dwelling units associated with assisted living or nursing home facilities shall be exempt from this requirement

C. Height Regulations – All residential districts

The following height regulations shall apply to all residential zoning districts:

Table 4.2.4 C. – Height Regulations			
Height Regulations	A, SF-E, SF-S, SF-R, SF-MU, 2-F	MF-10, MF-20	MH
Maximum Principal Building Height	35'	38'	24'
Building Height Setbacks (abutting SF-E, SF-S, SF-R zoning or existing conforming single family detached unit; not SF-MU)	35'	<p>Buildings exceeding 20' in height abutting SF-E, SF-S, SF-R zoning or an existing conforming single family detached unit shall have five (5) feet of additional setback per one (1) foot of additional building height as measured from the side and rear 30-ft building setback. This provision is applicable even if the property line is not common.</p>  <p>A single dwelling unit designed in a structural form similar to a detached single family residence shall be exempt from the aforementioned additional setback per additional height requirement, but shall be subject to the applicable setback requirements.</p>	24'
Maximum Accessory Building Height	No greater than the height of the principal building height and at no point greater than 24' in height.		
Maximum Pole Height (applicable to small wind energy systems)	A pole for a small wind energy system shall not exceed the maximum principal building height per district, with exception in the A and SF-E districts where there is no height limit provided the pole with appurtenances at their full extent are setback from all lot lines a distance equal to its total height.		

D. Setback Encroachments

The following are permitted in required residential building setbacks provided that they comply with all other standards of this and other applicable codes:

1. Driveways and vehicular use areas.
2. Fences and walls in conformance with Subchapter 11.

3. Stairways, balconies, covered porches, or other building extensions approved by the Planning Director that do not intrude more than six (6) feet into the rear or street setback, provided they remain outside of all easements and out of all sight triangles.
4. A private, single-family swimming pool may have the edge of water located no closer than five (5) feet to a rear or side property line, provided the pool remains outside of all easements.
5. With the exception of the provision listed above every part of a required setback or court shall be open from its lowest point vertically to the sky, unobstructed, except for the ordinary projections of sills, belt courses, cornices, chimneys, buttresses, ornamental features, and eaves.
6. Improvements, signs, and landscaping within sight triangles that does not exceed 36 inches in height.
7. Rain barrels, cisterns and solar panels may be no closer than 2 feet from the property line.
8. Small wind energy systems with all appurtenances shall be setback at least 10 feet from all lot lines with exception that no part of the system shall be allowed in a required front or side street yard setback.
9. Accessory buildings may encroach into required setbacks according to Table 4.2.4 D. In no case shall an accessory building encroach into a drainage or public utility easement.

Table 4.2.4 D. – Accessory Building Setbacks					
Primary Use of Lot	Type of Accessory Building	Distance from Boundary			
		<i>Street</i>	<i>Rear</i>	<i>Side - Interior</i>	<i>Side - Exterior</i>
Residential	Unattached Garage	25'	7.5'	5'	15'
Residential	Detached Accessory Dwelling Unit	25'	7.5'	5'	15'
Residential	Other than Unattached Garage including Storage Sheds 200 Square Feet and Greater	25'	5'	5'	15'
Residential	Storage Shed Less Than 200 Square Feet	25'	2'	2'	15'

E. Reference to Development Standards

Unless otherwise indicated, each lot or tract of land shall comply with Chapter 158 Stormwater Pollution Control Ordinance and all applicable provisions, in their entirety, of the following subchapters:

1. Site Development Standards: See Subchapter 9 Architectural, Site Design, and Layout Provisions

2. Parking, Mobility, and Circulation Standards: See Subchapter 10 Parking, Mobility, and Circulation.
3. Landscaping and Screening: See Subchapter 11 Landscaping and Screening Standards
4. Tree Preservation Standards: See Subchapter 12 Tree Preservation Standards
5. Lighting Standards: See Subchapter 13 Exterior Lighting Standards
6. Parkland Standards: See Subchapter 14 Public Parkland Standards and Parks Development Manual
7. Subdivision: See Subchapter 15 Subdivision Process
8. Definitions: See Subchapter 20 Definitions
9. Engineering Standards: See the Engineering Design Manual and Construction Standards
10. Tree Preservation Technical Standards: See Tree Technical Manual

4.3 NON-RESIDENTIAL DISTRICTS

The purpose of the non-residential zoning districts is to provide an adequate mix of commercial and industrial land uses that encourage a mix of employment, shopping and services opportunities. Non-residential zoning districts are comprised of O, NS, R, GB1, GB2, CI, LI, and GI.

.3.1 NON-RESIDENTIAL DISTRICTS DEFINED - *Office, Commercial and Industrial Districts*

Office (O) This district is established to create a flexible district for low intensity office and professional uses (less than 10,000 square feet of floor area). The district can be used as a transition district between more intense uses and residential uses. Permitted uses should be compatible with adjacent residential areas by limiting heights to one story and utilizing buffers and landscape requirements. Sites zoned “O” may be built to two stories or in excess of 10,000 square feet if not located adjacent to any properties zoned SF-S or 2-F.

Neighborhood Service (NS) This district is established as a limited retail category intended for use by residents of nearby neighborhood areas for the purpose of supplying day-to-day needs and personal services. Establishments should include small, free-standing retail structures, such as convenience stores and neighborhood oriented personal service establishments. Sites zoned “NS” should be located on a thoroughfare and generally utilize a site adjacent to one or more logical neighborhood service areas.

Retail (R) This district is established to provide locations for various types of general retail trade, business and service uses for services to one or more neighborhoods. The commercial areas developed within an R district should utilize to the maximum extent possible the existing landscaping on site to buffer from adjacent residential uses and be limited to two stories in height. The R district should be located generally at the intersection of major thoroughfares and convenient to a residential trade area, with signage compatible with surrounding land use. In the R district, open storage as defined herein is not permitted.

General Business 1 (GB1) The General Business 1 (GB1) district is designed to accommodate a full range of retail and office uses with a city-wide and even regional trade area. These types of commercial uses are conducted wholly within an enclosed building. The uses in this district have operating characteristics and traffic service requirements compatible with typical office, retail, shopping, and high density residential environments.

General Business 2 (GB2) The General Business 2 (GB2) district is intended to provide a convenient location for small scale service and commercial related establishments, such as wholesale products, contractor shops, mini storage, major automotive repair, and similar more intense commercial uses. The uses included in this district should be located on a collector or higher classification thoroughfare.

Campus Industrial (CI) This district is intended to include land which is used, or intended to be used, as an employment center, including but not limited to, land uses such as light industrial, research and development centers, multi-story offices, business services and limited retail services. It is intended to provide for places to work with the conveniences of services within a centralized area. It should be located along major arterial streets and may be located along the SH130 and SH45 corridors.

Light Industrial (LI) This district is intended to include land which is used, or intended to be used, for light industrial purposes including, but not limited to research facilities, and specialized processing and assembling plants. It should be located along major arterial streets or separated from arterial streets by the GB1 and GB2 districts and should generally not be located on SH 130 or SH 45. Industrial uses whether in LI or GI may be located within the same area.

General Industrial (GI)

This district is intended to include land which is used, or intended to be used, for the development and protection of, manufacturing, and related undertakings which generate a large volume of traffic, can involve multi-shift employment, involve heavy equipment, and/or generate noise, dust, or light which is not compatible with the other uses in this chapter, and might require large parcels of land. This district should be located away from residential uses and areas that are suitable for retail commercial use. They should be relatively large areas to encourage the clustering of similar uses and avoid the proliferation of GI districts in the City. The district should have adequate access to arterial streets, but not direct frontage on arterial streets or SH 130 or SH 45.

4.3.2 NON-RESIDENTIAL DISTRICTS – LAND USE TABLE (Office, Commercial, Industrial)

Land uses identified in Table 4.3.2 with the following designations shall be interpreted according to the provisions herein. If there is no designation found for a particular use in a specific zoning district, that use is not allowed within that zoning district. In the event that a use is not listed or classification is otherwise required, the Administrator shall classify the use as appropriate in accordance with Subchapter 3.

- A. Permitted Uses: Uses noted with a “P” are permitted by right within the given district, provided that all other requirements applicable to the use within each section are met.
- B. Uses Permitted with Conditions: Uses noted with a “C” are permitted by right within the given district provided that specific conditions are met. Specific conditions applicable to these certain uses are provided in the corresponding “Land Use Conditions” section of this Subchapter.
- C. Uses Requiring a Specific Use Permit: Uses noted with an “S” require consideration of impacts associated with a particular location for the proposed use, in addition to the standards that otherwise apply to the use under this Subchapter.
- D. Uses Permitted with Conditions Unless Authorized by a Specific Use Permit: Uses noted with a “C/S” are permitted by right within the given district provided that specific conditions are met, unless authorized by a specific use permit.

Table 4.3.2: Non-Residential Districts - Permitted Uses								
Residential Uses	O	NS	R	GB1	GB2	CI	LI	GI
Assisted Living			P	P				
Condominium			C	C				
Live Work Unit			P	P				
Multi-Family			C	C				
Nursing Home/Skilled Nursing (Convalescent)			P	P				

Single Family Attached (3 or more) Townhome			P					
Non-Residential Uses	O	NS	R	GB1	GB2	CI	LI	GI
Animal Establishments, Commercial			C	C	C			
Athletic Facilities				P	P		P	
Auction Sales				P	P		P	P
Automotive Body Repair Shop (Collision Repair)					P		P	
Automotive Parts Sales, Inside			P	P	P			
Automotive Repair and Service				P	P		P	
Automobile Parking Lot/Garage			P	P	P	P	P	P
Automobile Sales and Rental				P	P		P	
Auto Salvage Yard								S
Bail Bond				C	C			
Bar/Tavern				P	P			
Body Art Studio				S	S		P	
Brewery/Distillery/Winery, Micro				P	P	P	P	P
Brewery/Distillery/Winery, Regional								P
Brewpub/Wine Bar			P	P	P			
Business Services				P	P	P	P	
Call Center					P	P	P	P
Car Wash			C	C	P			
Catering Establishment			P	P	P			
Cemetery/Mausoleum			P	P	P			
Civic Center	P	P	P	P	P			
Clinic		P	P	P	P	P		
College, University, or Private Boarding School				S	P	P	P	
Commercial Recreation and Entertainment, Indoor			C	P	P			
Commercial Recreation and Entertainment, Outdoor				C	C			
Commissary				P	P			
Contractor's Shop					P		P	P
Convention Center				P		P		
Crematorium							P	P
Non-Residential Uses	O	NS	R	GB1	GB2	CI	LI	GI
Data Center					C	P	P	P
Day Care Facility		P	P	P				
Distribution/Logistics Center						S	P	P
Drive-in/ Thru				C	C	C	C	C
Dry Cleaning, Major					P		P	P
Dry Cleaning, Minor	P	P	P	P	P		P	

Equipment and Machinery Sales and Rental, Major							P	P
Equipment and Machinery Sales and Rental, Minor			P	P	P	P	P	P
Event Center				P		P		
Financial Institution	P	P	P	P	P			
Financial Services Institution, Alternative				C	C			
Food Processing Establishment, Major								P
Food Processing Establishment, Minor						P	P	
Gas Station			C	C	C			
Golf Course and/or Country Club			P	P	P			
Golf Driving Range				P	P			
Government Facilities	P	P	P	P	P	P	P	P
Health/Fitness Center			P	P	P		S	
Hospital			P	P	P	P		
Hotel/Hotel Residence				C	C	P		
Household Appliance Service and Repair				P	P		P	
Industrial Uses, Heavy								P
Industrial Uses, Light						P	P	P
Laundromat			P	P	P			
Liquor Store (Off-Premise Consumption)				P	P			
Lounge				P	P			
Machine Shop					P	P	P	P
Massage Therapy, Licensed	P	P	P	P	P			
Microwave and Satellite Receiving Station, Commercial								P
Mini-warehouse/public storage					P		P	P
Mobile Food Park				C	C			
Mortuary/Funeral Home				P	P			
Museum/Art Gallery	P	P	P	P	P			
Nursery Indoor/Outdoor Sales				C	C		P	
Office: Administrative, Medical, or Professional	P	P	P	P	P	P	P	P
Office/Showroom					P	P	P	P
Office/Warehouse						P	P	P
Open Storage (Primary Use)								S
Non-Residential Uses	O	NS	R	GB1	GB2	CI	LI	GI
Park or Playground	P	P	P	P	P	P		
Pawn Shop				P	P			
Personal Services		P	P	P				
Place of Worship	P	P	P	P	P	P	P	P
Portable Building Sales							P	P
Print Shop, Major						P	P	P

Print Shop, Minor				P	P	P	P	
Reception Hall			P	P	P			
Recycling Center							P	P
Recycling Plant								S
Research and Development Center						P	P	P
Non-Residential Uses	O	NS	R	GB1	GB2	CI	LI	GI
Restaurant	C	C	C	P	P			
Retail Sales and Service - Single tenant over 50,000 SF				P	P	P		
Retail Sales and Services	P	P	P	P	P	P		
School: Private or Parochial	P	P	P	P	P			
School: Public	Refer to Government Facilities							
Sexually Oriented Business							C	C
Shooting Range, Indoor							P	P
Small Engine Repair Shop					P		P	
Stable, Commercial							C	
Theatre			P	P				
Trade School				P	P	P	P	
Transit Facility (Park & Ride)				P		P		
Truck/Trailer Rental					C		P	P
Truck Sales, Heavy Trucks							P	P
Truck Terminal								P
Trucks/Bus/Large Vehicle Repair							P	P
Utilities	C	C	C	C	C	C	C	C
Vehicular Sales and Rental, Recreational					C		P	P
Wireless Telecommunication Facilities (WTFs)			S	C/S	C/S	C/S	C/S	C/S
Wrecker/Towing Services							C	C

4.3.3 NON-RESIDENTIAL DISTRICTS - LAND USE CONDITIONS (Office, Commercial, Industrial)

The uses indicated in the land use Table 4.3.2 with the letter “C” in one or more districts must comply with the conditions as indicated below. The use is permitted in the subject district(s) provided the use or site complies with the conditions indicated for the use. Conditions are specified for each use in the following alphabetical list.

*Animal Establishments,
Commercial*

- Subject to Title 9, Chapter 90

Bail Bond

- Every portion of the boundary of the site in which the use is located (subject site) is a minimum of seven hundred fifty (750) feet from the nearest property line of all of the following uses, measured in a straight line between the nearest points of one lot to the other lot:

- 1) Any other bail bond use
- 2) School, public or private
- 3) Residential use or district
- 4) Place of worship

For the purposes of this section, the measurement of the 750-foot distance shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property line of the subject site to the nearest portion of the property line of an existing bail bond use, residential use or district, school or place of worship. In addition, the measurement of the 750-foot distance shall also include existing bail bond use, residential use or district, school or place of worship that are located in an adjoining city or unincorporated area and that are within 750-foot distance of the nearest property line of the subject site.

Car Wash

- Vacuums must be located a minimum of 200 feet from the property line of any adjacent residential use, and
- Drive-thru facilities must be located a minimum of 200 feet from the property line of any residential use, and oriented in such a way as to minimize noise from a speaker box.

Commercial Recreation and Entertainment, Indoor

- The discharge of firearms is prohibited.
- Tenant space limited to 5,000 square feet or less of floor area.

Commercial Recreation and Entertainment, Outdoor

- All outdoor activity must be located a minimum of 300 feet from the nearest property line of an existing conforming low or medium density, single family residential use.

Condominium (Residential)

- R and GB1 District: Townhome structures may be considered as a condominium if the structures comply with the general regulations for condo in the SF-MU district Table 4.2.4(A) and the Single Family Attached (3 or more) design standards outlined in Subchapter 9.2, and only when cohesively integrated as a component of a non-residential development consisting of office, restaurant and similar land uses that serve a neighborhood. At no point shall the residential component consist of more than 40% of the overall development's acreage, not to exceed 20 acres.

- GB1 District: Residential structures commonly known as single family detached, duplex, or single family attached (3 or more) townhome complying with the applicable design standards outlined in Subchapter 9, and restricted to residents 55 and over, may be allowed as a condominium when cohesively integrated as a component of a retirement living village consisting of at least two of the following: nursing home/skilled nursing, assisted living, hospital, medical office.

Data Center

- Square footage limited to a maximum of 25,000 square feet.

Drive-in/ Thru

- Drive-thru aisles allowed only in the rear of building or on sides of buildings provided that the service window and any associated speaker box are located at least 200 feet from any residential District or are screened by another structure from the residential district.

Dwelling Unit, Accessory:

- See Section 4.6.3

Financial Services Institutions, Alternative

- Every portion of the boundary of the site in which the use is located (subject site) shall be a minimum of seven hundred fifty (750) feet from the nearest property line of all of the following uses:
 - 1) Any other alternative financial service institution
 - 2) Residential use or district
 - 3) School, public or private
 - 4) Place of worship

For the purposes of this section, the measurement of the 750-foot distance shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property line of the subject site to the nearest portion of the property line of an existing alternative financial service, residential use or district, school or place of worship. In addition, the measurement of the 750-foot distance shall also include existing alternative financial service, residential use or district, school or place of worship that are located in an adjoining city or unincorporated area and that are within 750-foot distance of the nearest property line of the subject site.

Gas Stations

- Permitted only within 200 feet of the right-of-way lines of intersecting streets; and
- Permitted at a maximum of two corners at an intersection of two arterial streets; and a maximum of one corner of an intersection with a collector or local street; and
- In the Retail (R) district, gas pumps are limited to no more than eight vehicles obtaining fuel simultaneously; and

- Air and vacuum facilities must be a minimum of at least 100 feet from low or medium density single family residential use.

Hotel, Hotel Residence:

- External balconies must be set back at least 200 feet from any residential zoning district; and
- Must provide staff on-site 24 hours a day;
- All guest rooms must be accessed through internal hallways, lobby, or courtyard; and
- Must provide at least three amenities from the list below:
 - i. Indoor/Outdoor Pool
 - ii. Spa/Sauna
 - iii. Weight Room/Fitness Center
 - iv. Playground
 - v. Sports Court
 - vi. Plaza/Atrium
 - vii. Game Room
 - viii. Jogging Trail
 - ix. Conference Room (1,000 square foot minimum)
 - x. Full service restaurant (minimum seating capacity of 35)

Mobile Food Park

- See Sections 4.9 and 4.10

Multi-Family

- Shall not occupy more than 75 percent of the total floor area of a building up to 10 dwelling units per acre in the R district and up to 20 dwelling units per acre in the GB1 district.
- Shall comply with the Multi-family and Mixed Use Structure design standards found in Section 9.3 of Subchapter 9.
- When multi-family is proposed, the MF-10 regulations found in Table 4.2.4 B, Table 4.2.4 C, and Table 11.3 C shall apply in the R district; and the MF-20 regulations found in Table 4.2.4 B, Table 4.2.4 C, and Table 11.3 C shall apply in the GB1 district.
- A building's ground floor shall not exceed 50% of residential units, live-work units and multi-family appurtenances, including required garages, the management office, and amenity space. The remainder of the ground floor shall be limited to commercial uses permitted in the district.

Recycling Plant

- Shall be screened in accordance with the outdoor storage screening requirements in Subchapter 11 of the Unified Development Code.

Restaurant

- Tenant space limited to 5,000 square feet or less of floor area.
- Drive-thru facilities are not permitted.

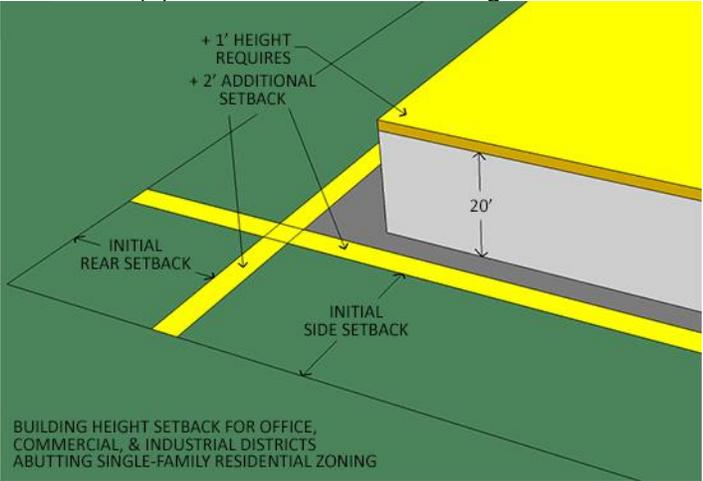
<i>Sexually Oriented Business</i>	<ul style="list-style-type: none"> • Must comply with the requirements of Chapter 112 of the City Code.
<i>Truck/Trailer Rental</i>	<ul style="list-style-type: none"> • The areas used for sale and interim storage areas must be wholly enclosed within a structure or otherwise screened from view from adjacent residential areas, public rights-of-ways, and parkland.
<i>Utilities</i>	<ul style="list-style-type: none"> • All facilities must be screened from view from adjacent residential areas and public right-of-ways with an opaque screen of 8' masonry fence or dense vegetation with a mature height of 8' or greater.
<i>Vehicular Sales and Rental, Recreational</i>	<ul style="list-style-type: none"> • All sales, storage, and display must be enclosed within a structure. No outdoor storage is permitted.
<i>Wireless Telecommunication Facilities (WTF)</i>	<ul style="list-style-type: none"> • Refer to Section 4.8
<i>Wrecker/Towing Services</i>	<ul style="list-style-type: none"> • Shall be screened in accordance with Subchapter 11. Landscaping and Screening standards; and • Shall satisfy the accessory use standards for outdoor storage.

4.3.4 NON-RESIDENTIAL DISTRICTS - DEVELOPMENT REGULATIONS

The purpose of the non-residential zoning districts is to provide an adequate mix of commercial and industrial land uses that encourage a mix of employment, shopping and services opportunities. Non-residential zoning districts are comprised of O, NS, R, GB1, GB2, CI, LI, and GI.

A. General Regulations and Height Standards - Office, Commercial, and Industrial Districts
 The following general regulations shall apply for non-residential zoning districts O, NS, R, GB1, GB2, CI, LI and GI:

Table 4.3.4 – General Regulations & Height Standards								
General Regulations	O	NS	R	GB1	GB2	CI	LI	GI
Minimum Lot Area	N/A							
Minimum Lot Width [along Arterial and Major Collector Streets] ¹	200'	200'	200'	200'	200'	200'	200'	200'
Minimum Lot Depth	N/A							
Minimum Front Street Setback (Building Setback)	15'	15'	15'	15'	15'	15'	15'	15'
Minimum Front Setback (Corner Lot)	15'	15'	15'	15'	15'	15'	15'	15'
Minimum Street Setback (across the street from single-family residential zoning)	15'	15'	15'	15'	15'	30'	50'	100'
Minimum Interior Side Setback	10'	10'	10'	10'	10'	15'	15'	30'
Minimum Interior Side Setback* (abutting single-family residential zoning)	25'	25'	25'	30'	30'	50'	50'	100'
Minimum Rear Setback	20'	20'	20'	20'	25'	15'	15'	30'
Minimum Rear Setback* (abutting single-family residential zoning)	20'	20'	25'	30'	30'	50'	50'	100'
Streetscape Yard (25' Streetscape Yard applicable along toll/frontage road facilities)	15' (25')							
Streetscape Yard (across the street from single-family residential zoning)	15'	15'	15'	15'	15'	30'	50'	50'

Single Family Adjacency Vegetative Bufferyard (See Subchapter 11)	15'	15'	15'	15'	30'	30'	50'	50'
Maximum Lot Coverage (Structure) (does not include parking structures)	25%	25%	40%	50%	60%	80%	80%	80%
Maximum Impervious Cover	70%	75%	80%	80%	85%	85%	85%	85%
Maximum Building Height*	25'	25'	35'	50'	50'	85'	50'	100'
*Building Height Setback (Applicable to Side and Rear Setbacks abutting single-family residential zoning)	N/A	N/A	<p>*Buildings exceeding 20' in height abutting single-family residential zoning are required to have additional building setbacks measured from the Side and rear building setbacks. (The setback distance is required even if the property line is not common.) One (1) foot of additional building height for a commercial or industrial building requires two (2) feet of additional building setback. One (1) foot of additional building height for a multi-family mixed use building requires five (5) feet of additional building setback.</p> 					

¹Commercial properties may be designed with a minimum 50 feet of frontage if a perpetual joint access easement or unified development agreement is provided and driveway spacing requirements are met.

B. Setback Encroachments - Office, Commercial, Industrial Districts

1. Accessory buildings may not encroach into required building setbacks.
2. The following are permitted in required building setbacks provided that they comply with all other standards of this and other applicable codes:
 - a. Landscaping.
 - b. Vehicular use areas.
 - c. Fences and walls that are not part of a structure
 - d. Every part of a required setback or court shall be open from its lowest point vertically to the sky, unobstructed, except for the ordinary projections of sills, belt courses, cornices, chimneys, buttresses, ornamental features, and eaves

- e. An open fire escape may project into a required side yard up to one-half the width of such yard, or up to four feet from the building, whichever encroaches less. Fire escapes may project up to four (4') feet into a rear yard
- f. Improvements, signs, and landscaping within sight triangles that does not exceed 36 inches in height.
- g. Rain barrels, cisterns, and solar panels may be no closer than 2' from the property line

C. Reference to Development Standards

Unless otherwise indicated, each lot or tract of land shall comply with Chapter 158 Stormwater Pollution Control Ordinance and all applicable provisions, in their entirety, of the following subchapters:

1. Site Development Standards: See Subchapter 9 Architectural, Site Design, and Layout Provisions
2. Parking, Mobility, and Circulation Standards: See Subchapter 10 Parking, Mobility, and Circulation.
3. Landscaping and Screening: See Subchapter 11 Landscaping and Screening Standards
4. Tree Preservation Standards: See Subchapter 12 Tree Preservation Standards
5. Lighting Standards: See Subchapter 13 Exterior Lighting Standards
6. Parkland Standards: See Subchapter 14 Public Parkland Standards
7. Subdivision: See Subchapter 15 Subdivision Process
8. Definitions: See Subchapter 20 Definitions
9. Engineering Standards: See Engineering Design Manual and Construction Standards
10. Tree Preservation Technical Standards: See Tree Technical Manual

4.4 CORRIDOR DISTRICTS (CL3, CL4, CL5)

The purpose of the corridor districts is to provide an adequate mix of residential and commercial industrial land uses that encourage a mix of employment, shopping and services opportunities. Non-residential zoning districts are comprised of CL3, CL4 and CL5.

4.4.1 CORRIDOR DISTRICTS DEFINED

Suburban (Level 3: CL3) This district is intended to establish a form that features low density, suburban development primarily consisting of a mix of residential uses featuring single family homes with limited commercial uses along major thoroughfares. The scale of development is limited with substantial on-site open space and vegetation. Uses within the Suburban district may be mixed with an emphasis on creating walkable neighborhoods near neighborhood centers, civic spaces and public facilities.

Urban (Level 4: CL4) This district is intended to create vibrant and walkable neighborhoods and employment centers along the SH 130 and SH 45 corridors. The scale of structures in the Urban district is greater than found in the Suburban district and density sufficient to support a range of housing types. Commercial retail services play an increased role relative to the Suburban district but remain supportive of surrounding neighborhoods and employment centers.

Urban Center (Level 5: CL5) This district is intended to establish dense, dynamic and walkable centers for living, working and shopping. Urban Centers provide a retail and employment focus supplemented by dense residential development. Three Urban Centers established upon initial approval of the SH 130 and SH 45 corridor boundaries occur at major interchanges along the state highways with emphasis upon retail (SH 130 and SH 45), employment (SH 130 and Pfluger Lane) and entertainment (SH 130 and Pecan Street).

4.4.2 CORRIDOR DISTRICTS - LAND USE TABLE

Land uses identified in Table 4.4.2 with the following designations shall be interpreted according to the provisions herein. If there is no designation found for a particular use in a specific zoning district, that use is not allowed within that zoning district. In the event that a use is not listed or classification is otherwise required, the Administrator shall classify the use as appropriate in accordance with Subchapter 3.

- A. Permitted Uses: Uses noted with a “P” are permitted by right within the given district, provided that all other requirements applicable to the use within each section are met.
- B. Uses Permitted with Conditions: Uses noted with a “C” are permitted by right within the given district provided that specific conditions are met. Specific conditions applicable to these certain uses are provided in the corresponding “land use conditions” section of this Subchapter.

- C. Uses Requiring a Specific Use Permit: Uses noted with an “S” require consideration of impacts associated with a particular location for the proposed use, in addition to the standards that otherwise apply to the use under this Subchapter.
- D. Uses Permitted with Conditions Unless Authorized by a Specific Use Permit: Uses noted with a “C/S” are permitted by right within the given district provided that specific conditions are met, unless authorized by a specific use permit.

Table 4.4.2: Corridor Districts - Permitted Uses			
Residential Uses	CL3	CL4	CL5
Assisted Living	P	P	P
Condominium	C	P	P
Duplex	P		
Live Work Unit		P	P
Multi-Family	S	S	P
Skilled Nursing/Nursing Home (Convalescent)	P	P	P
Single Family Attached (3 or more) Townhome	P	C	
Single Family, Detached	P		
Non-Residential Uses	CL3	CL4	CL5
Animal Establishments, Commercial	C	C	C
Automobile Parking Lot/Garage		P	P
Automotive Body Repair Shop (Collision Repair)		S	S
Automotive Repair and Service		S	S
Bar/Tavern		P	P
Brewpub/Wine Bar		P	P
Brewery/Distillery/Winery, Micro		P	
Call Center			P
Catering Establishment	C	P	P
Civic Center	P	P	P
Clinic	P	P	P
College, University, Trade School, or Private Boarding School		P	P
Commercial Recreation and Entertainment, Indoor	C	P	P
Commercial Recreation and Entertainment, Outdoor		S	S
Convention Center		P	P
Day Care Facility	P	P	P
Distribution/Logistics Center		S	S
Drive-in/ Thru		C	C
Dry Cleaning, Major		P	P
Dry Cleaning, Minor	P	P	P
Event Center		P	P
Financial Institution	P	P	P
Gas Station		C	C

Government Facilities	P	P	P
Health/Fitness Center	C	P	P
Hospital		S	S
Hotel/Hotel Residence		C	C
Industrial Uses (Light)		S	S
Liquor Store (Off-Premise Consumption)		P	P
Massage Therapy, Licensed	P	P	P
Mini-warehouse/public storage		S	
Mobile Food Park		S	S
Museum/Art Gallery		P	P
Office/Showroom		S	S
Office/Warehouse		S	S
Office: Administrative, Medical, or Professional	P	P	P
Park or Playground	P	P	P
Personal Services	P	P	P
Place of Worship	P	P	P
Print Shop, Major		P	P
Print Shop, Minor	P	P	P
Non-Residential Uses	CL3	CL4	CL5
Research and Development Center		S	S
Restaurant	P	P	P
Retail Sales and Services	P	P	P
Retail Sales- Single tenant over 50,000 SF		P	P
School: Private or Parochial	P	P	P
Theatre, Neighborhood		P	P
Theatre, Regional		P	P
Transit Terminal (Park & Ride)		P	P
Utilities	C	C	C
Wireless Telecommunication Facilities (WTF)		C/S	C/S

4.4.3 CORRIDOR DISTRICTS – LAND USE CONDITIONS

The uses indicated in the Land Use Table Section 4.4.2 with the letter “C” in one or more districts must comply with the conditions as indicated below. The use is permitted in the subject district(s) provided the use or site complies with the conditions indicated for the use. Conditions are specified for each use in the following alphabetical list.

Animal Establishments, Commercial

- Subject to Title 9, Chapter 90

Amenity Center

- Must take access from at least one collector or arterial street; and

- The pool and all buildings must be located at least 100 feet from all site boundary lines.
- Catering Establishment*
- 5,000 square feet or less of floor area.
- Condominium*
- For “townhome” structures, refer to corridor districts land use conditions for *Single family Attached (3 or more) Townhome* within Section 4.4.3.
 - Where multiple “for sale” units are provided in one structure, refer to Multi-Family and Mixed Use Structure requirements provided in Table 4.2.4 B., Table 4.2.4 C., and Section 9.3 of Subchapter 9.
- Drive-in/ Thru*
- Subject to the location requirements as outlined in Subchapter 9.
- Gas Station*
- Maximum of two corners of an intersection;
 - Permitted only within 1,000 feet of SH 130 and SH 45, measured from the nearest property line of the gas station to the nearest right-of-way line of SH 130 and SH 45;
 - Maximum of twelve hoses; and
 - Canopy support columns must be encased in brick or stone complementary to the principal structure.
- Health/Fitness Center*
- Tenant space limited to 5,000 square feet or less of floor area.
- Hotel, Hotel Residence*
- External balconies must be set back at least 200 feet from any residential zoning district;
 - Must provide staff on-site 24 hours a day;
 - All guest rooms must be accessed through internal hallways, lobby, or courtyard; and
 - Must provide at least three amenities from the list below:-
 - i. Indoor/Outdoor Pool
 - ii. Spa/Sauna
 - iii. Weight Room/Fitness Center
 - iv. Playground
 - v. Sports Court
 - vi. Plaza/Atrium
 - vii. Game Room
 - viii. Jogging Trail
 - ix. Conference Room (1,000 square foot minimum)
 - x. Full service restaurant (minimum seating capacity of 35)

School, Private or Parochial:

- Access from a collector or arterial street.

Single Family Attached (3 or more) Townhome

- May be considered as individual lots if the structures comply with the general regulations and height standards for “SF Attach” in the CL3 district found in Table 4.4.4;
- May be considered as a condominium if the structures comply with the general regulations for “condo” in the SF-MU district found in Table 4.2.4 A.;
- Shall comply with the Single Family Attached (3 or more) design standards outlined in Subchapter 9.2;
- Shall be cohesively integrated as a component of a non-residential development consisting of office, restaurant and similar land uses that serve a neighborhood. At no point shall the residential component consist of more than 40% of the overall development’s acreage, not to exceed 20 acres.

Wireless Telecommunication Facility (WTF)

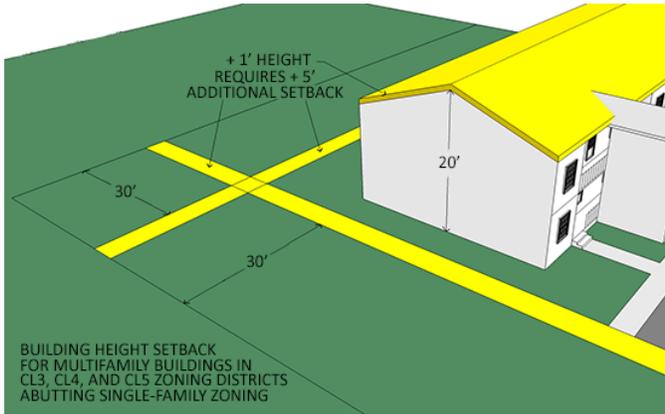
- Refer to Section 4.8

4.4.4 CORRIDOR DISTRICTS – DEVELOPMENT REGULATIONS

A. General Regulations: The following general regulations shall apply for the corridor zoning districts CL3, CL4, and CL5:

General Regulations	CL3			CL4	CL5
	SF Detach	SF Attach	MF; Mixed Use; Non-residential	MF; Mixed Use; Non-residential	MF; Mixed Use; Non-residential
Minimum Lot Area	5,000 sq ft	2,500 sq ft	N/A	N/A	N/A
Minimum Lot Width measured at front street setback (Corner lots require additional 10 feet)	40'	25'	N/A	N/A	N/A
Minimum Lot Depth	120'	100'	N/A	N/A	N/A
Minimum Front Street Setback (Building Setback)	15'	15'	15'	15'	15'
Minimum Side Street Setback (Corner Lot)	15'	15'	15'	15'	15'

Minimum Street Setback (across the street from conforming single-family residential zoning)	N/A	N/A	30'	30'	30'
Minimum Interior Side Setback	5' or 0' on interior	5' or 0' on interior	5' or 0' on interior	5' or 0' on interior	5' or 0' on interior
Minimum Interior Side Setback* (abutting single-family residential zoning)	7.5'	10'	30'	30'	30'
Minimum Rear Setback	20'	15'	20'	10'	10'
Minimum Rear Setback* (abutting single-family residential zoning)	20'	20'	30'	30'	30'
Streetscape Yard (25' Streetscape Yard applicable along toll/frontage road facilities)	15' (25')	15' (25')	15' (25')	15' 25')	15' (25')
Streetscape Yard (across the street from single-family residential zoning)	N/A	N/A	30'	30'	30'
Single Family Adjacency Vegetative Bufferyard (See Subchapter 11)	N/A	10' when adjacent to SF-S	25'	30'	30'
Single Family Adjacency Vegetative Bufferyard (See Subchapter 11) for Specific Use Permits	N/A	10' when adjacent to SF-S	50'	50'	50'
Maximum Lot Coverage (Structure) (does not include parking structures)	N/A	N/A	40%	85%	85%

Maximum Impervious Cover (non-residential)	N/A	N/A	80%	80%	85%
Maximum Impervious Cover for multifamily unless greater percentage is permitted through the SUP	N/A	N/A	60%	60%	60%
Maximum Building Height*	35'	35'	35'	60'	85'
*Building Height Setback (Applicable to side and rear setbacks abutting single-family residential zoning)	N/A	N/A	<p>*Buildings exceeding 20' in height abutting single-family residential zoning are required to have additional building setbacks measured from the side and rear building setbacks. This provisions is applicable even if the property line is not common.</p> <p>One (1) foot of additional building height for a commercial or industrial building requires two (2) feet of additional building setback. One (1) foot of additional building height for a multi-family building requires five (5) feet of additional building setback.</p> 		
Minimum Density	N/A	N/A	6 units/acre	10 units/acre	15 units/acre
Maximum Density	N/A	N/A	10 units/acre	20 units/acre	25 units/acre

Density Bonus - Maximum density (units per acre) if structured parking is provided for at least 80% of the minimum parking required	N/A	N/A	N/A	60 units/acre	75 units/acre
Minimum Dwelling Unit Area	1,100 sq. ft.	900 sq. ft.	450 sq. ft. ⁽¹⁾	450 sq. ft. ⁽¹⁾	450 sq. ft. ⁽¹⁾
Multi-Family Dwelling Unit Mix	N/A	N/A	Min. 40% 1 Bed / Studio; Max 10% 3+ Bed	Min. 40% 1 Bed / Studio; Max 10% 3+ Bed	Min. 40% 1 Bed / Studio; Max 10% 3+ Bed
Maximum Units per Structure	N/A	6	N/A	N/A	N/A
Maximum Building Length	N/A	200'	N/A	N/A	N/A
(1) Dwelling units associated with assisted living or nursing home facilities shall be exempt from this requirement					

B. Setback Encroachments - Corridor Districts

1. Accessory buildings may not encroach into required building setbacks.
2. The following are permitted in required building setbacks provided that they comply with all other standards of this and other applicable codes:
 - a. Landscaping.
 - b. Vehicular use areas.
 - c. Fences and walls.
 - d. Every part of a required setback or court shall be open from its lowest point vertically to the sky, unobstructed, except for the ordinary projections of sills, belt courses, cornices, chimneys, buttresses, ornamental features, and eaves.
 - e. An open fire escape may project into a required side yard up to one-half the width of such yard, or up to four feet from the building, whichever encroaches less. Fire escapes may project up to four (4') feet into a rear yard.
 - f. Improvements, signs, and landscaping within sight triangles that does not exceed 36 inches in height.
 - g. Rain barrels, cisterns, and solar panels may be no closer than 2' from the property line

C. Reference to Development Standards

Unless otherwise indicated, each lot or tract of land shall comply with Chapter 158 Stormwater Pollution Control Ordinance and all applicable provisions, in their entirety, of the following subchapters:

1. Site Development Standards: See Subchapter 9 Architectural, Site Design, and Layout Provisions
2. Parking, Mobility, and Circulation Standards: See Subchapter 10 Parking, Mobility, and Circulation.
3. Landscaping and Screening: See Subchapter 11 Landscaping and Screening Standards
4. Tree Preservation Standards: See Subchapter 12 Tree Preservation Standards
5. Lighting Standards: See Subchapter 13 Exterior Lighting Standards
6. Parkland Standards: See Subchapter 14 Public Parkland Standards
7. Subdivision: See Subchapter 15 Subdivision Process
8. Definitions: See Subchapter 20 Definitions
9. Engineering Standards: See Engineering Design Manual and Construction Standards
10. Tree Preservation Technical Standards: See Tree Technical Manual

4.5 SPECIAL DISTRICTS AND OVERLAYS

4.5.1 DOWNTOWN DISTRICT OVERLAY

A. Downtown District Overlay Defined

The Downtown District Overlay (DD) is intended to serve multiple purposes, including preservation and enhancement of the City's original city site and related areas in order to promote the historic character, scale, walkability, and economic viability of the area. In addition to the provisions in this Chapter, site and architectural development standards contained in Chapter 155, Subchapter B (Site Development Code) of the City Code apply to the overlay district.

B. Land Use Table Applicability: The DD district relies on base zoning districts for uses except where prohibited according to the following table:

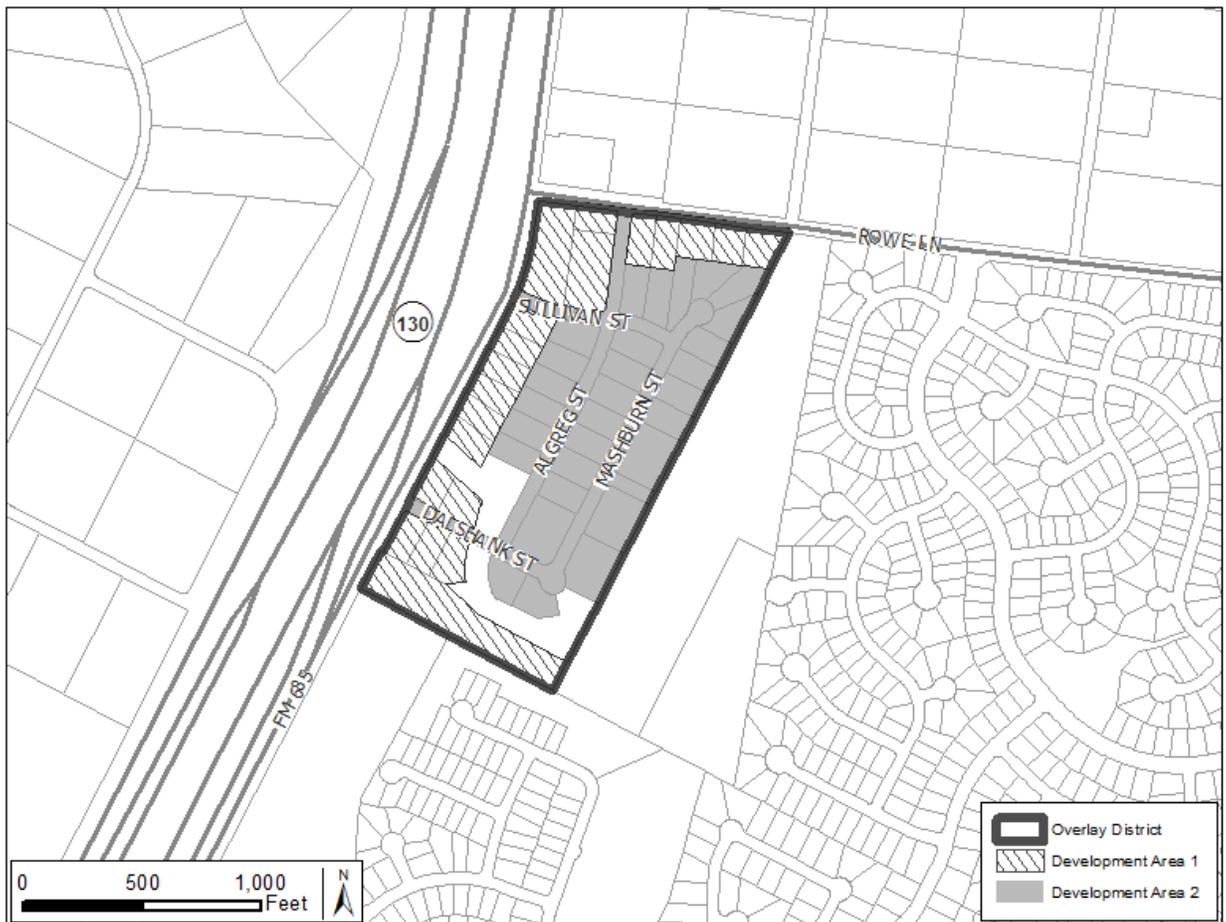
Table 4.5.1 B. Use Applicability Table	
Auto Parts Sales, Inside	X
Auto Parts Sales, Outside	X
Automobile Parking Lot/Garage	X
Bar/Tavern	S
Body Art Studio	S
Car Wash	X
Day Care Facility	S
Equipment and Machinery Sales and Rental, Major	X
Heavy Industrial Uses	X
Hotel ¹	S
Light Industrial Uses	X
Machine Shop	X
Manufactured Home Dwelling	X
Mini-Warehouse/Public Storage	X
Office/Showroom	X
Office/Warehouse/Distribution Center	X
Open Storage (Primary Use)	X
Portable Building Sales	X
Recycling Center	X
Recycling Plant	X
Retail Sales - Single Tenant over 50,000 SF	X
Sexually Oriented Business	X
Storage or Wholesale Warehouse	X
Trailer/Mobile Home Display and Sales	X
Truck Sales, Heavy Trucks	X
Truck Terminal	X
Truck/Bus Repair	X
Vehicular Sales, Rental, Repair and Service	S
X = Prohibited; S = Specific Use Permit	

¹Hotels - Notwithstanding the conditions above in 4.1.5(B), Hotels may be authorized by a Specific Use Permit in the Downtown District Overlay.

- C. Base Districts General Regulations – Applicability
Maximum lot coverage requirements and limitations associated with the base zoning districts are not applicable to properties within the Downtown District (DD) Overlay

4.5.2 685 COMMERCIAL PARK OVERLAY DISTRICT

- A. 685 Commercial Park Overlay District Defined
The purpose of the 685 Commercial Park Overlay District is to establish development regulations specifically for the 685 Commercial Park subdivision and nearby adjacent tracts in order to create and enhance visual interest of the SH 130/F.M. 685 roadway while recognizing the existing heavy commercial and industrial uses.
- B. Applicability
Unless otherwise indicated, each section in this Chapter (UDC) is applicable to each lot within the 685 Commercial Park subdivision or tract of land illustrated on the exhibit below.



- C. Permitted Uses
Uses in the 685 Commercial Park Overlay District shall be determined by the base zoning district of the property in accordance with Section 4.3 Non-Residential Zoning Districts.
- D. General Regulations
Properties in the 685 Commercial Park Overlay District shall conform to the general regulations of the base zoning district in which the property is located as stated in Subchapter 4.3 Non Residential Zoning Districts.
- E. Development Requirements: Development Area 1
The uses in the 685 Commercial Park Overlay Development Area 1 shall adhere to development requirements based on Table 4.5.2. In addition to the aforementioned sections provided in Section 4.5.2 E., Subchapter 11 Landscaping and Screening Standards and Subchapter 9 Architectural, Site Design and Layout Provisions, shall apply in their entirety to the uses as identified in Table 4.5.2 with “UDC” in the Development Requirements column. All other uses shall follow the requirements stipulated below in Section 4.5.2 F. Development Requirements: Development Area 2.

Table 4.5.2: Use Based Development Requirements, Development Area 1.	
Administrative, Medical, or Professional Office	UDC
Auto Parts Sales, Inside	UDC
Automobile Parking Lot/Garage	UDC
Bar/Tavern	UDC
Body Art Studio	UDC
Bus Depot	UDC
Business Services	Development Area 2 Standards
Car Wash	UDC
Cemetery/Mausoleum	UDC
Civic/Convention Center	UDC
Clinic	UDC
Club, not bar/tavern	UDC
College, University, Trade or Private Boarding School	UDC
Commercial Amusements, Indoor	UDC
Contractor's Shop	Development Area 2 Standards
Drive-In/thru (accessory)	UDC
Dry Cleaning, Major	Development Area 2 Standards
Dry Cleaning, Minor	UDC

Equipment and Machinery Sales and Rental, Minor	Development Area 2 Standards
Financial Institution	UDC
Free-standing monopole cell towers	UDC
Gas Station	UDC
Golf Course and/or Country Club	UDC
Government Facilities	UDC
Gymnastics/Dance Studio	Development Area 2 Standards
Hospital	UDC
Hotel	UDC
Household Appliance Service and Repair	Development Area 2 Standards
Laundromat	Development Area 2 Standards
Massage Therapy, Licensed	UDC
Mortuary/Funeral Home	UDC
Museum/Art Gallery	UDC
Nursery Indoor/Outdoor Sales	Development Area 2 Standards
Park or Playground	UDC
Pet Store/Kennel/Vet Clinic	UDC
Place of Worship	UDC
Print Shop, Major	Development Area 2 Standards
Print Shop, Minor	UDC
Public Swimming Pool	UDC
Research and Development Center	UDC
Restaurant	UDC
Retail Sales and Service	UDC
Retail Sales-Single Tenant over 50,000 SF	UDC
School, Public, Private, or Parochial	UDC
Small Engine Repair Shop	Development Area 2 Standards
Trailer Rental	Development Area 2 Standards
Utilities	UDC
Vehicular Sales, Rental, Repair and Service	Development Area 2 Standards
Any land use within this table listed as "UDC" in Development Area 1, the standard development requirements per the base zoning district applies.	

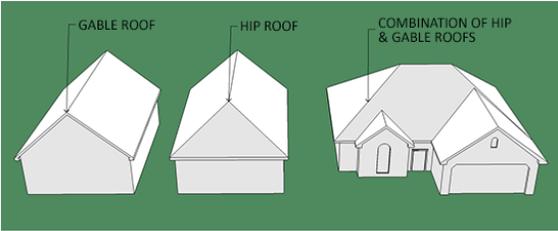
F. Development Requirements: Development Area 2. The following development requirements shall apply in Development Area 2 and for all uses stipulated as following Development Area 2 in Table 4.5.2.

1. Architectural Design Standards.

- a. Masonry is not required.
- b. Permitted Materials. The following materials are permitted:
 - i. Brick, stone, cast stone, rock, marble, granite, glass block or tile.
 - ii. Stucco or plaster.
 - iii. Exterior Insulation and Finish System (EIFS). Notwithstanding any other provision in this code, the use of Exterior Insulated Finishing System (EIFS) is not permitted below nine feet above finished grade, and the use of EIFS above nine feet is limited to high impact EIFS and should be used for architectural details only.
 - iv. Metal.
 - v. Glass with less than 20 percent reflectance, with the limitation that no more than 50 percent of the total area of the building may be constructed in glass.
 - vi. Split-face concrete block, poured-in-place concrete, and tilt-wall concrete. Any concrete products used must have integrated color and be textured or patterned. Tilt-wall concrete structures must have reveals, punch-outs, or other similar surface characteristics to enhance the facade on at least 10 percent of each facade.
- c. Prohibited Materials. The following materials are not permitted:
 - i. Pink and gold glass.

2. Building Design

The following design elements are required as stated in the following table:

Design Element	Development Area 2
Roof Pitch	<p>Gable and hip roofs must be symmetrically pitched between 1:12 and 8:12.</p>  <p>The diagram illustrates three types of roof structures on a green background. The first is a simple gable roof with a single peak. The second is a hip roof with four sloping sides. The third is a combination of hip and gable roofs, featuring a central gable section and hip sections on the sides. Labels with lines pointing to each roof type are: 'GABLE ROOF', 'HIP ROOF', and 'COMBINATION OF HIP & GABLE ROOFS'.</p>

	Shed roofs, porch roofs, and arcade roofs subordinate and attached to the primary structure must be pitched between 1:12 and 6:12.
Roof Top Equipment Screening	Parapets must be used to conceal roof top equipment on flat roofs.
Permitted Roof Materials	Tile, metal or laminated shingles must be the dominant roof material.
Prohibited Roof Materials and Style	Asphalt shingles, except laminated 320 pound 30-year architectural grade asphalt shingles or better.
	Mansard roofs Back-lit Awnings used as a mansard roof.
Roof Articulation	N/A
Street Facing Facades - Vertical Articulation (Roofline Variation)	N/A
Street Facing Facades - Horizontal Articulation (Wall Projection)	N/A
Additional Requirements for Street-Facing Facades	N/A
Building Orientation	N/A

3. Public Sidewalk Requirements: Sidewalks are not required in Development Area 2.
4. Screening Standards: Screening is not required in Development Area 2.
5. Landscaping: Two trees per platted lot are required in Development Area 2.
6. Irrigation: Hand watering is permitted in Development Area 2 in lieu of any irrigation requirements.
7. Non-residential Fencing and Wall Standards: Except as required in Subchapter 11 Landscaping and Screening Standards, buffering requirements, fences and walls may not exceed eight (8) feet in height. In addition, fencing and walls shall not be placed within the line of sight as determined by the sight triangle. Chain-link fences are permitted within Development Area 2.
8. Reference to Development Standards: Unless otherwise indicated, each lot or tract of land within the 685 Commercial Park Overlay District shall comply with Chapter 158 Stormwater Pollution Control Ordinance and all provisions of the following subchapters, unless otherwise stated:

- a. Subchapter 8 Non-Conformities
- b. Subchapter 9 Architectural, Site Design and Layout Provisions
- c. Subchapter 10 Parking, Mobility, and Circulation, except for Pedestrian Mobility and Bicycle Facilities
- d. Subchapter 12 Tree Preservation Standards
- e. Subchapter 13 Exterior Lighting Standards
- f. Subchapter 15 Subdivision Process
- g. Subchapter 20 Definitions
- h. Engineering Design Manual
- i. Tree Technical Manual

4.5.3 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

A. Planned Unit Development (PUD) Defined

This district is synonymous with the previous nomenclature “Alternative Land Use Regulation” (ALUR) and is intended to encourage unique, well planned comprehensive developments. The applicant or the City may propose varied or different standards that improve development design or enable a unique development type not otherwise accommodated in the zoning ordinance while still maintaining compatibility with existing or allowable future uses of adjacent or nearby properties.

B. General Intent

A Planned Unit Development (PUD) district is intended to establish a development which mixes land uses and/or utilizes an innovative design that may not be otherwise achievable through conventional zoning or subdivision regulations. In order to consider a Planned Unit Development application, a development shall demonstrate compliance with the following:

1. Land with 20 acres or less shall require consent from the City Council prior to an application being submitted for a Planned Unit Development.
2. Land use(s) shall be generally consistent with the Comprehensive Plan and sensitive to the surrounding community. Where a mixed use or center is identified, a mix of housing types, employment opportunities or commercial services shall be integrated to establish a cohesive development.
3. Adequate infrastructure shall exist, or expansions proposed with the development to support the proposed land use(s) for each phase of the development.
4. Development standards and a proposed layout of the development shall be provided to identify how the proposed development will be created. The City Council may consider minor deviations from conventional zoning or subdivision regulations when other amenities or development standards are proposed that exceed the minimum requirements for the land use(s) as otherwise required by the Unified Development Code.

C. Content Requirements

1. Application and Letter of Request: A letter of request shall provide an understanding of why a Planned Unit Development is needed for the proposed project and generally why a conventional zoning district is not

feasible. At a minimum, the letter of request should identify the location, acreage, proposed land uses, density, and provide a comparison of any deviations or enhancements proposed with the development.

2. **Regulating Plan:** The intended layout of the subdivision as it pertains to proposed uses, streets or alleys, lots, utilities, public parks, open space and amenities, streetscape and landscaping, trails, detention, internal circulation, and parking. The plan shall be of sufficient detail to enable a preliminary plan to be established. The plan shall be reproducible in black and white on an 11"x17" paper size.
3. **Development Code:** Written development regulations or references to existing zoning and subdivision requirements to be used to establish the proposed development. The regulations shall reflect what is shown on the regulating plan and at a minimum include the following information:
 - a. **General Regulations per use type:**
 - i. Description per use type
 - ii. Lot size (width, depth, area)
 - iii. Maximum lot coverage
 - iv. Building setbacks
 - v. Maximum building/structure height
 - b. **Street Standards:**
 - i. Description of street type
 - ii. Street and alley cross sections
 - iii. Landscaping and irrigation within street cross sections
 - iv. Street and any pedestrian lighting
 - c. **Architectural Requirements**
 - i. Building materials
 - ii. Architectural design elements (windows, articulation, etc.)
 - iii. Examples of building elevations
 - d. Dedicated public parkland and developer improvements with perpetual private maintenance.
 - e. Landscaping, Fencing and Open Space Standards
 - f. Community amenities and development enhancements exceeding minimum requirements. Examples may include, but are not limited to:
 - i. Donation of public facilities such as: schools, libraries, police stations, fire stations, or other public facilities as approved by the City Council.

ii. An irrigated, private park owned and maintained by a private entity or HOA, with amenities such as:

1. A wet pond, fountain, or artwork such as a sculpture garden;
2. Playgrounds with commercial grade equipment, picnic/barbeque areas with commercial grade equipment; or court games (tennis, volleyball or basketball) that cover at least 1,000 square feet in area;
3. Plazas, courtyards, or community gardens with irrigation systems and collars to define garden edges which cover at least 1,000 square feet in area.

iii. Enhanced landscaping and pedestrian spaces within the development:

1. Privately maintained native deciduous tree plantings in accordance with Subchapter 11, providing shade, color and interest along vehicle and pedestrian corridors within the development,
2. Use of engineered soils within privately maintained, native landscaped rain gardens in accordance with local low impact design practices and as approved by the City Engineer;
3. Addition of pedestrian lighting, low seating walls and benches along sidewalks and pedestrian spaces in commercial areas;
4. Integration of brick or similar textured or patterned pavers for crosswalks, within plazas and

similar pedestrian spaces in commercial areas;

iv. Other items as approved by the Planning Director.

D. Minor PUD Amendments

1. Minor modifications or amendments to the PUD development code or regulating plan may be approved by the Administrator if the following criteria are met:

- a. The change is necessary because of natural features of the site that were not foreseen by the applicant or the City prior to approval of the PUD; or
- b. The change will not have the effect of significantly reducing any area of landscaping, open space, natural area or parking; and
- c. The change will not have the effect of increasing the residential density of the development; and
- d. The change, including all cumulative additions or expansions, will not increase the gross floor area of any non-residential structure by more than 20 percent; and
- e. The change will not result in any structure or vehicle circulation being moved significantly in any direction; and
- f. The change will not reduce any approved setback or the height of any structure by more than 10 percent; and
- g. The change will not have the effect of altering the type or maximum size of signage, reducing amenities or connectivity, or reducing the quality of materials to be used in construction; and
- h. The change does not result in any significant adverse impacts beyond the site.

2. Where administrative approval is not permitted, the Planning and Zoning Commission may consider a minor amendment to the PUD, through a formal written request identifying the proposed modification and any minor changes to the regulating plan or development code necessary to address the proposed change, and only if the following criteria are met:

- a. The amendment maintains the design intent or purpose of the PUD ordinance; and
- b. The amendment maintains the quality of design or product established by the PUD ordinance; and
- c. The amendment is not materially detrimental to uses or property in the immediate vicinity of the proposed change.

E. Major PUD Amendments

1. Major changes shall be all those not determined to be a minor amendment and shall be approved by City Council.

2. Major PUD amendments shall follow the process for establishing a PUD and shall include a new application with fee, a written request outlining the proposed changes, an updated regulating plan and development code, and any other documentation necessary to address the proposed change

4.6 ACCESSORY USES AND STRUCTURES

4.6.1 Accessory Uses

Accessory Uses are allowed with permitted uses that have already been built and are subject to the following criteria:

- A. The use or structure is subordinate to the primary use and serves the primary use or the principal structure;
- B. The accessory use is subordinate in area, extent and purpose to the primary use served;
- C. The accessory use contributes to the comfort, convenience or necessity of occupants of the primary use;
- D. The accessory use shall be located within the same zoning district as the primary use; and
- E. Accessory uses located in residential districts shall not be used for commercial purposes other than ancillary to the permitted home occupations.

4.6.2 Accessory Buildings/Structures

Accessory Buildings/Structures are allowed in conjunction with principal structures that have already been built and are subject to the following criteria:

- A. General
 1. Accessory buildings, with the exception of carports, may encroach into required yards according to each zoning districts permitted encroachment allowances.
 2. No accessory building may be constructed upon a lot until the construction of the principal structure has been commenced, unless the accessory building is necessary for the material storage and construction of the principal structure, and only when approved by the Planning Director.
 3. No accessory building may be used unless the principal structure is also being used, as permitted in 4.6.2(B).
 4. No accessory structure shall exceed the height of the principal structure to which it is accessory.
- B. Single-Family and Two-Family Residential Uses
 1. A lot being used for residential purposes may have no more than one shed, workshop or similar type of accessory building per dwelling unit. An unattached garage, carport, and/or an accessory dwelling unit shall be exempt from the per lot accessory building/structure calculation.

2. Accessory buildings may not exceed twenty-five (25%) percent of the gross floor area of the first floor of the principal structure, with exception of accessory dwelling units as otherwise provided within this Subchapter.
3. Carports are permitted in A, SF-E, SF-S, SF-R, SF-MU, 2-F, and MH zoning districts. If permitted by right or by an architectural waiver, single-family and two-family residential accessory carports shall comply with the following standards. Carports structurally integrated into the residence's initial building plan and architecturally consistent with the principal structure's design are permitted, but must also meet the following standards.
 - a. Shall contain a paved surface underneath and leading to the carport structure.
 - b. Shall meet all building setbacks applicable to the principal structure.
 - c. Pre-fabricated metal carports shall not be permitted.
 - d. Subject property shall not have any covenants, conditions, or restrictions prohibiting carports. If such property has such restriction, but allows for exceptions if permitted by the homeowner's association architectural review, the Planning Director may consider such request consistent with the provisions stated herein.
 - e. Shall consist of similar architectural theme and constructed of materials consistent with the principal structure, including but not limited to support posts and roofing materials.
 - f. The carport shall be generally located to the side or rear of the principal structure. A carport shall not be located between the principal structure and the public right-of-way, unless the carport is architecturally integrated into the overall design of the principal structure, and only when approved by the Planning Director.

C. Multi-family Uses

1. Accessory carports are permitted when structurally integrated in the principal structure or free-standing structures with similar architectural materials and design of the principal structure. Metal roofing shall be permitted.
2. Accessory structures shall comply with the architectural standards of the district consistent with the principal structures.

D. Commercial and Industrial Uses

Accessory carports and accessory structures are permitted and shall comply with the canopy standards applicable to such zoning districts.

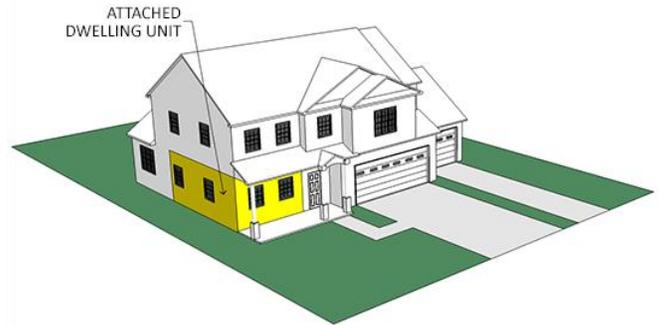
E. Agricultural Uses

Applicable to the Agriculture/ Conservation (A) zoning district and land in the City's ETJ subject to non-annexation development agreements pursuant to Section 212.172 and Section 43.035 of the Texas Local Government Code, accessory carports and accessory structures associated with agricultural land uses are permitted and may consist of metal or wood.

4.6.3 Accessory Dwelling Units

A. Attached Dwelling Units:

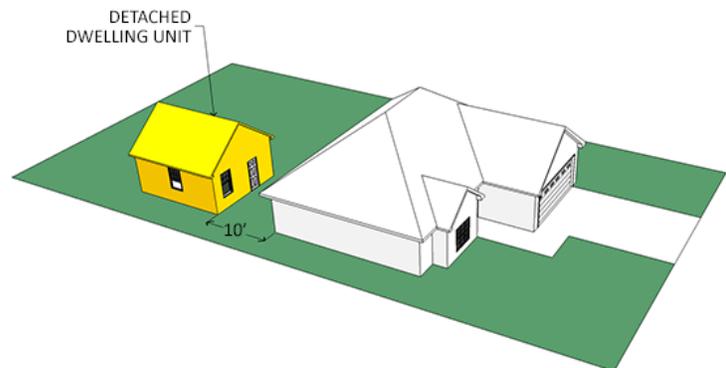
1. An attached dwelling unit shall be permitted provided the owner of the principal structure resides in the principal structure.



2. An attached dwelling unit, including a “casita”, shall be architecturally integrated into the principal structure with an appearance of one cohesive residence, and maintain the principal structure building setbacks.
3. In order to maintain an appearance of a single residential structure, exterior entrances should be limited to a common entryway. Where separate entrances are desired, only one entry point shall face the public street, with the additional entrance architecturally integrated into the design of the structure so that the door does not face, or its visibility is minimized, from view from the public street. Additional access from the attached dwelling unit to the rear yard shall be permitted, provided it is screened from public view.
4. The floor area of the attached dwelling unit shall not be greater in size than half of the first floor’s gross floor living area of the principal structure.
5. A garage for an accessory dwelling unit shall be located adjacent to the principal structure garage to provide an appearance of a cohesive garage. At no time shall garages be permitted on opposite sides of the principal structure unit.
6. An attached dwelling unit shall be considered an extension of a single-family detached structure and therefore shall be subject to the material and design requirements as required in Subchapter 9.

B. Detached Dwelling Units:

1. A detached dwelling unit shall be permitted provided the owner of the principal structure resides in the principal structure.



2. A detached dwelling unit shall generally be located behind the rear façade of the principal structure and comply with the accessory building setback encroachments provided in Section 4.2.4 D. of this Subchapter. A

detached dwelling unit, including a detached “casita” may be considered in front of the principal structure if the unit maintains the principal building setbacks, is architecturally integrated into the design of the principal structure to appear as one single residential structure, and is integrated as a component of a private courtyard.

3. A minimum 10-ft building separation shall be provided between the principal structure and a detached dwelling unit as measured from the footprint of each unit, unless each structure is connected via a “breezeway” or similar connected roofline. If the minimum building separation cannot be met, an alternative fire protection measure approved by the Building Official may be considered.
4. At no time shall a detached accessory dwelling unit have a separate water or wastewater meter, or be allowed to be subdivided from the principal lot. A detached accessory dwelling unit may be assigned a “Unit B” or similar type of assignment for emergency service purposes.
5. The detached dwelling unit floor area shall not be greater in size than half of the first floor’s gross floor living area of the principal structure.
6. A detached dwelling unit shall be considered an extension of a single-family detached structure and therefore designed with a cohesive architectural appearance as the principal structure, including but not limited to material type, material percentages, and general design. Nothing provided herein shall exempt the detached dwelling unit from complying with the material requirements provided in Subchapter 9.1 for a single-family detached structure.

C. Accessory Dwelling Unit in Non-Residential Zoning

One accessory dwelling unit shall be permitted in a nonresidential district, except the General Industrial (GI), only as required for the conduct or support of the operation of the nonresidential use such as the provision of custodial or security services, management or other essential service. The dwelling shall be located in the same building as the primary use and shall not be less than 600 square feet

4.6.4 Home Occupations

A home occupation is that accessory use of a dwelling that constitutes all or some portion of the livelihood of a person or persons living in the dwelling. Home occupations are subject to the following limitations:

- A. The primary business operations must be conducted entirely within a dwelling unit, with exception that minor fabrication or incidental storage of materials shall be allowed in an accessory building or workshop.
- B. They must employ only members of the immediate family of a resident of the dwelling unit.
- C. They may not have a separate exterior entrance for the business
- D. The home occupation shall not generate customer related vehicular traffic in excess of three vehicle trips per twenty four (24) hour day in the residential neighborhood.
- E. No equipment or materials associated with the home occupation shall be displayed or stored where visible from anywhere off the premises.

- F. A home occupation shall not be advertised by any signs on the premises, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio, or newspapers.
- G. In home day cares must not provide care for more than six children, who are not related by blood or marriage, or legal wards or foster children of the attendant adult. This use is subject to regulation by the Texas Department of Protective and Regulatory Services.
- H. The occupation shall not be a hazard to persons or property and may not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste run-off outside the dwelling unit or on the property surrounding the dwelling unit.
- I. A bed and breakfast is subject to the following additional regulations:
 - 1. A bed and breakfast shall be considered an accessory use to a single-family dwelling, in which no more than two (2) guests of the bed and breakfast may occupy a guest bedroom on the property overnight.
 - 2. The bed and breakfast shall be on the same site as an occupied building, maintain a residential appearance, and be the permanent residence of the proprietor.
 - 3. A guest bedroom, not located within the principal building, shall comply with the accessory dwelling unit requirements provided within this Subchapter.
 - 4. Each bed and breakfast establishment is permitted to a maximum of four (4) total guest bedrooms and common bathrooms within the principal building and/or accessory dwelling, excluding one (1) bedroom for the property owner. .
 - 5. One (1) smoke alarm shall be provided in each guest bedroom along with a fire extinguisher visible and be accessible to guests. One (1) smoke alarm shall be provided along the associated hallway leading to the guest bedroom.
 - 6. Cooking facilities such as a stove, counter-top burner, oven, microwave, hotplate, electrical griddle, toaster oven, or crock pot are not allowed in individual rooms.
- J. Prohibited Home Occupations. The following home occupations are prohibited:
 - 1. Barber, beauty, physical training and other personal services;
 - 2. Animal hospitals, stables or kennels;
 - 3. Dance studios, schools;
 - 4. Mortuaries;
 - 5. Private clubs;
 - 6. Repair shops;
 - 7. Restaurants;
 - 8. Automobile paint or repair shops;
 - 9. Doctor, dentist, veterinarian or other medically related office; or
 - 10. Rooming/Boarding House.

4.6.5 Outdoor Display and Storage

The following requirements apply to all outdoor display and storage in all nonresidential zoning districts. The following are not subject to these requirements: personal or recreational automotive sales (new or used), a florist, garden shop, landscape nursery or temporary uses as provided in Subsection 4.7.

A. Outdoor Display

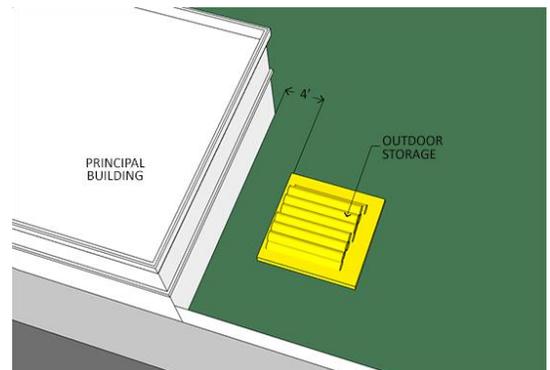
Outdoor display is the display of items actively for sale and shall adhere to the following standards:

1. Outdoor display of merchandise shall not occupy any required parking spaces, landscape area, pedestrian accessibility or fire lane.
2. Outdoor display shall not extend into public right-of-way or onto adjacent property and must be kept within 15 feet of the principal structure.
3. Outdoor display shall be displayed in a neat and orderly manner and maintained in a clean, litter-free manner.
4. Outdoor display may not be located on the roof of any structure.
5. The outdoor display area shall not exceed ten (10) percent of the square footage of the principal structure or 500 square feet, whichever is less. Outdoor home accessory sales are exempt from this requirement.
6. All sales of such merchandise shall be consummated indoors, and no cash register or package-wrapping counter shall be located outdoors.
7. The maximum height of merchandise shall not exceed four (4) feet with the exception of vehicle rental which may not exceed fourteen (14) feet in height. For vehicle rental or sales in the Light Industrial (LI) or General Industrial (GI) zoning districts the height is restricted to twenty-five (25) feet.
8. Outdoor display is not required to be screened.
9. Automotive parts and accessories shall not remain outdoors for more than 12 consecutive hours or will otherwise be required to follow the standards for outdoor storage.

B. Outdoor Storage

Outdoor storage is the storage of products or goods on a temporary to permanent basis and shall adhere to the following standards:

1. Outdoor storage areas are allowed for the purpose of storing goods for a nonresidential enterprise. All outdoor storage areas shall meet each required district building setback lines.
2. The location of outdoor storage areas shall be limited to the side or rear of the primary structure to which the facility belongs and a minimum 4' from the principal building. At no point shall materials be located in front of any portion of the principal building.



3. A six (6) foot masonry wall is required to screen outdoor storage when the property is located adjacent to property zoned more restrictive than the subject site, or when the storage is visible from a public right of way. This requirement is in addition to the requirements of Subchapter 11, except where there is conflict this provision controls.
4. Outdoor storage shall be prohibited on the roofs of structures.
5. The outdoor storage area shall not encroach upon the required off-street parking, pedestrian access, fire lanes and maneuvering areas of the site,
6. The outdoor storage area is limited to a maximum 1% of the square footage of the principal structure or tenant space, whichever is less, within office, retail, commercial zoning districts and the Campus Industrial (CI) district. With the exception of mini storage facilities which may provide for outside storage of vehicles (automobiles and recreational vehicles) to a maximum of 25% of the square footage of all structures on site, if the aforementioned screening is provided.

4.7 TEMPORARY USES

The temporary uses below are allowed which require certain controls in order to ensure compatibility with other uses in the district within which they are proposed for location. The particular temporary uses permitted are:

- A. Garage Sales
- B. Temporary sales of seasonal products
Temporary sales of seasonal products may be allowed subject to the following provisions:
 1. Issuance of permits for temporary outdoor sales of seasonal products shall be limited to areas with a base zoning of R, GB-1, GB-2 or any public or place of worship property.
 2. Proposed operations shall be subject to approval by a temporary permit issued by the Planning Director with a maximum duration of 45 consecutive days per calendar year with the exception of shaved ice operations which are limited to 120 days per calendar year.
 3. Shade structures, seating, trash receptacles and similar associated appurtenances shall be provided, but not be located within or cause interference with required parking spaces, driveways, alleys, fire lanes, public roads or sidewalks.
 4. During hours of operation, the permit holder shall be responsible for providing a trash receptacle for use by customers and shall ensure the area is kept clear of litter and debris at all times.
 5. A drive thru shall not be permitted.
 6. Signage must be provided in accordance with Chapter 154.
 7. With exception of white or colored string lights, exterior lighting shall be downcast and shielded so that the light source is not directly visible to passersby.
 8. The operation shall be generally self-sufficient with regards to water, sewer and electricity. Temporary connections to potable water and sanitary sewer are prohibited. Electricity shall be from a generator or an approved electrical

outlet via an approved portable cord that is in conformance with the Electrical Code as adopted by the City.

9. Off street parking must be provided on an improved surface and must not utilize the required spaces for any permanent businesses located on site.
10. Health permits and any other applicable county, state or federal permits shall be prominently displayed at all times.
11. Unless otherwise said within, approval of a temporary permit for said operation shall not exempt the use or permit holder from all applicable City ordinances including, but not limited to nuisance, noise, signage, lighting, etc.
12. The application for a temporary use shall also display a true copy of the sales tax permit required by state law which designates the point of sale. If the City is not the designated point of sale for sales tax purposes, such information shall be noted on the application.
13. All tents or similar temporary structures shall be approved by the fire marshal, prior to erection and inspected once constructed.
14. When approved by the Planning Director, a temporary permit may be issued for a food vendor when associated with an approved temporary event. The owner of the property on which a temporary food vendor is located must apply for and obtain a temporary use permit prior to the temporary food vendor commencing the preparation or sale of any food on the property.
15. Sales of Christmas trees may not begin prior to November 15th and must be cleaned and vacated by January 1st.
16. A general site plan is required with an application showing the following:
 - a. Adequate parking
 - b. Site location
 - c. Improved parking and driveway surfaces and must not interfere with the parking required for the existing retail or commercial use.
17. This provision does not apply to temporary outdoor services such as mobile blood banks, mammography screening, eye screening, or similar medical services.

C. Religious revival tents

1. All tents or similar temporary structures that are greater than 10'x10', 100 square feet or greater or are enclosed shall be approved by the fire marshal, prior to erection and inspected once constructed.
2. The location of the tent must be approved by the Planning Department prior to erection.

D. Temporary buildings and equipment for uses incidental to construction

Temporary buildings and equipment for uses incidental to construction work on premises are permitted in any zone but shall be removed upon the completion or abandonment of construction work. None shall be located on any public street or public right-of-way at any time during construction.

E. Temporary facilities for manufacturing concrete or concrete products

Temporary facilities for manufacturing concrete or concrete products may be located in any zoning districts where they are directly associated with

construction in the area. Retail sales of concrete products shall be prohibited in conjunction with temporary concrete plants. The production site must be returned to its preconstruction state following completion of the associated project.

F. Farmers' Markets

Temporary outdoor sales of products in an unrefined state, by a State Certified farmers' market may be operated for a maximum of two days per week and are permitted on:

1. Farmers markets shall be permitted on public properties and civic spaces approved by the Administrator, and private property within the A, CL4, or CL5 Districts, and
2. Private property in zoning districts within the Downtown District Overlay that allow for retail sales as a permitted use.
3. The market is not required to be located within a paved parking lot but should be accessible to a paved parking lot for use by visitors of the market. When located within a paved parking lot, the market shall not occupy more than 10 percent of the required number of parking spaces on private property. The market may not be located within drive aisles, fire lanes or parking setbacks, and in no case shall the market be located within the public right-of-way.
4. The market must comply with Chapter 154 Signs of the City Code.
5. The market must be approved by the City prior to location or sales.

G. Temporary Residential Sales Offices and Model Homes

The following regulations shall apply to the conduct of temporary residential sales offices and model homes within residential zoning districts:

1. Temporary residential sales offices and model homes may be located within a residential district as part of an ongoing residential development; however, they shall only be located at the end of a residential block on the periphery of a subdivision or at the entrance to a subdivision.
2. Temporary residential sales offices, not otherwise serving as a model home, are not subject to design standards of this Chapter.
3. Must be either a model home or temporary structure that will operate for a period of time determined by the operator and the Administrator.
4. Any temporary residential sales office or model home shall be removed or converted to a use permitted within the district when certificates of occupancy have been issued to 95 percent of the associated residential units or when use as a sales office or model home has ceased whichever is earlier.
5. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased and upon sale of the home.

H. Nonprofit Seasonal Fundraisers

Nonprofit seasonal fundraisers are intended for local nonprofit, locally recognized charitable groups to conduct seasonal fundraisers with the following provisions:

1. This article shall apply to only seasonal or periodic fundraisers conducted by nonprofit or charitable institutions. At least eighty (80) percent of the net proceeds from each fundraiser must go directly to the nonprofit group or charitable cause represented. Examples of fundraiser events permitted under this article are pumpkin sales, booster club carwashes, and public school sponsored concessions.
2. Solicitation in the public right-of-way, including street medians, is prohibited.
3. The sale of used clothing and/or accessories, used furniture, used household and/or sporting goods is prohibited except for place of worship or school sponsored events located and managed at the school or place of worship location that is benefiting from the proceeds.
4. A permit issued by the city building inspection department shall be required for any nonprofit charitable fundraiser selling/handling onsite prepared food to ensure the health, safety and welfare of the volunteers and of the public. These provisions do not apply to the sale of prepackaged, sealed food(s) (example, Girl Scout cookies). Any sponsor or organization making application for permit approval to conduct a fundraiser shall submit a written application for a permit that shall include:
 - a. The name and address of the applicant.
 - b. The application shall show satisfactory written proof of the applicant's authority to represent the organization or sponsor the applicant represents.
 - c. The name and address of the sponsor or organization represented by the applicant.
 - d. The kinds of goods to be sold or services to be offered at the event.
 - e. The dates and times of the event.
 - f. The location of the event and the traffic access and circulation planned.
 - g. Evidence that the required conditions of this article have been met.
5. Any fundraiser shall provide evidence to the city, upon request, that the following regulations have been met:
 - a. Written permission from the property owner for the dates, times, and activities approved by the owner to be conducted on the premises.
 - b. A temporary access barrier is provided when necessary to prohibit pedestrian or vehicular traffic from imposing on any adjacent residential uses and approved by the fire marshal.

6. Nonprofit festivals shall provide the following site facilities for the duration of the event:
 - a. Adequate, available off-street parking.
 - b. A safe access driveway and traffic circulation plan approved by the Planning Department.
 - c. Electrical permits, plumbing permits, sign permits, and other permits as applicable that are required by code.
 - d. Health permits (food handlers), any other county, state, or federal permits are prominently displayed.
 - e. Bathroom facilities for employees/volunteers.
 - f. Handicapped accessibility compliance when applicable.

I. Commercial Amusement

Commercial Amusement uses/activities may be allowed subject to the following provisions:

1. Issuance of permits for temporary commercial amusement shall be limited to areas zoned for retail or commercial uses or any public or place of worship property.
2. Proposed operations shall be subject to approval by a temporary permit issued by the Planning Director with a maximum duration of 14 consecutive days per event. A one-time extension of 14 days may be granted by the Planning Director.
3. Shade structures, seating, trash receptacles and similar associated appurtenances shall not be located within or cause interference with required parking spaces, driveways, alleys, fire lanes, public roads or sidewalks.
4. During hours of operation, the permit holder shall be responsible for providing a trash receptacle for use by customers and shall ensure the area is kept clear of litter and debris at all times.
5. Signage must be provided in accordance with Chapter 154.
6. Exterior lighting shall be downcast and shielded so that the light source is not directly visible to passersby.
7. The operation shall be generally self-sufficient with regards to water, sewer and electricity. Temporary connections to potable water and sanitary sewer are prohibited. Electricity shall be from a generator or an approved electrical outlet via an approved portable cord that is in conformance with the electrical code as adopted by the City.
8. Off street parking must be provided on an improved surface approved by the Administrator, and must not utilize the required spaces for any permanent businesses located on site.
9. Health permits and any other applicable county, state or federal permits shall be prominently displayed at all times.
10. Unless otherwise said within, approval of a temporary permit for said operation shall not exempt the use or permit holder from all applicable City ordinances including, but not limited to nuisance, noise, signage, lighting, etc.
11. All tents or similar temporary structures shall be approved by the fire marshal, prior to erection and inspected once constructed.

12. The owner of the property on which a temporary food vendor is located must apply for and obtain a temporary use permit prior to the temporary food vendor commencing the preparation or sale of any food on the property.
13. A general site plan is required with an application showing the following:
 - a. Parking sufficient for the proposed amusement as well as any existing permanent use on site
 - b. Site location and layout
 - c. Improved parking and driveway surfaces and must not interfere with the parking required for the existing retail or commercial use.

4.8 WIRELESS TELECOMMUNICATION FACILITIES (WTF)

A. General Conditions of Use

1. Wireless telecommunication facilities (WTF) are limited to freestanding monopoles, self-enclosed monopoles, stealth and attached WTFs to existing buildings or structures.
2. All WTFs above 75' shall be structurally designed for the co-location of multiple carrier antenna arrays.
3. All new construction of WTF monopoles exceeding seventy-five (75) feet in height shall be screened, around the base of the pole and related appurtenances, with a masonry wall of a height no less than six (6) feet.
4. The new construction of freestanding monopoles and stealth facilities shall follow the site development and building permit processes.
5. Unless authorized by a specific use permit, all wireless telecommunication facilities in the City Limits, where permitted by right with land use conditions in the applicable zoning district, shall conform to the provisions stated herein.

B. Collocations

1. The collocation of antennas on existing, legal non-conforming wireless telecommunication facilities shall not be considered an expansion of a non-conforming use, structure, or site as defined in Subchapter 6, provided the expansion of the WTF does not increase the height of the tower for which it is situated.
2. Provided the collocation of antennas does not increase the height of the tower for which it is situated or require additional structural engineered support at the base of the tower that substantially change its physical dimensions, the co-location of antennas on existing WTF towers shall not require a site development permit or building permit.
3. If attached directly to the vertical side(s) of a building or structure other than a monopole, the attached WTF antennas and related appurtenances shall be painted to blend in with the structure for which it is attached.

C. Setback and Heights

1. Any WTF equal to or less than fifty (50) feet in height shall have a minimum setback from the right-of-way equal to the height of the tower.
2. In General Business 1 (GB1) and General Business 2 (GB2) zoning districts, wireless telecommunication facilities may not exceed seventy-five (75) feet in height and have a minimum setback from any single-family residentially zoned property line or conforming single-family use, and arterial and freeway rights-of-way, a minimum distance equal to three (3x) times the maximum height of the tower, unless otherwise permitted by a specific use permit.
3. In Agricultural/Conservation (A), General Industrial (GI), Light Industrial (LI), Campus Industrial (CI), Corridor Urban Level 4 (CL4), and Corridor Urban Center Level 5 (CL5) zoning districts, WTFs may extend to a height of not more than one hundred fifty (150) feet in height, provided the monopole tower is setback from any single-family residentially zoned property line or conforming single-family use, and arterial and freeway rights-of-way a minimum distance equal to three (3x) times the maximum height of the tower, unless otherwise permitted by a specific use permit.
4. Any attached WTF on a roof of an existing building shall not exceed fifteen (15) feet in height above the top plate of the building.
5. Setbacks from roadways shall be measured from the edge of the right-of-way to the base of the pole. Setback distances shall not apply to antenna attachments to building rooftops, water utility tanks or other existing vertical infrastructure.

D. Prohibitions - The following are prohibited or restricted within the City Limits:

1. Interference with City and public safety communication systems and/or area television or radio broadcast;
2. Lattice towers
3. Advertising signage is prohibited, with the exception of the minimum signage required by the Federal Communications Commission (FCC) regulations or necessary for the operation of WTF.
4. The use of guy wires are prohibited unless utilized in conjunction with an attached WTF to an existing building.

4.9 MOBILE FOOD VENDOR (MFV)

- A. Mobile Food Vendors (MFV) shall only be permitted in approved Mobile Food Parks (MFP) as provided within this Subchapter, with exception to the following:
1. Temporary shaved ice establishments, as otherwise permitted within this Subchapter;
 2. Temporary vendors permitted by the City of Pflugerville for park concessions or at a temporary event;
 3. Neighborhood “ice cream truck” vendor meeting the following standards:

- a. Retail sales of only pre-wrapped or prepackaged ice cream, frozen yogurt, frozen custard, or similar frozen dessert products.
- b. No ice cream truck shall stop for the purpose of making sales for more than 15 minutes in a single location.
- c. An ice cream vendor in a motor vehicle shall pull as far as practicable to the right side of traffic when stopping for the purpose of making sales and shall operate four-way flashers when so stopped. In no event shall an ice cream vendor stopped for the purpose of making sales prevent the passage of other motor vehicles on the rights of way.
- d. Each ice cream vendor shall provide a rubbish receptacle for use of its customers. Prior to leaving each stop, the operator shall remove any litter left at the stop by customers.
- e. Ice cream vendors may stop for the purpose of making sales only between the hours of 11:00 a.m. and 9:00 p.m. Monday – Sunday.
- f. Use of sound to encourage patronage shall be subject to and comply with noise requirements outlined in Chapter 94 of the Code of Ordinances. Use of a horn to encourage patronage shall be prohibited and considered a nuisance.

B. The following shall be applicable to all MFVs:

1. Operators shall have a valid food establishment permit and must be annually permitted through the City of Pflugerville. They shall operate from a permitted commissary for food preparation, storage, and disposal.
2. Operators shall comply with all applicable requirements from the City, County, and State including, but not limited to the Texas Food Establishment Rules, and sales tax requirements.
3. A MFV utilizing sound to encourage patronage shall be subject to and comply with noise requirements outlined in Chapter 94 of the Code of Ordinances. Use of a horn by a MFV however to encourage patronage shall be prohibited and considered a nuisance.
4. At no time shall a MFV conduct door to door sales. Solicitation for advertising purposes shall be subject to Chapter 111 of the Code of Ordinances.
5. Nothing written herein shall prevent a MFV from obtaining necessary permits when participating in a temporary event, and nothing written herein shall supersede another section of the Code of Ordinances.
6. All MFV vehicles shall clearly identify the business name and a valid contact telephone number on both sides of the vehicle.

4.10 MOBILE FOOD PARK (MFP)

A Mobile Food Park (MFP) is permitted as outlined in Tables 4.3.2 and 4.4.2, and subject to the following standards and limitations:

A. Mobile Food Parks Generally

1. A MFP shall be allowed to remain open during times that the Texas Alcohol Beverage Control permits on-premise sale or service of alcoholic beverages. At no point shall an MFP remain open for 24-hours.
2. The standards and limitations in this section are in addition to all other applicable standards within the Code of Ordinances. Any applicable standards not expressly detailed in this section shall apply.
3. If a MFP is proposed on a site that requires a new utility connection or if a permanent structure is being constructed, the property must be platted pursuant to Subchapter 15.
4. The commercial design standards in Subchapter 9 of this Code shall apply to any permanent structure on the site. These standards do not apply to any food truck and/or trailer.

B. Distance Requirements

With exception of the Downtown District, no MFP shall be located within 200 feet of a conforming single-family residential dwelling unit, or fifty (50) feet of a restaurant establishment that is operating out of a permanent structure. The distances shall be measured as a buffer distance from the proposed MFP property lot lines.

C. Site Dimensional Standards

1. The number of MFV spaces allowed on a site shall be calculated at one (1) vendor space per 1,000 square feet of lot space. The minimum number of vendor spaces shall be two (2). The maximum number of vendor spaces allowed on any site shall be limited to ten (10), except that a request may be made to the Planning Director to approve an alternative number of vendors spaces. Vendor spaces do not need to be occupied at all times, but they must be shown and designed during the site plan process.
2. Only one (1) MFV is permitted to occupy each vendor space on a site. The maximum number of MFVs allowed on a site is ten (10), unless the Planning Director approves an alternative number to coincide with the alternative number of approved vendor spaces.
3. No MFV, permanent structures, or seating areas shall be located within the required building setbacks of the applicable zoning district.
4. There shall be a minimum of ten (10) feet of separation between each individual MFV, and a minimum of twenty (20) feet of separation between any MFV and a permanent on-site structure.

5. A MFV shall remain outside of a required fire lane, be located a minimum of 3' from any site fire hydrant and shall not block access to a Fire Department Connection (FDC).
6. A MFP shall establish suite numbers for each MFV space for locating and record keeping requirements.
7. No vehicle drive-through services shall be permitted within a MFP.
8. During hours of operation, each MFV shall be responsible for providing a trash receptacle for use by customers and shall ensure the area is kept clear of litter and debris at all times. A common dumpster may be provided within the MFP if the dumpster is screened in accordance with Subchapter 11 and is in an approvable location.
9. Nothing herein shall prohibit a MFP from establishing or utilizing a permanent structure for indoor seating, entertainment venue, or similar purposes provided the structures comply with all applicable requirements, including but not limited to building and fire department requirements.
10. With exception of the Downtown District, a MFP shall obtain vehicle access from a collector or arterial street.

D. Site Design Standards

1. A detailed site plan shall be required for the approval of a mobile food park. At a minimum, the site plan must show the location of, and detail, the following items:
 - a. Each Mobile Food Vendor with appropriate separation distances;
 - b. Outdoor grills, fryers, or smoker pad sites;
 - c. Utility connections, including electric, gas, water, and sewer;
 - d. On-site lighting;
 - e. Activity areas, including playground, movie screen, stage or similar areas;
 - f. Restrooms and hand washing facilities;
 - g. Designated customer seating areas;
 - h. ADA access to parking, vendors, and restrooms;
 - i. Proposed parking areas including on-site and off-site spaces;
 - j. Fire lanes and apparatus routes;
 - k. Dumpsters and service vehicle access for waste removal, moving vendor trailers, etc.
2. Access to a MFP shall be through a single, all weather surface driveway directly connected to a public street, with a maximum driveway width of 35 feet. Where on-site parking is proposed near a driveway, a minimum throat distance of 50 feet shall be provided unless otherwise reduced by the City Engineer.

3. All mobile food vendors, outdoor fryers, grills, and smokers shall be placed on an approved all-weather surface and identified on the site plan.
4. Venues for live music, art performances, movies or similar activities shall be subject to the provisions provided herein, with the proposed location identified on the site plan.
5. In order to improve safety, individual electrical generators shall be prohibited. All electrical services necessary to serve a MFV or MFP shall be provided through permanent on-site connections. Aerial electrical line extensions shall be prohibited.
6. A MFP shall be designed with individual electric connections installed at each MFV space. Individual electric service outlets with lockable connection boxes shall be installed at each space through approved underground utility line extensions.
7. Where individual propane tanks will be utilized, a valid invoice from a Certified Master Plumber indicating an annual pressure test has been successfully completed shall be provided for each MFV. In lieu of individual tanks, a centralized propane tank may be considered within an MFP if the Planning Director and Fire Department approve the location, and it is designed to provide individual service to all MFV spaces through underground extensions.
8. Customer seating shall be provided at a minimum rate of four (4) seats per individual vendor, and may be grouped within the MFP. Seating areas may be located within a permanent building or under a shade structure, provided said building or structure meets all minimum building and fire code requirements. Where outdoor seating is proposed, the surface shall consist of turf grass, crushed granite, pavement, mulch, or other improved surface, as approved by the Planning Director.
9. Use of temporary tents shall require individual approval from the Fire Department.
10. Nothing provided herein shall exempt or preclude compliance with all other provisions of the Code of Ordinances, International Building Code, or other requirements (e.g. Fire Department) to protect health, safety and general welfare.

E. Lighting

On-site lighting shall be provided within a MFP and shall be in accordance with Subchapter 13, with exception that string lights shall be permitted throughout a MFC when a colored or warm white light is utilized. String lights shall adhere to the UL standards and shall not be placed in a manner which would establish a safety issue.

F. Parking

1. The required number of off-street parking spaces shall be calculated at a rate of two (2) parking spaces per Mobile Food Vendor, provided however that an alternate parking plan may be completed pursuant to Subchapter 10. In the Downtown District, spaces in the right of way within 200 feet of the site, or surface lots within 400 feet of the site may be used in obtaining the required spaces. Where right of way parking within 200 feet of the site is not currently provided, but could be established to meet the minimum required parking spaces for a MFP, those spaces shall be constructed with the mobile food park.
2. If the MFP site plan identifies available space on-site for employees and/or towing vehicles to park, then the Planning Director may approve a reduced number of required parking spaces.
3. All patron vehicular parking shall be provided on an all-weather surface as approved by the Planning Director.

G. Signage

1. One (1) monument sign shall be permitted for the entrance to the site. This sign shall comply with all applicable City requirements.
2. Each mobile food vendor within a MFP may have signs mounted to their vehicle and/or trailer. All vehicle and trailer signage shall be mounted flush to the outside surface of the vehicle.
3. Each mobile food vendor within a MFP may have one (1) "A-frame" sign, not to exceed three (3) feet in height, immediately adjacent to their vehicle for the purpose of displaying a menu or special advertisement.
4. If the MFP is located within any special zoning district, additional standards may apply pursuant to the requirements of that zoning district.

H. Restroom facilities

1. Each MFP shall provide facilities to accommodate for a minimum of two (2) restrooms. Where portable restroom facilities are utilized, said facilities shall be professionally cleaned a minimum of three times per week. Preference is given to self-contained, portable restroom facilities constructed within an enclosed cargo trailer or similar. Other temporary portable restroom facilities may be considered by the Planning Director.
2. The restroom facilities should be equipped with hand washing facilities, or at a minimum, hand sanitation stations shall be provided at the restroom facility and throughout the MFP.

I. Venues

1. Playgrounds, movie areas, stages for musical or art performances, or similar are encouraged within a MFP. Said areas shall be oriented away from neighboring uses to reduce noise and light, and potential nuisance.
2. Nothing stated herein shall exempt the venue from complying with Chapter 94 of the Code of Ordinances.

Subchapter 5 RESERVED

Subchapter 6 RESERVED

Subchapter 7 RESERVED

Subchapter 8. NONCONFORMITIES

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Section 8.1 General

8.1.1 Purpose

The purpose of this Chapter is to regulate the continuation, maintenance, modification, replacement and termination of legally established uses, lots, structures, and sites that no longer conform to the provisions of this Code.

8.1.2 Authority

The provisions of this Chapter are adopted pursuant to Texas Local Government Code Chapters 43, 211 and 212 and the City Charter.

8.1.3 Applicability

The provisions of this Chapter shall be applicable to any use, lot, structure, and site within the City's incorporated limits and extraterritorial jurisdiction that is not compliant with current zoning regulations, where applicable.

8.1.4 Nonconforming Status

- A. Determination of Nonconforming Status. Determination of nonconforming status shall be made by the Planning Director or their designee, subject to appeal to the Board of Adjustment as outlined in Subchapter 3 of this Code.
- B. Legal Nonconforming Status
 - 1. A structure, lot, site, or use which was lawfully in existence, constructed, and located on the effective date or applicability of this Code or any amendment thereto or was legally constructed to meet previous requirements of this Code and has been in regular and continuous use, but which does not conform to the current requirements of this Unified Development Code, shall be granted legal nonconforming status, except as specifically exempted or prohibited by other sections of this Subchapter. A legal nonconforming structure, lot, site, or use may remain or continue, subsequent to the effective date of this Code and any amendments thereto, provided that such continuance is in accordance with the provisions of this Subchapter and all other applicable codes of the City.
 - 2. The violation of any of the provisions of one or more of the following ordinances or requirements may cause the Planning Director or their designee to terminate the legal right to operate such nonconforming structure, lot, site, or use, subject to appeal to the Board of Adjustment pursuant to Subchapter 3 of this Code:
 - a. Constructing, maintaining or operating a use conducted in or associated with a building or structure erected without a permit from the City;

- b. Operating a use or occupying a building or structure without a valid certificate of occupancy from the City;
- c. Operating a use in violation of a valid certificate of occupancy;
- d. Unlawful expansion of a nonconforming use, lot, site, or structure;
- e. Any other violation of this Code as determined by the Planning Director or their designee.

8.1.5 Illegal Nonconforming Status

A structure, lot, site, or use that is in violation of the requirements of this Code and was constructed or established since the adoption of this Code without the necessary approvals, permits, or authorizations from the City is considered illegal nonconforming. The owner and/or operator of an illegal nonconforming structure, lot, site, or use shall be subject to actions and penalties allowed by this Code and all other applicable City ordinances and shall be required to correct the nonconforming situation to come into conformance with all applicable standards and regulations of this Code.

8.1.6 Types of Nonconforming Situations

The following are types of nonconforming situations for which nonconforming status shall be determined:

- A. Nonconforming Uses;
- B. Nonconforming Lots;
- C. Nonconforming Structures; and
- D. Nonconforming Sites.

8.1.7 Ownership

The lawful change of ownership of a nonconforming situation without any change in land use shall not cause the loss of legal nonconforming status.

8.1.8 Reversal Prohibited

Once a nonconforming use, structure, site, or lot has been changed to conform to the provisions of this Code, the use, structure, site, or lot shall not thereafter be changed so as to be nonconforming again. Once a nonconforming use, structure, site, or lot has been changed to more nearly conform with the provisions of this Code, the use, structure, site, or lot shall not thereafter be changed so as to be less conforming again.

8.1.9 Legal Nonconforming Status for Newly Annexed Territory

After annexation of an area, a person may continue to use the land in the newly annexed area in the same manner in which the land was used on the date annexation proceedings were instituted if the land use was legal at the time. Territory annexed into the city may continue as

provided in subsections (a) and (b) of the Local Government Code § 43.002, except as provided in subsection (c) thereto.

8.1.10 Exemptions

- A. Residential Structures.
Any residential dwelling or dwelling unit which meets the conditions for nonconforming status as set forth in Section 8.1.4 of this Subchapter shall be exempt from any and all of the restrictions, limitations and conditions contained in Subsection 8.2 and 8.4 and 8.5 of this Subchapter concerning nonconforming uses and nonconforming buildings. Such nonconforming use shall continue until the use is abandoned as defined by Section 8.1.11 of this Subchapter. If, at any point, the nonconforming residential use is converted to a commercial use, it may not revert to a residential use except upon a zoning reclassification, as provided for by Subchapter 3 of this Chapter.
- B. Prior Construction Plans.
Nothing contained herein shall require any change in the plans, construction, or designated use of a building legally under construction or for which a permit for construction has been issued at the time of passage of this Code or amendments. Construction may be completed in accordance with the terms of the permits, so long as those permits were validly issued and remain unrevoked and unexpired.
- C. Prior Undeveloped Site Plans.
Nothing contained herein shall require any change in the plans and subsequent construction of a site subject to an approved and valid, but undeveloped, site plan at the time of passage of this Code or amendments. Construction may commence in accordance with the terms of the site plan and any required permits, so long as those permits were validly issued and remain unrevoked and unexpired. If a site plan has expired or, in the case of a phased site plan, the construction of subsequent phases has not commenced prior to expiration, this exemption shall not be applicable.
- D. Prior Approval Granted.
Structures, lots, and sites that are nonconforming due to prior variance, administrative waiver, or other approval shall not be subject to the provisions of this Subchapter, but shall conform to the terms and processes of their approval.
- E. Governmental Acquisition of Property.
A lawful structure, lot, site, or use that is made noncompliant regarding any requirement of this Code due to the acquisition of property by eminent domain, dedication, or purchase by a city, county, state, or federal agency shall be deemed legally nonconforming. Such exemption shall apply only to noncompliance that is a direct result of the acquisition of right-of-way.
- F. Accessory Structures for Agricultural Purposes.
The provisions of this Subchapter shall not prevent the repair, restoration, replacement, or construction of accessory structures necessary for or directly

related to agricultural purposes on site zoned as Agricultural/Conservation (A), including, but not limited to, barns, shelters, sheds, or other structures. A second dwelling unit in an Agricultural/Conservation district shall not be considered an accessory structure for the purposes of this provision.

8.1.11 Abandonment of a Nonconforming Situation

A. Effect of Abandonment

Abandonment of a legal nonconforming situation shall result in the loss of the existing legal nonconforming status previously granted. All use of the premises shall cease and any future use of the premises may only occur as provided for in this Subchapter.

B. Determination of Abandonment

1. A legal nonconforming use shall be considered abandoned after the nonconforming use has not occupied the building or site for a period of six (6) months or more.
2. A legal nonconforming structure shall be considered abandoned after the structure has been vacant for a period of six (6) months or more.
3. A legal nonconforming site shall be considered abandoned after the site has been vacant for a period of six (6) months.
4. Occurrence of one or more of the following situations shall be a sign of vacancy or lack of occupancy for the purposes of determining abandonment, when the intention of the owner to discontinue the use is apparent:
 - a. The building, structure, activity or land has been unoccupied or out of use;
 - b. One or more utility accounts have been discontinued;
 - c. Utility meters are removed;
 - d. Taxes are delinquent on the property;
 - e. The site or structure has not been maintained;
 - f. The unit has not been made available for occupancy;
 - g. The characteristic equipment and furnishings of a nonconforming use have been removed from the premises; or
 - h. A nonconforming use has been replaced by a conforming use.
5. All of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole for the purposes of determining abandonment. A multi-tenant site, building or shopping center shall be considered occupied for the purposes of this Subchapter, provided it remains at least 30% occupied. The failure to rent one space in a nonconforming building or on a nonconforming site shall not result in a loss of the right to rent space thereafter so long as the building or site as a whole is continuously maintained and at least 30% of the units remain rented.
6. The time period for determining abandonment shall exclude any period of discontinuance of use caused by government actions impeding access to the premises without any contributing cause by the owner of the legal nonconforming use, site, or structure.

8.1.12 Variance Not Precluded

Nothing within this Subchapter precludes the application for and approval of a variance meeting the standards for such under Subchapter 3 of this Code.

8.1.13 Certificate of Nonconforming Use, Structure, and Site

The owner of a nonconforming use, structure or site shall register such nonconforming use, structure or site by filing a registration statement and shall contain the following items.

A. General

Such registration may be made on behalf of the owner by any person, firm, corporation or other entity which has a legal or equitable interest in the nonconforming use or structure. Registration statements shall require a disclosure of the complete ownership of the land and/or structure and shall be in such form and require the furnishing of such information and representation as are needed to show the following:

1. That the use, structure or site was lawfully established prior to the effective date of the applicable regulations.
2. That the use, structure or site has been continuously maintained since it was established.
3. That the use, structure or site has not been abandoned.

B. Denial of Registration

The Planning Director may deny any registration if it appears that the documents relied thereon are not valid, or that the documents produced do not show the existence of a prior nonconformity in accordance with the criteria set forth in subsection A., immediately above. The applicant may appeal this determination to the Board of Adjustment in accordance with Subchapter 3 of this Chapter.

C. Amendment

At any time after registration, upon application to the department of Planning Department and with the written consent of the owner affected thereby, a registration statement may be amended to indicate changes in ownership. A copy of each registration statement shall be returned to the owner and a copy filed among the records of the department. The Planning Director shall accept and file all tendered registration statements within the permitted time period, but the acceptance of such statements shall not constitute an authorization to operate an unlawful use or structure. The filing of a false registration statement with the department shall constitute a violation of this chapter.

D. Time Period for Registering

The owner of a use, structure or site which is rendered nonconforming as a result of the adoption of this chapter shall have one (1) year from the effective date of this chapter to register such nonconformity. The owner of a use, structure or site which is rendered nonconforming as a result of a city-initiated rezoning project or in newly annexed territory, subsequent to the adoption of this chapter is permitted one (1) year after the effective date of the rezoning to register such nonconformity. Provided, however, that after the time periods prescribed above, nonconforming rights may be established only upon submission by the owner of

sufficient evidence for the Planning Director to find that the nonconformity existed prior to the date of rezoning and was in legal compliance with all applicable laws.

E. When Registration Not Required

It is not required to register a use, structure or site that is made nonconforming by any governmental action other than annexation or rezoning, including condemnation.

8.1.14 Termination of Nonconforming Situation

The right to operate or maintain a nonconforming situation may be terminated by the Board of Adjustment in accordance with the provisions of this Subchapter. Any appeal of the termination of nonconforming rights under this Subchapter shall be made to district court within 30 days of receipt of written notice of the termination by the Board of Adjustment.

Section 8.2 NONCONFORMING USES

8.2.1 Nonconforming Uses Generally

A nonconforming use is one that is not permitted within the zoning district assigned to the property upon which the use is located. In addition, a use located in a zoning district in which it could lawfully locate with the approval of a specific use permit but lacking such a permit or a use allowed with land use conditions per Subchapter 4 that does not conform to such conditions shall also be considered nonconforming. Those nonconforming uses lawfully existing and located on the property on the effective date or applicability of this Code or subsequent amendments thereto shall be considered legal nonconforming uses.

8.2.2 Elimination of Nonconforming Use Status

The owner of a nonconforming use may employ the following mechanisms in an attempt to eliminate the nonconformity:

- A. Replacing the nonconforming use with a conforming use;
- B. Rezoning to a district where the use is permitted by right;
- C. Obtaining a specific use permit, provided the use is listed as one that would be allowed in the zoning district with a specific use permit;
- D. Complying with the applicable land use conditions, provided that the primary land use is listed as one that is allowed in the zoning district subject to conditions set forth in Subchapter 4; or
- E. Obtaining a special exception from the Board of Adjustment, pursuant to Subchapter 3 of this Code, if the special exception is allowed by this Code and would make the use legal non-conforming.

8.2.3 Change of Use

- A. A nonconforming use may be replaced by the same use provided that use has not been abandoned.
- B. A change of use occurs when the current use of a site or structure is replaced with a use that is not listed as the same use in the land use tables in Subchapter 4.
- C. The Board of Adjustment may approve the change of a non-conforming use to a new non-conforming use as a special exception pursuant to Subchapter 3 and this sub-section of the Code.
 - 1. In order to approve a special exception under this sub-section the Board of Adjustment must find that the degree of negative impact of the proposed non-conforming use to the surrounding area is less than the degree of negative impact of the existing non-conforming use. Specifically, the Board of Adjustment must find all of the following:
 - a. The noise that will be generated by the proposed use shall be less than the noise generated by the existing use.
 - b. If the non-conforming use is in a residential district with the exception of multifamily zoning, the traffic generated by the by the proposed use shall be less than the traffic generated by the existing use.
 - c. The light pollution generated by the proposed use shall be less than or equal to the light pollution generated by the existing use.
 - d. The proposed use is more compatible with the existing and future use of land in the surrounding area than is the existing use.
 - 2. In order to better assure that the degree of negative impact of the proposed non-conforming use to the surrounding area is less than the degree of negative impact of the existing non-conforming use the Board of Adjustment may impose the following requirements:
 - a. Set hours and day of operation;
 - b. Limited square footage occupied;
 - c. Specify minimum/maximum off-street parking required; and
 - d. Specify requirements to reduce noise and light pollution.
 - 3. In granting a special exception under this sub-section, the Board of Adjustment shall issue an order memorializing its finding and requirements. The order shall be non-severable.
- D. In no event may a change of use occur that would allow a use that would increase the degree or intensity of nonconformity or result in the expansion of any existing nonconforming situation or the creation of any new nonconforming situation.

8.2.4 Abandonment of Nonconforming Use

In the event a nonconforming use is determined to be abandoned, the structure or site shall thereafter only be occupied in accordance with the provisions of this Code. See Section 8.1.11 of this Subchapter for the time frame for the determination of abandonment.

8.2.5 Expansion of a Nonconforming Use

- A. A legal nonconforming use shall not be expanded, enlarged, or increased.
- B. A legal nonconforming use shall be considered enlarged, expanded, or increased if the construction is:
 - 1. Increasing the square footage of the building housing the nonconforming use;
 - 2. Expanding the square footage occupied by a nonconforming use within an existing building;
 - 3. Occupying a greater portion of the tract on which the use is located;
 - 4. Construction of additional buildings associated with the nonconforming use; or
 - 5. Increasing the scope, volume, or intensity of the use in a significant way.

8.2.6 Destruction or Damage of Structure Housing Nonconforming Use

- A. Natural or Accidental Causes
 - 1. Whenever the structure in which a legal nonconforming use is housed, operated, or maintained is damaged or destroyed by natural or accidental causes to the extent of more than fifty (50%) percent of the appraised value of the structure on the date of the damage, the right to operate such nonconforming use shall cease unless a special exception is granted by the Board of Adjustment, pursuant to Subchapter 3 of this Code.
 - 2. In the event that a structure in which a legal nonconforming use is housed, operated, or maintained is partially damaged or destroyed, such that the damage does not exceed fifty (50%) percent of the appraised value of the structure on the date of the damage, the nonconforming use shall be allowed to continue and the structure may be rebuilt upon issuance of a building permit by the Building Official.
 - 3. Permitting for any allowed reconstruction of the structure must thereafter commence within six (6) months of the damaging event and reconstruction shall be completed, as determined by issuance of a certificate of occupancy, within one year of the event. The timeframes herein may be extended for good cause as proven to the Planning Director, provided there is no adverse effect on the community.
 - 4. A structure restored under this Subsection must be restored or reconstructed so as to have no greater gross floor area, building footprint or height as the damaged or destroyed structure and shall be constructed in accordance with the current architectural standards of the respective zoning

for which the use located. The property owner has the burden of proof to establish the dimensions of the structure immediately prior to the damage or destruction.

5. The value of the structure and the percent value lost due to any destruction shall be determined according to the appraised value.

B. Intentional Destruction

A legal nonconforming use terminates when the structure housing the nonconforming use is destroyed by the intentional act of the owner or his agent.

8.2.7 Nonconforming Wireless Telecommunications Facilities

Additional telecommunications antennae and necessary equipment may be attached to a preexisting nonconforming telecommunications tower provided the addition causes no expansion of the footprint or height of the tower and meets the requirements of Subchapter 4 of this Code.

Section 8.3 NONCONFORMING LOTS

8.3.1 Nonconforming Lots Generally

A nonconforming lot is a lot of record that does not meet the minimum area or dimensional requirements of the zoning district in which the lot is located. Those nonconforming lots lawfully existing on the effective date or applicability of this Code or subsequent amendments thereto shall be considered legal nonconforming lots.

8.3.2 Use of a Nonconforming Lot

A legal nonconforming lot may continue to exist indefinitely and may be developed and used as if it were a conforming lot, provided the proposed use is permitted and all development standards of the applicable zoning district of this Code are met. This provision does not preclude a landowner from seeking a variance or other exception from zoning requirements under other sections of this Code.

8.3.3 Elimination of Nonconforming Lot Status

The owner of a nonconforming lot may employ the following mechanisms in an attempt to eliminate the nonconformity.

- A. Combine the lot with an adjacent property to conform to current standards;
- B. Apply for a subdivision waiver, pursuant to Subchapter 15 of this Code, to allow the lot as is; or
- C. Rezone to a district where the lot would conform.

8.3.4 New Division

No new division of any lot or parcel shall be made which increases the level of existing nonconformity; leaves any lot, parcel, or remnant with width or area below the requirements stated in this Code; or creates any new nonconforming situation.

Section 8.4 NONCONFORMING STRUCTURES

8.4.1 Nonconforming Structures Generally

A nonconforming structure is one that does not meet the setbacks, height limitations, material requirements, or articulation as required by this Code. Those nonconforming structures lawfully constructed and existing on the effective date or applicability of this Code or any amendment thereto shall be considered legal nonconforming structures. For the purposes of this Section, the term structure means anything constructed or erected on the ground or which is attached to something located on the ground, except signs, and includes, but is not limited to, buildings, telecommunications towers, utility improvements and sheds. These provisions shall be applicable to all structures regardless of whether they are deemed principal or accessory.

8.4.2 Elimination of Nonconforming Structure Status

The owner of a nonconforming structure may employ the following mechanisms in an attempt to eliminate the nonconformity.

- A. Modify the structure to conform to current standards;
- B. Apply for a variance, pursuant to Subchapter 3 of this Code, to allow the structure as built; or
- C. Rezone to a district where the structure would conform.

8.4.3 Repair and Maintenance

A legally nonconforming structure shall be maintained in accordance with the codes in effect when the building was constructed or as deemed necessary by the Building Official for the general safety and welfare of the occupant and the public. The repairs required by the Building Official shall not be construed as to allow an addition to or expansion of a nonconforming structure. Except as otherwise provided for in this Chapter, no repair or maintenance may result in the expansion of any existing nonconformity or the creation of any new nonconformity.

8.4.4 Unsafe Situations

- A. Nothing in this Chapter shall be construed to prohibit the strengthening or repair of any part of any nonconforming structure declared unsafe by the Building Official, unless such repairs exceed 50% of the value of the structure. In such case the right to operate, occupy or maintain such structure may be terminated by action of the Board of Adjustment and such structure shall be demolished.

The value of the structure and the percent value lost due to any destruction shall be determined by the most recent appraisal value.

- B. Nothing in this Chapter shall be construed to permit the continued use of a building or structure found to be in violation of building, basic life safety, or health codes of the City. The right to continue any nonconformity shall be subject to all applicable housing, building, health, and other applicable life safety codes.

8.4.5 Abandonment of a Nonconforming Structure

In the event a nonconforming structure is determined to be abandoned, the structure shall be modified to conform to all applicable requirements of this Code. However, a variance may be granted by the Board of Adjustment, pursuant to Subchapter 3 of this Code, or architectural waiver, by the Administrator, if it is determined that conformance with all requirements of this Code will cause the expansion or creation of another nonconformity, or where it is determined that all provisions of this Code cannot be reasonably met. Refer to Section 8.1.11 of this Subchapter for the time frame for the determination of abandonment.

8.4.6 Interior Alterations to a Legal Nonconforming Structure

Interior remodeling of a legally nonconforming structure is permitted and will not result in loss of legal nonconforming status regardless of the cost or extent of the interior remodel, as long as no exterior remodeling is involved. If exterior alteration in conjunction with interior remodeling is involved, loss of legal nonconforming status will be determined pursuant to the provisions set forth in this Subchapter related to such alteration.

8.4.7 Movement of a Nonconforming Structure

A nonconforming building or structure must not be moved in whole or in part to any other location on the lot, or on any other lot, unless every portion of such building or structure is made to conform to all the regulations of the district, except as authorized by a variance or architectural waiver pursuant to Subchapter 3 of this Chapter.

8.4.8 Expansion of a Nonconforming Structure

- A. A legal nonconforming structure may be expanded or enlarged up to 50% of its size, provided the use is permitted by right within the respective district, the expansion is in accordance with the architectural and building height requirements, and there are no further encroachments into the required building setbacks established in Chapter 4. If the expansion is equal to or less than 200 square feet, the Planning Director may allow for a deviation in architectural building materials in order to maintain architectural consistency.
- B. A legal nonconforming structure may be expanded or enlarged in excess of 50% of its size provided that all provisions of this Code shall be applicable to the existing structure or structures as well as any new construction on the lot or parcel. For the existing structure, where it is determined that all provisions of this

Code cannot be reasonably met or conformance with all requirements of this Code will cause the expansion or creation of another nonconformity, the applicant may request approval of a variance by the Board of Adjustment, pursuant to Subchapter 3 of this Code. Any expansion or enlargement under this Section is subject to applicable setback requirements in place at the time of the expansion or enlargement, regardless of encroachment of the existing legal nonconforming structure into the applicable setback area.

- C. For purposes of determining the expansion or enlargement of a nonconforming structure, the square footage of all previous expansions under this subsection shall be cumulative and the square footage of the original structure shall be the original size for purposes of the calculation.
- D. All expansion or enlargement of structures under this subsection shall be in compliance with all applicable regulations of the zoning district in which such structure is located. In no event may the expansion or enlargement result in the increase of any existing nonconformity or the creation of any new nonconformity.

8.4.9 Destruction or Damage of a Nonconforming Structure

- A. Natural or Accidental Causes
 1. A legal nonconforming structure, which is damaged or destroyed by natural or accidental causes, may only be reconstructed as it was before such happening within the timelines herein.
 2. Permitting for reconstruction of such structure must thereafter commence within six months of the damaging event and reconstruction shall be completed, as determined by issuance of a certificate of occupancy, within one year of the event. The timeframes herein may be extended for good cause as proven to the Planning Director, provided there is no adverse effect on the community.
 3. A structure restored under this Subsection must be restored or reconstructed so as to have no greater gross floor area, building footprint, or height as the damaged or destroyed structure.
- B. Intentional Destruction

A nonconforming structure which is damaged or destroyed by the intentional act of the owner or his agent may not be restored or reconstructed as it was before such happening.

Section 8.5 NONCONFORMING SITES

8.5.1 Nonconforming Sites Generally

A nonconforming site is one where one or more existing site improvements, including but not limited to parking areas, storm drainage facilities, sidewalks and landscaping, do not conform to one or more of the regulations of this Code applicable to the property. Those nonconforming sites lawfully existing on the effective date or applicability of this Code or any amendment thereto shall be considered legal nonconforming sites.

8.5.2 Elimination of Nonconforming Site Status

The owner of a nonconforming site may employ the following mechanisms in an attempt to eliminate the nonconformity.

- A. Modify the site to conform to current standards;
- B. Apply for a variance, pursuant to Subchapter 3 of this Code, to allow the site as built;
- C. Administrative waiver, where applicable; or
- D. Rezone to a district where the site would conform.

8.5.3 Repair and Maintenance

A legally nonconforming site shall be maintained in accordance with the codes in effect when the site was constructed or as deemed necessary by the Planning Director for the general safety and welfare of the occupant and the public. Any repairs or maintenance required by the Planning Director shall not be construed as to allow an addition to or expansion of a nonconforming site. Except as otherwise provided for in this Subchapter; no repair or maintenance may result in the expansion of any existing nonconformity or the creation of any new nonconformity. Maintenance of a site may include, but is not limited to, maintenance of landscaping, pavement, lighting, or detention ponds.

8.5.4 Continuation of a Legal Nonconforming Site

A change in the tenant of a legal nonconforming site may cause the site to lose its legal nonconforming status based on the following provisions. For the continuation of the existing legal nonconforming site, where it is determined that all provisions of this Code cannot be reasonably met or conformance with all requirements of this Code will cause the expansion or creation of another nonconformity, the applicant may request an administrative waiver from the Planning Director. The applicant may appeal the Planning Director's determination by requesting a variance from the Board of Adjustment or administrative waiver pursuant to Subchapter 3 of this Code.

- A. Tenant with Same Use
A change in tenant of a legal nonconforming site to a tenant with the same use, as listed in the land use tables in Chapter 4, is permitted without any required changes to the nonconforming site.
- B. Tenant with Similar or Less Intense Use
A change in tenant of a legal nonconforming site to a tenant with a similar or less intense use as the previous tenant may be allowed without any required changes to a nonconforming site; provided the restrictions below are met.
 - 1. The new use shall have a parking requirement less than or equal to the previous use.
 - 2. The new use shall not increase the amount of outside storage or activities previously existing.

3. The average daily vehicle trips generated by the new use shall be less than or equal to the previous use.
4. The new use shall not produce more noise, vibration, dust, odor, fumes, glare, or smoke than the previous use.
5. The site shall be maintained and in conformance with any site plan or regulations in effect when the site was established or last improved. This includes, but is not limited to, the replacement of any dead plants or trees, the re-striping of parking spaces, and the repaving of deteriorated pavement.
6. The new use shall meet all limitations or requirements of Chapter 4 for such use without alteration to the site.

C. Tenant with More Intense Use

Any change in tenant that does not meet the provisions of the preceding categories shall be determined to be a change in use. A change in tenant of a legal nonconforming site to a tenant with a different use as the previous tenant shall require the whole site to comply with development standards per the UDC, including but not limited to, parking, landscaping, bufferyards, screening, and site lighting.

8.5.5 Abandonment of a Nonconforming Site

In the event a nonconforming site is determined to be abandoned, the site shall be altered to conform to all applicable requirements of this Code, as outlined below, upon re-occupancy. However, a variance may be granted by the Board of Adjustment, pursuant to Subchapter 3 of this Code, if it is determined that conformance with all requirements of this Code will cause the expansion or creation of another nonconformity or where it is determined that all provisions of this Code cannot be reasonably met. Refer to Section 8.1.11 of this Chapter for the time frame for the determination of abandonment.

A. Parking and Parking Lot Design

An abandoned site shall be altered to provide parking numbers and parking lot design in conformance with the following.

1. All required parking spaces for the subject use must be provided. Construction of additional required parking spaces shall be in conformance with Subchapter 10. If the additional spaces required cannot be met on site, the applicant may request the requirement be met off-site pursuant to Subchapter 10 of this Code.
2. All deteriorated pavement, as determined by the City Engineer, must be repaved in accordance with this Code.
3. All existing parking spaces and maneuvering areas shall be re-striping to be in conformance with the dimensional requirements of Subchapter 10.
4. Those parking spaces that are accessed via public right-of-way shall be removed and those spaces replaced elsewhere on the site if those spaces are necessary to meet the minimum parking requirements. This provision does not apply to any on-street parking spaces otherwise approved by the City Engineer.

- B. Driveways
An abandoned site containing driveways not conforming to the number, spacing, or width requirements of this Code shall be altered to be in conformance with such. Nothing herein shall be construed as to require the removal of all driveway access to a property.
- C. Landscaping
An abandoned site shall be altered to conform to all applicable landscaping, bufferyards, and screening requirements of Subchapter 11 of this Code. Any area on site that is available for landscaping shall be so utilized to meet these requirements. When the City grants permission, the owner or operator of the site may also use areas within the public right-of-way to satisfy landscaping requirements. Where landscaping in accordance with the provisions of Subchapter 11 cannot be reasonably met, the applicant may request the Planning Director consider an alternative plan that meets the intent of the requirements.
- D. Land Use Conditions of Subchapter 4
The abandoned site shall be altered to conform to all applicable land use conditions established in Subchapter 4 for the new use.
- E. Sidewalks
An abandoned site that does not have sidewalks in conformance with Subchapter 10 shall be altered to include such.
- F. Incidental Site Features
All incidental site features including, but not limited to, fences, dumpsters, lighting and mechanical equipment must be altered to conform to the provisions of this Code.

8.5.6 Process for Review of Required Improvements

Site improvements that are required to meet the provisions of this Chapter shall be reviewed pursuant to the site development process detailed in Subchapter 3 of this Code.

8.5.7 Expansion of a Nonconforming Site

- A. Providing that all new improvements are constructed and installed per Code, a legal nonconforming site may only be expanded or enlarged upon approval of a waiver by the Administrator, pursuant to Subchapter 3 of this Code, except if required by City ordinance, State law or federal law.
- B. For the expansion or enlargement of the existing legal nonconforming site, where it is determined that all provisions of this Code cannot be reasonably met or conformance with all requirements of this Code will cause the expansion or creation of another nonconformity, the applicant may request approval of a waiver by the Administrator, pursuant to Subchapter 3 of this Code.

- C. A legal nonconforming site shall be considered enlarged or expanded by the following:
 - 1. Occupying a greater portion of the tract;
 - 2. Construction of additional buildings; or
 - 3. Construction of any additional improvements on a portion of the tract that was not previously developed.

- D. For purposes of determining the expansion or enlargement of a nonconforming site, the square footage of all previous expansions under this subsection shall be cumulative and the square footage of the original site shall be the initial size for purposes of the calculation.

- E. All expansion or enlargement of sites under this Subsection must be in compliance with all applicable regulations of this Code. In no event may the expansion or enlargement result in the increase of any existing nonconformity or the creation of any new nonconformity.

Subchapter 9. Architectural, Site Design and Layout Provisions

Section	Title
9.1	Residential Design Standards - Single Family Detached and Duplex/Two-Family Structures
9.1.1	Applicability
9.1.2	Materials Required <ul style="list-style-type: none">A. Material Requirements for the A, SF-E, SF-S and SF-R Zoning DistrictsB. Material Requirements for the SF-MU, 2-F, and CL-3 Zoning Districts
9.1.3	Architectural Details <ul style="list-style-type: none">A. General CriteriaB. Calculation of Differences in AppearanceC. Elevation Differentiation
9.1.4	Dwellings on Arterial and Collector Roadways <ul style="list-style-type: none">A. General CriteriaB. Perimeter Fencing
9.2	Residential Design Standards - Single Family Attached Structures (3 or more);Townhomes and Condominiums
9.2.1	Applicability
9.2.2	Materials Required
9.2.3	Architectural Details
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9.3	Residential Design Standards - Multi Family and Mixed Use Structures
9.3.1	Applicability
9.3.2	Materials Required
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9.3.6	Amenities
9.4	Office, Retail and Commercial Structures
9.4.1	Applicability
9.4.2	Materials Required
9.4.3	Architectural Details <ul style="list-style-type: none">A. Architectural ElementsB. Common DevelopmentC. Façade FinishD. Articulation StandardsE. Building Entrance StandardsF. Canopy Standards

- G. Drive-Thru
- H. Overhead Doors
- I. Loading Docks
- J. Service Court
- K. Roof Treatment
- L. Architectural Waiver

9.5 Industrial Structures

- 9.5.1 Applicability
- 9.5.2 Materials Required
 - A. Material Requirements for the CI, CL4 and CL5 Zoning Districts
 - B. Material Requirements for the LI Zoning District
- 9.5.3 Architectural Details
 - A. Architectural Elements
 - B. Common Development
 - C. Façade Finish
 - D. Articulation Standards
 - E. Building Entrance Standards
 - F. Canopy Standards
 - G. Drive-Thru
 - H. Overhead Doors
 - I. Loading Docks
 - J. Roof Treatment
 - K. Architectural Waiver

9.6 Agricultural Structures

- 9.6.1 Applicability
- 9.6.2 Materials permitted
- 9.6.3 Roofing Materials

9.7 Structured Parking

- 9.7.1 Applicability
- 9.7.2 Design Guidelines
- 9.7.3 Architectural Design Requirements
 - A. Façade Building Materials
 - B. Screening of Vehicles within Structured Parking
 - C. Architectural Elements
 - D. Common Development
 - E. Façade Finish
 - F. Articulation Standards
 - G. Pedestrian Entrance Standards
 - H. Architectural Waiver

SUBCHAPTER 9. ARCHITECTURAL, SITE DESIGN AND LAYOUT PROVISIONS

The purpose of site development requirements are to provide specific standards for the design, articulation, amenities, and materials required for structures based on the type of use proposed and/or the zoning district in which they are constructed.

9.1 RESIDENTIAL DESIGN STANDARDS – SINGLE FAMILY DETACHED AND DUPLEX/TWO-FAMILY STRUCTURES

9.1.1 Applicability

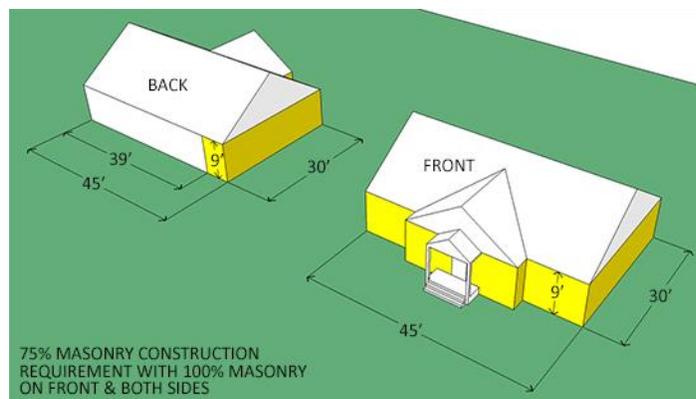
The architectural standards in this section are applicable to all detached residential structures that have a form of a single-family detached, duplex, or two-family residential structure, regardless of zoning district, and unless otherwise exempted per Local Government Code Section 211.016.

Development standards specifically addressed in existing Planned Unit Developments (PUD) formerly known as Alternative Land Use Regulations (ALUR), or development agreements, adopted prior to the adoption date of this Subchapter shall prevail, unless not otherwise specified.

9.1.2 Materials Required

A. Materials Required for the A, SF-E, SF-S, SF-R Zoning Districts:

1. The outside wall area of the first story of any dwelling unit shall have a minimum of 75 percent masonry construction consisting of brick, ledge stone, field stone, stucco, or any other native type of stone veneer. The front and both sides of any such dwelling shall be 100 percent masonry construction, with the exception of a covered entryway, boxed windows and bay windows, which may be of wood or cementitious material as approved by the Administrator. Additionally, dormers, gable ends and facade walls above the first floor may be made of cementitious material (as approved by the Administrator), provided it is installed as horizontal lap siding or vertical board-and-batten.



2. The front and side walls of an addition to the first story of a dwelling unit shall have a percentage of masonry construction equivalent to that of the front and side walls of the existing dwelling; provided, however, that the side wall of an addition to the rear of the residential dwelling unit is not required to have an equivalent percentage of masonry construction to that of the nearest existing side wall if an inset is created that is two feet or more. If the inset is two feet or less, and when an inset in the side wall occurs on the back corner of the residential dwelling unit, the wall projecting from the back wall and parallel with the side wall shall consist of masonry.

B. Materials Required for the SF-MU, 2-F, MF-10, MF-20 and Corridor Zoning Districts:

1. One hundred (100%) percent masonry is required on all facades with the exception of the secondary and accent materials. All dwellings shall incorporate the masonry building materials listed in Table 9.1.2. The percent calculations shall be based on total exterior walls, excluding openings for windows and doors.

Table 9.1.2 Building Materials	
	Allowable Percentage
<u>Primary Masonry</u> <ul style="list-style-type: none"> • Clay brick • Natural stone • Cultured stone, cast stone or natural stone panels 	100% (unless secondary or accent materials are utilized then the primary masonry materials may be reduced to minimum of 60%)
<u>Secondary Masonry</u> <ul style="list-style-type: none"> • Stucco (Stucco may be considered a primary masonry material if the architectural design includes 100% tile roofing) • Architecturally finished poured concrete • Cementitious material installed as horizontal lap siding or vertical board-and-batten (as approved by the Administrator) 	Maximum 40%
<u>Accent Materials</u> <ul style="list-style-type: none"> • Wood • Corrugated metal or other types of metal as approved by the Administrator • Other materials approved by the Administrator in keeping with the architectural style of the structure 	Maximum 20%

9.1.3 Architectural Details for A, SF-E, SF-S, SF-R SF-MU, 2-F, MF-10, MF-20 and Corridor Zoning Districts, detached residential uses

A. General Criteria

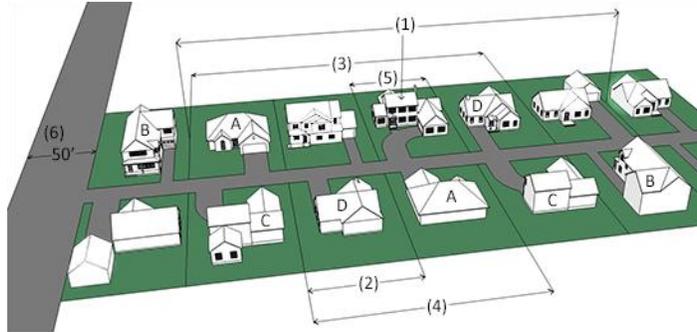
1. Covered rear patios or decks of a minimum of one-hundred square feet (100 SF) are required on all floor plans.
2. All windows and doors not bordered by masonry shall have trim.
3. “Box-on-box” (two-story) homes shall include bay windows, cantilevers, or dormers on rear elevations.
4. Trim, door and window design elements present on the front of a dwelling shall be provided on all sides and on all stories of the dwelling in order to provide continuity throughout the structure.
5. Second-story window and door locations shall be offset from dwelling to dwelling to protect privacy.
6. Front doors and windows shall be provided along the primary façade and oriented to face the public street.
7. Where practical and topography allows, dwellings shall be aligned on an east-west axis so that the long side of the building faces north and south while the short ends face east and west. When the long sides of a building face south or west, windows located along those sides shall be externally shaded through the use of extended roof overhangs, building projections, window recesses or similar structural means to assist in minimizing summer solar admission and improving passive cooling. Buildings are encouraged to be designed to maximize photovoltaic potential.

B. Calculation of Differences in Appearance

1. Differences in design standards may be reviewed for two lots on either side of the proposed dwelling on the same side of the street.
2. There shall be a minimum of one full lot between the same building plan with different elevations on the opposite side of the street.
3. There shall be a minimum of four full lots between the same building plan with the same elevation on the same or opposite side of the street.
4. There shall be a minimum of two full lots between houses with the same color building materials on the same side of the street.
5. There shall be a minimum of one full lot between houses with the same color building material on the opposite side of the street.
6. Where lots are interrupted by an intervening street, parkland, or similar feature that is at least 50 feet wide, no review is necessary.
7. The proposed dwelling will be considered different from any vacant lot for which a building permit has not been issued without requiring further documentation.

C. Elevation Differentiation

A proposed dwelling unit shall differ from another dwelling unit in at least three (3) of the five (5) criteria listed below, unless the dwelling units differ with respect to the number of full stories, in which case one (1) criterion from the list below in addition to the number of full stories shall be different.



A: SAME FLOOR PLAN WITH DIFFERENT ELEVATIONS (2)
B: SAME FLOOR PLAN WITH SAME ELEVATIONS (3)
C: SAME COLOR BUILDING MATERIALS ON SAME SIDE OF STREET (4)
D: SAME COLOR BUILDING MATERIALS ON OPPOSITE SIDES OF STREET (5)

1. The proposed dwelling unit is served by a different type or size garage as set forth in subsections a. through d. below.
 - a. Front-load garage;
 - b. Side entry garage;
 - c. Detached garage;
 - d. Angled garage

2. The proposed dwelling unit differs in the number of full stories as set forth in subsections a. or b. below:
 - a. Single story; or
 - b. Two story

3. The proposed dwelling unit has a different roof type as set forth in subsections a. through d. below.
 - a. Gable;
 - b. Hip;
 - c. Combination of both;
 - d. Roof types a, b or c with the longest ridge rotated 90 degrees

4. The proposed dwelling unit has variation in the articulation of the front facade as set forth in a. through c. below.

- a. Garage setback from the front facade of at least four feet;
- b. Covered, open walled porch of at least six (6) feet in depth extending at least one-third of the entire width of the front facade; or
- c. Other articulation of the front facade at least four feet in depth, extending at least one-third of the width of the front facade



9.1.4 Dwellings on Arterial and Collector Roadways

A. General Criteria

1. Single-family detached, duplex and two-family dwellings should be designed to back up to an arterial or major collector roadway. Where a dwelling is proposed to front onto or face an arterial or major collector street, the garage shall be located behind the front façade with vehicular access from a rear alley or private drive. An alternative means to prevent vehicles from backing onto the roadways may also be considered by the Planning Director.
2. Where dwelling units back up to arterial or collector streets or open spaces, the roofline shall be broken up with at least one of the following:
 - a. Multiple parallel roof elevations where the main ridge constitutes no more than 25 percent of the roofline;
 - b. Directional changes of roofline where the main direction constitutes no more than 50 percent of the roofline; or
 - c. Dormers or other building projections

- B. Perimeter fencing for a residential subdivision with dwellings backing up to an arterial or collector roadway may be provided if in accordance with the fencing requirements outlined in Subchapter 11, and when located within the landscape lots required by Subchapter 15.

9.2 RESIDENTIAL DESIGN STANDARDS - SINGLE FAMILY ATTACHED (3 or more); TOWNHOME AND CONDOMINIUM

9.2.1 Applicability

In addition to the conditions provided in Subchapter 4, the architectural standards in this section are applicable to all zoning districts where single-family attached residential structures with three (3) or more attached units are permitted, and in any other district where residential

structures are allowed with conditions or designed in a form commonly known as a “townhome” or “row house” with not less than three (3) and no more than six (6) attached units.

9.2.2 Materials Required

All single-family attached residential dwellings with three (3) or more dwelling units shall be designed as a “row house” and are encouraged to utilize at least two (2) masonry building materials listed below in Table 9.2.2. One hundred percent (100%) masonry is required on all facades with the exception of the permitted accent materials. The percent calculations shall be based on total exterior walls, excluding openings for windows and doors.

Table 9.2.2 Building Materials	
	Allowable Percentage
<p><u>Primary Masonry</u></p> <ul style="list-style-type: none"> • Clay Brick • Natural Stone • Cultured stone, cast stone or natural stone panels 	<p>100% (unless secondary or accent materials are utilized then the primary masonry materials may be reduced to a minimum of 60%)</p>
<p><u>Secondary Masonry</u></p> <ul style="list-style-type: none"> • Stucco • Architecturally finished poured concrete • Cementitious material installed as horizontal lap siding or vertical board-and-batten (as approved by the Administrator) 	<p>Maximum 40%</p>
<p><u>Accent Materials</u></p> <ul style="list-style-type: none"> • Wood • Corrugated metal or other types of metal as approved by the Administrator • Other materials as approved by the Administrator in keeping with the architectural style of the structure 	<p>Maximum 20%</p>

9.2.3 Architectural Details

All single family attached products shall be subject to the design elements listed below. The term “primary façade” shall apply to all facades facing a public street, public or private park, or any major drive aisle.

Table 9.2.3 Single Family Attached (3 or more) Architectural Details	
Design Element	Standard
Roof Pitch	Pitch roof – minimum 6:12 Flat roof – require parapet screening Shed roof, porch roof and arcade roofs – minimum 2:12
Permitted Roof Materials	Asphalt shingles Standing seam metal Tile
Roof Articulation (excluding flat roofs)	2 Elements from the following: <ul style="list-style-type: none"> • 2 roof materials • Masonry chimneys • Dormers along public facades (1/20’) • Eaves that overhang a minimum of 24” with a minimum fascia depth of 8” • Three or more roof slope planes per primary façade
Building Articulation (applicable to each unit per building)	Primary façades of each dwelling unit shall be designed to have at least one vertical and horizontal wall projection or recess to provide variation and interest throughout the building. Projections or recesses shall be designed with at least one foot of relief and should be used to create shade and cast shadows on the façade.
Transparency (windows and doors)	The primary facade shall have at least 3 full size windows. Windows should be designed to be operable and allow for cross ventilation.
Window and Door Treatment	Trim shall be provided to accent all windows and doors appropriate to style of structure.
Window Articulation (applicable to overall building, not per unit)	All primary façades of a building containing a dwelling unit entry shall include at least one of the following window articulation elements per building: <ul style="list-style-type: none"> • Veranda, terrace, porch or balcony (accessible for single units) minimum 2’ deep • Trellis • Shed roof awning • 20” projection • Bay window • Bow window • Transom windows • Arched windows • Gable windows • Shutters • Decorative stone or brick band
Façade Repetition	Each dwelling unit within a single structure shall be designed to

	have distinct architectural characteristics which visually separate it from the other dwelling units in the structure and may include differing materials.
Top Floor Articulation	When a flat roof is utilized, a distinctive finish, consisting of a cornice, banding or other architectural termination shall be provided.
Building and Entry Orientation	All buildings shall be oriented so that each dwelling unit shall have its main pedestrian entrance fronting onto a public street, a common open space with a landscaped courtyard, or a private street if part of a condominium project. All buildings and units near an arterial or collector level public street shall be oriented and have the primary facade front and face the public street. At no time shall dwelling units front a parking lot. A pedestrian pathway shall connect all building entrances to a public sidewalk.
Solar Orientation and Passive Cooling	Buildings should be aligned on an east-west axis so that the long side of the building faces north and south while the short ends face east to west. When the long sides of a building face south or west, windows located along those sides shall be externally shaded through the use of extended roof overhangs, building projections, window recesses or similar structural means to assist in minimizing summer solar admission and improving passive cooling. Buildings are encouraged to be designed to maximize photovoltaic potential.
Entry Articulation	Entry shall be covered or inset with distinct architectural detail such as: a covered, open walled porch, portico, arcade, or other similar element. Covered, open walled porches shall have at least six (6) feet in depth extending at least one-third of the entire width of the front façade of the dwelling unit.

9.2.4 Parking and Garage Requirements

Parking shall be provided in accordance with Subchapter 10 and garages shall be designed to the following requirements:

Table 9.2.4 Parking and Garage Requirements	
Design Element	Standard
Garage Required (minimum)	1, 12'x20' (inside dimensions) garage parking space shall be provided per unit.
Garage Location	A garage shall not front a public right of way, or be located within a buffer (if required) except that: Dwelling units located along the perimeter of a subdivision may have a garage face a public right-of-way (front loaded) provided the garage does not face a collector or arterial road, the garage does not extend past the front façade of the dwelling unit, the garage door(s) maintains an architectural theme of the unit, and the garage door(s) do not constitute more than 40% of the primary

	<p>facade of a dwelling unit. A dwelling unit within the same development, located across a local street, and facing an aforementioned front loaded dwelling unit, may also be front loaded.</p> 
Garage Materials	All shall have same materials and mix as the primary residential structure façade.

9.3 RESIDENTIAL DESIGN STANDARDS – MULTI-FAMILY AND MIXED USE STRUCTURES

9.3.1 Applicability

The architectural standards in this section are applicable to all multi-family structures, mixed use structures and live work units in R, GB-1, MF-10, MF-20, CL3, CL4 and CL5.

9.3.2 Materials Required.

One hundred percent (100%) masonry is required on all facades with the exception of the permitted secondary and accent materials as outlined in Table 9.3.2. All multi-family and mixed use structures shall incorporate at least two (2) of the primary masonry building materials listed below in Table 9.3.2 with the allowable percentages of such materials. The percent calculations shall be based on total exterior walls, excluding openings for windows and doors.

Table 9.3.2 Building Materials	
	Allowable Percentage
<p><u>Primary Masonry</u></p> <ul style="list-style-type: none"> • Clay Brick • Natural Stone • Cultured stone, cast stone or natural stone panels 	<p>100% (unless secondary or accent materials are utilized then the primary masonry materials may be reduced to a minimum of 40%)</p>

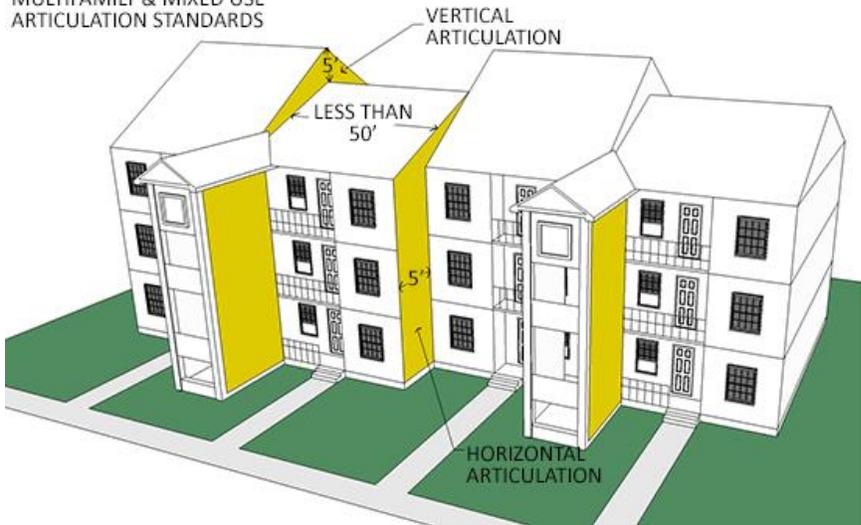
<u>Secondary Masonry</u> <ul style="list-style-type: none"> • Stucco • Architecturally finished poured concrete 	Maximum 60%
<u>Accent Materials</u> <ul style="list-style-type: none"> • Cementitious material installed as horizontal lap siding or vertical board-and-batten (as approved by the Administrator) • EIFS¹ • Architecturally finished concrete block • Corrugated metal or other types of metal (as approved by the Administrator) • Other materials approved by the Administrator in keeping with the architectural style of the structure 	Maximum 20%

¹ EIFS shall be high impact type, not permitted below nine (9) feet above finished grade, and shall only be utilized for decorative architectural accent.

9.3.3 Architectural Details

The following design elements are required as stated in the table. The term “primary façade” shall apply to all facades facing a public street, public or private park, and any main drive aisle.

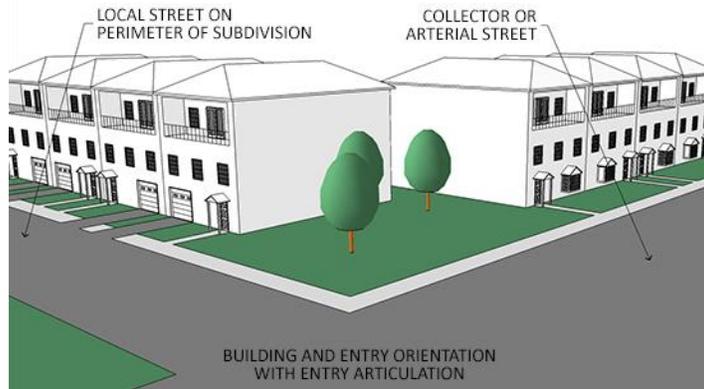
Table 9.3.3 Multi-Family and Mixed Use Structures Architectural Details	
Design Element	Standard
Solar Orientation and Passive Cooling	Buildings should be aligned on an east-west axis so that the long side of the building faces north and south while the short ends face east to west. When the long sides of a building face south or west, windows located along those sides shall be externally shaded through the use of extended roof overhangs, building projections, window recesses or similar structural means to assist in minimizing summer solar admission and improving passive cooling. Buildings are encouraged to be designed to maximize photovoltaic potential.
Roof Pitch	Pitch roof – minimum 6:12 Flat roof – require parapet screening Shed roof, porch roof and arcade roofs – minimum 2:12
Permitted Roof Materials	30 year asphalt shingles Standing seam metal Tile
Roof Articulation (excluding flat roofs)	2 Elements from the following: <ul style="list-style-type: none"> • 2 roof materials • Masonry chimneys • Dormers along public facades (1/20’) • Eaves that overhang a minimum of 24” with a minimum fascia depth of 8” • Three or more roof slope planes per primary façade

Vertical Articulation	No more than 50 linear (horizontally) feet without a minimum 5' vertical offset
Horizontal Articulation	No more than 50 linear (horizontally) feet without a minimum 5' horizontal offset
	
Transparency (windows and doors)	<p>Each residential floor on a primary façade shall contain 25% doors and windows.</p> <p>Each non-residential floor on a primary façade shall contain 50% doors and windows.</p>
Window and Door Treatment	Trim shall be provided to accent all windows and doors appropriate to style of structure
Window Articulation	<p>25% of the primary facade windows shall include one of the following:</p> <ul style="list-style-type: none"> • Veranda, terrace, porch or balcony (accessible for single units) minimum 4' deep • Trellis • Shed roof awning • 20" projection • Bay window • Bow window • Transom windows • Arched windows • Gable windows • Oval or round windows • Shutters • Decorative stone or brick band
Façade Repetition	All buildings shall be designed to have distinct characteristics every 30'.
Top Floor Articulation	When a flat roof is utilized, a distinctive finish, consisting of a cornice, banding or other architectural termination shall be provided.

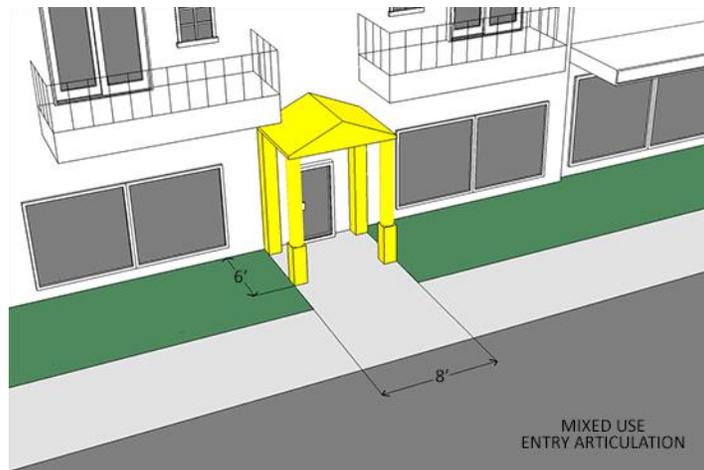
<p>Building Orientation</p>	<p>All buildings containing ground floor or second story residential dwelling units, located along the perimeter of the development and/or adjacent to public right of way, shall have the primary façade front and face the public right-of-way.</p> <p>All other buildings shall be designed as liner buildings located adjacent to and fronting the public right of way, primary internal drive aisles, or wrapped around a structured parking garage. Buildings shall not be oriented toward a surface parking lot with more than one row of parking along an internal drive aisle without perimeter liner buildings, and only as approved by the Administrator.</p> <div data-bbox="673 604 1377 1094" data-label="Image"> </div> <div data-bbox="673 1129 1377 1570" data-label="Image"> </div>
<p>Primary Entry Location</p>	<p>Pedestrian building entrances shall be directly accessible from a public sidewalk or a common open space with a landscaped courtyard.</p>

Entry Articulation

Mixed use structures shall have a minimum 6' inset for the width of the entry (minimum 8' wide).



All ground floor entries shall be covered with distinct architectural detail such as: porch, portico, arcade, awning, or other similar shading element.



Building Access

Multi-family units shall be accessed by way of a centralized indoor corridor except:

Exterior stairwells may be considered if they are oriented toward a central landscaped courtyard and/or screened via evergreen landscaping from any public street or required bufferyard. The stairwell structure shall be architecturally integrated into the building with appropriately sized cutouts to allow for visibility, ventilation, and protection from natural elements.

9.3.4 Parking and Garage Requirements

Surface parking and garages shall be in accordance with Subchapter 10 and the following table:

Table 9.3.4 Parking and Garage Requirements	
Design Element	Standard
Garage Required	Multi-family uses shall provide 1, 12'x20' (inside dimensions) garage parking space per 2 units, except when structured parking is provided in accordance with Section 9.7. Vertical mixed use structures shall be exempt from the garage requirement.
Garage Integration	50% of the required garage spaces for Multi-Family structures shall be integrated into primary residential structures.
Garage Materials	All shall have same materials and mix as facades of the primary residential structure.
Surface Parking and Additional Garage Parking Location	Parking lots shall not be permitted between a structure and a required buffer. Structures containing the remaining required garage spaces not integrated into the primary structure may be permitted between a structure and a required buffer.

9.3.5 Pedestrian Access Requirements

Pedestrian connectivity shall be provided in accordance with the following table.

Table 9.3.5 Pedestrian Access Requirements	
Design Element	Standard
Interior Pedestrian Access and Off-Site Connectivity	<p>Minimum 4' sidewalks required from all parking and public areas to entryways of all units.</p> <p>When provided, perimeter fencing along a public right-of-way shall include one pedestrian gate accessible for every two buildings. The pedestrian gate may be a controlled access gate for the tenants to utilize.</p> <p>A pedestrian pathway with a minimum 4-ft width shall connect all pedestrian building entrances to the pedestrian gates and to the public sidewalk.</p>

9.3.6 Amenities

All multi-family and mixed use developments shall require at least one private amenity, selected from the list below, for every fifty (50) or more dwelling units. The amenities shall be located on a private open space or landscape lot and shall be owned and maintained by the property owner. These developments may receive up to 25% credit towards the Park Development Fee for private amenities in accordance with Subchapter 14. Public Parkland Standards and the Parks Development Manual.

Table 9.3.6 Amenities for Multi-Family and Mixed Use Structures	
Number of Dwelling Units	Minimum Number of Amenities
0-49	0
50-99	1
100-149	2
150-199	3
200-249	4
250 or more	5

Amenity
Playground equipment meeting minimum guidelines by the Commercial Park Advisory Council and National Playground Safety Institute with a covered shade structure
Dog park (not smaller than 2,500 sq ft) with minimum depth of twenty-five (25) feet, fenced in accordance with Subchapter 11, and containing a pet drinking fountain
Covered picnic area to contain no fewer than two (2) tables with seating and two (2) grills
Swimming pool
Splash pad
Tennis or racquetball court
Basketball court
Volleyball court
Community garden or orchard with irrigation (minimum 800 sq ft)
Gazebo, band stand or outdoor amphitheater
Amenity center with social room for resident use
Private fitness facility
Kitchen available for resident use
Billiards or similar
Theater or similar media room
As approved by the Administrator

9.4 OFFICE, RETAIL, AND COMMERCIAL STRUCTURES

9.4.1 Applicability.

The architectural standards in this section are applicable to all non-residential with the exception of industrial structures in O, NS, R, GB-1, GB-2, CL3, CL4, and CL5 zoning districts.

9.4.2 Materials Required

All buildings shall incorporate the building materials listed below in Table 9.4.2 with the allowable percentages of such materials. One hundred percent (100%) masonry is required on all facades with the exception of the permitted secondary and accent materials. The percent calculations shall be based on total exterior walls, excluding openings for windows and doors.

Table 9.4.2 Building Materials	
	Allowable Percentage
<u>Primary Masonry</u> <ul style="list-style-type: none"> • Clay brick • Natural stone • Manufactured stone with a natural appearance (does not include concrete masonry unit (CMU)) 	100% (unless secondary or accent materials are utilized then the primary masonry materials may be reduced to a minimum of 40%)
<u>Secondary Masonry</u> <ul style="list-style-type: none"> • Concrete panels¹ • Stucco 	Maximum 60%
<u>Accent Materials</u> <ul style="list-style-type: none"> • Architectural concrete block/concrete masonry unit (CMU) • Exterior Insulation and Finish Systems (EIFS) – High Impact² • Cementitious material (approved by the Administrator) installed as horizontal lap siding • Metal panels as approved by the Administrator • Metal (for beams, lintels, trim elements, and ornaments) • Glass block • Tile • Other materials approved by the Administrator in keeping with the architectural style of the structure 	Maximum 15%
<p>¹ Tilt-wall, poured-in-place, or pre-cast concrete panels shall have integrated color and have varied textures and patterns at least every 100 linear feet along primary façades. Tilt-wall, poured-in-place, or pre-cast concrete structures shall incorporate other permitted primary masonry materials. Tilt-wall, poured-in-place, or pre-cast concrete structures shall have reveals, punch-outs, patterns, textures or other similar surface characteristics to enhance the facade on at least 10 percent of each facade.</p> <p>² EIFS shall not be permitted below nine (9) feet above finished grade unless utilized for decorative architectural accent.</p>	

9.4.3 Architectural Details

A. Architectural Elements

All buildings shall be designed to incorporate no less than four (4) of the architectural elements from the list below. Buildings or multitenant buildings over 50,000 square feet shall include no less than five (5) of the referenced architectural elements. Buildings or multitenant buildings over 100,000 square feet shall include no less than six (6) of the referenced architectural elements:

1. Canopies, awnings, or porticos;
2. Arcades;
3. Pitched roof forms;
4. Arches;
5. Display windows;
6. Architectural details (such as tile work and moldings) integrated into the building facade;
7. Articulated ground floor levels or base;
8. Articulated cornice line;
9. A minimum of two building materials constituting a minimum of 15% of the total exterior walls, differentiated by texture, color, or material and may be a combination of primary and secondary masonry materials and accent materials; and
10. Other architectural features approved by the Administrator or designee.

B. Common Development

All buildings within a common development shall have similar architectural styles and materials. This shall include all buildings situated on lots included within an approved preliminary plan.

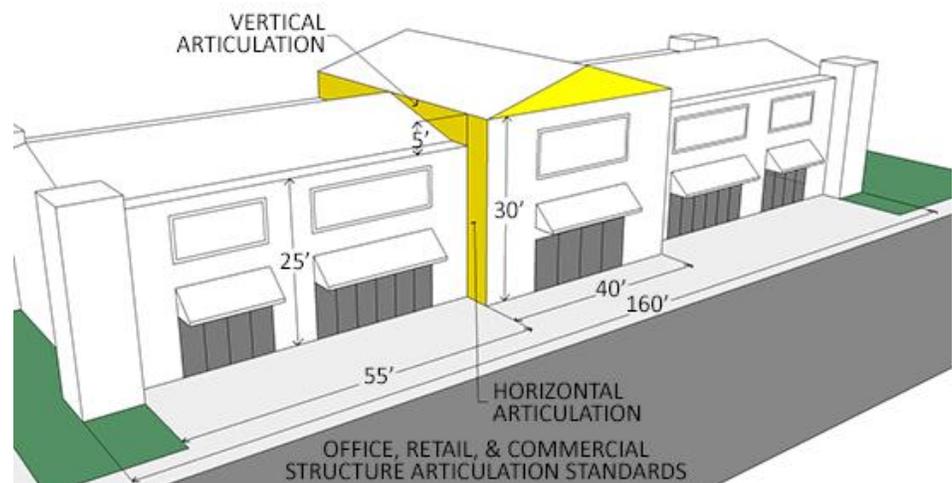
C. Facade Finish

All nonresidential buildings shall be architecturally finished on all four sides with same materials, detailing, and features.

D. Articulation Standards

Any primary façade shall include projections or recesses and vertical variations in the roof line in accordance with the horizontal and vertical articulation requirements set forth below.

1. Horizontal Articulation



- a. A building facade may not extend for a distance greater than three times its average height without a perpendicular offset of at least ten percent of such building height.
- b. The total length of all façade walls in a single plane may not exceed 60 percent of the total façade length.
- c. Regardless of façade length, all primary facades shall have at least one horizontal offset of the required percentage.

2. Vertical Articulation

- a. A horizontal wall may not extend for a distance greater than three times its height without a change in elevation of at least 15 percent of such height.
- b. The total length of all vertical elevation changes in the roofline shall be no less than 20 percent and no more than 40 percent of the total facade length.
- c. Regardless of the façade length, all primary facades shall have at least one vertical elevation change.
- d. Flat roofs with a parapet wall are permitted, provided the roofline meets the vertical articulation requirements.

E. Building Entrance Standards

1. Any front building entrance shall be set back from a drive aisle a minimum distance of 15 feet.
2. Single-use or multitenant buildings over 50,000 square feet in size shall provide clearly defined, highly visible customer or employee entrances with the integration of awnings or similar architectural features.
3. New or renovated commercial buildings shall have outdoor plazas, courtyards, or other pedestrian spaces at their main entrances.
 - a. Minimum size of pedestrian space shall be one (1) square foot of space per 100 square feet of building floor area or a minimum of 100 square feet of pedestrian space; whichever is greater.
 - b. All pedestrian spaces shall incorporate at least four (4) of the following:
 - i. Decorative landscape planters or wing walls that incorporate landscape areas.
 - ii. Pedestrian scale lighting, bollard, or other accent lighting.
 - iii. Special paving, such as colored/stained and sealed concrete, stamped concrete, brick or other unit paver.
 - iv. Public art with a valuation of at least .05% of the total construction cost.
 - v. Seating such as benches, tables with attached seats, or low seating walls.

- vi. Architectural water structures, features, or fountains.
- vii. Other amenity approved by the Planning Director.

F. Canopy Standards

The following provisions apply to canopies associated with an ATM canopy, gas station canopy, drive-thru canopy, carport, and other similar auto oriented canopies.

- 1. Canopies shall be constructed of roof building material consistent with that of the principal building.
- 2. Canopies shall have pitched roofs, unless attached to the principal building utilizing a parapet roof type.
- 3. Canopy columns shall be fully encased with primary masonry material that is complimentary to that used on the principal building, including brick and stone.
- 4. The canopy band face shall be color consistent with the principal structure's exterior building materials and shall not be backlit or used as signage except that the business name may be displayed on the canopy band.
- 5. Canopies shall be no higher than the principal building. In no case shall the canopy height exceed 20 feet.

G. Drive-Thru

Drive-thru facilities shall be located to the side or rear of the structure, unless site constraints limit such orientation, as determined by the Planning Director.

H. Overhead Doors

- 1. Overhead doors shall not be located closer than 50 feet to a conforming residential lot.
- 2. Overhead doors shall be oriented to the side or rear of the structure and not front or face a public right-of-way or public street with the following exceptions:
 - a. An automotive use with a maximum of four (4) single, service bays may orient toward a public street only when structural awnings of at least 3' 10" are provided over the extent of the overhead doors, or equivalent structural projections are provided in front of the overhead doors to reduce the visual impact of the service bays from the street.
 - b. A roll up, garage type door installed in a restaurant or bar may be permitted to face a public street if it is architecturally integrated into the building and provides a pedestrian connection with a covered outdoor patio area.
 - c. When physical site constraints prevent such orientation, the Planning Director may consider alternatives when screened in accordance with Subchapter 11.

I. Loading Docks

- 1. Loading docks shall not be located closer than 50 feet to a conforming residential lot.

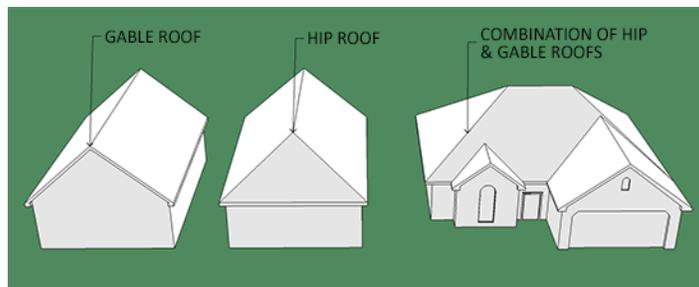
2. Loading docks shall be oriented to the side or rear of buildings, and oriented to not front the public right-of-way, not be visible or face a public street, main drive aisle, or patron parking lot.
3. Screening shall be in accordance with Subchapter 11.
4. When physical site constraints prevent such orientation, the Planning Director may consider alternatives when screened in accordance with Subchapter 11.

J. Service Court

1. When multiple offices, commercial and industrial uses are planned, loading docks and delivery receivable areas shall be consolidated into common service courts located to the side or rear of the buildings.
2. The access point into the service court shall be minimized in width in order to substantially screen the service court from a public street, main drive aisle or patron parking area, but allow for necessary vehicle maneuverability.
3. Service courts shall be screened in accordance with Subchapter 11.

K. Roof Treatment

1. In the O, NS and R Districts, roof overhangs and pitched roofs shall be incorporated into all building designs to achieve a roof form that is compatible with residential architecture. However, buildings large footprints located more than 200 feet from a single-family residential district, where applying a pitched roof would be impractical, may have a flat roof only if a parapet is used. Pitched roofs shall have a minimum pitch of 4:12. Long unarticulated roofs are not permitted.
2. Parapets shall be used to conceal roof-mounted mechanical equipment on flat roofs on all sides.
3. Where overhanging eaves are used, overhangs shall be no less than two (2) feet beyond the overhanging walls.
 - a. Gable and hip roofs shall be symmetrically pitched between 4:12 and 8:12.
 - b. Shed roofs, porch roofs, and arcade roofs subordinate and attached to the primary structure, shall be pitched between 2:12 and 6:12.



4. Roof Type and Material Standards. Tile, metal or asphalt shingles (laminated 320 pound 30-year architectural grade asphalt shingles or better) shall be the dominant roof material. Any other roofing material not stated shall not be permitted unless approved by the Planning Director.

L. Architectural Waiver

The Administrator or the Planning and Zoning Commission may grant a waiver for a reduction in the architectural standards in this section in accordance with Subchapter 3.

9.5 INDUSTRIAL STRUCTURES

9.5.1 Applicability

The architectural standards in this section are applicable to all industrial structures in CI, LI and GI zoning districts or any Specific Use Permit for industrial uses granted in CL4 or CL5 zoning districts.

9.5.2 Materials Required

A. Material requirements for the CI, CL4, and CL5 Zoning Districts

All buildings in CI zoning or industrial buildings granted by Specific Use Permit in CL4 and CL5 zoning districts shall incorporate the building materials listed in Table 9.5.2 below with the allowable percentages of such materials. One hundred percent (100%) masonry is required on all facades with the exception of the permitted secondary and accent materials. The percent calculations shall be based on the total exterior walls, excluding openings for windows and doors.

Table 9.5.2 Building Materials	
	Allowable Percentage
<u>Primary Masonry</u> <ul style="list-style-type: none"> • Clay brick • Natural stone • Manufactured stone with a natural appearance (does not include concrete masonry unit (CMU)) 	100% (unless secondary or accent materials are utilized then the primary masonry materials may be reduced to a minimum of 15%)
<u>Secondary Masonry</u> <ul style="list-style-type: none"> • Concrete panels¹ • Stucco 	Maximum 85%

<p><u>Accent Materials</u></p> <ul style="list-style-type: none"> • Architectural concrete block/concrete masonry unit (CMU) • Exterior Insulation and Finish Systems (EIFS) – High Impact² • Cementitious material (approved by the Administrator) installed as horizontal lap siding • Metal panels as approved by the Administrator • Metal (for beams, lintels, trim elements, and ornaments) • Glass block • Tile • Other materials approved by the Administrator in keeping with the architectural style of the structure. 	<p>Maximum 15%</p>
<p>¹ Tilt-wall, poured-in-place, or pre-cast concrete panels shall have integrated color and have varied textures or patterns. Tilt-wall, poured-in-place, or pre-cast concrete structures shall incorporate permitted masonry materials on all the exterior walls. Tilt-wall, poured-in-place, or pre-cast concrete structures shall have reveals, punch-outs, or other similar surface characteristics to enhance the facade on at least 25 percent of each primary facade.</p> <p>² EIFS shall not be permitted below nine (9) feet above finished grade unless utilized for decorative architectural features.</p>	

- B. **Materials Required in LI and GI zoning**
- All buildings located in the Light Industrial (LI) and General Industrial (GI) zoning districts shall incorporate the building materials listed in Table 9.5.3 with the allowable percentages of such materials. Metal buildings are permitted with a minimum of 25% primary masonry materials provided on all primary facades. Exterior building walls fronting on a major collector or arterial roadway, or visible from a residential district shall consist of 100 percent (100%) masonry, 25% of which shall consist of primary masonry materials. All other exterior building walls visible from a public right-of-way shall consist of 25% primary masonry. The percent calculations shall be based on exterior wall area on each facade, excluding openings for windows and doors.

Table 9.5.3 Building Materials	
	Allowable Percentage
<p><u>Primary Masonry</u></p> <ul style="list-style-type: none"> • Clay brick • Natural stone • Manufactured stone with a natural appearance (does not include concrete masonry unit (CMU)) 	<p>100% (unless secondary or accent materials are utilized then the primary masonry materials may be reduced to a minimum of 25%)</p>

<p><u>Secondary Building Materials</u></p> <ul style="list-style-type: none"> • Concrete panels¹ (masonry) • Stucco (masonry) • Architectural concrete block/concrete masonry unit (CMU) • Metal panels 	<p><u>Maximum 75%</u></p>
<p><u>Accent Materials</u></p> <ul style="list-style-type: none"> • Exterior Insulation and Finish Systems (EIFS) – High Impact² • Cementitious material (approved by the Administrator) installed as lap siding • Metal (for beams, lintels, trim elements, and ornaments) • Glass block • Tile • Other materials approved by the Administrator in keeping with the architectural style of the structure 	<p><u>Maximum 15%</u></p>
<p>¹ Tilt-wall, poured-in-place, or pre-cast concrete panels shall have integrated color and be textured or patterned. Tilt-wall, poured-in-place, or pre-cast concrete structures shall incorporate permitted primary masonry materials. Tilt-wall, poured-in-place, or pre-cast concrete structures shall have reveals, punch-outs, or other similar surface characteristics to enhance the facade on at least 25 percent of each primary facade.</p> <p>² EIFS shall not be permitted below nine (9) feet above finished grade unless utilized for decorative architectural accent.</p>	

9.5.3 Architectural Details

A. Architectural Elements

All buildings shall be designed to incorporate no less than four of the architectural elements from the list below. Buildings or multi-tenant buildings over 50,000 square feet shall include a minimum of five of the referenced architectural elements. Buildings or multitenant buildings over 100,000 square feet shall include a minimum of six of the referenced architectural elements:

1. Canopies, awnings, or porticos;
2. Arcades;
3. Pitched roof forms;
4. Arches;
5. Pedestrian space per Section 9.5.3 E;
6. Minimum of 10% fenestration on primary facades;
7. Architectural details (such as tile work and moldings) integrated into the building facade;
8. Articulated ground floor levels or base;
9. Articulated cornice line;

10. Integrated planters or wing walls that incorporate landscape and sitting areas;
11. A minimum of two building materials constituting a minimum of 15% of the total exterior walls, differentiated by texture, color, or material and may be a combination of primary and secondary masonry materials and accent materials; and
12. Other architectural features approved by the Administrator or designee.

B. Common Development

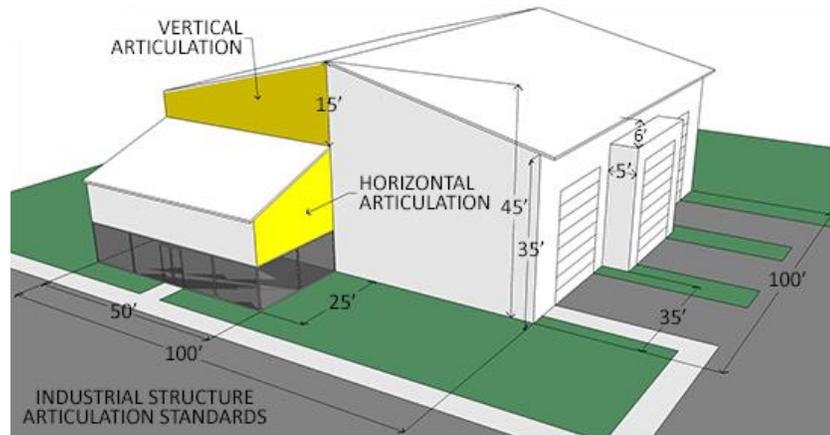
All buildings within a common development shall have similar architectural styles and materials. This shall include all buildings situated on lots included within an approved preliminary plan.

C. Facade Finish

All nonresidential buildings shall be architecturally finished on all four sides with same materials, detailing, and features.

D. Articulation Standards

Any primary façade shall include projections or recesses and vertical variations in the roof line in accordance with the horizontal and vertical articulation requirements set forth below.



1. Horizontal Articulation.

- a. The total length of all façade walls in a single plane shall not exceed 60 percent of the total façade length without a horizontal wall offset a minimum of two (2) feet in depth and ten (10) feet in length parallel to the average façade plane. Regardless of façade length, all primary facades shall have at least one horizontal wall offset of a projection or recess.
- b. Single-use or multitenant buildings between 15,000 -and 49,000 square feet in size shall provide horizontal wall projections and/or recesses, a minimum offset of five (5) feet in depth and fifteen (15) feet in length parallel to the average façade plane at

all building entrances fronting public right-of-way and along a primary façade.

- c. Single-use or multitenant buildings equal to or more than 50,000 square feet in gross floor area shall provide horizontal wall projections and/or recesses, at a minimum offset of ten (10) feet in depth and thirty (30) feet in length parallel to the average façade plane at all customer entrances fronting a public right-of-way and along a primary façade.

2. Vertical Articulation.

- a. Regardless of the façade length, all primary facades shall have at least one vertical elevation change without a vertical roof-line offset a minimum of two (2) feet in height and ten (10) feet in length.
- b. Flat roofs with a parapet wall are permitted, provided the roofline meets the vertical articulation requirements.

E. Building Entrance Standards

1. Single-use or multitenant buildings over 50,000 square feet in size shall provide clearly defined, highly visible building entrances with the integration of awnings or similar architectural feature, fronting public right-of-way or along a primary façade.
2. Single-use or multitenant buildings over 50,000 square feet in size shall have outdoor plazas, courtyards, or other pedestrian spaces at their main entrances.
 - a. Minimum size of pedestrian space shall be one (1) square foot of space per 100 square feet of building floor area.
 - b. All pedestrian spaces shall incorporate at least four (4) of the following:
 - i. Decorative landscape planters or wing walls that incorporate Landscape Areas.
 - ii. Pedestrian scale lighting, bollard, or other accent lighting.
 - iii. Special paving, such as colored/stained and sealed concrete, stamped concrete, brick or other unit paver.
 - iv. Public art with a valuation of at least .05% of the total construction cost.
 - v. Seating such as benches, tables with attached seats, or low seating walls.
 - vi. Architectural water structures, features, or fountains.

vii. Other amenity approved by the Planning Director.

F. Canopy Standards

The following provisions apply to canopies associated with service stations, drive thru facilities and other auto-oriented canopies.

1. Canopies shall be constructed of roof building material consistent with that of the principal building.
2. Canopy columns shall be fully encased with primary masonry material that is complimentary to that used on the principal building, including brick and stone.
3. Canopies shall be no higher than the principal building. In no case shall the canopy height exceed 20 feet.
4. The canopy band face must be of a color consistent with the main structure or a complimentary accent color and may not be backlit or used as signage.

G. Drive-Thru

Drive-thru facilities shall be located to the side or rear of the structure, unless site constraints limit such orientation as determined by the Planning Director.

H. Overhead Doors

1. Overhead doors shall not be located closer than 50 feet to a conforming residential lot.
2. Overhead doors shall be oriented to the side or rear of the structure and not front or face a public right-of-way or public street with the following exceptions:
 - a. An automotive use with a maximum of four (4) single, service bays may orient toward a public street only when structural awnings of at least 3' 10" are provided over the extent of the overhead doors, or equivalent structural projections are provided in front of the overhead doors to reduce the visual impact of the service bays from the street.
 - b. When physical site constraints prevent such orientation, the Planning Director may consider alternatives when screened in accordance with Subchapter 11.

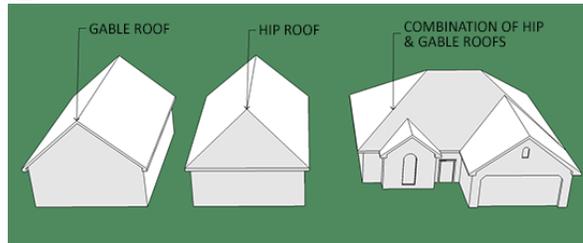
I. Loading Docks

1. Loading docks shall not be located closer than 50 feet to a conforming residential lot.
2. Loading docks shall be oriented to the side or rear of buildings, and oriented to not front the public right-of-way, a public street, major drive aisle, or patron parking lot.
3. Screening shall be in accordance with Subchapter 11.

4. When physical site constraints prevent such orientation, the Planning Director may consider alternatives when screened in accordance with Subchapter 11.

J. Roof Treatment

1. Parapets shall be used to conceal roof-mounted mechanical equipment on all sides.
2. Where overhanging eaves are used, overhangs shall be no less one (1) foot beyond the overhanging walls.
 - a. Gable and hip roofs shall be symmetrically pitched between 4:12 and 8:12.
 - b. Shed roofs, porch roofs, and arcade roofs subordinate and attached to the primary structure, shall be pitched between 2:12 and 6:12.



3. Roof Type and Material Standards. Tile, metal or asphalt shingles (laminated 320 pound 30-year architectural grade asphalt shingles or better) shall be the dominant roof material. Any other roofing material not stated shall not be permitted unless approved by the Planning Director.

K. Architectural Waiver

The Planning Director or the Planning and Zoning Commission may grant a waiver for a reduction in the architectural standards in this section in accordance with Subchapter 3.

9.6 AGRICULTURAL STRUCTURES.

9.6.1 Applicability

The architectural standards in this section are applicable to all agricultural structures in the Agricultural/ Conservation (A) zoning district and all agricultural structures on properties governed by non-annexation development agreements for properties appraised for ad valorem tax purposes as land for agricultural, wildlife management, or timber land use under the Subchapter C, D, or E Chapter 23, Tax Code. All other structures, associated or occupied by residential and commercial uses on such properties, shall satisfy the architectural standards of the most comparable land use structure types per Sections 9.1, 9.4, or 9.5.

9.6.2 Permitted Building Materials

Agricultural structures may utilize the building material listed in Table 9.6.2.

Table 9.6.2 Permitted Building Materials – Agricultural Structures
<ul style="list-style-type: none">• Clay brick• Natural stone• Manufactured stone with a natural appearance (does not include concrete masonry unit (CMU))• Concrete panels¹ (masonry)• Stucco (masonry)• Exterior Insulation and Finish Systems (EIFS) – High Impact²• Cementitious material (approved by the Administrator) installed as lap siding• Architectural concrete block/concrete masonry unit (CMU)• Metal panels• Wood• Other materials approved by the Administrator in keeping with the architectural style of the structure
<p>¹ Tilt-wall, poured-in-place, or pre-cast concrete panels shall have integrated color and be textured or patterned. Tilt-wall or pre-cast concrete structures shall incorporate permitted primary masonry materials.</p> <p>² EIFS shall not be permitted below nine (9) feet above finished grade unless utilized for decorative architectural features.</p>

9.6.3 Roof Materials

Tile, metal, asphalt or wooden shingles, wooden panels, are permitted as the dominant roofing material for agricultural structures. The Planning Director or designee, at their discretion, may approve other roofing materials not stated herein.

9.7 STRUCTURED PARKING

9.7.1 Applicability

The architectural standards of this section are applicable to all stand-alone parking structures and the facades, or a portion of the facade thereof, on commercial or residential structure(s) which are structurally designed for the purposes of structured parking. All storefront, office, or residential elements shall be reviewed according to its districts' architectural standards.

9.7.2 Design Guidelines

- A. New parking structures are encouraged to have retail, commercial, or offices uses at the first level, fronting all public streets, parkland and open spaces.

- B. Parking structures are encouraged to create visually attractive and active pedestrian environment through the use of retail/commercial wrap-around tenant spaces.
- C. Parking structures should be designed to blend and/or complement the surrounding buildings.
- D. Parking structures are encouraged to have “green roofs” or civic spaces on the upper most floor of the structure or roof.
- E. The parking structures are encouraged to be unique and create a sense of place, rather than a design that represents only the functional use of the structure.
- F. Aboveground parking should be designed in such a way the neighboring buildings are not adversely affected by headlights.

9.7.3 Architectural Design Requirements

- A. Façade Building Materials
The façade(s) of the parking garages fronting a public street or open space shall be treated as primary facades in this Section.

Table 9.7.3 A. - Building Materials	
	Allowable Percentage
<u>Primary Masonry</u> <ul style="list-style-type: none"> • Clay brick • Natural stone • Manufactured stone with a natural appearance (does not include concrete masonry unit (CMU)) 	100% (unless other permitted building materials or accent materials are utilized then the primary masonry materials may be reduced to a minimum of 25%)
<u>Other Permitted Building Materials</u> <ul style="list-style-type: none"> • Concrete¹ • Stucco (applied as a finish to concrete) 	Maximum 75%
<u>Accent Materials</u> <ul style="list-style-type: none"> • Exterior Insulation and Finish Systems (EIFS) – High Impact² • Cementitious material (approved by the Administrator) • Metal (for beams, lintels, trim elements, ornaments) • Architectural concrete block/concrete masonry unit (CMU) • Decorative metal panels <u>(As approved by the Administrator)</u> • Glass block • Tile • Other materials approved by the Administrator in keeping with the architectural style of the structure 	Maximum 25%

¹ Tilt-wall, pre-cast concrete panels or poured-in-place concrete shall have integrated color and be textured or patterned. Tilt-wall, pre-cast concrete, and poured-in-place structures shall incorporate permitted primary masonry materials. Tilt-wall, pre-cast or poured-in-place concrete structures shall have reveals, punch-outs, or other similar surface characteristics to enhance the facade on at least 25 percent of each primary facade.

² EIFS shall not be permitted below nine (9) feet above finished grade unless utilized for decorative architectural accent.

B. Screening of Vehicles within Structured Parking

1. The open air spaces, along any primary façade, as defined by Section 9.7.3, or façade visible to single-family and two-family residential uses, shall be screened with the use of the following permitted materials listed in Table 9.7.3 B. in order to reduce any adverse effects associated with streetscape design and residential adjacency.
2. The visible openings, unenclosed, on a primary façade shall not exceed forty (40%) percent of the area on such façade.

Table 9.7.3 B. - Screening Materials

Permitted

- Any building materials listed Table 9.7.3 A. with the allowable percentages
- Other Vegetation (approved by the Administrator)
- Solar panels
- Decorative Metal panels (approved by the Administrator)
- Decorative plexiglass panels with a maximum 25% translucency
- Other durable materials approved by the Administrator in keeping with the architectural style of the structure

Specifically Prohibited

- Fabric Panels

C. Architectural Elements

Parking structures shall be designed to incorporate no less than five (5) of the architectural elements from the list below.

1. Canopies, awnings, or porticos;
2. Arcades;
3. Pitched roof forms;
4. Arches;
5. Display windows;

6. Architectural details (such as tile work and moldings) integrated into the building facade;
7. Articulated ground floor levels or base;
8. Articulated cornice line;
9. A minimum of two building materials constituting a minimum of 15% of the total exterior walls, differentiated by texture, color, or material and may be a combination of primary and secondary masonry materials and accent materials; and
10. Other architectural features approved by the Administrator or designee.

D. Common Development

The parking structure shall have similar architectural styles and materials consistent with the principal building(s) of such parking structure to meet the minimum parking requirements.

E. Façade Finish

The parking structure shall be architecturally finished on all primary facades with same materials, detailing, and features. Exposed concrete shall have an applied finish including stucco, and shall be painted and/or texturized to complement the architectural style of such parking structure and the primary structure for which the parking structure is associated.

F. Pedestrian Entrance Standards.

1. Pedestrian entrances shall provide distinct architectural features including but not limited to horizontal and vertical articulation or structural walls and variation of the roofline.
2. Any front building entrance shall be set back from a drive aisle or public right-of-way a minimum distance of 15 feet.
3. Pedestrian entrances for parking structures and commercial tenant spaces along the first floor of the parking structure shall provide clearly defined, highly visible customer or employee entrances with the integration of awnings or similar architectural features.
4. Pedestrian entrances shall provide for courtyards, or other pedestrian spaces at their main entrances, as provided herein. The minimum size of pedestrian space shall be a minimum of 100 square feet of pedestrian space at each tenant space and first floor pedestrian entrance(s) to parking structure. Each pedestrian space shall incorporate at least four (4) of the following types of decorative elements, and a minimum quantity of four items at each pedestrian space:
 - a. Decorative landscape planters incorporated into the landscape areas.
 - b. Pedestrian scale lighting, bollard, or other architectural accent lighting.
 - c. Special paving, such as colored/stained and sealed concrete, stamped concrete, brick or other unit paver.
 - d. Art visible to the public with a valuation of at least .05% of the total construction cost.
 - e. Seating such as benches, tables with attached seats, or low seating walls.

- f. Architectural water structures, features, or fountains.
- g. Other amenity approved by the Planning Director.

G. Architectural Waiver

The Planning Director or the Planning and Zoning Commission may grant a waiver for a reduction in the architectural standards in this section in accordance with Subchapter 3.

Subchapter 10. PARKING, MOBILITY AND CIRCULATION

<u>Section</u>	<u>Title</u>
10.1	General
10.1.1	Purpose
10.1.2	Applicability
10.2	Site Access and Circulation
10.2.1	Vehicular Access and Circulation Standards <ul style="list-style-type: none">A. General StandardsB. Driveway TypesC. Type II Driveway CriteriaD. Driveway SeparationE. Driveway Spacing from IntersectionsF. Driveway GradesG. Driveway Alignment
10.2.2	Internal Circulation Standards
10.2.3	Driveway Connections to Adjacent Development
10.3	Pedestrian Mobility
10.3.1	Sidewalks
10.3.2	Hike and Bike Trails
10.4	Off Street Parking Requirements
10.4.1	Applicability <ul style="list-style-type: none">A. New DevelopmentB. Expansions and AlterationsC. Change in UseD. Location
10.4.2	Development of Parking Areas
10.4.3	Surfacing
10.4.4	Timing of Installation
10.4.5	Driveways for Dwellings
10.4.6	Parking Requirements <ul style="list-style-type: none">A. CriteriaB. Parking Ratios
10.4.7	Rules for Calculating Requirements <ul style="list-style-type: none">A. GeneralB. Multiple UsesC. Area MeasurementsD. Occupancy Based StandardsE. Unlisted UsesF. Ratios Determined by the Planning Director
10.4.8	Parking Space and Parking Lot Design

- A. Parking Space Dimensions
- B. Parking Lot Setback
- C. Parking Along Entrance
- D. Drive Aisle Widths
- E. Parking Lot Landscaping
- F. Parking Lot Striping
- 10.4.9 Structured Parking Standards
- 10.4.10 Alternative Parking Plans
- 10.4.11 Off Site Parking
- 10.4.12 Shared Parking

10.5 Loading and Delivery Requirements

10.6 Queuing Requirements

- 10.6.1 Applicability
- 10.6.2 Number of Spaces Required

10.7 Bicycle Facilities

SUBCHAPTER 10. PARKING, MOBILITY AND CIRCULATION

10.1 General

10.1.1 Purpose

The purpose of this Chapter is to establish parking mobility and circulation regulations to promote safe, efficient vehicular and pedestrian access into and within development and to ensure that adequate parking is provided. Additionally, this subchapter is intended to establish regulations for off-street parking and loading requirements to ensure that developments within the City provide adequate and reasonable parking necessary to serve the uses located on a development. The use of alternative parking plans, such as off-site parking and shared parking, is encouraged. Accommodation of alternate modes of transportation, including, but not limited to, bicycles is also encouraged.

10.1.2 Applicability

This Subchapter shall apply to all districts for all uses, at the time any building or structure is erected, enlarged, or increased in capacity, or at any time any other use is established on the site. Additional applicability provisions as it applies to parking requirements are provided under Section 10.4.

10.2 SITE ACCESS AND CIRCULATION

10.2.1 Vehicular Access and Circulation Standards

A. General Standards

1. Sites, other than single family, that are expected to generate more than 2,000 trips per day must have at least one access point from a collector or arterial roadway unless otherwise supported by a Traffic Impact Analysis (TIA).
2. No single-family dwelling, condominium, townhouse, or duplex dwelling unit may take direct access to arterial or major collector roadways if the property has alternative access. If it can only be accessed by an arterial street, or major collector then adequate on-site maneuvering space must be provided, as vehicles will not be allowed to back directly into these roadways.
3. Access to TxDOT roadways shall require approval of TxDOT. No person, firm, or corporation shall construct, reconstruct, alter or repair, remove or replace any drive approach or any concrete work on any TXDOT right-of-way within the City without first obtaining an approved TXDOT permit. A copy of the approved TXDOT permit is required for any lot taking access to a state roadway before the site development permit is issued.
4. Driveways shall be located and designed with respect to both the public street and the onsite circulation to provide maximum safety and to minimize interference with street traffic. To ensure this, a Traffic Impact Analysis may be required at the owner's expense.

5. The owner, successor or assigns shall do all work and pay all costs in connection with the construction of access driveways and their appurtenances on the right-of-way.
6. If a curb inlet is present, there shall be ten (10) feet between the inlet opening and the edge of the driveway curb return.
7. The angle of driveway approach shall be approximately 90 degrees.
8. All driveways must be constructed within the street frontage of the subject property, as determined by extending the side property lines to the curb line. Neither the driveway nor the curb returns shall overlap adjacent property frontage without written approval from the adjacent property owner.
9. It is desirable to minimize the number of driveways on arterial and collector roadways in order to reduce the number of conflict points and facilitate traffic flow. The dimensions in Section 10.2.1(D) and (E) for spacing between driveways should be increased whenever possible so that the number of driveways can be reduced. It is recognized, however, that certain existing tracts may not be able to fully comply with these standards due to limited frontage or other constraints. When compliance with criteria stated in 10.2.1(D) and (E) is precluded due to the location of driveways on adjoining properties, attempts should be made to obtain alternative access where feasible, including joint access driveways, access easements to adjoining properties or access to intersecting streets.
10. Where divided driveways are proposed, on site circulation must be designed to minimize driver confusion and reinforce the one way traffic flow on either side of the driveway median.

B. Driveway Types

1. Type I – A concrete driveway approach designed and intended to serve as access from a roadway to a lot or parcel of land which is used for single family or duplex dwelling unit.
2. Type II – A concrete driveway approach designed and intended to serve as access from a roadway to a lot or parcel of land used for any development or purpose other than a single family or duplex dwelling unit.
3. Type III – A temporary asphalt driveway approach intended to provide vehicular access to a lot or parcel of land, such access being from a roadway not yet constructed to permanent lines and grades or a roadway not having curb and gutter. Driveways shall be reconstructed under type I or type II standards within sixty (60) days after construction of the abutting street to permanent line and grade with concrete curb and gutter.

C. Type II Driveway Criteria

Table 10.2.1C Type II Driveway Criteria										
	Roadway Type									
	Local Street		Minor Collector		Major Collector		Minor Arterial		Major Arterial	
	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
One Way Driveway										
Width	15(a)	20	15(a)	20	18(a)	25	18(a)	25(b)	18(a)	25(b)
Curb Return Radius	10	25	15	25(c)	15	30(c)	20	30(c)	20	30(c)
Throat Length (d)(g)	-	-	50	-	50	-	50	-	50	-
Distance Between Entry and Exit Drive	50	-	50	-	50	-	75	-	75	-
Two-Way Undivided Driveway										
Width	25	40	25	40	30	40	30	45	30	45
Curb Return Radius	10	25	15	25(c)	15	30(c)	20	30(c)	20	30(c)
Throat Length (d)(g)	-	-	50	-	50	-	50	-	50	-
Two-Way Divided Driveway										
Width (each side of median) (e)	20	24	20	24	20	24	20	30	20	30
Curb Return Radius	15	25	15	25	15	25	20	30	20	30
Throat Length (d)(g)	50	-	50	-	50	-	50	-	50	-
Median Width (e)	4	15	4	15	4	15	4	15	4	15
Median Length	10	-	10	-	10	-	20	-	20	-

(a) Greater width may be required for fire department emergency access.

(b) 30-foot minimum width may be required on state highways.

(c) Radius may be increased to 40 feet at driveways serving large trucks.

(d) Distance from the edge of pavement to first conflict point.

(e) On state highways, state standards may vary from city standards.

(f) All standards are per the street classification except as shown.

(g) Throat lengths in excess of those shown may be required by the Planning Director and/or City Engineer if justified by the findings of a Traffic Impact Analysis or queueing study.

D. Driveway Separation

1. Minimum spacing between driveways will depend upon the adjacent street design speed in accordance with the following table:

Posted Speed Limit	Minimum Spacing Standard
Under 35 mph (single family or two family residential)	NA
Under 35 mph (all other uses)	175 feet
40-49 mph	325 feet
50 mph and above	450 feet

2. Spacing between driveways is measured from driveway edge to the edge of the adjacent driveway. Spacing driveways and intersections is measured from the edge of the driveway to the edge of the pavement.
3. Discretion regarding driveway spacing requirements may be considered and approved by the City Engineer with consideration to street type such as cul-de-sac streets, site constraints or other circumstances where a benefit can be demonstrated through a Traffic Impact Analysis, or similar transportation study completed by a registered professional engineer such that variation from the standards herein do not compromise health, safety and general welfare. If discretion is not provided, a variance from the Board of Adjustment shall be required from this section.

E. Driveway Spacing from Intersections

1. On local streets, no driveway is permitted closer than 50 feet to a corner, measured edge to edge, unless lot dimensions prohibit such spacing.
2. On collector streets, driveway is not permitted closer than 75 feet to a corner, measured edge to edge, unless lot dimensions prohibit such spacing.
3. On minor arterial streets, driveway is not permitted closer than 120 feet to a corner, measured edge to edge, unless lot dimensions make such spacing impossible or completely impractical.
4. On major arterial streets, no driveway is permitted closer than 200 feet to a corner, measured edge to edge, unless lot dimensions makes such spacing impossible or completely impractical or joint access to the subject tract from an adjacent parcel is not feasible.
5. Notwithstanding any other provisions in this Chapter, if the frontage of a development site is insufficient to comply with these requirements, the driveway must be situated as far as practicable from any of the above-described intersections.

F. Driveway Grades

1. The slope of a driveway may not exceed 14 percent as measured between the street end of the apron and the opposite end of the driveway.
2. Where a driveway crosses or adjoins a sidewalk, walkway or an accessible path of travel (as defined by ADA) the driveway grade shall be a maximum of two (2) percent, over a minimum throat length of three (3) feet contiguous with the sidewalk, thereby effectively matching the cross slope of the sidewalk or accessible path of travel across the full width of the driveway.

G. Driveway Alignment

1. All Type II and III driveways on undivided arterial streets shall be designed to align with opposing streets or driveways or be offset by a minimum of one hundred twenty (120) feet (measured from edge to edge).
2. All Type II and III driveways on undivided major or minor collector streets shall be designed to align with opposing street or driveways or be offset by a minimum of eighty (80) feet (measured from edge to edge).
3. All Type II and III driveways on divided streets shall be designed to align with median breaks or be offset by a minimum of one hundred (100) feet (measured from the nose of the median to the nearest edge of the driveway).
4. Alignment of driveways with opposing streets is discouraged for signalized intersections unless approved by the City Engineer. When such a design is approved, the driveway approach shall be constructed without an apron and the maximum driveway widths shown in Table 10.2.1(C) may be increased to match the cross-section of the opposing street.

10.2.2 Internal Circulation Standards

- A. Internal vehicular circulation patterns must provide clear and direct paths to principal customer entrances, outlying pad sites and parking areas.
- B. Major drive aisles, aisles which provide the primary access through the development and connect to the public right-of-way, shall serve as primary means of access for both vehicular and pedestrian access through the site. Major drive aisles shall:
 1. Provide a six (6) foot sidewalk along both sides;
 2. Create pedestrian and vehicular blocks no greater than 800 linear feet in length without an intersection of another major drive aisle;
 3. Be owned and maintained by the property owner or a property owner's association;
 4. Be included in a joint access easement or Unified Development Agreement when traversing more than one lot; and
 5. Are subject to the parking lot design and screening standards identified in Subchapter 11.

- C. Internal intersections of drive aisles must have adequate sightlines and traffic controls to minimize potential accidents.
- D. Entry driveways equipped with controlled access gates must provide a minimum of 50 feet of storage space measured from the gate to the property line.
- E. All semicircular drop-off drives shall be designed to operate in one (1) direction only.
- F. The minimum width for an internal drive or circulation aisle with no parking is 20 feet for two-way traffic and 10 feet for one-way traffic. Additional width, up to 26 feet for two-way traffic and 15 feet for one-way traffic, may be required where traffic volumes are heavy or where obstructions or circuitous alignment necessitates a wider drive for clearance of turning vehicles. Fire Department access criteria must also be met.
- G. Internal access drives must be aligned or offset by a minimum of 60 feet measured centerline to centerline.

10.2.3 Driveway Connections to Adjacent Development

- A. Driveway connections to adjacent development must be provided. All driveway connections must be constructed and stubbed or connected to an existing stub.
- B. Joint access easements must be provided to ensure outparcels or adjacent developments have adequate access.
- C. This subsection's requirement for a driveway connection may be waived by the Planning Director when one or more of the following constraints are present:
 1. Topographic constraints;
 2. Environmental constraints;
 3. Site constraints; and/or
 4. Adjacent uses are incompatible for the purposes of mixing traffic

10.3 PEDESTRIAN MOBILITY

10.3.1 Sidewalks

- A. Sidewalks must extend the entire length of the development's frontage on a public street and must be constructed in accordance with City specifications and requirements.
- B. Sidewalks along TxDOT roadways shall require approval of TxDOT. No person, firm, or corporation shall construct, reconstruct, alter or repair, remove or replace any sidewalk, or any concrete work on any TXDOT right-of-way within the City without first obtaining approval from TXDOT. . Approval from TXDOT will be required to be provided on the cover sheet for a site plan proposing sidewalks within TXDOT right-of-way.
- C. Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent sidewalks. Required sidewalks shall connect to parking within the lot and to primary entrances of each commercial building, including outparcels. Required connections may include driveway aisle crosswalks, but may not span distances of more than 50 feet without a pedestrian refuge in order to protect pedestrians from vehicles.

- D. Pedestrian walkways, a minimum of 6 feet in width, must also connect primary building entrances to all associated outdoor amenities, such as courtyards and other outdoor gathering places.
- E. Sidewalks for all non-residential development must be six (6) feet wide.
- F. All required sidewalks must be constructed before a Certificate of Occupancy (CO) may be issued.
- G. A fee in lieu of constructing a public sidewalk, equivalent to the cost of construction, may be considered by the City Engineer in lieu of constructing sidewalks if it is determined that a Capital Improvement Project (CIP) will be complete on the adjacent roadway that includes sidewalk construction within three(3) years from the date of permit issuance. Public sidewalks shall be placed in the right-of-way, unless the Administrator determines that such placement is not safe. Public sidewalks not located within the right-of-way will be required to be placed on private property within a sidewalk easement.
- H. Sidewalks must be installed to provide all residential areas with direct access to all neighborhood facilities including schools, parks and playgrounds, churches and shopping centers.
- I. Sidewalks of different widths between residential subdivisions and adjacent nonresidential parcels must be transitioned within a length of sidewalk by two expansion joints not less than six feet apart as required by Texas Accessibility Standards.
- J. Sidewalks must be provided from the required development frontage sidewalk to the main entrance of each building or to a sidewalk leading to the main entrance.

10.3.2 Hike and Bike Trails

- A. The City shall require the provision of pedestrian and bicycle facilities at the locations shown on the City of Pflugerville Comprehensive Master Plan, unless the Parks and Recreation Director determines in his or her discretion that no such facilities are necessary.
- B. Trails along drainage channels may be located in the 100 year or 25 year flood plain.
- C. Trails can be located adjacent to streets provided the street right-of-way is widened by 10 feet to accommodate the trail.
- D. Trails located neither adjacent to a street nor along a drainage channel must have a right-of-way or access easement 20 feet wide. Such 20 foot wide easement must not be longer than 300 feet, as measured from the public street or right-of-way to public parkland unless otherwise identified in the Trails Plan.
- E. Trails must be designed to provide distinct areas for walking and bicycling/riding in areas separate from and in addition to traditional sidewalks as required by the Planning Director. Trails must be designed and constructed using either ten (10) feet wide concrete or brick multi-modal surfaces as appropriate for the location as determined by the Planning Director and Parks & Recreation Director or designee.
- F. Residential blocks greater than 1,000 feet in length must have a hike and bike trail pass through at mid-block with a minimum ten (10) foot trail on a privately maintained lot that is a minimum of 20 feet in width.
- G. Trails, depending on location, may require a public access easement and/or drainage easement

10.4 OFF STREET PARKING REQUIREMENTS

10.4.1 Applicability

- A. New Development
The off-street parking and loading standards in this Subchapter apply to any new building constructed and to any new use established.
- B. Expansions and Alterations
The off-street parking and loading standards in this section apply when an existing structure or use is expanded or enlarged. When a use is expanded or enlarged, additional off-street parking and loading spaces are only required to serve the enlarged or expanded area, not the entire building or use.
- C. Change in Use
The requirements of this Subchapter apply to any development, building, or structure that undergoes a change in use.
- D. Location
Except as expressly stated in this section, all required off-street parking spaces must be located on the same lot as the principal use.

10.4.2 Development of Parking Areas

Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, automobile, farm equipment, mobile home trailer or other open air sales lots, must be developed in accordance with this Chapter. The temporary uses listed in Subchapter 4 are exempt from this Section unless otherwise provided herein.

10.4.3 Surfacing

All off-street parking areas must be asphalt or Portland Cement binder pavement and must be consistent with City paving standards, subject to the approval of the City Engineer. Off-street parking areas must be installed, maintained, graded and drained to dispose of surface water accumulated within the area. Parking spaces must be arranged and marked and paved areas to provide for orderly and safe parking. Single-family residential and duplex uses do not have to stripe the parking spaces built to serve these uses.

10.4.4 Timing of Installation

Required parking spaces and drives must be ready for use and approved by the Building Official before a Certificate of Occupancy may be issued.

10.4.5 Driveways for Dwellings

A driveway serving a garage or carport for each single family or duplex dwelling unit shall incorporate an area that is sheltered by an enclosed garage or carport area of at least twenty (20) feet by twenty (20) feet, and available for the parking of two vehicles

side by side. The use of tandem parking to fulfill the parking requirements herein is prohibited. Refer to Subchapter 4, Accessory Structures, for additional requirements.

10.4.6 Parking Requirements

- A. The following requirements for off-street parking must be met:
1. Existing parking and loading spaces may not be reduced below the requirements established in this section without the approval of an alternative parking plan by the Administrator. Any change in use that increases off-street parking or loading requirements must provide for installation of the required parking and loading spaces or be approved by the Administrator.
 2. Notwithstanding landscaping requirements set forth in Subchapter 11, if parking is in excess of 110 percent of the parking spaces required by Table 10.4.6 is provided, landscaping area equivalent to 25 percent of the parcel’s impervious cover must be provided unless an alternative landscaping plan is approved as prescribed in Subchapter 11.
 3. Discontinuing or dispensing with, or causing the discontinuance or reduction of, the required parking facilities unless a building, use, or structure is discontinued or alternative off-street parking facilities are approved by the Administrator.
 4. Required off-street parking areas shall not be used for the commercial sale, repair, dismantling, servicing, storage or display of vehicles, equipment, materials, supplies or merchandise.
 5. All off-street parking spaces shall be accompanied by adequate automobile maneuvering area permitting full and direct ingress and egress to such parking spaces. The maneuvering area thereto shall be located entirely upon private property.
 6. All off-street parking areas shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading, parking and storage of vehicles in accordance with stormwater, detention and water quality requirements.

B. Required Parking Ratio

Table 10.4.6 Required Parking Residential Uses

Table 10.4.6 Required Parking Residential Uses	
Accessory Dwelling Unit	To be determined by Planning Director
Assisted Living	0.5/bed plus 1 space for every 2 employees
Campground or Recreational Vehicle Park	To be determined by Planning Director
Condominium	2 spaces per dwelling unit plus guest parking at a ratio of 20% of the dwelling units

Duplex	2 spaces per dwelling unit
Live Work Unit	2 spaces per dwelling unit
Manufactured Home Dwelling	2 spaces per dwelling unit
Multi-Family	1.5 spaces per 1 bedroom unit 2 spaces per 2 bedroom unit 2.5 spaces per 3+ bedroom unit plus guest parking at a ratio of 5% of the required spaces
Nursing Home/Skilled Nursing (Convalescent)	0.5 per bed plus 1 space for every 2 employees
Single Family Attached (2 units)	2 spaces per dwelling unit
Single Family Attached (3 or more units) Townhome	2 spaces per dwelling unit plus guest parking at a ratio of 20% of the dwelling units
Single Family, Detached	2 spaces per dwelling unit
Non-Residential Uses	
Amenity Center	1.5 spaces per 250 s.f.
Animal Establishments, Commercial	1 space per 300 s.f. of office
Athletic Facilities	1 space for every 4 seats (with seats) 1 space for every 100 sf (without seats)
Auction Sales	1 space per 200 sf
Auto Salvage Yard	<2,500s.f. : 1 space per 275 s.f. 2,500 s.f. - 10,000 s.f. : 1:100 s.f. office 1 per 250 s.f.
Automobile Parking Lot/Garage	To be determined by Planning Director
Automobile Sales and Rental	1 space per 500 s.f. indoor facility plus 1 space per 1,000 s.f. outdoor lot area
Automotive Body Repair Shop (Collision Repair)	5 per service bay
Automotive Parts Sales, Inside	1 space per 250 s.f.
Automotive Repair and Service	6 spaces per service bay
Bar/Tavern	1 space per 75 s.f.
Body Art Studio	1 space per 200 s.f.
Brewery/Distillery/Winery, Micro	1 space per 100 s.f. of designated seating area/entertainment + 4 additional spaces

Brewpub/Wine Bar	1 space per 100 s.f.
Business Services	1 space per 250 s.f.
Call Center	1 space per 400 s.f.
Campground or Recreational Vehicle Park	To be determined by Planning Director
Car Wash	self serve: 2 spaces per facility full service: 1 space per 150 s.f.
Catering Establishment	1 space per 400 s.f.
Cemetery/Mausoleum	1 space per 150 internment plots plus 1 space per 350 s.f.
Civic Center	1 space per 4 seats or 1 space per 100 sf, based on maximum design capacity whichever is less
Clinic	1 space per 200 s.f.
College, University, Trade School, or Private Boarding School	1 space per every faculty and staff plus 1 space per every 5 residents and 1 space per every commuter student
Commercial Recreation and Entertainment, Indoor	1 space per 250 s.f. plus 1 space per 500 s.f. up to 50,000 s.f. plus 1 space per 1000 s.f. over 50,000 s.f.
Commercial Recreation and Entertainment, Outdoor	1 space per 250 s.f. structural area plus 1 space per 2 seats
Commissary	1 space per 400 s.f.
Contractor's Shop	1 space per 500 s.f.
Convention Center	1 space per 4 seats or 1 space per 100 sf GFA, based on maximum design capacity whichever is less.
Crematorium	1 space per 350 s.f.
Data Center	1 space per 300 s.f.
Day Care Facility	1 space per 6 students plus 1 space per employee
Distribution/Logistics Center	1 per 1000 s.f.
Drive-in/ Thru	1 parking space for each 50 s.f. of floor space used or designated as customer service and waiting area, or 4 spaces, whichever is greater
Dry Cleaning, Major	1 space per 250 s.f
Dry Cleaning, Minor	1 space per 250 s.f
Equipment and Machinery Sales and Rental, Indoor	1 space per 500 s.f.

Equipment and Machinery Sales and Rental, Outdoor	1 space per 2,000 s.f.
Event Center	1 space per 100 sf used for assembly or dancing
Farm, Ranch, Garden, Orchard, or Winery	To be determined by Planning Director
Financial Institution	1 space per 300 s.f.
Financial Services Institution, Alternative	1 space per 300 s.f.
Food Processing Establishment, Major	See industrial, heavy
Food Processing Establishment, Minor	See industrial, light
Gas Station	1 space per 400 s.f.
Golf Course and/or Country Club	4 space per hole plus 1.5 space per accessory structure
Golf Driving Range	0.5 space per tee
Government Facilities	1 space per 250 s.f. plus 1 space per fleet vehicle
Health/Fitness Center	1 space per 200 s.f.
Hospital	1 space per 4 beds
Hotel/Hotel Residence	1 space per bedroom plus 1.5 spaces per 2 employees
Household Appliance Service and Repair	1 space per 250 s.f.
Industrial Uses, Heavy	1 space per 700 s.f. of indoor (non-storage) plus 1 space per 1,000 s.f. of outdoor space plus 1 space per 2,500 s.f. of indoor storage
Industrial Uses, Light	1 space per 600 s.f. of indoor (non-storage) plus 1 space per 1,000 s.f. of outdoor space plus 1 space per 2,500 s.f. of indoor storage
Laundromat	1 space per 250 s.f.
Liquor Store (Off-Premise Consumption)	1 space per 250 s.f.
Lounge	1 space per 100 s.f.
Machine Shop	See industrial uses, light
Massage Therapy, Licensed	1 space per 200 s.f.
Microwave and Satellite Receiving Station, Commercial	1 space per service employee
Mini-warehouse/public storage	1 space per 250 s.f. of office space
Mobile Food Park	See Section 4.9

Mortuary/Funeral Home	1 space per 150 internment plots plus 1 space per 350 s.f.
Museum/Art Gallery	1 space per 500 s.f.
Nursery Indoor/Outdoor Sales	1 space per 250 s.f. of office space 1 space per 750 s.f. outdoor sales, service and display 1 space per 500 s.f. indoor sales, service and display
Office/Showroom	1 space per 300 sf office + 1 space per 1000sf showroom
Office/Warehouse	1 space per 300 sf office + 1 space per 1000sf warehouse
Office: Administrative or Professional	1 space per 250 s.f.
Office: Medical	1 space per 200 s.f.
Open Storage (Primary Use)	1 space per 2000 s.f.
Park or Playground	To be determined by Planning Director
Pawn Shop	1 space per 250 s.f.
Personal Services	1 space per 200 s.f.
Place of Worship	1 space per 3 seats plus spaces necessary to accommodate accessory uses based on general requirements for accessory uses
Portable Building Sales	1 space per 500 sf of sales and service building
Print Shop, Major	1 per 400 s.f.
Print Shop, Minor	1 per 400 s.f.
Reception Hall	1 space per 100 sf used for assembly or dancing
Recycling Center	To be determined by Planning Director
Recycling Plant	See industrial uses, heavy
Research and Development Center	1 space per 300 s.f.
Restaurant	1 space per 75 s.f. (includes outdoor seating and waiting area)
Retail Sales and Service - Single tenant over 50,000 SF	1 space epr 225 s.f. of net retail floor area
Retail Sales and Services	1 space per 250 s.f. of first 20,000 s.f. plus 1 space per 500 s.f. for s.f. between 20,000 s.f. to 50,000 s.f.
School: Public, Private or Parochial	Elementary School - 1.5 spaces per classroom Middle School - 1.5 spaces per classroom High School - 1.5 spaces for each staff member plus 1 space for each 3 students enrolled in 11th and 12th grades
Sexually Oriented Business	1 space per 200 s.f.
Shooting Range, Indoor	1 space per 200 s.f. of indoor facilities, plus 1 space per bay or target

Small Engine Repair Shop	1 space per 400 s.f.
Stable, Commercial	To be determined by Planning Director
Theatre	1 space per 3 seats
Transit Facility (Park & Ride)	To be determined by Planning Director
Transit Terminal (Park & Ride)	1 per 300 s.f. of office; 1 per 400 s.f. of terminal area + additional spaces as determined by the Director
Truck Sales and Rental, Truck/Trailers/Heavy Truck	1 space per 500 s.f. indoor facility plus 1 space per 1,000 s.f. outdoor lot area
Truck Terminal	To be determined by Planning Director
Trucks/Bus/Large Vehicle Repair	6 spaces per service bay
Utilities	1 space per facility plus 1 space for every 250 s.f. of habitable building space
Vehicular Sales and Rental, Recreational	1 space per 500 s.f. indoor facility plus 1 space per 1,000 s.f. outdoor lot area
Wireless Telecommunication Facilities (WTFs) / Radio TV Tower	1 space per facility plus 1 space for every 250 s.f. of habitable building space
Wrecker/Towing Services	1 per 500 sf of service building

10.4.7 Rules for Calculating Requirements

A. General

1. Where fractional spaces result, the parking spaces required shall be constructed to be the next largest whole number.
2. In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building for development.
3. Where open land is used for manufacturing, storage, or other operations in a manner similar to indoor operations, such open land shall be added to floor space in determining the number of parking spaces required.

B. Multiple Uses

Lots containing more than one use must provide parking and loading in an amount equal to the total of the requirements for all uses, unless an alternative parking plan is approved by the Administrator.

C. Area Measurements

Unless otherwise expressly stated, all square-footage-based parking and loading standards must be computed on the basis of Gross Floor Area (GFA), which for purposes of computing off-street parking requirements, means the Gross Floor Area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The following areas are part of GFA:

1. The area of each floor of the structure.
2. All attic space used for an active commercial use unless otherwise determined by the Planning Director.

D. Occupancy-Based Standards

For the purpose of calculating parking requirements based on employees, students, residents or occupants, calculations must be based on the following whichever is applicable and results in the greater number of spaces:

1. The largest number of persons working on any single shift;
2. The maximum enrollment; or
3. The maximum fire-rated capacity

E. Unlisted Uses

Upon receiving a site development permit application for a use not specifically listed in Table 10.4.6, Required Parking Ratio, the Planning Director must apply the off-street parking standard for the listed use that is deemed most similar to the proposed use or require a parking study to create an alternative parking plan.

F. Ratios determined by the Planning Director

The Planning Director shall determine the minimum parking requirement as indicated by that use. In making a determination, the Planning Director shall consider the requirements applicable to similar uses, the location and characteristics of the use, and appropriate traffic engineering and planning data.

10.4.8 Parking Space and Parking Lot Design

A. Parking Space Dimensions

1. Accessibility

Parking spaces designated as handicapped must comply with the design and location requirements of the American National Standards Institute (A117.1) and the Texas Accessibility Standards administered by the Texas Department of Licensing and Regulation.

2. Dimensions

- a. All parking areas and spaces shall be provided with wheel stops for each individual parking space, or wheel stop curbing designed to prevent parked vehicles from extending beyond the property lines, damaging adjacent landscaping, walls or buildings, or overhanging sidewalk areas. Each handicapped accessible parking space without a curb stop should be furnished with a parking barrier. Barriers should not block the access aisles between handicapped accessible spaces. If the parking space is located adjacent to a sidewalk a wheel stop for each individual parking space is required in addition to any raised curb provided.
- b. Minimum parking dimensions must be consistent with the dimensions indicated in Table 10.4.8 Parking Dimensions.

Table 10.4.8 Parking Dimensions					
Angle (degrees)	Width (ft)	Length (ft)	Adjacent Aisle Width (ft)		
			One-Way	Two-Way	Fire Lane
90	9	19	n/a	24	26'
75	8.5	19.5	25	24	26'
60	8.5	17	18	24	26'
45	8	16	15	22	26'
Parallel	8	25	15	20	26'

B. Parking Lot Setback

1. See Subchapter 4 for distances regarding streetscape yard.
2. Parking lots within 20 feet of a public right-of-way must have a maximum of seven contiguous spaces separated by a landscape island that is a minimum of 18 feet by 19 feet, the area of two parking stalls.

C. Parking is discouraged along major entrance drives.

D. Drive Aisle Widths

1. Drive aisle widths adjoining off-street parking spaces must comply with the standards in Table 10.4.8, Parking Dimensions.
2. For aisles without parking spaces, Aisle widths may be reduced to 20 feet for two-way traffic and 10 feet for one-way traffic unless otherwise required by the Fire Code.

E. Parking Lot Landscaping

Landscaping shall be included within surface parking lots in accordance with Subchapter 11. Landscaping and Screening Standards.

F. Parking Lot Striping

All striping for parking stalls shall be minimum of four (4) inches wide of white safety traffic paint designated for such use. All other markings required to designate crosswalks, directional arrows, fire lanes, ADA accessible spaces, or service areas shall be in compliance with the State Manual of Uniform Traffic Control Devices (MUTCD) and/or the International Fire Code.

10.4.9 Structured Parking Standards

A. Standards

1. Primary vehicular access to parking structures should consider the location of pedestrian routes and avoid using a major pedestrian thoroughfare such as a primary point of access.
2. Pedestrian routes in structures and lots shall be easily identifiable and accessed.

3. Clear visual connections between a garage or surface parking lot and adjacent sidewalks and buildings are desirable.
4. Interior and exterior lighting shall be designed for safety as well as nighttime appearance in accordance with Subchapter 13.
5. Dimensions for parking within a parking structured will be provided as outlined in Table 10.4.9 Structured Parking Criteria.

TABLE 10.4.9 STRUCTURED PARKING CRITERIA							
Angle of Parking (degrees)	Width of Stall	Depth of Stall 90° to Aisle	Width of Aisle		Width of Stall Parallel to Aisle	Module Width	
			One Way	Two Way		One Way	Two Way
Standard Parking Spaces							
30	8'6"	15'6"	11'	—	17'	42'	—
30	9'	15'6"	10'	—	18'	41'	—
45	8'6"	16'6"	13'	—	12'	46'	—
45	9'	16'6"	12'	—	12'9"	45'	—
60	8'6"	18'	14'6"	—	9'10"	50'6"	—
60	9'	18'	13'	—	10'5"	49'	—
75	8'6"	18'	18'	—	8'10"	54'	—
75	9'	18'	17'	—	9'4"	53'	—
90	8'6"	17'	—	24'	8'6"	—	58'
90	9'	17'	—	23'	9'	—	57'

10.4.10 Alternative Parking Plans

- A. An alternative parking plan may be approved by the Administrator for specific unlisted developments or uses that the Administrator determines require a different amount of parking than the standards shown in Table 10.4.6 Required Parking Ratio. Provided, however, that the Administrator must ensure adequate on-site parking when approving an alternative parking plan.
 1. Parking Study Option: Parking studies may be required for specific unlisted uses or when a reduction in the parking requirement is desired. applicants for Uses that appear on Table 10.4.6 Required Parking Ratios may choose to conduct a parking study to determine appropriate parking requirements. This option is intended to allow development to meet vehicle parking and transportation access needs by means other than providing parking spaces on-site in accordance with the ratios in Table 10.4.6 Required Parking Ratios.
 2. Parking Study Required: Applicants proposing to develop or expand an unlisted use or when a reduction in the parking requirement is desired may submit a parking study or other documentation that provides justification for the number of off-street parking spaces proposed. A parking study may include estimates of the parking demand based on

recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Administrator. A parking study must, where possible, include reliable data from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability is based on density, scale, bulk, area, type of activity, and location. The study must document the source of the data used to develop the recommendations.

3. Eligible Alternatives: A number of specific parking and access alternatives may be considered, including off-site and shared parking. The Administrator may consider and approve any alternative to providing off-street parking spaces on the site of the subject development. An alternative plan must demonstrate to the satisfaction of the Administrator that the proposed plan will benefit surrounding neighborhoods and improve City-wide traffic circulation or urban design more than strict compliance with off-street parking standards in this Code. An alternative parking proposal must be prepared by a registered professional engineer or other individual with training or experience in the design of parking facilities. Statements of qualifications may be required in order to document such training or experience.

B. Review by Administrator

The Administrator must review a parking study and any other traffic engineering and planning data relevant to the establishment of an appropriate off-street parking standard for an unlisted or proposed alternative parking standard use. After reviewing the parking study, the Administrator must establish a minimum off-street parking standard for the proposed use.

10.4.11 Off-Site Parking

- A. Off-site parking spaces may be located on a separate lot from the lot on which the principal use is located in accordance with all the following standards:
 1. Off-site parking may not be used to satisfy the off-street parking standards for residential uses, restaurants, convenience stores or other convenience-oriented uses.
 2. Required parking spaces reserved for persons with disabilities shall not be located off-site.
 3. Off-site parking must be located within 1,000 feet of the primary entrance of the use served.
 4. Off-site parking spaces may not be separated from the use that they serve by a street right-of-way with a width of more than 80 feet, unless an adequate pedestrian path is provided as approved by the Administrator.
 5. Off-site parking areas serving uses located in non-residential zoning districts must be located in a district that is the equivalent zoning district or less restrictive as the site requesting off site parking.
 6. In any case where required parking spaces are not located on the same property with the activity or establishment, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and

executed by the parties concerned, approved as to form by the city attorney, filed with Williamson and/or Travis County and submitted with the application for site plan approval.

10.4.12 Shared Parking

- A. Efficient use of land and resources by allowing users to share off-street parking facilities is encouraged whenever feasible. Developments or uses that have different operating hours or peak business periods may share off-street parking spaces if approved by the Administrator based upon the following standards:
1. Shared parking spaces must be located within 1,000 feet of the primary entrances of all uses served.
 2. Shared parking spaces serving uses located in nonresidential districts must be located in a district that is at least as restrictive as the more restrictive of the uses applying for shared parking spaces. Shared parking spaces serving uses in residential districts may be located in residential or nonresidential districts.
 3. Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking study to the Administrator that clearly demonstrates the feasibility of shared parking. The study must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads by hour of the day for all uses that will be sharing off-street parking spaces.
 4. A shared parking plan must be enforced by a written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Administrator before a site development permit for any use to be served by the off-site parking area may be issued. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this section.
 5. Failing to comply with the shared parking provisions of this subchapter constitutes a violation of this code that is subject to penalties as described in Subchapter 1.
 6. In any case where required parking spaces are not located on the same property with the activity or establishment, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney, filed with Williamson and/or Travis County and submitted with the application for site plan approval.

10.5 LOADING AND DELIVERY REQUIREMENTS

- A. Common or shared loading and delivery entrances, or service courts, must be provided between adjacent buildings or developments.
- B. Non-residential uses over 20,000 square feet in area must provide loading and delivery facilities separate from customer parking and pedestrian areas.

- C. Loading spaces should be designated and measure 45 feet in length by 12 feet in width unless otherwise approved by the Planning Director.
- D. Nonresidential loading and delivery facilities must be screened in accordance with Subchapter 11 and designed in accordance with Subchapter 9.
- E. Loading and unloading areas shall be located so as not to restrict or interfere with the normal movement of pedestrians and vehicles along streets, sidewalks or in parking areas. Driveway placement should be such that loading and unloading activities will in no way hinder vehicle ingress or egress.
- F. Child care centers and other child care facilities shall be required to provide onsite loading/unloading area, separate from the parking area and as close to the main entrance as possible. The loading/unloading area shall have one-way movement.

10.6 QUEUING REQUIREMENTS

10.6.1 Applicability

The vehicle queuing standards of this subsection apply unless the Administrator grants an exception. The Administrator may require additional queueing spaces where trip generation rates suggest that additional spaces will be needed.

10.6.2 Number of Spaces Required

- A. Off-street queuing spaces must be provided as follows:

Activity Type	Minimum Queueing Spaces	Measured From
Automobile repair shop	1	Entrance to stall
Automated teller machine	3	Machine
Bank teller lane	4	Teller window
Car wash stall, automated	4	Entrance to wash bay
Car wash stall, self-service	3	Entrance to wash bay
Gasoline pump island	2	Pump island
Parking lot, controlled entrance	4	Key code box
Pharmacy pickup	3	Pharmacy window
Restaurant drive-thru	6	Order box
	4	Order box to pick-up window
Other	Determined by Administrator	

B. Required queuing spaces are subject to the following design and layout standards.

1. Queueing spaces must be at least eight (8) feet in width and 20 feet in length.
2. Queueing spaces may not impede fire lane(s), on- or off-site traffic movements, identified pedestrian routes, or vehicular movements into or out of off-street parking spaces.
3. Queue spaces must be separated from other internal driveways by raised medians for traffic movement and safety if the Administrator determines that such a separation is necessary.
4. Queue spaces are not interchangeable with parking spaces unless specifically provided for in the Subchapter.

10.7 BICYCLE FACILITIES

- A. A bicycle rack is required for each development/building providing storage capacity for a minimum of four (4) bicycles. For sites with multiple buildings a bicycle rack is required to be provided at each building. For commercial sites with buildings exceeding 50,000 s.f. a bicycle rack(s) with the capacity to provide a minimum of 8 bicycle spaces is required.
- B. Bicycle facilities should be placed in clearly designated, safe, and convenient locations, so that no tenant entrance is greater than 100 feet from a bike facility.
- C. Bicycle facilities must be separated from motor vehicle parking in order to protect both bicycles and vehicles from accidental damage. Facilities must be separated from the building or other walls, landscaping, other features a minimum of three (3') feet to make such facilities easy to use.
- D. Bicycle facilities must be constructed to enable the user to secure a bicycle by locking the frame and one wheel of each bicycle. Facilities must be easily usable for both U-locks and cable locks and support the bicycle frame at two points. Facilities must be anchored securely to the ground or building.
- E. Bicycle racks shall be shown on the site plan along with a detail of the proposed bicycle rack

Subchapter 11. Landscaping and Screening Standards

<u>Section</u>	<u>Title</u>
11.1	Purpose
11.2	Applicability <ul style="list-style-type: none">A. GeneralB. Additions, Expansions and Redevelopment
11.3	Minimum Required Landscaping <ul style="list-style-type: none">A. General CriteriaB. Non-residential Zoning DistrictsC. Residential Zoning Districts
11.4	General Planting Criteria <ul style="list-style-type: none">A. SelectionB. TreesC. Shrubs, Vines, Ground Cover, Perennials and OrnamentalsD. Turf and Lawn GrassE. Landscape Planting Beds
11.5	Streetscape Yard Standards <ul style="list-style-type: none">A. Non-Residential and Multi-Family DevelopmentsB. Residential Developments
11.6	Building Foundation Landscaping <ul style="list-style-type: none">A. Non-Residential and Multi-Family DevelopmentsB. Residential Developments
11.7	Surface Parking Landscaping
11.7.1	Design <ul style="list-style-type: none">A. End IslandsB. Interior IslandsC. MediansD. Parking Rows
11.7.2	Required Plantings
11.8	Screening Requirements
11.8.1	Screening of Parking Lots
11.8.2	Screening of Mechanical Equipment
11.8.3	Screening of Outdoor Storage
11.8.4	Screening of Refuse Containers

- 11.8.5 Screening of Loading Docks, Overhead Door, and Service Courts
- 11.8.6 Screening of Storm Water Detention
- 11.8.7 Screening of Walk-in Coolers

11.9 Fence and Wall Standards

- 11.9.1 Residential Subdivision Perimeter Fence Standards

11.1 Bufferyard Requirements

- A. Applicability
 - B. Minimum Requirements
 - C. Existing Conditions
 - D. Permitted Encroachments
- 11.10.1 Bufferyard Walls

11.11 Tree Specifications

- 11.11.1 Tree Diversity
- 11.11.2 Tree Spacing from Utilities and Impervious Cover
- 11.11.3 Approved Tree List

11.12 Tree Preservation and On-Site Mitigation

11.13 Landscaping Installation and Maintenance

- A. Maintenance
- B. Replacement of Trees
- C. Irrigation Standards

11.14 Permits, Enforcement and Drought

- A. Permits
- B. Enforcement
- C. Drought

11.15 Landscape Plan Requirements

- 11.15.1 Non-Residential and Multi-Family
- 11.15.2 Residential

11.16 Alternative Landscape Plans

SUBCHAPTER 11. LANDSCAPING AND SCREENING STANDARDS

11.1 PURPOSE

This Subchapter establishes requirements for landscaping elements, buffering and screening to provide orderly, safe, attractive and healthy development of land within the community. The regulations in this Subchapter are intended to enhance the community's ecological, environmental and aesthetic quality. The City experiences frequent periods of drought; therefore all landscapes shall maximize the use of native, drought tolerant plants to the extent practicable.

11.2 APPLICABILITY

A. General

The provisions of this Subchapter shall apply to all property located within the corporate limits of the City of Pflugerville, and when developed as any residential or non-residential use in the ETJ when governed by a development agreement.

B. Additions, expansions and redevelopments shall comply with this Subchapter in the following situations:

1. Existing non-residential or multi-family sites when ground level additions, expansions, and/or redevelopments are equal to or greater than 25% of the existing impervious cover, at which point the entire site shall conform to the requirements of this Subchapter.
2. Existing non-residential or multi-family sites when cumulative ground level additions, expansions, and/or redevelopments total 25% or more of the existing improvements over a three (3) year period, at which point the entire site shall conform to the requirements of this Subchapter.
3. Existing non-residential or multi-family sites when the amount of parking is increased by 10% or more.
4. Existing non-residential or multi-family sites with lawfully established nonconforming uses, when the use is expanded, discontinued or otherwise changed in accordance with Subchapter 8.

11.3 MINIMUM REQUIRED LANDSCAPING

A. General

A minimum percentage of all lots shall be devoted to landscaping through the use of native trees and shrubs. Areas not planted with trees or shrubs should be designed with landscape beds containing native ornamental grasses, perennials, and ground cover. Integration of natural rocks, crushed granite, and wood mulch is permitted within the required landscape area, provided it is architecturally integrated into landscape beds and complimentary of plantings. The use of turf grass is permitted, but irrigated turf areas shall be limited to the amount identified in 11.4 (D).

B. Non-Residential Zoning Districts

The required percentage of landscape area and quantity of trees and shrubs for non-residential uses shall comply with the requirements provided in Table 11.3 B and the following:

1. In the Agriculture/Conservation district, landscaping requirements shall apply to the limits of construction, and are not applicable to agriculturally exempt appurtenances.
2. Multi-Family developments within non-residential or corridor districts are subject to Table 11.3 C requirements, industrial uses permitted by specific use permit are subject to CI landscaping requirements;
3. Additional plantings may be required to comply with the streetscape, building, bufferyard, screening, and parking lot landscaping requirements.

Table 11.3 B - Non-residential Landscape Area and Minimum Planting Requirements				
Non-Residential Districts		Zoning	Percent of lot Landscaped	Required Trees (3" Caliper) and Shrubs (3-Gallon) in landscape area
A	Agriculture/Conservation		Min. 30%	1 Tree & 2 shrubs per 300 S.F.
O	Office		Min. 30%	1 Tree & 4 shrubs per 300 S.F.
NS	Neighborhood Services		Min. 25%	1 Tree & 4 shrubs per 300 S.F.
R	Retail		Min. 20%	1 Tree & 4 shrubs per 300 S.F.
GB-1	General Business-1		Min. 20%	1 Tree & 4 shrubs per 300 S.F.
CL3	Corridor Urban Level 3		Min. 20%	1 Tree & 4 shrubs per 300 S.F.
CL4	Corridor Urban Level 4		Min. 20%	1 Tree & 4 shrubs per 300 S.F.
CL5	Corridor Urban Level 5		Min. 15%	1 Tree & 4 shrubs per 300 S.F.
GB-2	General Business-2		Min. 15%	1 Tree & 4 shrubs per 500 S.F.
CI	Campus Industrial		Min. 15%	1 Tree & 4 shrubs per 500 S.F.
LI	Light Industrial		Min. 15%	1 Tree & 4 shrubs per 800 S.F.
GI	General Industrial		Min. 15%	1 Tree & 4 shrubs per 800 S.F.

C. Residential Zoning Districts

The required percentage of landscape area and quantity of trees and shrubs for residential uses shall comply with the requirements provided in Table 11.3 C and the following:

1. At least half of the required trees shall be planted in the commonly perceived front yard;
2. Within a condominium, a corner residential dwelling shall be considered a dwelling adjacent to two public streets, internal drive aisles or a combination thereof;
3. Where tree spacing constraints exist, remaining required trees may be planted within common open space areas within the development if approved by the Administrator;
4. Additional plantings may be required to comply with the streetscape, building, bufferyard, screening, and parking lot landscaping requirements.

Table 11.3 C – Residential Landscape Area and Minimum Planting Requirements				
Zoning Districts per Residential Development Type		Percent of lot Landscaped	Required Trees (3" Caliper)	Required Shrubs (3-Gallon)
All	Single Family Detached	Min. 30%	2 Trees per non-corner residential dwelling; 4 trees per corner residential dwelling	4 shrubs per 10' foundation facing a street, exception of driveway
All	Single Family Attached	Min. 30%	1 Tree per non-corner residential dwelling; 2 trees per corner residential dwelling	4 shrubs per 10' of foundation facing a street
MF-10, CL3, R	Multi-Family	Min. 40%	1 Tree per 300 S.F. landscape area	4 shrubs per 300 S.F. landscape area
MF-20, CL4, GB-1	Multi-Family	Min. 40%	1 Tree per 300 S.F. landscape area	4 shrubs per 300 S.F. landscape area
CL5	Multi-Family	Min. 40%	1 Tree per 300 S.F. landscape area	4 shrubs per 300 S.F. landscape area

11.4 GENERAL PLANTING CRITERIA (APPLICABLE TO ALL DEVELOPMENTS)

Landscape areas shall be designed to enhance visual interest, encourage native landscapes and biodiversity, reduce soil erosion, and maximize water conservation. All landscaping shall comply with the planting criteria described herein.

A. Selection

1. Plantings shall consist of a mix of native drought tolerant trees, shrubs, ornamental grasses, flowering perennials and ground cover as approved through the Pflugerville Drop by Drop program or a similar Central Texas native plant resource approved by the Planning Director.
2. When native material is not appropriate for the intended use or appearance, the Planning Director may consider alternatives meeting the following criteria:
 - a. Species is found within Zones 8 - 9 of the USDA Plant Hardiness Zones with preference given to species located in Zone 8b; or
 - b. Species is considered regionally adapted to heat, cold, and drought conditions, is non-invasive, and is not readily susceptible to disease or pests.
3. All new plant material shall meet the latest requirements of the American Standard for Nursery Stock (ANSI Z60.1).
4. All new plant material shall be planted and maintained in accordance with the latest edition of the American National Standards Institute requirements for Tree, Shrub, and Other Woody Plant Maintenance (ANSI A300 Parts 1 through 6).

B. Trees

1. Type A and B Trees provided in Table 11.11.3 shall be a minimum of three-inch (3") caliper at planting.
2. Type C Trees provided in Table 11.11.3 shall be a minimum of two-inch (2") caliper at planting.
3. Trees not included on the Approved Tree List in Table 11.11.3, such as palms, may be considered by the Planning Director if the following are met:
 - a. Species is found within Zones 8 - 9 of the USDA Plant Hardiness Zones with preference given to species located in Zone 8b; or
 - b. Species is considered regionally adapted to heat, cold, and drought conditions, is non-invasive, and is not readily susceptible to disease or pests; and
 - c. Shall be a minimum of three-inch (3") caliper at planting.
4. All trees shall be planted and maintained in accordance with the Tree Specifications provided within this Subchapter and per the Tree Technical Manual, including but not limited to the addition of amended soil and organic mulch at time of planting, and a bubbler irrigation system as required within this Subchapter.

C. Shrubs, Vines, Ground Cover, Perennials and Ornamentals

1. Shrubs, vines, ground cover, and perennials shall be planted within landscape planting beds to minimize the amount of irrigated lawn or turf grass.
2. Shrubs, vines, ground cover, and perennials shall be of a native Central Texas variety listed in the Pflugerville Drop by Drop program or a similar Central Texas native plant list, and a minimum three (3) gallon container size at time of planting.
3. Ornamental grasses identified in the Pflugerville Drop by Drop program or a similar Central Texas native plant list may be utilized in lieu of shrubs if they are a minimum three (3) gallon container size at time of planting.
4. Yuccas, agaves, succulents, cacti, and sotols recognized as native or hardy to the area by the Lady Bird Johnson Wildflower Center may be considered in lieu of shrubs if they are a minimum three (3) gallon container size at time of planting.

D. Turf and Lawn Grass

1. To encourage water conservation, irrigated turf and lawn grass shall be minimized in the landscape. Where turf or lawn grass is planted, drought tolerant species shall be used with preference to native blends, as appropriate. Examples of recommended varieties for full sun, high foot traffic areas are “Sahara” Bermuda, and “Thunder” or “Tech” turf blends. “Habitu” is encouraged in full sun, low foot traffic areas and may be appropriately used as a transition between landscape planting beds and areas with high foot traffic. Areas with partial shade are recommended to utilize: “Palisade” Zoysia or “Shadow Turf” Buffalo in lieu of Saint Augustine.
2. Residential Lawn or Turf Grass:
 - a. The amount of irrigated lawn or turf grass for residential sites shall not exceed 2.5 times the foundation footprint or 10,000 square feet, whichever is the smaller square footage for all single family lots final platted after January 1, 2016.
 - b. Areas not irrigated are encouraged to utilize landscape beds with native plants. Lawn or turf grass blends may be planted in the remaining landscape area, provided the area is not irrigated.
 - c. Any lawn or turf grass installed shall utilize a warm weather grass variety or blend that has summer dormancy capabilities. Examples of recommended varieties and blends are provided above.
 - d. Saint Augustine shall only be allowed in shaded areas with less than 6 or more hours of full sun a day.
3. Non-Residential Lawn or Turf Grass:
 - a. Lawn or turf grass for commercial sites shall not exceed thirty-three (33%) percent of the total landscaped area. Areas not irrigated or left naturally shall be exempt from the limitation.
 - b. Any lawn or turf grass installed shall utilize a drought tolerant species with preference to native blends as described above.
 - c. Landscape areas not otherwise planted with shrubs, trees, or lawn shall contain landscape planting beds in accordance with requirements provided herein.

4. Turf areas may be sodded, plugged, sprigged, or seeded, except in times of Stage 3 or greater drought at which time solid sod shall be utilized. Solid sod shall also be used in swales or other areas subject to erosion as determined by the City Engineer.
5. Right-of-way shall be restored and maintained with vegetative ground cover as required by the Engineering Design Manual.
6. Synthetic or artificial lawns or plants shall be prohibited.

E. Landscape Planting Beds.

1. Landscape planting beds containing native shrubs, vines, perennials and ornamentals are encouraged to minimize the amount of irrigated lawn or turf grass.
2. Irrigation within landscape beds shall be limited to a drip irrigation system as required within this Subchapter.
3. All debris, wood chips, pavement, concrete, and rock over 2" in diameter shall be removed from the planting pit to a minimum of twenty-four (24") inch depth. The entire planting bed shall contain a minimum depth of twenty-four (24") inches of soil suitable for plant establishment and growth and may not be compacted or stabilized.
4. A native drought tolerant ground cover or an organic wood mulch shall be installed to conserve moisture in the ground and improve soil fertility. Native rock such as limestone, river rock, crushed granite or similar architectural material may be considered in landscape planting beds when used in combination with the native drought tolerant ground cover or organic mulch to enhance interest and add variety in the landscape. At no point shall an entire site's landscape planting bed be covered in rock, unless otherwise approved by the Planning Director.
5. Landscape planting beds may be used as stormwater collection areas commonly known as rain gardens, provided the planting beds are designed to prevent loss of mulch and planting material, include plants capable of surviving wet and drought conditions, and include either engineered soils or other design measures to prevent stagnant conditions.

11.5 STREETScape YARD STANDARDS

Street trees help to provide a visual and audible buffer to mitigate vehicular traffic from adjacent land uses, and also assist with improving regional air quality. Street trees shall be provided in the following circumstances:

A. Non-residential and Multi-family Developments

The streetscape yard required per zoning district in Subchapter 4 shall include the street trees required below. Trees may be planted in a non-linear or clustered fashion as long

as the total number of trees otherwise required are provided, the recommended spacing requirements in Table 11.11.3 Approved Tree List and the Tree Technical Manual are generally maintained, and all trees are planted outside of the sight triangle. Street yard trees may be used to meet the overall landscaping requirements established in Table 11.3 (B) for non-residential sites.

1. One medium or large tree (Type A or B), from among the options identified in Table 11.11.3 Approved Tree List, must be planted for every 40 linear feet of street frontage when overhead utilities are absent.
2. One small tree (Type C), from among the options identified in Table 11.11.3 Approved Tree List, must be planted for every 20 linear feet of street frontage when overhead utilities are present.

B. Residential Developments

Street trees shall be planted along a collector or arterial street when a landscape lot is required per Subchapter 15. Trees may be planted in a non-linear or clustered fashion as long as the total number of trees otherwise required are provided, the recommended spacing requirements in Table 11.11.3 Approved Tree List and the Tree Technical Manual are generally maintained, and all trees are planted outside of the sight triangle.

1. One medium or large tree (Type A or B), from among the options identified in Table 11.11.3 Approved Tree List, shall be generally planted every 40 linear feet of street frontage when overhead utilities are absent.
2. One small tree (Type C), from among the options identified in Table 11.11.3, shall be generally planted every 20 linear feet of street frontage when overhead utilities are present.

11.6 BUILDING FOUNDATION LANDSCAPING

A. Non-residential and Multi-Family Developments

A landscape planting bed consisting of a minimum five (5) foot deep planting strip as measured at ground level extending outward from the building façade and extending at least 50 percent of the length of the building's primary facades shall be provided.

1. One (1) shrub shall be planted every four (4) linear feet on center within the planting strip.
2. Ornamental Type C trees may be planted within the planting strip.
3. Shall comply with the general planting criteria as provided in 11.4.
4. The building foundation landscaping requirements may be used to meet the overall landscaping requirements established in Table 11.3(B). Above ground planters, tree wells, vegetative roof systems or similar approaches may be considered when traditional building landscaping is not feasible.

B. Residential Developments

Foundation landscaping shall be provided in accordance with Table 11.3 C.

11.7 SURFACE PARKING LANDSCAPING

Landscaping is required for all off-street surface parking areas, with exception of an individual single-family dwelling driveway, and may be used to meet the overall landscaping requirements. Landscaping shall be designed as provided below while maintaining Sight triangles at intersections within the parking lot, along adjacent streets, at driveways, and access easements. Where designated on-street parking spaces are proposed as part of a development, this provision shall apply.

11.7.1 Design

A. End Islands

1. An end or raised island at least 180 square feet in area must be located at both ends of every interior and peripheral parking row, regardless of the length of the parking row. End islands may have sidewalks through them.
2. All end islands must be raised at least six inches, curbed and must contain a surface, the majority of which is planted or treated with enhanced paving. The soil within the planted area shall not be compacted or stabilized. An alternative end island design may be considered to address stormwater runoff if approved by the City Engineer.

B. Interior Islands

All interior islands must be raised at least six inches and curbed, with the majority of the area of each island planted or treated with enhanced paving. The soil within the planted area shall not be compacted or stabilized. An alternative interior island design may be considered to address stormwater runoff if approved by the City Engineer.

C. Medians

1. A landscape median must be raised at least six (6) inches, curbed and must contain a surface, the majority of which is planted or treated with enhanced paving. Medians shall be a minimum of ten (10) feet in width measured from back of curb to back of curb.
2. The soil within the planted area shall not be compacted or stabilized. An alternative median design may be considered to address stormwater runoff if approved by the City Engineer.

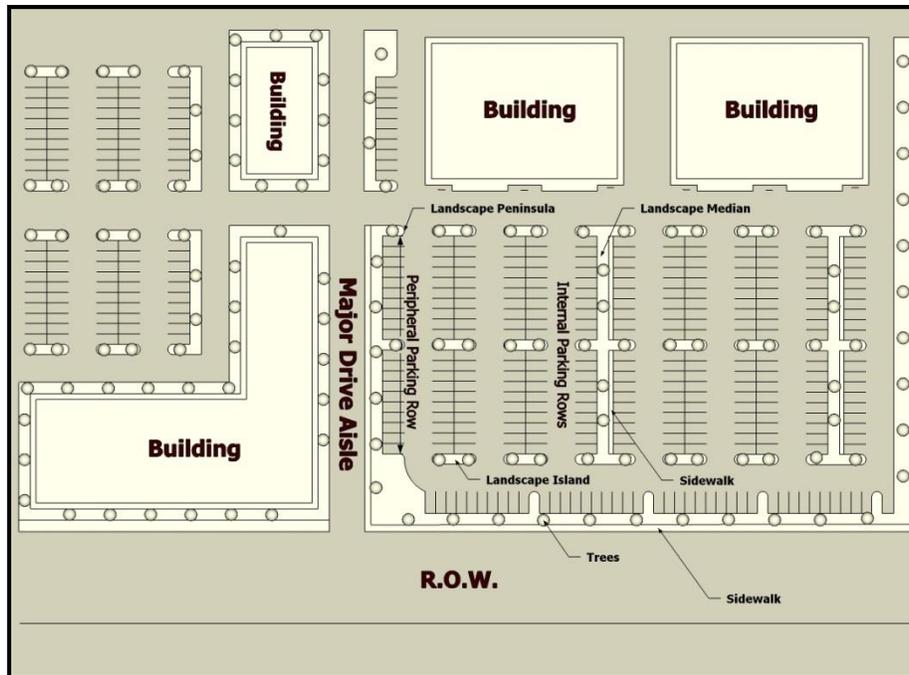
D. Parking Rows

1. A parking space delineated by striping or curbing may not be located more than 50 feet from a landscaped area.
2. A Parking Row adjacent to a public right of way or major drive aisle shall have a maximum of ten (10) contiguous parking spaces separated from the right of way or drive aisle by a Landscape Peninsula of at least 360 square feet as measured from the backs of curbs or the equivalent of two (2) parking spaces.

3. In no case shall a Parking Row exceed ten (10) parking spaces without a separation of a Landscape Island or Peninsula of at least 180 square feet as measured from the backs of curbs.
4. There shall be no more than three (3) adjacent Parking Rows without a Landscape Median of least ten (10) feet in width measured from back of curb to back of curb. A sidewalk may be included within the Landscape Median if the median is expanded to ensure a minimum 10-ft wide landscape area is maintained.
5. Landscape medians shall be utilized within parking area designs to segment large expanses of surface parking into “parking rooms” such that each parking room has no more than 200 parking spaces.
6. All Parking Rows must terminate with a landscape end island or Peninsula of at least 180 square feet regardless of Parking Row length. End islands or Peninsulas may have sidewalks through them.
7. Landscape Islands, Peninsulas, and Medians may be utilized to accommodate innovative storm water management approaches (i.e. rain gardens) provided they are designed and certified by a registered Landscape Architect or Engineer and approved by the Planning Director in consultation with the City Engineer. All landscape islands, Peninsulas, and medians shall be in accordance with the City of Pflugerville standard curb details and must contain a surface, the majority of which is vegetated.
8. Any landscape area adjacent to pavement must be protected with a concrete curb and/or an equivalent barrier such as a wheel stop.

11.7.3 Required Plantings within the Landscape Islands, Peninsulas, and Medians

- A. One (1) Tree shall be planted within each landscape island and peninsula. If a Landscape island extends the length of two (2) parking spaces then two (2) trees shall be planted within the Landscape Island.
- B. One (1) Tree shall be planted at least every 30 feet within a Landscape Median, measured from the center of each trunk.
- C. All new trees within a parking lot must be planted in a pervious area of at least 180 square feet and with a minimum interior width of eight (8) feet.
- D. Graphic L1, Parking Lot Landscaping Requirements. The illustration below shall serve as an example for the Parking Lot Landscaping Requirements. If there is a discrepancy between the text of this Subchapter and the image below, the text shall control.



Graphic L1 – Parking Lot Landscaping

11.8 SCREENING

Notwithstanding the minimum screening requirements provided below, Alternative Screening Plans that reflect innovative approaches to screening which exceed the minimum screening objectives of this Subchapter may be considered on a case by case basis by the Planning Director.

11.8.1 Screening of Parking lots

- A. All off-street surface parking associated with non-residential and multi-family uses and districts must be screened from public rights-of-way and major drive aisles using one or more of the screening methods described in this subsection.
 1. A vegetated berm;
 2. A planting screen utilizing evergreen shrubs.
 3. A 3-ft tall wood picket fence, or a 3-ft tall native rock, stone, or brick wall may be permitted if used in combination with native ornamental grasses, shrubs, flowering perennials or similar as identified above in Subsection 11.8; or
 4. A combination of any of the above and trees.
- B. Planted screening must be capable of providing a solid screen of at least 36-inches in height within two (2) years, and must be planted in a prepared bed that is at least three feet (3') in depth. Parking lot screening shrubs may be used to meet the overall landscaping requirements established in 11.3(B) and 11.3(C).

- C. Screening must have a visual offset of at least three feet (3') every 60 linear feet. While a physical offset is required, the use of clumped street trees within planting beds may be considered when establishing the visual offset.

11.8.2 Screening of Mechanical Equipment

Mechanical equipment utilized in all developments shall be subject to the following screening requirements:

- A. All ground and wall-mounted mechanical equipment (e.g., air handling equipment, compressors, duct work, transformers and elevator equipment) must be screened from public view from a street or parking area, and on a minimum of three sides.
- B. Roof-mounted mechanical equipment must be completely screened from ground level view on all sides using a parapet wall. The parapet wall shall be provided along the full perimeter of the building and be architecturally integrated into the structure using materials permitted in Subchapter 9. If topography prevents full screening of the mechanical equipment through the use of a parapet wall, alternative screening of the mechanical equipment in the area where a conflict occurs may be considered by the Planning Director.
- C. Wall or ground-mounted equipment screening must consist of native evergreen vegetation, brick, stone, reinforced concrete, or other similar masonry materials.
- D. All fence or wall posts shall be concrete-based masonry or concrete pillars.
- E. Exposed conduit, ladders, utility boxes and drain spouts must be painted to match the color of the principal structure. Natural metallic finishes are an acceptable alternative to paint.

11.8.3 Screening of Outdoor Storage

- A. Outdoor storage in non-residential zoning districts, where permitted, shall only be located on the side or rear of the principal structure and must be screened from public view at ground level.
- B. Outdoor storage shall be screened with a minimum eight-foot (8') tall screen consisting of one or more of the following:
 - 1. A masonry wall or other material that is similar to the principal structure;

2. Native, evergreen shrubs planted a maximum of four (4') feet apart on center that shall create a solid screen to a minimum height of eight (8') feet within two (2) years; or
3. A three-foot (3') landscaped berm in conjunction with the aforementioned masonry wall or evergreen shrubs.

11.8.4 Screening of Refuse Containers

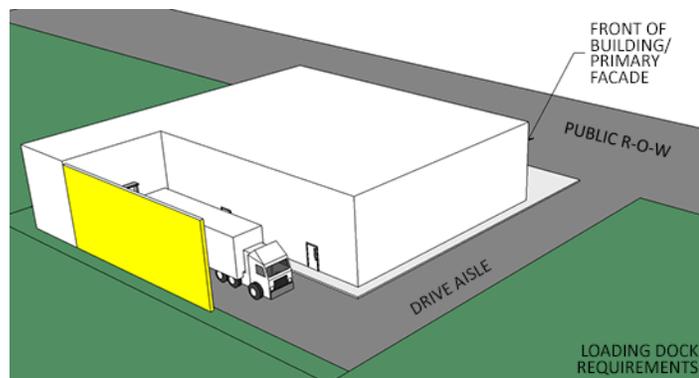
All trash, recycling, compost and similar refuse containers for non-residential and multi-family uses and districts shall comply with the following standards and screening:

- A. Containers shall be located on the side or rear of the principal structure and screened from ground level public view. Enclosure gates shall not face a public street.
- B. Containers shall be located at least 50 feet away from the property line of any conforming residential use or the boundary of any residential district with exception, the distance requirement shall not be applicable when adjacent to a multi-family property or district.
- C. Containers shall be located on a reinforced slab that is at least six inches thick and sloped to an internal drain which is connected to a wastewater line.
- D. Containers shall be screened on all four (4) sides, using an enclosure that screens the container from view at the property line. Screening shall be at least as tall as the container(s) and comprised of materials and color schemes that are visually and aesthetically compatible with the overall project that incorporate the following:
 1. Brick;
 2. Stone;
 3. Stucco;
 4. Reinforced concrete; or
 5. Other similar masonry materials as approved by the Planning Director.
- E. Concrete filled steel pipes (bollards) of minimum six-inch diameter shall be located around the enclosure to protect it from vehicle operations while not obstructing operations associated with the container.
- F. Container enclosures shall have steel gates with spring-loaded hinges, or the equivalent, and fasteners to keep them closed. With exception of typical container operations, the container lid and enclosure doors shall be in the closed position. At no time shall a container enclosure door be left in the open position.
- G. When an enclosure is located adjacent to a landscaped area, trees, shrubs, vines, perennials and ornamental plantings as permitted in this subchapter shall be located around the container enclosure to enhance the aesthetics. All screening and landscaping shall be maintained by the property owner at all times.
- H. The ingress, egress, and approach to all container pads must conform to fire lane requirements.

11.8.5 Screening of Loading Docks, Overhead Door, and Service Courts

This subsection shall apply to all buildings in non-residential zoning districts with a loading dock, overhead door, or service court.

- A. Service Courts containing loading docks and delivery receivable areas for multiple office and commercial uses shall be located to the side or rear of the buildings, with the entire extent of the Service Court screened at ground level from a public street, main drive aisle and patron parking area on all sides, with exception of the access point into the Service Court.
 - 1. Screening of a Service Court shall consist of a wall constructed of complimentary materials as the principal structure as permitted by Subchapter 9, and at a consistent height which substantially provides consistent screening from the highest loading dock. Landscaping shrubs and ornamental trees are encouraged to be located along the extent of the required wall to provide visual relief.
 - 2. The Planning Director may consider native evergreen trees and shrubs to be used to screen all or a portion of the Service Court if the plantings result in a solid vegetative screening of at least 8 feet tall within 2 years, the plantings or wall combination extend the entire distance otherwise required for a solid wall as required herein, and the plantings are in addition to the minimum landscaping required in Section 11.3.
- B. When multiple buildings with a land use permitted in an industrial zoning district containing more than two (2) loading docks are proposed, Loading Docks from each building shall be oriented toward one another to establish a common Service Court.
- C. At a minimum, walls commonly known as “wing walls” shall be provided to screen from ground level all Loading Docks from public view. The wall shall consist of complimentary materials as the principal structure permitted by Subchapter 9, at a consistent height which substantially provides consistent screening from the highest loading dock, and extending at least 50 feet from the building in order to screen the truck and trailer. If a wall is determined to not be feasible due to site or height constraints, the Planning Director may consider native evergreen trees and shrubs to be used provided the plantings result in a solid vegetative screening of at least 8 feet tall within 2 years, the plantings or wall combination extend the distance otherwise required for a solid wall as required herein, and the plantings shall be in addition to the landscaping required in Section 11.3.



- D. Where physical constraints prevent the required orientation of Overhead Doors required in Subchapter 9, the Planning Director may consider an alternative orientation if the following is provided:
 - 1. Approved alternative landscape screening per Table 7 of this Subchapter; and
 - 2. Structural awnings with a depth of at least 3' 10" are provided over the extent of all overhead doors facing the public street, or
 - 3. Structural projections of at least 3' 10" are provided in front of the overhead doors facing the public street to reduce the visual impact of the service bay from the street.

- E. Where physical constraints prevent the required orientation of loading docks required in Subchapter 9, the Planning Director may consider an alternative orientation if the following screening is provided:
 - 1. Approved alternative landscape screening per 11.16 of this Subchapter; and
 - 2. Structural projections of at least 3' 10" are provided in front of the Loading Docks to reduce the visual impact from the street; and
 - 3. Structural awnings with a depth of at least 3' 10" provided over the extent of aforementioned structural projections facing the public street.

11.8.6 Screening of Storm Water Detention

Storm water detention and water quality ponds (if provided) should be located to the side or rear of a lot to minimize visibility from a public street, major drive aisle, and patron parking. All storm water detention and any water quality facilities within the city shall be screened by means of the following landscape elements:

- A. One Type A or Type B tree shall be planted for every thirty (30) linear feet of the detention and/or water quality facility visible from a public street or major drive aisle; and
- B. One Type C tree shall be planted for every thirty (30) linear feet of the detention and/or water quality facility visible from a public street or major drive aisle; and
- C. One large shrub (minimum five (5) gallon size) shall be planted on center for every four (4) linear feet of the detention and/or water quality facility visible from a public street or major drive aisle; and
- D. Wrought iron fence (minimum 4 feet in height) shall be installed around the perimeter of the detention and/or water quality facility when a fence is required to ensure safety. Plantings shall be installed in front of the fence.

Full or partial exceptions to the screening requirement may be approved by the Planning Director if the facility is designed as a retention pond with a waterfall, fountain or similar feature used as a visual enhancement to a development.

11.8.7 Screening of Walk-in Coolers

- A. Walk-in coolers shall be structurally integrated and composed of similar masonry materials to that of the principal structure.

- B. A wood board privacy fence shall not be permitted.

11.9 FENCE AND WALL STANDARDS

The following standards shall apply to all fences and walls in all zoning districts and for all uses.

- A. Except as otherwise allowed in this Subchapter, fences and walls shall not be taller than six (6) feet in height unless otherwise approved by the Administrator, to a maximum of 7 feet, when topographic or other site constraints exist. Fencing and walls shall not be placed within a sight triangle.
- B. Front yard fences are permitted on single family lots provided the fence does not exceed three (3) feet in height and is located outside the sight triangle.
- C. Fences and walls shall be constructed of high quality materials, such as brick, stone, masonry fencing, stained cedar wood, and wrought iron. Table 11.9 specifies which types are permitted and prohibited based on the land use:

Table 11.9 - Fencing Materials				
Use	Wood	Chain Link	Wrought Iron	Masonry Product
Single-Family Detached Uses ⁽⁴⁾ (All districts)	Permitted	Prohibited	Permitted	Permitted
Single-Family Attached Uses ⁽¹⁾ (SF-MU, 2-F, CL3)	Permitted ⁽²⁾	Prohibited	Permitted	Permitted
Multi-Family Uses	Prohibited with exception ⁽³⁾	Prohibited	Permitted	Permitted
Commercial Uses (All districts except Industrial)	Prohibited with exception ⁽³⁾	Prohibited	Permitted	Permitted
Industrial Uses (CI or Specific Use Permit)	Prohibited	Prohibited	Permitted	Permitted
Industrial Uses (LI, GI only)	Prohibited	Permitted when not visible from, and set back at least 100 feet from, a public right-of-way line	Permitted	Permitted

⁽¹⁾Single-Family Attached (3 or more units): Perimeter fencing adjacent to a public right-of-way with a continuous height greater than three (3) feet tall shall be prohibited.
⁽²⁾Single-Family Attached (3 or more units): Use of wood shall be limited to decorative fencing not taller than four (4) feet in height.
⁽³⁾Multi-Family and Commercial Use Exception: A split rail, natural wood fence may be utilized as a decorative feature and provide separation between uses if included as part of the landscape.
⁽⁴⁾ Decorative fencing may be utilized when not visible from or adjacent to the public right of way.

- D. Where perimeter fencing is utilized for single-family attached or multi-family uses, breaks in the fence or wall shall be made to provide for pedestrian and bicycle connections to the public sidewalk and adjacent developments. Decorative gates may be provided as necessary to ensure security to the proposed development.
- E. Except as otherwise required in this Subchapter, the maximum length of a continuous, uninterrupted fence or wall plane is 100 feet. Breaks shall be provided through the use of natural stone or brick columns, landscaped areas, transparent sections or a change in material.
- F. When a sound barrier is required to comply with State or Federal requirements, a perimeter fence or wall greater than six (6) feet may be considered or required by the Administrator.

11.9.1 Residential Subdivision Perimeter Fence Standards

- A. Fences located along the perimeter of a residential subdivision shall be located within a landscape lot as required in Subchapter 15, to be owned and maintained by the Homeowner's Association.
- B. Perimeter fencing shall be constructed of high quality materials, such as brick, stone, masonry fencing, stained cedar wood, wrought iron, or a combination of said materials, in order to provide variation and ensure longevity.
- C. A decorative or capped stained cedar fence along the perimeter of a residential subdivision is permitted to have a height of no greater than eight (8) feet.
- D. All perimeter fencing or walls shall incorporate natural stone or brick columns a minimum of 120' apart on center and at all areas where two different sections of fence meet (typically at a 90 degree angle or similar) along arterial and collector streets, or public view areas.
- E. All perimeter fencing shall incorporate staggers or other visual breaks to relieve the monotonous appearance of continuous perimeter fence walls adjoining arterial streets.
- F. Masonry entry signs may be provided in combination with a perimeter fence at the main entrance to each single-family residential subdivision. An entry sign shall be located within a landscape lot, outside of the vision clearance triangle, and shall be owned and maintained by the Homeowner's Association.

11.10 BUFFERYARD REQUIREMENTS

A bufferyard is intended to help minimize any negative effects of a commercial or multi-family use on an adjacent conforming single family residential property. The landscaping required within bufferyards shall be provided in addition to the site landscaping required in Section 11.3.

- A. Applicability

Refer to Subchapter 4 for bufferyard requirements.

B. Minimum Requirements

1. Four (4) large and/or medium evergreen trees and 15 shrubs per 100 linear feet of the site development boundary; and
2. Opaque bufferyard wall as required below; and
3. Minimum distance from the property line as established by the specific zoning district stated in Subchapter 4.

C. Existing Conditions

1. When healthy, native trees and shrubs are located within the required bufferyard, the existing trees and shrubs shall not be removed or replaced with new plantings.
2. In areas where vegetation is not present, where nuisance vegetation (i.e. poison ivy) is dominant, or where diseased or dead trees or shrubs exist, bufferyard plantings shall be required as provided above.

D. Permitted Encroachments

1. Passive recreation including pedestrian or bike trails provided that:
 - a. None of the required plantings are eliminated;
 - b. The total depth of the bufferyard from the property line is maintained; and
 - c. All other regulations of this Subchapter are met; and
 - d. If approved by the Administrator
2. Stormwater detention may be considered if:
 - a. Designed as a commonly known rain garden with engineered soils; and
 - b. None of the required plantings are eliminated; and
 - c. The total depth of the bufferyard from the property line is maintained; and
 - d. All other regulations of this Chapter are met; and
 - e. If approved by the Administrator

11.10.1 Bufferyard Walls

- A. Walls shall be at least six (6) feet and at most eight (8) feet tall. When the adjacent property and the bufferyard are at different elevations, the Planning Director may require a fence or wall height, berms or other device greater than eight (8) feet to ensure adequate buffering.
- B. Walls shall be placed within one (1) foot of the common property line when physically possible and preferably replace existing fence lines. In the event that there is a physical constraint that will not allow the construction of a wall on the common boundary line (including, but not limited to, the existence of a drainage way, easement, or existing vegetation), the Planning Director may authorize the wall to be located further from the property line or an alternative screening type to be utilized.

- C. Walls shall not encroach into a Sight Triangle for a public right-of-way or main drive aisle.
- D. When the adjacent use is across a street, no wall shall be required.
- E. When the required bufferyard plantings are tripled or there is an existing tree line proposed for preservation abutting an existing fence, the Planning Director may allow the wall or planting requirement to be reduced.
- F. A building permit is required for walls taller than six (6) feet. Walls and masonry columns shall meet the footing standards prescribed by the building code for such structures.
- G. Walls may be masonry, stone, concrete, masonry fencing, or a combination of these materials, and shall be finished on both sides. Walls may be accented by brick, stone, stucco, Exterior Insulation and Finish System (EIFS), or concrete columns.

11.11 TREE SPECIFICATIONS.

A variety of native trees shall be planted in a manner which establishes healthy trees and aesthetic interest while reducing potential infrastructure conflicts. These specifications shall apply to all non-residential and multi-family developments. Designers of single family residential developments shall select tree species from Table 11.11.3, Approved Tree List, and are encouraged to diversify the tree types throughout the development.

11.11.1 Tree Diversity

- A. If 30 or more new trees are required, there shall be no more than 20% of any tree species, and no more than 40% of any tree genus planted on a site.
- B. If 30 or fewer new trees are required, tree diversity shall be provided in accordance with Table 11.11.1 below.
- C. No more than 50 percent of the total number of new trees required on site may be Type C Trees per Table 11.11.3 with exception of Single Family Attached (3 or more) developments.

Table 11.11.1 Tree Diversity Requirements	
Number of New Trees Required	Minimum Number of Species Required
1-10	1
11-20	2
21-30	3

11.11.2 Tree Spacing from Utilities and Impervious Cover

In order to promote healthy trees and reduce infrastructure conflicts, trees shall be located away from impervious cover and utilities as provided below and measured from the base of the tree. In addition, the recommended spacing identified per tree type in Table 11.11.3 shall be maintained.

- A. Utility: No tree shall be planted closer than five (5) feet to an underground utility or water line, and no medium or large tree (Type A or B) shall be closer than 15 linear feet from an overhead utility unless otherwise approved by the Planning Director.
- B. Impervious Cover: No large or medium tree (Type A or B) shall be closer than four (4) feet to impervious cover, and no small tree (Type C) shall be closer than three (3) feet to impervious cover measured from the base of the tree.

11.11.3 Approved Tree List

Trees planted within the City of Pflugerville shall be selected from, and planted in accordance with Table 11.11.3. Alternatives may be selected in accordance with the General Planting Criteria for Trees in Section 11.4.

Table 11.11.3 - Approved Tree List		
Common Name	Scientific Name	
	Family	Genus, Species
Type A: Large Trees (mature height 40 feet or more, recommended planting bed 400 square feet, recommended 40 feet apart)		
American Elm	<i>Ulmaceae</i>	<i>Ulmus Americana</i>
American Sycamore	<i>Platanaceae</i>	<i>Platanus occidentalis</i>
Baldcypress	<i>Taxodiaceae</i>	<i>Taxodium distichum</i>
Bur Oak	<i>Fagaceae</i>	<i>Quercus macrocarpa</i>
Cedar Elm	<i>Ulmaceae</i>	<i>Ulmus crassifolia</i>
Chinquapin Oak	<i>Fagaceae</i>	<i>Quercus muehlenbergii</i>
Chittamwood (Gum Bumelia)	<i>Sapotaceae</i>	<i>Sideroxylon lanuginosum</i>
Deodar Cedar*∞	<i>Pinaceae</i>	<i>Cedrus deodara</i>
Eastern Black Walnut	<i>Juglandaceae</i>	<i>Juglans nigra</i>

Ginkgo Biloba**	<i>Ginkgoaceae</i>	<i>Ginkgo biloba</i>
Honey-locust (Thornless)	<i>Fabaceae</i>	<i>Gleditsia tricanthos var. inermis</i>
Live Oak*	<i>Fagaceae</i>	<i>Quercus virginiana (fusiformis)</i>
Mexican Sycamore	<i>Platanaceae</i>	<i>Platanus Mexicana</i>
Mexican White (Monterrey) Oak*	<i>Fagaceae</i>	<i>Quercus polymorpha</i>
Montezuma Cypress	<i>Taxodiaceae</i>	<i>Taxodium mucronatum</i>
Pecan	<i>Juglandaceae</i>	<i>Carya illinoensis</i>
Pond Cypress	<i>Taxodiaceae</i>	<i>Taxodium ascendens</i>
Shumard Red Oak	<i>Fagaceae</i>	<i>Quercus shumardii</i>
Southern Catalpa	<i>Bignoniaceae</i>	<i>Catalpa bignonioides</i>
Texas (Spanish) Red Oak	<i>Fagaceae</i>	<i>Quercus buckleyi</i>
Type B: Medium Trees (mature height 25-39 feet, recommended planting bed 300 square feet, recommended 30 feet apart)		
Anacua	<i>Boraginaceae</i>	<i>Ehretia anacua</i>
Arizona Cypress* [∞]	<i>Cupressaceae</i>	<i>Cupressus arizonica</i>
Bigtooth Maple	<i>Aceraceae</i>	<i>Acer grandidentatum</i>
Carolina Cherry-laurel*	<i>Rosaceae</i>	<i>Prunus carolinana</i>
Chinese Pistache	<i>Anacardiaceae</i>	<i>Pistacia chinensis</i>
Eastern Red Cedar* [∞]	<i>Cupressaceae</i>	<i>Juniperus virginiana</i>
Escarpment Black Cherry	<i>Rosaceae</i>	<i>Prunus serotina ssp. Eximia</i>
Golden Rain Tree	<i>Sapindaceae</i>	<i>Koelreuteria paniculata</i>
Huisache (Sweet Acacia)	<i>Fabaceae</i>	<i>Acacia farnesiana</i>
Japanese Black Pine [∞]	<i>Pinaceae</i>	<i>Pinus thunbergii</i>
Lacey Oak	<i>Fagaceae</i>	<i>Quercus laceyi</i>
Mesquite	<i>Fabaceae</i>	<i>Prosopis glandulosa spp.</i>

Texas (Little) Walnut	<i>Juglandaceae</i>	<i>Juglans microcarpa</i>
Texas Ash	<i>Oleaceae</i>	<i>Fraxinus texensis</i>
Western Soapberry	<i>Sapindaceae</i>	<i>Sapindus drummondii</i>
Type C: Small Trees (Overhead Utility Compatible) (mature height 8-24 feet, recommended planting bed 150 square feet, recommended 15 feet apart)		
American Smoke Tree	<i>Anacardiaceae</i>	<i>Cotinus obovatus</i>
Anacacho Orchid Tree	<i>Fabaceae</i>	<i>Bauhinia congesta</i>
Carolina Buckthorn	<i>Rhamnaceae</i>	<i>Rhamnus caroliniana</i>
Chilean Mesquite (Thornless)	<i>Fabaceae</i>	<i>Prosopis chilensis</i>
Chitalpa	<i>Bignoniaceae</i>	<i>Chilopsis x Catalpa</i>
Crape Myrtle	<i>Lythraceae</i>	<i>Lagerstromia indica</i>
Desert Willow	<i>Bignoniaceae</i>	<i>Chilopsis linearis</i>
Eve's Necklace	<i>Leguminosae</i>	<i>Sophora affinis</i>
Evergreen Sumac*	<i>Anacardiaceae</i>	<i>Rhus virens</i>
Flameleaf Sumac	<i>Anacardiaceae</i>	<i>Rhus copallina</i>
Goldenball Lead-tree	<i>Fabaceae</i>	<i>Leaucana retusa</i>
Loquat*	<i>Rosaceae</i>	<i>Eriobotrya japonica</i>
Mexican Bird of Paradise	<i>Leguminosae</i>	<i>Caesalpinia mexicana</i>
Mexican Buckeye	<i>Sapindaceae</i>	<i>Ungnadia speciosa</i>
Mexican Olive*	<i>Boraginaceae</i>	<i>Cordia bossieri</i>
Mexican Plum	<i>Rosaceae</i>	<i>Prunus Mexicana</i>
Mexican Redbud	<i>Fabaceae</i>	<i>Cercis Canadensis var. mexicana</i>
Mountain Laurel*	<i>Leguminosae</i>	<i>Sophora secundiflora</i>
Possumhaw (Deciduous) Holly	<i>Aquifoliaceae</i>	<i>Ilex decidua</i>
Retama (Palo Verde)	<i>Fabaceae</i>	<i>Parkinsonia aculeata</i>

Rough-Leaf Dogwood	<i>Cornaceae</i>	<i>Cornus drummondii</i>
Texas Madrone	<i>Ericaceae</i>	<i>Arbutus xalapensis</i>
Texas Persimmon	<i>Ebenaceae</i>	<i>Diospyros texana.</i>
Texas Pistacio*	<i>Anacardiaceae</i>	<i>Pistacia Mexicana</i>
Texas Redbud	<i>Leguminosae</i>	<i>Cercis Canadensis var. texensis</i>
Vitex (Chaste tree)	<i>Verbenaceae</i>	<i>Vitex agnus-castus</i>
Wax Myrtle*	<i>Myricaceae</i>	<i>Myrica cerifera</i>
Yaupon Holly*	<i>Aquifoliaceae</i>	<i>Ilex vomitoria</i>
* - Evergreen		
**- Not to be planted within 20 feet of impervious surface, measured from the base of the tree		
∞ - May be reduced to 2" caliper at planting		

11.12 TREE PRESERVATION AND ON-SITE MITIGATION

This Subchapter applies to all developments and zoning districts within the City. Developments may receive tree credit for the preservation of Protected Trees as specified in this Subchapter.

A. Tree Preservation.

1. The total diameter-inch calculation of preserved Protected Trees may count towards meeting the total tree caliper inch required at a one-to-one (1:1) ratio. Except that a two-to-one (2:1) ratio (2 inches of the protected trees equates to 1 inch of tree credit) shall apply to Class 3 and 4 trees. However, the landscape design shall still incorporate the minimum required plantings within the streetscape, building, parking lot, screening and bufferyard landscaping requirements where feasible. Tree ratio equivalents established in Subchapter 12 shall not be utilized when determining tree credits.
2. Hackberry, Chinaberry, Chinese Tallow, Ligustrum, Mimosa, Cottonwood and Cedar (Ashe Juniper) trees may not count towards meeting the minimum landscape plantings required per 11.3(B) and (C).
3. Trees preserved within the regulatory 100-year floodplain shall not generate credit towards the landscaping trees required per 11.3(B) and (C)..

B. On-Site Tree Mitigation

1. When on-site tree mitigation is due to the removal of Protected Trees, tree replacement inches shall be provided at the ratio identified in Subchapter 12.

2. Only trees identified as Type A or B with a minimum three-inch (3") caliper size per Table 11.11.3 shall receive credit when determining on-site mitigation. Trees providing additional caliper inches above the minimum three-inch (3") tree shall receive credit for the additional caliper inches provided.
3. If the total number of required trees and/or caliper inches cannot feasibly be planted on-site as determined by the Administrator, off-site tree mitigation may be used in accordance with Subchapter 12, Tree Preservation Standards.

11.13 LANDSCAPING INSTALLATION AND MAINTENANCE

Unless noted otherwise, this section applies to all development and zoning districts. All landscaping shall be installed and maintained in accordance with this Subchapter.

A. Maintenance

1. The current Owner and subsequent Owners of the landscaped property, or the manager or agent of the Owner, shall be responsible for presenting a healthy, neat and orderly appearance at all times, free of refuse and debris of the following:
 - a. All landscape areas and materials;
 - b. Required bufferyard areas and materials; and
 - c. Required screening materials.
2. Maintenance shall include the replacement of all dead plant material if such material was used to meet the requirements of this Subchapter. All such plant material shall be replaced within six months of notification, or by the next planting season, whichever comes first.

B. Replacement of Trees

If a tree, for which credit has been obtained pursuant to this Subchapter, dies or is removed within five (5) years of the issuance of a Certificate of occupancy, new landscape plantings sufficient to equal the area credited will be required. The replacement trees or shrubs shall be of the same size and species as shown on the approved site plan or must be of equivalent size and type. Trees installed by the homeowner of a single family residential lot shall be exempt from this requirement.

C. Irrigation Standards

Irrigation shall be provided to ensure survival of the required plant material in all landscaped areas, except individual single family detached lots, and unless the site utilizes native landscaping or xeriscaping that can be established through temporary irrigation measures. One of the following irrigation methods shall be used:

1. Conventional System:

An automatic underground irrigation system with the following:

 - a. Sub surface drip irrigation shall be utilized for all landscape planting beds,
 - b. A bubble type head system shall be utilized for all trees,

- c. Spray irrigation shall be limited to turf grass areas.
2. Temporary landscape areas utilizing xeriscape plants and installation techniques, including areas planted with native grasses, wildflowers, and trees may use a temporary aboveground system. Irrigation for such areas shall be limited until the plants have been fully established.
3. Rain barrels, cisterns and disconnected downspouts may be used as supplemental irrigation.
4. Gray water recycling systems in accordance with Texas Commission on Environmental Quality (TCEQ) standards and the International Plumbing Code adopted by the City of Pflugerville.
5. No irrigation is required for undisturbed natural areas or for preserved trees.
6. The use of reclaimed, non-potable water for irrigation systems is highly encouraged, but subject to approval by the Planning Director. All irrigation shall be subject to approval by the Building Official and installed in accordance with Chapter 113, Irrigators, in the Code of Ordinances and the Tree Technical Manual.

11.14 PERMITS, ENFORCEMENT, AND DROUGHT

A. Permits

With the exception of single-family residential developments, no permit shall be issued for building, paving, grading, or construction until a landscape plan meeting the specifications of this Subchapter and created by a registered landscape architect is approved by the Planning Director. Prior to the issuance of a certificate of occupancy for any building or structure other than a single-family dwelling, all required screening and landscaping shall be in place per the approved landscape plan and a concurrence letter provided by the landscape architect.

B. Enforcement

If at any time after the issuance of a certificate of occupancy, the landscaping that was installed does not conform to the approved landscape plan or the landscape standards, the City shall issue notice to the property owner, tenant or agent, citing the violation and describing the action required to comply with this Subchapter. The owner, tenant or agent shall have thirty (30) days from date of said notice to comply with the approved Landscape Plan. If the landscaping is not installed within the allotted time, the property owner, tenant, or agent shall be in violation of this Subchapter. In addition to any other remedy available to the City, the certificate of occupancy for the subject property may be revoked.

C. Drought

During any period in which the Planning Director determines that it would be impractical to plant any part of required landscaping, a temporary certificate of occupancy may be issued if the property Owner enters into an agreement with the City stating when the installation shall occur and provide fiscal security equal to 110% of the cost of the proposed landscaping and installation. In no instance shall installation be greater than six months from the date of issuance of the temporary certificate of occupancy, unless

otherwise approved by the Administrator, or the site shall be deemed to be in violation of this Subchapter and the temporary certificate of occupancy may be revoked.

11.15 LANDSCAPE PLAN REQUIREMENTS

11.15.1 Non-Residential and Multi-Family

An application for site plan approval must include a Landscape Plan, a Tree Survey, a Tree Protection Plan if applicable, and Tree Replacement Plan if applicable. The landscape plan shall be prepared by a registered landscape architect and contain the following items:

- A. North arrow
- B. Minimum scale of one inch equals 50 feet (show scale in both written and graphic form)
- C. Date of the landscape plan
- D. Legend
- E. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earth berms, ponds, or other landscape features
- F. Scientific and common names of all plant materials to be used
- G. Size of all shrubs proposed (container size, planted height, etc.)
- H. Size of all trees proposed (caliper size, planted height, spread, etc.)
- I. Spacing of plant material where appropriate
- J. Bufferyard area and required plant material, if applicable
- K. Vegetative screening of parking lots, mechanical equipment, outside storage, loading and service areas, and storm water detention and water quality facilities, if applicable
- L. Location, size, directional lean and species of all trees to be preserved with indication of protective fencing and preservation measures in accordance with the Tree Technical Manual
- M. Location of overhead and underground utilities within or near landscape areas
- N. Applicable irrigation notes
- O. Description of installation and maintenance provisions
- P. Type, height, and location of all fencing or walls
- Q. Name and address of the person(s) responsible for the preparation of the landscape plan
- R. Signature and seal of the person(s) responsible for the preparation of the landscape plan
- S. General landscaping notes (Alternative Landscape Compliance, Tree Mitigation, applicable notes from the Tree Technical Manual, etc.)
- T. Tree protective fencing locations and construction details, if applicable
- U. Tree survey in accordance with the Tree Technical Manual
- V. Other pertinent information requested by the Planning Director

11.15.2 Residential

An application for a residential building permit shall specify the number and type of trees and shrubs on the Plot Plan in accordance with the quantities required in Section 11.3.

11.16 ALTERNATIVE LANDSCAPE PLANS

In circumstances when a non-residential or multi-family residential development will be phased or when only a portion of a site is proposed for development, the limits of construction may be

considered by the Planning Director when determining required landscape area and plantings, provided all other compliance with this Subchapter is demonstrated.

An alternative landscape plan may be submitted to the Planning Director for approval if the aesthetic, screening, buffering and environmental intent of this Subchapter are met, and the plan does not diminish any natural feature that would be required if this Subchapter were strictly enforced. Such alternative plans must be certified by a registered landscape architect. The Planning Director may give special consideration to the following:

- A. Preservation of existing native trees, if applicable.
- B. Use of commonly known Low Impact Development (LID) measures including functional cisterns for alternative irrigation, rain gardens and green roofs.
- C. Diversity of tree species above the minimum requirements.
- D. Use of porous pavement systems, at the discretion of the City Engineer, which allow for water infiltration within parking lots,
- E. Use of engineered soils to encourage water infiltration within parking lot Landscape Islands, Peninsulas, and medians.
- F. Use of rain gardens within parking lot Landscape Islands and medians.
- G. Protection of riparian areas.

Table 11.16 - Alternative Compliance Equivalent Ratings - Deficiencies or Alternatives	
*The following shall be used when formulating an Alternative Landscape Plan when a site design cannot conform to the basic landscaping requirements as described in this Subchapter. The Alternative Landscape plan proposals shall equal a zero rating or higher.	
% of Deficiency from Required Lot Landscape Area (Site shall not exceed maximum impervious cover requirements established in Subchapter 4.	Negative Points
0.1 % - 3%	-4
3.1% - 5%	-6
5.1% - 7%	-8
7.1% - 10%	-10
10.1% - 20%	-15
20.1% or more	Board of Adjustment determination
Required Quantity of Trees	Fee in-lieu or Alternative Substitution
Up to a 20% Reduction in # of Trees	\$150 per caliper inch required to be paid to the City's Tree Fund, or a total caliper calculation can be utilized where 1 Tree = 3 caliper inches.

Required Quantity of Shrubs	Alternative Substitution
Up to a 20% Reduction in # of Shrubs	A total gallon calculation can be utilized where 1 shrub = 3 gallons. The total reduction in quantity of shrubs provided shall not exceed 20% of minimum shrubs required per the zoning district.
More than 20% Reduction	Not Permitted
Deviation from Table 11.11.3, Approved Tree List	Alternative Substitution
Up to 20% of the # of Trees of a different species not included on the approved tree list	As determined by the Administrator
More than 20% of the # of Trees of a different species not included on the approved tree list	Waiver approved by the Planning and Zoning Commission
Tree Species Diversity	Negative Points
Below the requirement	-5
Excessive Parking + Additional Landscape Area	Negative Points
Exceed parking requirement by 0.1% - up to 10%	(Permitted)
Exceed parking requirement by 10.1% to 20%	-5
Exceed parking requirement by 20% or more	Waiver approved by the Planning and Zoning Commission
Building Landscaping	Alternative Substitution
Reduction in quantity of Shrubs	Two (2) required building landscaping shrubs may equal one Type C Tree
Building landscape area dimension variation	A total "building landscape" area requirement can be converted to a square-footage requirement. [EX. 5' x 50% building's primary façade(s) linear feet = Total Building Landscape Area
Waived due to Site Constraints or Building Form/Use	-5

Reduction in S.F. of Parking Lot Landscape Area	Negative Points and Alternative Substitutions
Peninsulas or Islands < 180 S.F. & ≥ 150 S.F.	-3 points with a minimum of four (4) shrubs within the landscape peninsula or island
Peninsulas or Islands < 150 S.F.	Not Permitted
Median reduction up to 8 feet in width	-3 points with the addition of one 5-gallon shrub per every five linear feet within the landscape median.
Landscape Islands or Peninsula Separation	Negative Points
More than 10 parking spaces separation	-5
More than 14 parking spaces separation	-10
More than 19 parking spaces separation	Not Permitted
Trees installed in Parking Lot Islands or Peninsulas	Negative Points
Within 50 feet of each space (Required)	0
Within 75 feet of each space	-5
Within 100 feet of each space	-10
Median Placement	Negative Points
Every 3 Parking Rows divided by a Median (Required)	0
Every 4 Parking Rows divided by a Median	-5
Every 5 Parking Rows divided by a Median	-10
No more than 200 parking spaces divided by a Median	Not Permitted
Trees Installed in Parking Lot Medians	Negative Points and Alternative Substitutions
Planted every 30 or 40 linear feet (Required/Type A)	0
Planted up to every 50 linear feet	-5 points with the addition of one 5-gallon shrub per every five linear feet within the median.

Planted 50.1 linear feet or more	Not Permitted
Alternative Screening (Not Quantitative)	Screening Sufficiency Determined by Planning Director
Alternative Buffering (Not Quantitative)	Buffer Sufficiency Determined by Planning Director
Up to 20% Bufferyard Reduction	Administrative Waiver Approved by the P&Z Planning Director
More than 20% Bufferyard Reduction (Corridor District)	Waiver Approved by the P&Z Commission
Alternative Compliance Equivalent Ratings - Deficiency Compensation and Incentives	
*The following shall be used when formulating an Alternative Landscape Plan when a site design cannot conform to the basic landscaping requirements as described in this Subchapter. The Alternative Landscape plan proposals shall equal a zero rating or higher.	
Required # of Trees (Additional)	Positive Points
3% - 5%	+2
5.1% - 7%	+3
7.1% - 10%	+4
10.1% - 20%	+5
20.1% or more	+6
Required # of 3-Gallon Shrubs (Additional)	Positive Points
5% - 10%	+1
11% - 20%	+1.5
More than 20%	+2
Green Roof	Positive Points
For at least 75% of available roof space	+10
Tree Preservation	Positive Points
Protected Tree Preservation	+5

Drought Tolerance	Positive Points
Xeriscaping Plants	+2
Use of Supplemental Irrigation	Positive Points (Use of System) Max 15 pts.
Functional Cistern	+15
Rain Barrel	+5
Grey Water System	+15
Use of Pervious Pavement Systems	Positive Points
Used on at least 50% of parking lot surfaces or pedestrian walkways, where allowed by the City Engineer	+10
Within the total root zone of Preserved Trees (critical root zone protected from any impervious cover)	+5
Use of Bio-retention Swales or Rain Gardens	Positive Points
Up to 25% of all Parking Lot Landscape Areas	+2
Within 26% to 50% of all Parking Lot Landscape Areas	+4
Within 51% - 75% of all Parking Lot Landscape Areas	+6
Greater than 76% of all Parking Lot Landscape Areas	+10
Use of Structural Soil {As determined by the Administrator}	Positive Points
Within 10 feet of all trees on site	+5
Within 11-15 feet of all trees on site	+10
Within 16-20 feet of all trees on site	+15
100 Year Floodplain Buffer to Undeveloped Floodplain	Positive Points
25 foot vegetative Bufferyard	+5

26 - 50 foot vegetative Bufferyard	+10
Greater than a 50 foot vegetative Bufferyard	+15
Detention/Retention Ponds (if applicable)	Positive Points
Fountain feature within a retention pond (credit given to one fountain per pond)	+5
Other Innovative Landscape Features (not listed)	The Planning Director may allow a maximum of +15 points for innovative landscape features. The Planning Director reserves the right to differ consideration to the Planning and Zoning Commission.

Subchapter 12. Tree Preservation Standards

<u>Section</u>	<u>Title</u>
12.1	Purpose
12.2	Applicability
12.2.1	Applicability of Nuisance Provisions
12.2.2	Applicability of Subdivision and Platting Requirements
12.3	Tree Classifications
12.4	General Tree Preservation Requirements
12.5	Tree Protection
12.6	Tree Removal
12.6.1	Tree Removal - In Conjunction with a Development Application <ul style="list-style-type: none">A. Tree Protection Plan RequiredB. Tree Replacement PlanC. Plan Requirements
12.6.2	Tree Removal - Not in Conjunction with a Development Application
12.7	Protected Tree Removal Exceptions
12.8	Mitigation for Tree Removal
12.8.1	On Site
12.8.2	Alternative Mitigation
12.8.3	Mitigation Exceptions <ul style="list-style-type: none">A. Natural Disasters and Other EmergenciesB. Dead or Diseased Trees
12.9	Prohibited Activities
12.1	Appeals
12.11	Penalty

12.1 PURPOSE

This Subchapter establishes requirements for tree preservation in order to provide for orderly and healthful development of the community through the protection of specified trees, to promote the health, safety, welfare, and quality of life for the residents of the City, to protect property values, and to avoid significant negative impacts on the adjacent properties. The existing natural landscape provides superior ecological, environmental, and aesthetic qualities to the streetscape and parks, and continues to help define the unique character of Pflugerville. Therefore, the City requires the preservation of the existing natural landscape to the maximum extent feasible and, where necessary, protected with setbacks from development. Indiscriminate clearing of land and removal of protected trees is hereby declared a nuisance.

12.2 APPLICABILITY

12.2.1 Applicability of Nuisance Provisions

The provisions of this Subchapter shall apply to all property located within the corporate limits of the City of Pflugerville and that portion of the extra-territorial jurisdiction (ETJ) within 5,000 feet from the city limit boundary in one or more of the following conditions:

- A. All existing and new development with commercial, industrial and multi-family zoning and/or land use;
- B. All new construction of single-family development without a Certificate of Occupancy;
- C. All property with agriculture zoning and not utilized for agricultural purposes; and
- D. All property associated with a preliminary plan, final plat, construction plan, site disturbance and/or site plan.

12.2.2 Applicability of Subdivision and Platting Provisions

The provisions of this Subchapter shall apply any private property located within the portion of the extra-territorial jurisdiction (ETJ) of the City of Pflugerville that is not within the 5,000 foot boundary defined in Section 12.2.1, above, in one or more of the following conditions:

- A. All new development with commercial, industrial and multi-family zoning and/or land use;
- B. All new construction of single-family development without a Certificate of Occupancy;
- C. All property associated with a preliminary plan, final plat, construction plan, site disturbance and/or site plan.

12.3 TREE CLASSIFICATIONS

- A. Trees within Pflugerville are grouped in four (4) tree classes as outlined below. Classes 2-4 are considered protected tree classes and are subject to mitigation in accordance with Section 12.8 and shall not be removed from site without first securing a Site Disturbance permit, site plan permit, construction plan or approval by City Council if the tree is considered a heritage tree.
- B. A protected tree is any tree measuring 8 inches (8”) and greater in diameter at breast height (DBH) from natural grade. This includes multi trunk trees, which are measured by combining the diameter of the largest stem or trunk with one-half of the diameter of each additional stem or trunk, all measured at DBH. A Heritage Tree is any protected tree

measuring 25” in DBH or greater. A heritage tree shall not be removed unless specifically approved by City Council.

Table 12.3: Tree Classification	
Class 1	Unprotected Trees - Trees with DBH < 8 inches
Class 2	Protected Trees with DBH 8 - 17.99 inches
Class 3	Protected Trees with DBH 18 - 24.99 inches
Class 4	“Heritage Tree” – Protected Trees with DBH 25 inches or greater

- C. Trees within the Class 1 are not considered protected. However, healthy trees (of protected tree species with good branching structure, height, and spread similar to nursery grown trees) with DBHs from 3-7.99 inches may be credited toward landscaping requirements described in Subchapter 11 of the Unified Development Code and should be preserved where possible.

12.4 GENERAL TREE PRESERVATION REQUIREMENTS

- A. All trees are considered protected trees within classes 2-4 as described in Section 12.3 with the following exceptions: Chinaberry, Hackberry, Ashe juniper (Cedar), Chinese Tallow, Willow, Ligustrum, Mimosa, Cottonwood or any other tree that is determined to be in a dangerous condition so as to endanger the public health, safety or welfare, such as a tree that is damaged, diseased or dying due to natural causes, as determined by the Administrator.
- B. All proposed buildings and improvements shall be oriented in a manner which allows for the greatest extent of preservation of the protected trees.
- C. Tree preservation shall also be based on the hierarchy of trees indicated in Section 12.3, Tree Classifications.
- D. Parking lots shall be designed to incorporate protected trees as focal points or practical means of segmenting parking lots through preservation of existing trees within landscape islands, peninsulas, and medians.
- E. Trees preserved shall be integrated with the design of open spaces, screening and landscape areas.
- F. Fiscal security is required in an amount equal to 100 percent of the mitigation value of the trees proposed for preservation per 12.8.2(B), Tree Classification-Fee by Diameter Inch Removed.
- G. All tree preservation measures shall be in accordance with the Tree Technical Manual.
- H. Any tree with a DBH of eight (8) inches or larger that is in a floodplain or floodway is considered protected, regardless of species, unless it is determined to be in a hazardous condition so as to endanger the public health, safety or welfare, such as a tree that is

damaged, diseased or dying due to natural causes, as determined by the Administrator, or affects the hydraulics of the flood area as determined by the Engineering Department.

- I. The mowing and clearing of brush located within or under the drip lines of protected trees is allowed, provided such mowing or clearing is accomplished by hand or by mechanical mowers with turf tires (no equipment with tracks).
- J. The Administrator shall require a certificate from an architect, landscape architect, professional engineer, certified landscape professional, licensed surveyor or licensed nurseryman that verifies the development complies with the requirements of this Subchapter prior to issuance of a certificate of occupancy and provision of permanent utilities. The Administrator or the Administrator's designee may inspect each site in conjunction with final inspection to ensure compliance with this Subchapter.

12.5 TREE PROTECTION

- A. All trees identified for preservation on an approved plan shall be flagged and encircled with protective chain-link fencing installed along the drip line. No construction is to occur within an area that constitutes more than 50% of the critical root zone (as measured from the edge of the drip line to the trunk of the tree) for each tree being preserved.
- B. No grading or tree removal shall occur on a lot until the tree protection plan has been approved.
- C. Compliance with the criteria in this Section shall be demonstrated in the field as well as on the plan.
- D. Plan adjustments made during construction must be reviewed and approved by the Administrator prior to implementing such adjustments. An applicant who removes protected trees in violation of this Subchapter shall be required to fully mitigate damages caused by the tree removal and subject to penalties per Section 12.11
- E. The provisions of this Subchapter shall be implemented by the Administrator.

12.6 TREE REMOVAL

12.6.1 Tree Removal in Conjunction with Development Applications

Any approved tree removal in conjunction with a development application shall remain in effect until the expiration of such development application or construction plan. Physical tree removal from the site may occur only after plan approval. A Heritage Tree may be removed only if approved by City Council.

- A. **Tree Protection Plan Required**
At or before the site plan submittal and prior to the removal of any trees, the applicant shall submit a Tree Protection Plan, which shall graphically identify protected trees and indicate those proposed for preservation and for removal.
- B. **Tree Replacement Plan**
If development under a proposed site plan will remove a tree with a DBH of 8" or greater, the City shall require tree mitigation in accordance with Section 12.8 Mitigation for Tree

Removal, including the planting of replacement trees or fee in-lieu, as a condition of site plan approval. The Administrator shall not release the site plan until the applicant satisfies the condition(s) of approval or posts fiscal security to ensure the condition(s) of the tree replacement.

C. Plan Requirements

A tree survey, tree replacement plan and tree protection plan shall be provided in accordance with the plan requirements specified in the Tree Technical Manual. These elements shall be incorporated into the overall sheet set for construction plans, site plans, or site disturbance plans. The irrigation plan shall be in accordance with Subchapter 11, Chapter 113 (Irrigators) and the Tree Technical Manual.

12.6.2 Tree Removal Not in Conjunction with a Development Application

- A. The proposed removal of any protected tree not associated with a development plan shall require a site disturbance permit.
- B. The application shall be made by the owner of the property on which the protected tree(s) is located or by the owner(s)'s authorized representative.
- C. Upon receipt of a complete application, the Administrator shall inspect the subject tree and approve or deny the application in accordance with the provisions of this Section within fifteen (15) business days of the date on which the Administrator deemed the application complete. If a pending decision by the Administrator would delay construction already properly commenced and in progress, the Administrator shall approve or deny the application within five (5) business days.
- D. A site disturbance permit shall not be approved or released until a tree replacement plan has been approved or payment of fee in-lieu has been provided in accordance with Section 12.8 Tree Mitigation.
- E. A Heritage Tree may be removed only if approved by City Council.
- F. Site disturbance permits shall remain valid for a period of 60 days.

12.7 PROTECTED TREE REMOVAL EXCEPTIONS

- A. A protected tree may be removed if the tree is identified for removal in a capital improvement project which has been approved by City Council or governing jurisdiction (e.g. Travis County)
- B. Existing single family lots with a valid Certificate of Occupancy are exempt.
- C. A protected tree may be removed if the Administrator or the Administrator's designee determines that the tree is in a hazardous condition so as to endanger the public health, safety or welfare, such as a tree that is damaged, diseased or dying due to natural causes.

12.8 MITIGATION FOR TREE REMOVAL

12.8.1 On Site Mitigation

A. Any protected tree removed, damaged or killed as a result of development shall be replaced by a tree or trees of the same species or comparable alternative equal to the total number of diameter inches removed, as measured at breast height (DBH). Tree replacement on site shall be in accordance with Table 12.8.1, Tree Classification - Mitigation Ratio. Replacement trees shall meet the planting criteria in Subchapter 11 and in the Tree Technical Manual. The Administrator shall be the final decision making authority on the cause of damage or death for a protected tree.

Table 12.8.1: Tree Classification - Mitigation Ratio lists the protected tree classifications based on size or designation with the applicable tree mitigation ratio for replacement caliper inches.

Table 12.8.1: Tree Classification		Mitigation Ratio
Class 1	Unprotected Trees - Trees with DBH < 8 inches	N/A
Class 2	Trees with DBH 8 - 17.99 inches	1:1
Class 3	Trees with DBH 18 - 24.99 inches	2:1
Class 4	“Heritage Tree” - Trees with DBH 25 inches or more	3:1

B. No protected trees shall be removed, and no replacement trees shall be planted, until the Administrator has reviewed and approved the tree replacement plan and fiscal security equivalent to the replacement value as represented in Table 12.8.2(B) has been posted. Fiscal security will be returned once all replacement trees have been successfully installed and inspected.

C. Protected trees may be transplanted to a suitable location on the same property or off-site, and no replacement on site shall be required, if the application complies with the generally accepted transplanting methods of the American National Standards Institute (ANSI A300 Standards) and the tree survives for a period of at least five (5) years and shows no signs of decline, and so long as the tree is transplanted to a site within the City or its extraterritorial jurisdiction (ETJ). Posting fiscal security equivalent to the replacement value of the transplanted tree is required. Fiscal security will be returned once the five (5) years, outlined previously, has been successfully completed.

D. Irrigation shall be provided for replacement trees in accordance with Subchapter 11, Chapter 113, Irrigators and the Tree Technical Manual.

12.8.2 Alternative Mitigation

When the Administrator determines that mitigation for protected tree removal by replanting trees on site is not feasible, e.g., planting capacity has been reached on site, an applicant may choose one of the following alternatives in lieu of replanting on site:

- A. Planting the replacement trees with the applicable mitigation ratio identified in Table 12.8.1 in a City park or other publicly owned property as would otherwise be required on site in the locations approved by the Administrator and Director of Parks; or
- B. Payment per diameter inch of protected trees removed, as measured at breast height (DBH), shall be paid into the Tree Fund or account for use by the City for the planting, pruning, irrigation and other activities associated with trees in a City Park or on other City-owned property. The payment into the Tree Fund is non-refundable.

Table 12.8.2(B) Tree Classification Removal Fees lists the tree classifications with their applicable fees per diameter inch removed, as measured at breast height (DBH).

Table 12.8.2(B) Tree Classification Removal Fees		
Tree Classification		Fee per Diameter Inch Removed
Class 1	Unprotected Trees - Trees with DBH < 8 inches	N/A
Class 2	Trees with DBH 8 - 17.99 inches	\$150
Class 3	Trees with DBH 18 - 24.99 inches	\$450
Class 4	“Heritage Tree” - Trees with DBH 25 inches or more	\$450

12.8.3 Mitigation Exceptions

- A. Natural Disasters and other Emergencies
If a protected tree is determined to be causing a danger or to be in a hazardous condition due to a natural disaster such as a tornado, fire, storm, flood or other act of God that endangers public health, welfare or safety, the requirement of this Subchapter may be waived as deemed necessary by the Administrator.
- B. Dead or Diseased Trees
If the Administrator, with assistance from an ISA Certified Arborist determines, based on an on-site inspection and in writing, that a protected tree is already dead, dying or fatally diseased, the provisions of the mitigation requirements will not apply.

12.9 PROHIBITED ACTIVITIES

- A. It is unlawful for any person to remove any protected tree without first securing the required permits as specified in this section.
- B. All development subject to this Subchapter, including grading, trenching, or tree removal on all sites, is prohibited prior to the approval of a tree protection/removal plan.
- C. It is unlawful for any person to damage a protected tree, such as through tree topping, over-pruning or chemical poisoning. Refer to the Tree Technical Manual for more specificity regarding tree maintenance and pruning.
- D. Indiscriminate clearing or stripping of the natural vegetation on any lot is prohibited.

- E. It is unlawful for a person to continue work or removal of trees after a stop work order has been issued.

12.10 APPEALS

- A. An applicant may appeal the decision of the Administrator to deny a heritage tree removal to the City Council. Such appeal must be made in writing and received by the Administrator within thirty (30) days from the date of the decision on the tree removal application or official correspondence referencing the denial of the proposed heritage tree removal. The request for appeal must set forth the specific reasons for the appeal and state the specific reasons for disagreement with the decision of the Administrator, including the basis for the applicant's position that the application should have been granted.
- B. The Administrator shall set the matter for public hearing before the City Council at the earliest possible regularly scheduled meeting of the City Council.
- C. The City Council shall review the request and render a decision either affirming, affirming in part, conditionally affirming, or reversing the determination of the Administrator only after determining that the heritage tree creates one of the following conditions:
 - 1. Prevents all economically viable use of the property;
 - 2. Prevents reasonable use of or access to the property;
 - 3. Is dying or dead;
 - 4. Is diseased and restoration is not practicable or the disease may be transmitted to other trees;
 - 5. Poses a high risk of property damage or personal injury that cannot reasonably be mitigated without removing the tree; (Reasonable mitigation may include lightning protection measures.)
 - 6. If located on public property, street or easement;
 - 7. Prevents the opening of necessary vehicular traffic lanes in a street or alley; or
 - 8. Prevents the construction of utility or drainage facilities that may not feasibly be rerouted due to physical constraints.
- D. If heritage tree removal is permitted after an appeal (or after the expiration of the appeal period) pursuant to the provisions of this subsection, the applicant shall comply with all applicable provisions of this Section, including tree mitigation.

12.11 PENALTY

Violations of Subchapter 12 occurring on properties to which Section 12.2 of this Subchapter applies shall be punishable by a fine of not less than \$300 or more than \$2,000 per violation. This offense is hereby declared to be unlawful, a strict liability offense, and the culpable mental state required by Chapter 6.02 of the Texas Penal Code is hereby specifically negated and clearly dispensed with. Each protected tree that is unlawfully removed or damaged shall constitute a separate and distinct offense. Criminal prosecution shall not preclude civil action by the City to recover for the damage or loss of the tree, and the City Attorney is hereby authorized, without further authorization from the City Council, to institute and prosecute a lawsuit against any person who unlawfully removes or damages a protected tree to recover the reasonable value of the tree based on the latest edition of the Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers.

Violations of Subchapter 12 occurring on properties to which Section 12.2 of this Subchapter applies shall not be punished with criminal penalties, but enforcement against such violations is hereby authorized pursuant to and under the authority granted by Texas Local Government Code, § 212.001, et. seq.

Subchapter 13. Exterior Lighting Standards

<u>Section</u>	<u>Title</u>
13.1	Purpose
13.2	Applicability
13.3	Lighting Design Requirements
13.3.1	Fixtures/Luminaries
13.3.2	Fixture Height
13.3.3	Light Source/Lamp
13.3.4	Mounting
13.3.5	Limit Lighting to Periods of Activity
13.3.6	Exterior Lighting Controls
13.4	Non-Conforming Fixtures
13.5	Illumination Requirements
13.6	Specific Lighting Requirements
13.6.1	Architectural Lighting
13.6.2	Canopy Area Lighting
13.6.3	Pedestrian Lighting
13.6.4	ATM Lighting
13.6.5	Structured Parking Lighting
13.7	Prohibited Light Sources
13.8	Street Lights
13.9	Athletic Field Lighting
13.9.1	Fixtures/Luminaries
13.9.2	Fixture Height
13.9.3	Lighting Period
13.9.4	Illumination Requirements
13.10	Submittal Requirements

SUBCHAPTER 13. EXTERIOR LIGHTING STANDARDS

13.1 PURPOSE

Lighting standards are established to regulate outdoor lighting in order to reduce light pollution and mitigate glare and light trespass. These standards also promote energy conservation while providing a sense of safety and security.

13.2 APPLICABILITY

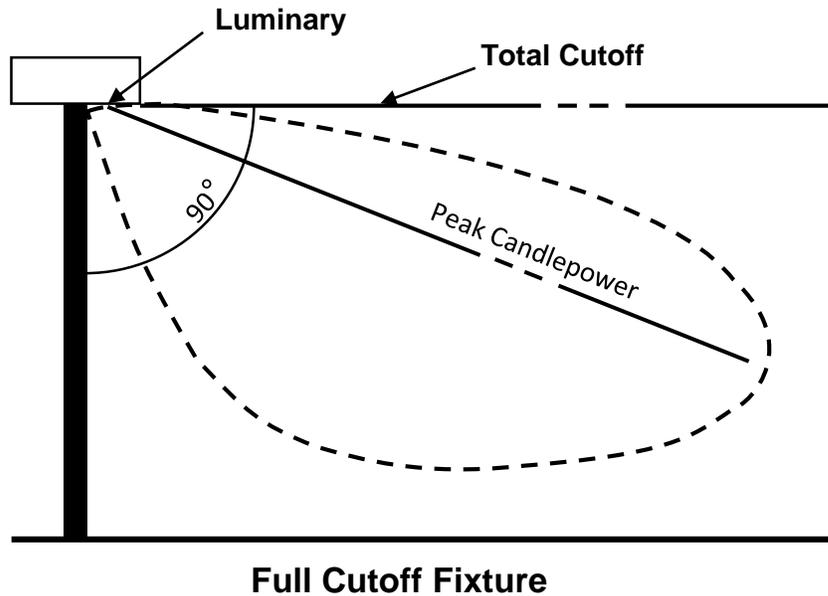
The provisions and standards set forth in this Subchapter shall apply to all developments within the City and ETJ, as applicable. At no time shall light sources be oriented to direct light toward a neighboring property, right-of-way, or be installed in a manner which may otherwise be commonly considered a nuisance.

13.3 LIGHTING DESIGN REQUIREMENTS

Lighting shall be used to provide safety while accenting key architectural elements and emphasizing landscape features. Light fixtures shall be treated as an integral design element that complements the overall design of the project. This may be accomplished through style, material or color. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements.

13.3.1 Fixtures / Luminaries

- A. Light sources shall be completely concealed from above and on all sides in an opaque housing and shall be oriented in a direction that minimizes visibility from streets or adjacent properties. All lighting fixtures shall be full cutoff in design to direct light downward and minimize the amount of light spilled into the night sky and onto adjacent properties, unless otherwise permitted within this Subchapter.
- B. Lighting shall be oriented so it does not direct glare or illumination onto streets in a manner that may distract or interfere with the vision of drivers, cyclists, or pedestrians on such streets.
- C. Light poles and fixture heads shall be generally consistent in style and color throughout a development to establish uniformity. Deviations may be approved by the Planning Director when a specific theme or increased energy efficiency is desired.



13.3.2 Fixture Height

- A. Lighting fixtures may be up to 30 feet in height within an on-site parking area and may be up to 15 feet in height within a pedestrian area. However, on sites larger than one acre, parking area lighting that is located more than 100 feet from any property line may be up to 35 feet in height.
- B. Lighting fixtures located within 50 feet of any property that has a residential zoning district or a residential use shall not exceed 15 feet in height.

13.3.3 Light Source / Lamp

All lighting, including parking lot lighting, shall utilize energy efficient technology to the greatest extent practical, including but not limited to the use of solar powered and light emitting diode (LED) lamps. Where more traditional lighting is desired, the use of incandescent, fluorescent, metal halide, or color corrected high-pressure sodium lamps are allowed. In order to maintain uniformity within a site, the same light source or lamp shall be used for the same or similar types of lighting throughout a site and overall development, unless more energy efficient technology is proposed, and only when approved by the Planning Director.

13.3.4 Mounting

Lighting fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site where practically feasible.

13.3.5 Limit Lighting to Periods of Activity

When a nonresidential development is adjacent to a conforming residential zoning district or land use, sensor technologies, astro time clocks, or other means to activate lighting during times when it is needed may be required by the Planning Director to promote compatibility between the different land uses.

13.3.6 Exterior Lighting Controls

Lighting not designed for dusk-to-dawn operation shall be controlled by either a combination of a photosensor or an astronomical time switch. Lighting designed for dusk-to-dawn operation shall be controlled by an astronomical time switch or photosensor. All time switches shall be capable of retaining programming and the time setting during loss of power for a period of at least 10 hours.

13.4 NONCONFORMING FIXTURES

Except where otherwise noted, all lighting fixtures existing and legally installed and operative before the effective date of this chapter are exempt from the requirements of this section. Whenever a nonconforming fixture is replaced or removed, or the average level of illumination is modified to a higher level, the replacement fixture or level of illumination shall meet the requirements of this chapter.

13.5 ILLUMINATION REQUIREMENTS

- A. Subject to the limits below, all exterior site lighting shall be designed so that the level of illumination, as measured in foot-candles (fc), at any one point meets the requirements in the following table.

Table 13.5

Type of Lighting	Illumination Level		
	Minimum	Average	Maximum
Architectural Lighting	0.0	1.0	5.0
Building Entrance	1.0	5.0	15.0
Vehicular Canopy Area Lighting (and Structured Parking)	2.0	10.0	15.0
On-Site Parking Area	0.2	1.5	10.0
Walkways, Landscape or Decorative Lighting	0.2	0.8	5.0

- B. Minimum and maximum foot-candle levels are measured from the pavement within the lighted area. The average level is the overall, generalized ambient light level throughout the site, and shall be measured as a not-to-exceed value calculated using only the area of the site intended to receive the illumination. Calculation zones for the types of lighting identified in Table 13.5 shall extend ten (10) feet beyond the property line where applicable and shall adhere to the calculation zone methodology as provided below:

1. An architectural lighting calculation zone shall be measured at the light source(s) around the perimeter of the building and extended ten (10) feet horizontally from the light fixture(s).
2. A building entrance calculation zone shall be measured at a minimum of fifteen (15) feet from the building entrance(s), and includes any areas underneath awnings or building extensions covering pedestrian plazas and/ or walkways.
3. A vehicular canopy area calculation zone shall be measured at ten (10) feet outwardly extended around the perimeter of the canopy.
4. An on-site parking area calculation zone shall be measured only within the paved parking area, inclusive of drive aisles and landscape islands, peninsulas and medians contained within the paved parking area.
5. A calculation zone for walkways, landscaping or decorative lighting shall be measured as follows:
 - a. Walkway lighting shall be measured within the dimensions of the walkway.
 - b. Landscape lighting shall be measured five (5) feet from the proposed light fixture(s).
 - c. Decorative lighting, not included within any of the calculation zones above, shall be measured five (5) feet from the proposed light fixture(s). Decorative lighting includes pedestrian scale lighting not attached to building elevations or included within the on-site parking area calculations.

C. The maximum illumination permitted at any lot line, without crossing such lot line, is set forth below. Where a development is unified with shared parking, the maximum illumination levels will apply only to the exterior lot lines of the projects (any interior lot lines shall be exempt from this paragraph). The calculation zone(s) shall be measured ten (10) feet beyond the property lines in order to ensure excessive light spillage does not occur.

1. The maximum illumination at any lot line adjacent to any residentially zoned property, or property with a residential use, is 0.5 foot-candles.
2. The maximum illumination at any lot line adjacent to a street is 5.0 foot-candles.

13.6 SPECIFIC LIGHTING REQUIREMENTS

13.6.1 Architectural Lighting

- A. Wall-mounted flood lamps, including wall pack lighting or similar security lighting, shall be completely shielded on the top and on all sides to minimize any off-site visibility and to focus light to the ground surrounding the structure.
- B. Fixtures used to accent building architectural features and landscaping shall be full cutoff fixtures that are downcast in order to minimize light spill into the night sky.
- C. For art features and flag illumination, luminaires may cast light upwards, but must be shielded so that light illuminates only the area immediately around the art, flag pole or other flag supporting structure, or the projection from a structure, on which the flag is mounted.

13.6.2 Canopy Area Lighting

- A. All development that incorporates vehicular canopy area lighting shall use fixtures that are recessed into the canopy ceiling. The fixture covers shall be flush with the surface of the canopy ceiling and provide a cutoff or shielded light distribution.
- B. As an alternative to recessed canopy ceiling lights, indirect lighting may be used. In this case, light is directed upward onto a canopy and then reflected down from the underside of the canopy. Light fixtures shall be shielded so that direct illumination is focused exclusively on the ceiling of the canopy and does not spill into the sky.
- C. Lights may not be mounted on the top or sides of the canopy and the exterior sides of the canopy may not be illuminated.
- D. ATM machines are permitted to use up to 15 foot candles of illumination when located underneath a canopy.

13.6.3 Pedestrian Lighting

- A. Within multi-family and condominium developments, pedestrian scale lighting shall be provided generally at 100' intervals along internal pedestrian corridors and walkways to guide pedestrians to buildings, gathering places and parking areas. Lighting may be provided through freestanding fixtures such as decorative lamp poles, bollard lights or architectural building mounted fixtures that do not exceed 15' in height. Parking lot lighting may count towards meeting the requirement when the walkway is illuminated.
- B. Within nonresidential common developments, such as commercial strip centers with outlining pad sites, pedestrian scale lighting shall be provided generally at 100' intervals along internal pedestrian corridors and walkways which connect two or more building entrances. Lighting may be provided through freestanding fixtures such as decorative lamp poles, bollard lights or architectural building mounted fixtures that do not exceed 15' in height. Parking lot lighting may count towards meeting the requirement when the walkway is illuminated.
- C. Fixtures shall be placed in a manner to best illuminate walkways and sidewalks, as determined by the Planning Director.
- D. Light fixtures that exceed 15' in height shall be shielded and full cutoff in design. Fixtures that are 15' or less in height shall be shielded to minimize light spill into the sky.
- E. Alternative luminaries may be used as approved by the Planning Director.

13.6.4 ATM Lighting

Lighting for automated teller machines (ATM) shall be in accordance with the Texas Finance Code, Section 59.307, as amended. However, these facilities shall not have lighting that exceeds fifteen foot-candles.

13.6.5 Structured Parking Lighting

Pedestrian and vehicular entrances shall utilize the building entrance light levels per Table 13.5. Vehicular parking shall utilize the vehicular canopy area lighting when such parking is located under a roof or canopy. Top level parking shall utilize the standard on-site parking lighting requirements per Table 13.5. All other applicable lighting standards provided in this Subchapter shall apply.

13.7 PROHIBITED LIGHT SOURCES

Except as otherwise provided, the following light sources and light fixtures shall not be used where the light emitted is visible from adjacent lots or streets:

1. Low-pressure sodium, mercury vapor and neon light sources.
2. Cobra-head or similar type of fixtures having dished or drop down lenses.
3. Searchlights and other high-intensity narrow-beam fixtures.
4. Lighting fixtures that have flashing, rotating, moving, pulsing, or alternating colored sources, except typical holiday lighting used between November 1 and January 31.

13.8 STREET LIGHTS

An illumination plan identifying the location, type, height, and intensity of proposed streetlights shall be included in the first subdivision and construction plans and shall conform to the Engineering Design Manual.

13.9 ATHLETIC FIELD AND GOLF DRIVING RANGE LIGHTING

The installation of athletic field lighting requires the approval of City Council and, except as otherwise provided, shall comply with the following provisions and be evaluated subject to their context. Areas ancillary to athletic fields, whether public or private, shall provide lighting for parking and pedestrian areas in order to maintain safety, cleanup, and maintenance, with such lighting subject to Section 13.5 of this subchapter.

13.9.1 Fixtures / Luminaries

- A. All fixtures and luminaries shall be constructed with die-cast aluminum housing, mounted on galvanized steel poles set on an engineered concrete base, and be maintained in good working condition in conformity with the provisions of this Code.
- B. Only full cutoff or shielded, directional fixtures shall be permitted. Lighting shall be oriented not to direct illumination or glare onto streets in a manner that may distract or interfere with the vision of drivers, cyclists, or pedestrians on such streets.
 1. Shielded, directional fixtures refers to a technique or method of construction which causes all of the light emitted to be directed to the surface or area to be illuminated in

such a way that the emanating source of light is not visible from any angle except those angles that exist between the fixture and the target to be illuminated. The emanating source shall not be visible from any adjacent properties or roadways to minimize light pollution.

2. Lamp systems from 1000-1500 watts, or an equivalent, shall be permitted. Only incandescent, fluorescent, LED, metal halide or color corrected high-pressure sodium lamps may be used.
3. Power lines to serve lights shall be placed underground. Where overhead utility service exists, transformers shall be pad mounted and screened.

13.9.2 Fixture Height

- A. The maximum height for any athletic field lighting fixtures shall be not more than 60 feet.
- B. Lighting fixtures shall not exceed 15 feet in height when located within 50 feet of any residential zoning district or land use.

13.9.3 Lighting Period

- A. The illumination of any athletic field or recreational facility, public or private, is allowed between sunrise and 10:00 p.m.
- B. Athletic field lights require the installation of an on-site control switch to allow lights to be operated at the site, and to allow individual fields to be lighted separately and with the use of timers.

13.9.4 Illumination Requirements

- A. Where the predominant use is recreation and/or team practices, all athletic field lighting shall be designed so that the level of illumination, as measured in foot-candles (fc), at any point complies with the following table.

Table 13.9.4 Athletic Field Illumination

Type of Lighting	Illumination Level	
	Average	Maximum
Athletic Field Lighting	25.0	30.0

- B. The maximum illumination at any lot line adjacent to, or across the street from, any property with a residential zoning designation or use is 0.5 foot-candles.
- C. The maximum illumination at any property line adjacent to a street is 5.0 foot-candles.

13.10 Submittal Requirements

The submission shall contain the items specified in this section, and any other information the Planning Director may request as necessary to complete the review process and confirm compliance with this subchapter:

- A. For all site development applications: Provide photometric plan for a typical luminaries used showing candela tabulation as defined by Illuminating Engineering Society of North America (IESNA) recommendations.
- B. In addition to 13.10(A) the following is also required for athletic fields: A site plan, drawn to a scale of one-inch equaling twenty feet, showing buildings, landscaping, parking, and all proposed exterior fixtures including lamps, supports, reflectors and other devices.

Subchapter 14. Public Parkland and Open Space Standards

<u>Section</u>	<u>Title</u>
14.1	Purpose
14.2	Scope
14.3	Public Parkland Dedication Requirements
14.3.1	General
14.3.2	Calculation
14.3.3	Phasing
14.3.4	Applicant's Warranty
14.3.5	Criteria for Public Parkland Dedication
	A. Size, Dimensions and Access
	B. Location
	C. Character
	D. Unsuitable Land
	E. Utilities
	F. Survey Corner Markers
	G. Sidewalks
	H. Trails
	I. Waiver
14.3.6	Conveyance Requirements
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14.8 Decision Making; Appeal Process

SUBCHAPTER 14. PARKLAND AND OPEN SPACE STANDARDS

14.1 PURPOSE

- A. Intended to ensure the City creates a comprehensive network of trails that provides links to parks, homes, schools and community facilities ensures multi-modal access throughout the City.
- B. Provide for pedestrian corridors with the integration of hike and bike trails within floodplain areas.
- C. Preserve environmentally sensitive and ecologically diverse areas.
- D. Maintain and achieve a contiguous hierarchy of public parks and facilities, open space, and hike and bike trails that serve the recreational needs of all residents, employees, and visitors of Pflugerville.
- E. Establish public parkland design and physical characteristic policies consistent with the Parks, Recreation and Open Space Master Plan.
- F. Establish policies for the conveyance of public parkland.
- G. In order to serve a diverse demographic and an expanding population, the City would like to focus on the development of public community parks that ultimately serves the population equitably.
- H. Expand the community and regional park system.
- I. Maintain or exceed existing level of service in accordance with the City's Parks, Recreation, and Open Space Master Plan.

14.2 SCOPE

14.2.1 This Subchapter shall apply to the following:

- A. Residential subdivisions within the City Limits; and
- B. Residential subdivisions within the City's extra-territorial jurisdiction (ETJ), subject to the following:
 - 1. Whenever the residential subdivision is also subject to County regulations that include parkland and open space standards the most stringent standards, whether it is the City's or County's, shall apply; and
 - 2. Whenever the residential subdivision is also subject to regulation by the county and a special district (including but not limited to municipal utility districts) and such regulation include parkland and open space standards the most stringent standards, whether it is the City's, the County's or the special district's requirements, shall apply.

14.3 PUBLIC PARKLAND DEDICATION REQUIREMENTS

14.3.1 General

Public parkland shall be dedicated and conveyed to the City for residential subdivisions in accordance with the Parks, Recreation, and Open Space Master Plan, and the provisions stated herein; as applicable. The acceptance of any conveyance or dedication offered to the City pursuant to this Subchapter must be first approved by the City Council and the prior approval of any department head, board or commission of such conveyance or dedication shall not be binding on the City Council.

14.3.2 Calculation

- A. The amount of land required to be dedicated for parkland will be calculated at a rate of not less than six and six-tenths (6.6) acres of parkland per 1,000 ultimate residents or an equivalent ratio thereof. The required acreage shall be rounded to the nearest one tenth. The following formula shall be used to determine the amount of parkland to be dedicated:

$\frac{6.6 \times (\text{Number of Units}) \times (\text{Persons/Units})}{1000} = \text{Acres to be dedicated}$

- B. The number of persons per unit shall be based on data compiled by the city and shall be reviewed and adjusted as necessary. The following figures represent the average number of persons per unit by current density categories, and shall be used to calculate parkland dedication:

Table 14.3.2 Persons per Unit	
Gross Density per Residential Development (Dwelling Units per Acre)	Persons per Unit
From 0 to 6	3.0
Over 6 to 10	2.7
Over 10 to 25	2
More than 25	2*
<p>* For high density residential development above 25 dwelling units per acre, the developer may provide a demographic study to provide proof that the occupancy rate of the development averages less than 2 persons per unit. In such event, the Administrator is authorized to reduce the gross density/persons per unit ratio.</p>	

- C. Unless the density of multi-family or condominium developments is identified on the permit application subject to this Subchapter, it shall be assumed that the highest density authorized under this Chapter is the development's density unless the applicant provides by plat note, or by other binding written memorialization acceptable to the Administrator, the actual density that the project shall not exceed.
- D. When an area of less than three (3) acres is required to be dedicated as public parkland, the city may elect to accept the land offered for dedication or require a fee in-lieu of public parkland as alternative compliance in accordance with Section 14.5.

14.3.3 Phasing

Dedication of public parkland is required to be identified on a preliminary plan for residential development. Dedication and conveyance of public parkland may be provided in phases in accordance with the approved preliminary plan; provided that the dedication for each phase meets or exceeds the parkland dedication requirements of this subchapter for that phase of

development. The Administrator is authorized to allow phasing of parkland dedication below the requirement for each phase of development if the Administrator finds the proposed phasing of parkland dedication of the ultimate dedication meets or exceeds the requirements of this subchapter and provides a more effective means of parkland dedication than would have otherwise been provided through the standard phasing of dedication.

14.3.4 Applicant's warranty

A. Applicant shall warrant that any land to be dedicated to the City as public parkland under this subchapter shall:

1. Be free of fill material unless the placement of fill material is found to be beneficial to the parkland by the Director of Parks and Recreation and approved in writing by the Director of Parks and Recreation and the City Engineer; and
2. Be free of construction debris on the land; and
3. Be free of any physical disturbance including but not limited to soil excavation, site grading, removal or damage to vegetation, or other physically disturb the site; unless such disturbance is authorized in writing by the Director of the Parks and Recreation and the City Engineer.
4. Be free of any easements or other dedications, encumbrances or restrictions, not approved by the Administrator; and
5. Be free of any hazardous substances and/or underground storage tanks (U.S.T.'s).

B. The City shall:

1. Be subject to providing applicant with waiver for claim for injury during such inspection and assurance that any disturbance to applicant's land during such inspection is restored, have the right to inspect the land to verify compliance with the warranties required in this subsection; and
2. Have the right refuse acceptance of any land that the City finds to be in violation of the warranties required in this subsection.

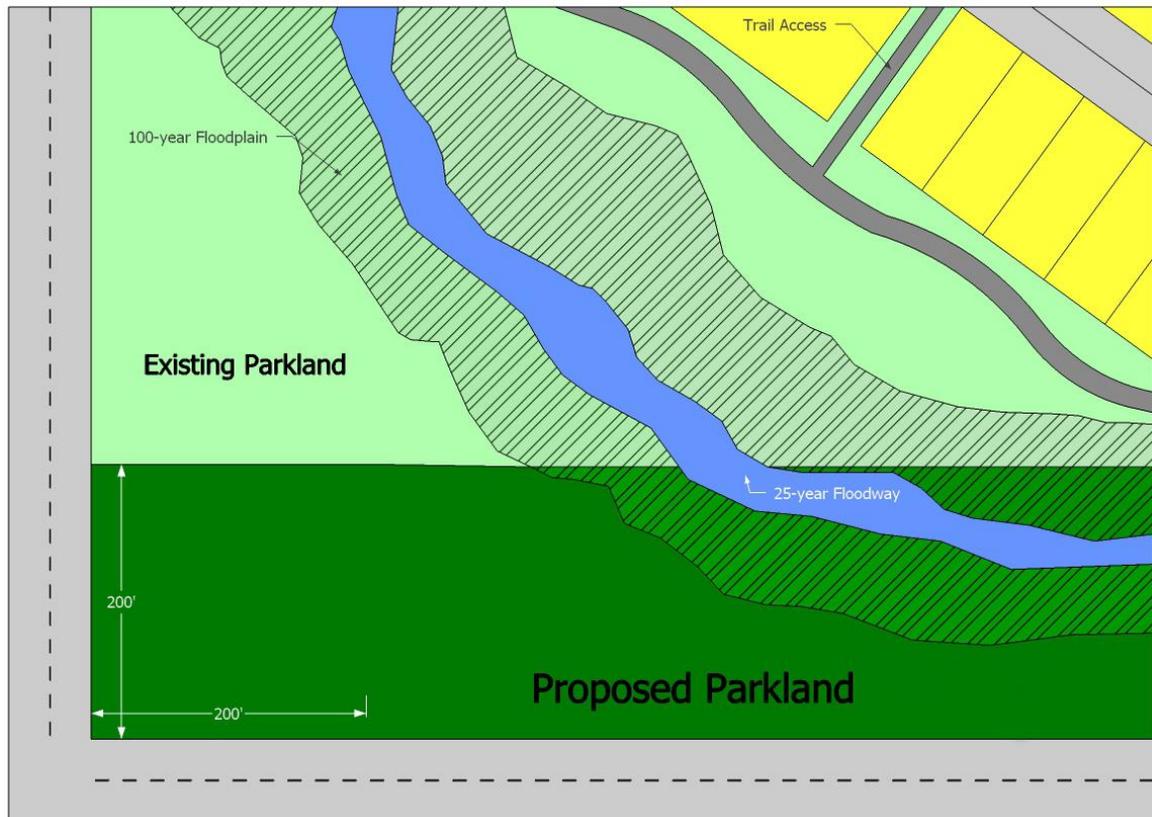
14.3.5 Criteria for public parkland dedication

In order to ensure proper design and location of public parkland, the dedication of public parkland shall conform to the following criteria for size, dimension, location, access and character.

A. Size, Dimensions and Access.

1. Shall be a minimum of three (3) contiguous acres with no more than fifty (50% percent) located within the 100-year floodplain. However, the City may accept portions of the 100-year floodplain regardless of size.
2. Shall have minimum lot dimensions of 200 feet in length and 200 feet in depth fronting a public street right-of-way located outside of the 100-year floodplain, unless it is contiguous to existing public parkland that has at least 200 feet of right-of-way frontage. However, if the public parkland lot abuts public right-of-way on all property lines, the minimum lot dimensions shall be 250 feet in length by 250 feet in width.

3. Park entrances shall be located along collector or higher classification roadways.
4. Adequate vehicular access shall be provided for parkland operation and maintenance. For public parkland areas not fronting a public street right-of-way or backs up to single-family residential, an access lot encumbered by a public access easement, not less than thirty (30') feet in width, shall be provided to connect to the public parkland a minimum of every 1,000 linear feet along the public street. The access lot shall be owned and maintained by the home owner's association.



B. Location

1. Shall be located, whenever possible, adjacent to and contiguous with existing public parkland.
2. Shall be located, whenever possible, adjacent to and contiguous with school sites in order to maximize the use of common facilities and functions.
3. Shall be land that is identified as moderate to high priority for preservation based on the "Travis County Greenprint" included within Parks, Recreation, and Open Space Master Plan.
4. Shall be land that is identified as moderate to the most environmentally sensitive on the "Land Sensitivity Map" included within the Parks, Recreation, and Open Space Master Plan.
5. If the entire 100-year floodplain within a site is dedicated to the City, parkland credit will be given for one-half the area within the dedicated 100-year floodplain. No parkland credit may be given for the regulatory floodway.

Notwithstanding the provisions stated above, creditable parkland within the 100-year floodplain may not exceed 50% of the total number acres required for public parkland dedication.

6. If the proposed public parkland is not within or contiguous to the proposed residential subdivision, the proposed public parkland shall be located within one-half (1/2) mile radius from the subdivision, whereby the Parks and Recreation Commission shall make a recommendation to City Council for approval.

C. Character.

1. Preserves critical environmental areas;
2. Provides land suitable for development of recreational facilities;
3. Creates a pedestrian corridor with the integration of hike and bike trails within the creeks per the Transportation Master Plan and Trails Master Plan;
4. Maintains or exceeds existing level of service in accordance with the Parks, Recreation, and Open Space Master Plan;
5. Sites with protected trees;
6. Place of historical significance; and
7. Land relatively undisturbed by grading or compaction.

D. Unsuitable Land

The following physical land characteristics are considered unsuitable for public parkland dedication unless the Parks and Recreation Director, finds that the land has recreational value that warrants its acceptance as public parkland or open space and is consistent with the Parks, Recreation, and Open Space Master Plan.

1. Drainage ditches;
2. Detention ponds;
3. Lakes or retention ponds;
4. Narrow strips of land, except within the pedestrian corridors identified in the Transportation Master Plan and the Parks and Open Space Master Plan;
5. Steep slopes equal to and greater than 15% grade, except within the regulatory floodplain;
6. Easements, including but not limited to, utility easements and drainage easements that may restrict the City's surface use and limit the ability to construct park improvements upon the land;
7. Land containing environmental hazards as indicated by a phase one environmental assessment, which meets the current American Society of Testing and Materials Standards (ASTM);
8. Entry subdivision features, areas devoted to decorative landscaping, traffic islands, street medians, and areas following development perimeter walls;
9. Land with reservation of mineral rights owned by a private entity or land used for mining, oil or gas wells; unless a surface rights waiver, of suitable legal form approved by the City Attorney, is provided; or
10. Land containing debris and trash due to construction related activities.

- E. Utilities
Through the subdivision or site development process, public utility and electric service infrastructure shall be extended to and through the parkland in accordance with the Engineering Design Guidelines and the Water Master Plan, and the Wastewater Master Plan.
- F. Survey corner markers
The applicant shall be obligated to place survey corner markers at all corners of the parkland, which has been located by a licensed and professional surveyor. The markers will be four (4) inch diameter PVC pipe recessed twelve (12) inches in the ground. They will contain a 1/2-inch iron pipe or rebar and be filled with concrete flush with ground.
- G. Sidewalks
Public sidewalks are required along the street frontage at a minimum of six (6') feet in width.
- H. Trails
Trails are required in accordance with Subchapter 10 of the UDC and the Trails Master Plan may not receive credit for the Park Development Fee.
- I. Waiver
The Parks and Recreation Director is authorized to grant waivers from the requirements of this subsection (5) subject to the following:
 1. The waiver request must be in writing; and
 2. The request shall not be contrary to the public interest; and
 3. Due to special conditions, a literal enforcement of the ordinance would result in an unnecessary hardship; and
 4. The spirit of the ordinance is observed and substantial justice is done.

14.3.6 Conveyance Requirements

Public parkland shall be dedicated as public parkland by plat and conveyed by general or special warranty deed as approved by the Administrator with acceptable evidence of clear title and full payment of taxes furnished to the City, prior to or at the same time of final plat recordation. The applicant shall pay all costs of transferring title of the parkland to the City, including the costs of:

- A. A phase one environmental assessment, which meets the current American Society of Testing and Materials (ASTM), without any further recommendations for clean-up, certified to the City not earlier than the 120th day before the closing date;
- B. A category 1(a) land title survey, certified to the City and the title company that the survey was not prepared earlier than the 120th day before closing date;
- C. A title commitment with copies of all schedule B and C documents, and an owner's title policy;
- D. A fee simple general or special warranty deed;

- E. A certified tax certificate showing full payment of taxes;
- F. Taxes prorated to the closing date;
- G. Recording fees;
- H. Charges or fees collected by the title company; and
- I. Curing all encumbrances or exceptions to the title that preclude its use as a city park, at grantor's expense.

14.4. PARK DEVELOPMENT FEE

14.4.1 General.

- A. A Park Development Fee or the construction of public parkland amenities in accordance with the alternative compliance provisions shall be required for residential subdivisions in accordance with the standards stated herein, as applicable, and the Parks Development Manual.
- B. In addition to the dedication and conveyance of public parkland, the owner or applicant shall be required to make a cash payment for park development improvements based on the anticipated impact the development will have on the public parkland system.
- C. County applicability provision. Unless otherwise authorized by a park development agreement between the jurisdictions and/or the applicant, developments located within the City's extraterritorial jurisdiction shall utilize a Park Development Fee and shall follow alternative compliance for the construction of public amenities.

14.4.2 Park Development Fee Calculation

- A. The Park Development Fee is calculated at a rate of not less than \$350,000 per 1,409 ultimate residents or an equivalent ratio thereof. The following fee rates are calculated based on the expected persons per unit consistent with Table 14.3.2 Persons per Unit.

Table 14.4.2 Park Development Fee <u>(\$350,000 / 1409) X (Persons/Units) = Park Development Fee Per Unit</u>	
Gross Density per Residential Development (Dwelling Units per Acre)	Park Development Fee per Unit
From 0 to 6 (3 pph)	\$745
Over 6 to 10 (2.7 pph)	\$670
Over 10 to 25 (2 pph)	\$496
More than 25 (2 pph)	\$496

- B. Unless the density of multi-family or condominium developments is identified on the permit application subject to this Subchapter, it shall be assumed that the highest density authorized under this Chapter is the development's density unless the applicant provides by plat note, or by other binding written memorialization acceptable to the Administrator, the actual density that the project shall not exceed.

14.5 ALTERNATIVE COMPLIANCE

14.5.1 General

- A. Alternative compliance is not intended to subvert the public parkland standards, but is intended to ensure the intent of the Parks, Recreation and Open Space Master Plan is addressed through the development process by appropriate measures.
- B. Unless, otherwise specifically provided for in this subsection E., alternative compliance shall be reviewed by the Parks and Recreation Commission, who shall make recommendation to the City Council to accept or deny the proposed alternative compliance. City Council shall make a final determination whether the proposed alternative compliance is approved, disapproved or approved with conditions. In event that the proposed alternative compliance is approved with conditions, such conditions shall be memorialized in a written order that may be part of a resolution or ordinance of City Council.
- C. All parks shall meet all federal, state, and local regulations and guidelines as required by the Americans with Disabilities Act (ADA), as well as guidelines established by the Commercial Park Advisory Council (CPAC) and the National Playground Safety Institute (NPSI).
- D. Park Development Agreement (phasing). In order to ensure the fulfillment of alternative compliance provisions pertaining to the construction of public or private amenities throughout the development process, the City may require the applicant to enter into an agreement with the City outlining the terms of park development.

14.5.2 Parkland Fee In-Lieu – Criteria for Approval

- A. Due to the proximity of existing public parkland or the size of the development that would be better served by a community or regional park, the developer may be required or may request a reduction in the public parkland dedication requirement up to one hundred (100%) percent by means of a fee in-lieu, in accordance with the parameters stated herein. The Parks and Recreation Director may require or accept cash payment in lieu of public parkland, or a portion thereof, within certain parameters provided below, if the development requires less than three (3) acres of public parkland. The Parks and Recreation Commission shall review any fee in-lieu request of public parkland that does not meet the specific criteria for approval by the Parks and Recreation Director, or if the development requires three (3) acres or more of public parkland and provide a recommendation to the Planning and Zoning Commission and/or City Council.

- B. The fee in-lieu is established at \$43,560 per acre, or a portion thereof, for the value of parkland that would otherwise be dedicated and conveyed to the City. The fee in lieu of parkland dedication is based upon the fair market value of the land, that is developable for single family use, and that would otherwise be required to be dedicated as public parkland for the proposed development, situated outside of the 100-year floodplain. The fee may be evaluated on an annual basis by the Planning and Zoning Commission and Parks and Recreation Commission. Any recommendation for amending the fee amount shall be forwarded to the City Council for approval.
- C. Less than three (3) Acres Required – Criteria for Approval by the Parks and Recreation Director
1. If the proposed development is not adjacent to existing public parkland and does not contain 100-year floodplain, and is located within a quarter-mile radius of existing community level public parkland totaling five (5) contiguous acres or more, a full payment of fee in-lieu of public parkland may be required; or
 2. If the proposed development is not adjacent to existing public parkland and does not contain 100-year floodplain, and is located within a half-mile radius of existing community level public parkland totaling ten (10) contiguous acres or more, a partial payment of fee in-lieu of public parkland up to 50% may be accepted with the addition of private park area equal to the remainder of the public parkland that would have otherwise been dedicated to the City; or
 3. Notwithstanding the aforementioned provisions, if the proposed development has an estimated population 150 people or less based on Table 14.3.2, the Parks and Recreation Director may accept a fee in lieu of public parkland.
 4. If the development does not meet the aforementioned criteria for approval by the Parks and Recreation Director, the request for fee in-lieu shall be reviewed by the Parks and Recreation Commission.
 5. Private park area required under this section of alternative compliance shall be entitled to credit for public parkland dedication. The private park area may be required to meet all the criteria for public parkland dedication per Section 14.3, including but not limited to, size, dimensions, access, location, character, and unsuitable land.
- D. More than three (3) Acres – Criteria for Approval by Parks and Recreation Commission
1. Reduction does not exceed 50%;
 2. Reduction does not exceed ten (10) acres;
 3. Development is adequately served by the proposed or existing community level public parkland; and
 4. Consistency with intent of the City's Parks, Recreation, and Open Space Master Plan.

14.5.3 Construction of Public Amenities in Public Parks – Criteria for Approval

- A. In lieu of the Park Development Fee or a portion thereof, the applicant may make a request to the Parks and Recreation Commission to be allowed to construct public amenities on public parkland, in accordance with the Parks Development Manual, as amended, to be credited towards satisfying the Park Development Fee in accordance with Section 14.4. If the development is governed by a park development agreement, a request under this section must also be approved by City Council.
- B. Design, specification, and construction of the improvements shall be subject to review and approval by the City. Construction of the amenities, for the portion required for the final plat(s) approved, must be completed within the time period prescribe in the development agreement; or, within three (3) years of the City's approval of the first final plat of the subdivision, when the applicant has not entered into a development agreement. Fiscal security for the construction of amenities shall be provided in the amount required for the park development fee, in a form acceptable by the Administrator.
- C. All parks shall meet all federal, state, and local regulations and guidelines as required by the Americans with Disabilities Act (ADA), as well as guidelines established by the Commercial Park Advisory Council (CPAC) and the National Playground Safety Institute (NPSI).
- D. Non-creditable items: Shrubs, sod, re-vegetation, swimming pools, subdivision signage, administrative, professional, engineering or legal costs, development application fees, and any public improvement required through the subdivision process.

14.5.4 Construction of Private Amenities in Private Parks – Criteria for Approval

- A. In accordance with the Parks Development Manual, as amended, privately owned and maintained parks with private amenities may receive up to twenty-five (25%) percent credit towards fulfilling the requirements of the Park Development Fee, but not parkland dedication, upon approval by the Parks and Recreation Commission
- B. Fiscal security for the construction of amenities shall be provided in the amount required for the park development fee, in a form acceptable by the Administrator.
- C. Private amenities included within private parks approved to be credited towards meeting the requirements of this section in accordance with the Parks Development Manual may remain exclusive to the common interest owners of the development.

- D. Restrictive Covenants. Private parks must be managed by mandatory homeowners association and subject to restrictive covenants that:
 - 1. Requires each property owner within the subdivision encumbered by the restrictive covenants to pay dues and special assessments for the maintenance of the private park; and
 - 2. Prohibits the dissolution of the private park until such time as the declarant cedes control of the homeowner's association to purchasers of properties within the subdivision, and then only upon amendment to the restrictive covenants approved by $\frac{3}{4}$ of the members of the homeowner's association.
- E. The private amenities, for which receive credit for the Park Development Fee, shall be located contiguous to existing or proposed public parkland, where practicable.

14.5.5 Combination of Alternative Compliance

- A. A combination of public parkland and amenities may also be considered by the Parks and Recreation Commission through alternative compliance.
- B. In accordance with the Parks Development Manual, the applicant may seek approval from the Parks and Recreation Commission for a reduction in the amount of required public parkland by providing additional public amenities equal to the cost value of the land that would have otherwise been dedicated to the City. If the development is governed by a park development agreement a request under this section must also be approved by City Council.

14.6 PAYMENTS

14.6.1 General

- A. All cash payments will be deposited in an escrow account to be used by the City exclusively for the acquisition or improvement of public parkland.
- B. Such payments shall be expended by the City within ten (10) years from the date the payment is received by the City. If the payments are not expended by the City within the allotted 10-year time frame, the developer may request a reimbursement of said payment until one year after the ten-year anniversary date of the payment made to the City.

14.6.2 Assessment and Payment Provided

- A. Any payment for fee in-lieu of public parkland or Park Development Fee shall be assessed at the time of preliminary plan is approved.
- B. Payment of fee in-lieu of public parkland or fiscal security, if applicable, shall be provided prior to the approval of the final plat.

- C. Payment of the Park Development Fee or fiscal security, if applicable, shall be provided at the time of final plat, unless otherwise specified by a development agreement.

14.7. REVIEW PROCESS

14.7.1 Authority

Public parkland dedication shall be reviewed through the subdivision process at the preliminary plan stage. The preliminary plan and a conceptual site plan for the construction of public amenities, if applicable, shall be reviewed by the Parks and Recreation Commission or Parks and Recreation Director, where applicable, prior to making its recommendation to the Planning and Zoning Commission.

14.7.2 Preliminary Plan

The Parks and Recreation Commission and/or Parks and Recreation Director, where applicable, shall make a recommendation regarding parkland requirements to the Planning and Zoning Commission and/or City Council upon compliance with the parkland standards provided herein. The following items shall be provided within the preliminary plan application and reviewed in accordance with the procedures outlined in Subchapter 15. Subdivision Process of the UDC.

- A. Proposal report identifying how the parkland dedication and park development requirements have been satisfied. This may include cost estimates for proposed parkland improvements.
- B. Phase one environmental assessment, which meets the current American Society of Testing and Materials (ASTM),
- C. A category 1(a) land title survey, certified to the City, no more than 6 months old,
- D. A title commitment with copies of all schedule B and C documents
- E. A 22" x 34" aerial photograph of the proposed Parkland with at least 2-inch color resolution ortho imagery, must not be older than the current aerial photo on record at the City and must identify creeks, ponds, drainage features and property boundary lines.

14.7.3 Final Plat

Once the City Council consents to the conveyance of public parkland by warranty deed, public parkland included within a proposed final plat shall be reviewed by the Planning and Zoning Commission for compliance with the approved preliminary plan and the conveyance procedures provided herein. The following items shall be provided within the final plat application and reviewed in accordance with the procedures outlined in Subchapter 15. Subdivision Process of the UDC.

- A. Public parkland dedicated on a final plat must be labeled as "public parkland" and the label must include the recorded deed document number.
- B. General plat notes

- C. If applicable, payment of parkland fee in-lieu, or a portion thereof approved by the City.
- D. If applicable, payment of the Park Development Fee.
- E. If applicable, all items included within Section. 14.7.4 Conveyance of Public Parkland by Deed, below.

14.7.4 Conveyance of Public Parkland by Deed

The conveyance of public parkland may occur immediately after the recordation of the final plat. The subdivider shall be responsible for all costs of transfer title to the City (or governing political subdivision), in accordance with Section. 14.3.6, and shall provide a copy of the title policy within 90 days of closing. The following items shall be reviewed by the City prior to the closing of title conveyance of public parkland.

- A. An environmental site assessment without any further recommendations for clean-up, certified to the City not earlier than the 120th day before the closing date;
- B. Draft of warranty deed approved by the City Attorney, and if applicable, a list of any proposed exceptions to title provided as an exhibit included within the deed. If the legal description is provided by metes and bounds, a survey sketch shall also be provided to accompany the metes and bounds description within the recorded deed;
- C. A title commitment with copies of all schedule B and C documents;
- D. A certified tax certificate showing full payment of taxes; and
- E. HUD Settlement Statement.

14.7.5 Alternative Compliance – Construction of Public Amenities

- A. If applicable, and in accordance with the alternative compliance provisions provided herein, a conceptual plan for the construction of public amenities drafted by a licensed engineer, licensed architect or architect shall be reviewed by the Parks and Recreation Commission.
- B. A formal site plan shall be required for the construction of public amenities, to be reviewed by staff, in accordance with the standards and procedures outlined in Subchapter 3. Procedures of the UDC.
- C. If applicable, prior to site plan approval by the City, fiscal security in an amount equal to 110 percent of the cost of the public improvements, including public amenities, in a form acceptable to the Administrator or designee, shall be provided to the City.
- D. Prior to the final acceptance of the public improvements by the City of Pflugerville, the subdivider shall provide proof of the hard construction costs of such amenities by a construction bid and invoices. In the event the subdivider does not expend the total amount required by the Park Development Fee formula, the subdivider shall make a cash payment for the remainder.

14.8 DECISION MAKING; APPEAL PROCESS

- A. Decisions under this Subchapter shall be made by the Parks and Recreation Director or the Parks and Recreation Commission. Where this Subchapter is silent, the decision shall remain with the Parks and Recreation Director.
- B. The applicant may appeal any adverse decision to this Subchapter to the Planning and Zoning Commission, within 30 days of such decision.
- C. Within 30 days of a decision by the Planning and Zoning Commission, either the applicant or the Parks and Recreation Director may appeal any decision of the Planning and Zoning Commission to the City Council, whose decision on the appeal shall be final.

SUBCHAPTER 15. SUBDIVISION PROCESS

<u>Section</u>	<u>Title</u>
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15.1.2	Authority
15.1.3	Applicability
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- 15.6.3 Application Requirements
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- 15.7.1 Purpose
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15.8 Replat

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- 15.10.1 Purpose
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15.12 Construction of Public Improvements or Fiscal Security

15.13 Acceptance of Subdivision as Complete

15.14 Final Plat Recordation Procedure

15.15 Subdivision Waiver

- 15.15.1 Pre-Application Conference
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- 15.16.4 Alleys
- 15.16.5 Lots
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- 15.16.7 Water
- 15.16.8 Wastewater
- 15.16.9 Easements

SUBCHAPTER 15. SUBDIVISION PROCESS

15.1 GENERAL

15.1.1 Purpose

- A. To promote the health, safety and general welfare of the community through orderly, safe, and healthful development within the City of Pflugerville and its Extraterritorial Jurisdiction (ETJ);
- B. To guide public and private policy and action in order to provide for adequate and efficient transportation, water, wastewater, drainage, parks, and other public improvements and facilities;
- C. To establish standards of design and procedures for the subdivision of land to further the orderly use of land and sensible layout of development; and
- D. To prevent the pollution of air and water; to reduce vehicle miles traveled through enhanced mobility; to assure the adequacy of drainage facilities; and to encourage responsible use and management of natural resources throughout the City of Pflugerville and its ETJ.

15.1.2 Authority

Under the authority of Texas Local Government Code Chapter 212, the City of Pflugerville adopts the regulations set out herein to control the subdivision of land within the corporate limits of the City and its ETJ.

15.1.3 Applicability

- A. The regulations set out in this chapter govern every subdivision of land within the corporate limits and the ETJ.
- B. All subdivision of land for which a plat is required pursuant to Chapter 212 of the Texas Local Government Code must comply with the requirements of this code.
- C. The standards applicable to a subdivision plat and to construction of public improvements within a subdivision are those standards in effect on the date of the first required application for the subdivision, provided a valid preliminary plan exists.
- D. The procedure applicable to a preliminary plan, construction plans, final plat, acceptance, or any other procedure established in this code is the procedure in effect at the time the applicable preliminary plan, construction plans, final plat, acceptance, or other application is filed.
- E. Approval of the final plat of a subdivision by the Planning and Zoning Commission (Commission), or by the Planning Director under the minor plat procedure set out in this chapter, is required as a condition to the subdivision of any tract of land within the City's ETJ.

15.1.4 Exemptions

The following are exempt from the requirements of this chapter:

- A. Any subdivision filed in the County plat records on or before March 8, 1973, except subdivisions which were in violation of regulations then in existence.
- B. A subdivision recorded in the County plat records since March 8, 1973, which was approved by the City Council or another entity having jurisdiction.
- C. A division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated as provided in Chapter 212.004 of the Texas Local Government Code. Where this provision is applicable, a note shall be added to the plat with reference to the exemption allowed by Chapter 212.004, as amended, with a signature line for the Planning Director. A copy of a recorded plat meeting this exemption shall be provided to the City of Pflugerville Planning Department.
- D. Any subdivision exempted by state law including but not limited to provisions identified in Chapter 212 of the Texas Local Government Code.

15.1.5 Comprehensive Plan

Applications processed under this chapter shall comply with the City's Comprehensive Plan as determined by the City Council.

15.2 UNIFIED DEVELOPMENT CODE SUPPLEMENTAL SCHEDULE

The Planning Director shall administer a Unified Development Code Supplemental Schedule including information regarding review and meeting schedules, filing fees, plat specifications, standard forms, standard plat notes, and similar information necessary to implement the subdivision process.

15.2.1 Schedule

- A. The schedule of meeting dates in the Unified Development Code Supplemental Schedule shall establish the submittal deadlines and Commission meetings for each year.
- B. The Commission shall by vote establish the schedule of meeting dates for a calendar year before the end of the previous calendar year.
- C. The Commission may amend by vote the meeting schedule any time during the year; however, meeting dates may not be changed for which the deadline date has passed.
- D. When required, complete applications received on or before the deadline date shall be considered by the Commission on the applicable meeting date as indicated on the schedule.
- E. The applicant may withdraw the application at any time and forfeit all fees paid. Such withdrawal shall not obligate the Commission to take action on the application within the required time period.

- F. The applicant may request in writing to delay the consideration of the application at any time, provided the said request is on the waiver form provided in the Unified Development Code Supplemental Schedule, which waives the applicant's right to having the plat acted upon as set forth in the Local Government Code, Section 212.009(a). The Planning and Zoning Commission shall not delay action on a plat application without the written consent of the applicant and waiver of rights.

15.2.2 Fees

Fees required as part of an application under this chapter shall be established in the Unified Development Code Supplemental Schedule.

15.2.3 Violations

- A. It is a violation of this code to subdivide or replat any land within the corporate limits of the City or its ETJ without complying with the requirements of this chapter, or to offer for sale, or to sell or lease, any property within a subdivision that has not been subdivided in accordance with the provisions of this chapter and Section 212 of the Texas Local Government Code.
- B. If a corporation is found to be in violation of this chapter, each of its officers, agents, and/or employees who were in any way responsible for such violation shall be individually and severally liable for penalties herein prescribed.
- C. The application of this section shall not apply to a duly qualified county clerk or deputy county clerk acting in their official capacity, nor may the provisions of this section in any way be construed to conflict with Section 212.017 of the Texas Local Government Code.

15.2.4 Remedies and Penalties

- A. Within City's Corporate Limits. Any individual who intentionally, knowingly, recklessly or criminally negligently violates any provision of this chapter, is guilty of a class C misdemeanor and upon conviction shall be subject to a fine of not less than \$1 and not more than \$2000. Each day of such violation may constitute a separate offense. Such penalty is cumulative and not exclusive of any other rights or remedies the City may have.
- B. Civil remedies applicable within both the City's corporate limits and extraterritorial jurisdiction (ETJ). In addition to the criminal penalties set out in Subsection (A) above, the City may institute a civil action, in law and or equity, in a court of competent jurisdiction against any individual who violates any provision of this chapter; and the City may seek such equitable relief or monetary relieve that may be available under the statutes, common law, and constitutions of the state and federal governments.
- C. In addition to the remedies set forth above, the City may enforce compliance with the requirements of this chapter by:
 - 1. Refusing to accept improvements;
 - 2. Withholding building permits or certificates of occupancy;

3. Not allowing connection to or disconnection of utility service; or
4. Issuing a stop work order.

15.3 SUBDIVISION PROCESS

- A. A new subdivision within the City Limits and ETJ shall be subject to the following process:
 1. Preliminary plan
 2. Final plat
 3. Construction plans
 4. Construction of public improvements or fiscal security
 5. Acceptance of subdivision as complete
 6. Acceptance of public improvements for ownership and maintenance
 7. Final plat recordation
- B. A pre-application conference shall be required prior to the submittal of an application for all subdivision processes, unless otherwise determined by the Planning Director.
- C. The subdivision process shall begin with the submittal of a preliminary plan if the application is not eligible as a minor plat, replat, amending plat, or vacation plat.
- D. The subdivision process shall begin with the submittal of a final plat if a valid preliminary plan exists or when a preliminary plan may not be required as may be the case with a minor plat, replat or amending plat. A final plat shall be recorded upon the completion and acceptance of the public improvements or fiscal security being posted in the amount of 110% of the cost of the improvements.
- E. An applicant may pursue at any time a replat, or resubdivision of land that has been previously recorded with the County by complying with the processes outlined in this Subchapter and only after a pre-application conference has been held.
- F. An applicant may revise at any time a valid preliminary plan by complying with the process established by this Chapter and only after a pre-application conference has been held.

15.4 GENERAL PLATTING PROCEDURE

15.4.1 Pre-application Conference

Prior to the submittal of any subdivision application, a pre-application conference shall be held with the Planning Director and applicable City staff to discuss the proposed subdivision.

15.4.2 Application Procedure

An application for a subdivision shall be filed with the Planning Director by the applicant in accordance with the provisions of this chapter and the Unified Development Code Supplemental Schedule.

15.4.3 Completeness Review

The Planning Director shall determine if an application for a plan or plat meets all of the criteria to be considered complete. The Planning Director or designee may require information which is not included in the content requirements specified in this Subchapter to be provided in order to provide specific clarification to the subdivision. Within five (5) business days following the date of filing, the Planning Director or designee shall notify the applicant of any application deficiencies. Upon receipt of a revised application with all deficiencies corrected, the Planning Director shall deem the application complete and the applicable review shall commence.

15.4.4 Development Review Committee (DRC) Review

- A. The DRC shall review all subdivision applications and provide written comment to the applicant identifying necessary revisions or requested supplemental information, as specified for each respective subdivision type within this Chapter.
- B. Upon receipt of the DRC comments, the applicant shall be responsible for revising the application accordingly and re-submitting the application in a timely manner to meet all deadlines.
- C. Once the DRC is satisfied that all comments have been addressed adequately, the DRC shall provide a recommendation to the Planning and Zoning Commission regarding the subdivision application as provided in Subchapter 2.

15.4.5 Approval Authority

The Planning and Zoning Commission shall have final approval authority for all preliminary plans, final plats, replats, and vacation plats, including fee in lieu of parkland and parkland requirements dedicated by plat. Minor plats, and amending plats may be approved administratively.

15.4.6 Application Withdrawal

An applicant may withdraw an application for a subdivision prior to its review by the Planning and Zoning Commission, by notifying the Planning Director in writing. Fees associated with the application shall not be refunded.

15.5 PRELIMINARY PLAN

15.5.1 Purpose

The purpose of the preliminary plan is to present a detailed illustration of the proposed subdivision in order to facilitate a review by the DRC and the Planning and Zoning Commission of the proposed lot layout, street and drainage system, easements, utilities, amenity or parkland lots, and other elements relevant to this chapter.

15.5.2 Applicability

The applicant shall submit a preliminary plan for all proposed subdivisions or additions for consideration by the Planning and Zoning Commission unless the subdivision meets the requirements for exemption as provided for in this Subchapter (15.1.4).

15.5.3 Pre-Application Conference

Prior to the submittal of an application, a pre-application conference shall be held with the Planning Director and applicable City staff to discuss the proposed subdivision unless determined otherwise by the Planning Director.

15.5.4 Application Requirements

See UDC Supplemental Schedule

15.5.5 Preliminary Plan Content Requirements

- A. In order to ensure the orderly planning of roads, utilities, drainage, parks and other public facilities, the parent tract must be included in a preliminary plan. The preliminary plan must substantially conform to all land use plans adopted by resolution or ordinance including but not limited to the Comprehensive Plan.
- B. See UDC Supplemental Schedule for list of content requirements.

15.5.6 Preliminary Plan Review Process

- A. All preliminary plans shall be reviewed by the DRC prior to moving forward to the Planning and Zoning Commission.
- B. No longer than 15 business days from the date of deeming the preliminary plan application complete, the Planning Director shall present the applicant with written DRC comments regarding the review of the preliminary plan.
- C. Upon receipt of the DRC comments, the applicant shall revise the plans accordingly and provide to the Planning Director for review any supplemental information the DRC requested.
- D. The review process shall continue as stated above until the DRC is satisfied that all comments have been addressed adequately. Failure to submit a revised application within 45 calendar days from the date the application was deemed complete or date of

last correspondence from the Planning Director (whichever is later), will void the subdivision application and require new fees.

- E. DRC acceptance of the revised application must occur at least two weeks prior to the anticipated Planning and Zoning Commission meeting as identified in the Unified Development Code Supplemental Schedule.
- F. If the preliminary plan is disapproved by the Commission, the applicant may adjust the plan accordingly and restart the subdivision process no sooner than thirty (30) days after disapproval with specific written identification of what has changed from the previously denied plan.
- G. Within ten (10) business days after action taken by the Planning and Zoning Commission, the Planning Director shall issue to the applicant a certificate as required by Section 212.0115 of the Texas Local Government Code stating the result of the preliminary plan review and the determination by the Planning and Zoning Commission when requested.

15.5.7 Revisions to Preliminary Plan

Prior to the submittal of a preliminary plan, a pre-application conference shall be held with the Planning Director and applicable City staff to discuss the proposed subdivision unless determined otherwise by the Planning Director.

- A. **Minor Revisions.** Minor revisions shall require an application, statement of proposal, fee, the number of plan sets specified by the Unified Development Code Supplemental Schedule, and any other information requested by the Planning Director. The Planning Director may administratively approve or deny minor revisions to approved preliminary plans and reserves the right to forward any proposed revision to the Planning and Zoning Commission for review and consideration. If the application is determined by the Planning Director to be a major revision, the applicant may appeal the decision through the Planning and Zoning Commission in accordance with the preliminary plan process outlined in this Subchapter. Minor revisions shall be limited to those that:
 - 1. Change lot lines within a subdivision provided lot sizes are not decreased and where a modification to the lot configuration does not increase the number of lots; or
 - 2. Adjust a local street alignment, add or realign a trail or sidewalk; or
 - 3. Change a utility or access easement; or
 - 4. Change the phasing of a subdivision, if adequate public infrastructure is provided as determined by the City Engineer.
- B. **Major Revisions**
Major revisions shall require meeting all preliminary plan content requirements and submitting a letter from the applicant outlining the need for the proposed request. A major revision shall follow the preliminary plan process outlined in this Subchapter. The Planning and Zoning Commission shall take final action regarding a proposed major revision. Major revisions include, but are not limited to:

1. An increase in the number of residential lots; or
2. Changes to street layout; or
3. Modification of parkland, resulting in a decrease or relocation, which may require Parks and Recreation Commission reconsideration.

15.5.8 Expiration of Preliminary Plan

- A. The approval of a preliminary plan shall remain in effect for a period of two (2) years following the date of approval, during which period the applicant shall submit and receive approval of a final plat for at least a portion of the land shown on the preliminary plan. If no portion of the preliminary plan area has been final platted within the two (2)-year period, the preliminary plan shall expire.
- B. The applicant may submit and obtain approval of a final plat for only a portion of the land contained within the preliminary plan. The preliminary plan for the balance of the property shall expire two years after the date of approval of the final plat covering a portion of the property within the preliminary plan, unless a new final plat for at least 10% of the preliminary plan is approved, which will reinstate the two year extension.
- C. Preliminary plans approved by a governmental entity other than the City for land that was outside of the City's jurisdiction at the time are invalidated on the date when the land becomes subject to the City's jurisdiction.

15.6 FINAL PLAT

15.6.1 Purpose

The purpose of a final plat is to present a detailed illustration of the proposed layout of the streets, lots, easements, and any areas to be dedicated to the public in order to facilitate a review by the DRC and Planning and Zoning Commission, and to establish an approved, legally recordable document of the proposed subdivision. If a final plat does not include the entire tract of land included in the preliminary plan, the final plat shall correspond to the phasing approved in the preliminary plan.

15.6.2 Pre-Application Conference

Prior to the submittal of an application, a pre-application conference shall be held with the Planning Director and applicable City staff to discuss the proposed subdivision unless determined otherwise by the Planning Director.

15.6.3 Application Requirements

- A. See UDC Supplemental Schedule.

15.6.4 Final Plat Content Requirements

- A. The final plat must substantially conform to the preliminary plan and all land use plans adopted by resolution or ordinance including but not limited to the Comprehensive Plan.

- B. See the UDC Supplemental Schedule for list of content requirements.

15.6.5 Final Plat Review Process

- A. A complete application for a final plat may be submitted for only those subdivisions for which there exists a valid preliminary plan.
- B. The Planning Director shall determine if an application for a final plat meets all of the criteria to be considered complete. Within five (5) business days following the date of filing, the Planning Director or designee shall notify the applicant of any application deficiencies. Upon receipt of a revised application with all deficiencies corrected, the Planning Director shall deem the application complete and the applicable review shall commence.
- C. No longer than 15 business days from the date of deeming the final plat application complete, the Planning Director shall present the applicant with written DRC comments regarding the review of the final plat.
- D. The applicant may request in writing to delay the consideration of the Application at any time, provided the said request is on the waiver form provided in the Unified Development Code Supplemental Schedule, which waives the applicant's right to having the plat acted upon as set forth in the Local Government Code, Section 212.009(a). The Planning and Zoning Commission shall not delay action on a plat application without the written consent of the applicant and waiver of rights.
- E. If the plat is disapproved by the Commission, the applicant may adjust the plat accordingly and resubmit with specific written identification of what has changed from the previously denied plat.
- F. Within ten (10) business days after action taken by the Planning and Zoning Commission, the Planning Director shall issue to the applicant a certificate as required by Section 212.0115 of the Texas Local Government Code stating the result of the final plat review and the determination by the Planning and Zoning Commission.
- G. Prior to a final plat being recorded, public improvements shall have been constructed and accepted by the City or fiscal security provided to the City through a subdivision bond or other form approved by the Administrator and in the amount of 110% of the cost of the public improvements as approved by the City Engineer. Upon such acceptance of public improvements or fiscal security, the final plat may be recorded. Fiscal security shall be released only upon the City's acceptance of the completed public improvements.

15.7 MINOR PLAT

15.7.1 Purpose

The purpose of the minor plat is to allow for a review by the DRC to establish an approved, legally recordable plat of the proposed subdivision. The minor plat is intended to expedite the platting process for qualifying subdivisions by not requiring the submission of a preliminary plan or review by the Planning and Zoning Commission. The Planning Director may administratively approve a minor plat.

15.7.2 Eligibility

- A. Plats conforming to the following criteria are eligible to be processed as a minor plat:
 - 1. The proposed subdivision abuts a public street.
 - 2. There are no requirements for additional off-site or on-site public improvements as determined by the Planning Director and City Engineer.
 - 3. No more than four lots are proposed.
 - 4. The proposed subdivision does not meet the threshold for a TIA as required for a preliminary plan.

15.7.3 Pre-Application Conference

Prior to the submittal of an application, a pre-application conference shall be held with the Planning Director and applicable City staff to discuss the proposed subdivision unless determined otherwise by the Planning Director.

15.7.4 Application Requirements

- A. A minor plat shall be subject to the same application and content requirements as a final plat, in addition to the following:
 - 1. The signature blocks for the Commission shall be replaced by the Planning Director's signature block as provided in the Unified Development Code Supplemental Schedule.
 - 2. A letter shall be provided explaining the applicant's intentions in proposing to subdivide the subject property as indicated on the minor plat and the proposed land use.

15.7.5 Minor Plat Review Process

- A. The Planning Director shall determine if an application for a minor plat meets all of the criteria to be considered complete. Within five (5) business days following the date of filing, the Planning Director or designee shall notify the applicant of any application deficiencies. Upon receipt of a revised application with all deficiencies corrected, the Planning Director shall deem the application complete and the applicable review shall commence.
- B. No longer than 15 business days from the date of deeming the preliminary plan application complete, the Planning Director shall present the applicant with written DRC comments regarding the review of the preliminary plan.
- C. Upon receipt of the DRC comments, the applicant shall revise the minor plat accordingly and provide to the Planning Director for review any supplemental information the DRC requested in continual cycles until all comments are satisfied and the minor plat is ultimately approved by the Planning Director.

- D. Within ten (10) business days after plat approval by the Planning Director, the Planning Director shall issue to the applicant a certificate as required by Section 212.0115 of the Texas Local Government Code stating that the plat has been approved and shall cause the plat to be recorded with the applicable County jurisdiction.

15.8 REPLAT

15.8.1 Purpose

The purpose of a Replat is to resubdivide all or part of property that is the subject of a recorded plat, without the vacation of the preceding plat, and to allow for review by the DRC and Planning and Zoning Commission.

15.8.2 Pre-application Conference

Prior to the submittal of an application, a pre-application conference shall be held with the Planning Director and applicable City staff to discuss the proposed subdivision unless determined otherwise by the Planning Director.

15.8.3 Application Requirements

- A. See the UDC Supplemental Schedule.

15.8.4 Replat Review Process

- A. The Planning Director shall determine if an application for a Replat meets all of the criteria to be considered complete. Within five (5) business days following the date of filing, the Planning Director or designee shall notify the applicant of any application deficiencies. Upon receipt of a revised application with all deficiencies corrected, the Planning Director shall deem the application complete and the applicable review shall commence.
- B. No longer than 18 calendar days from the date of deeming the preliminary plan application complete, the Planning Director shall present the applicant with written DRC comments regarding the review of the preliminary plan.
- C. The applicant may request in writing to delay the consideration of the application at any time, provided the said request is on the waiver form provided in the Unified Development Code Supplemental Schedule, which waives the applicant's right to having the plat acted upon as set forth in the Local Government Code, Section 212.009(a). The Planning and Zoning Commission shall not delay action on a plat application without the written consent of the applicant and waiver of rights.
- D. Once all comments have been addressed, not later than 15 days before the scheduled meeting date, the Planning Director or designee shall provide the following public notice as required by Section 212 of the Texas Local Government Code for a Replat:
 - 1. Signs, in the amount determined by the Planning Director, placed on every street right-of-way adjacent to the land under consideration.

2. An advertisement in a newspaper of general circulation in the area, which includes the date, time, and location of the Public Hearing and a general description of the area under consideration.
 3. Per Section 212.015 of the Texas Local Government Code, as amended, if in the past 5 years any of the area to be replatted contained a residential zoning district or was limited to residential use by deed restrictions, then in addition to the above requirements, letters to all owners of land within 200 feet of the boundary of the proposed Replat area shall be provided identifying the date, time and location of the public hearing, a general description of the area under consideration, and a map indicating the general area.
- E. Within ten (10) working days after action taken by the Planning and Zoning Commission, the Planning Director shall issue to the applicant a certificate as required by Section 212.0115 of the Texas Local Government Code stating the result of the final plat review and the determination by the Planning and Zoning Commission.

SECTION 15.9 AMENDING PLAT

15.9.1 Purpose

The purpose of an amending plat is to replace a recorded plat without vacation of that plat, and to allow for review by the DRC and Planning Director. The Amending plat is intended to be used as a limited means to correct minor errors or make minor adjustments to a recorded plat.

15.9.2 Eligibility

- A. An applicant may submit an application for an amending plat if the amending plat is signed by the applicant only and is solely for one or more of the purposes stated below per Section 212.016 of the Texas Local Government Code as amended.
- B. The Planning Director may administratively approve an amending plat if the application is determined to meet all minimum requirements.
 1. To correct an error in a course or distance;
 2. To add a course or distance that was omitted;
 3. To correct a property description;
 4. To indicate monuments which were set after the death, disability, or retirement from practice of the engineer or surveyor charged with the responsibility for setting monuments;
 5. To show the proper location or character of any monument which has been changed or which was originally shown at the wrong location or incorrectly as to its character;
 6. To correct any other type of scrivener or clerical errors or omission previously approved including lot numbers, acreage, street names, and identification of adjacent recorded plats;

7. To correct errors in courses and distances of lot lines between adjacent lots if:
 - a. both lot owners join in the application,
 - b. the amendment does not abolish either lot,
 - c. the amendment does not attempt to remove recorded covenants or restrictions, and
 - d. 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 in order to cure an unintentional encroachment of a building or other improvement on the Lot line or on an easement;
9. To relocate a lot line between adjacent lots if:
 - a. all owners join in application for plat amendment,
 - b. the amendment does not remove recorded covenants or restrictions; and
 - c. the amendment does not increase the number of lots;
10. To make necessary changes to the prior plat to create six or fewer lots in a subdivision, or a part of a subdivision, covered by the prior plat, if:
 - a. the changes do not affect applicable zoning or other regulations of the City;
 - b. the changes do not attempt to remove or amend any covenants or restrictions; and
 - c. the area covered by the changes is located in an area that the City has approved, after a Public Hearing, as a residential improvement area; or
11. To replat one or more lots on an existing street if:
 - a. the owners of all those lots join in the application for amending the plat;
 - b. the amendment does not attempt to remove recorded covenants or restrictions;
 - c. the amendment does not increase the number of lots; and
 - d. the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

15.9.3 Pre-application Conference

Prior to the submittal of an application, a pre-application conference shall be held with the Planning Director and applicable City staff to discuss the proposed subdivision unless determined otherwise by the Planning Director.

15.9.4 Application Requirements

See UDC Supplemental Schedule

15.9.5 Amending Plat Content Requirements

The content requirements for Amending plats are the same as that for final plats except the signature blocks for the Mayor and Commission shall be replaced by the Planning Director's signature block as provided in the Unified Development Code Supplemental Schedule. See the UDC Supplemental Schedule.

15.10 VACATION PLAT

15.10.1 Purpose

The purpose of a vacation plat is to nullify all or part of a previously recorded plat. Application for the vacation of a subdivision plat may be made at any time before the sale of a lot or lots in said subdivision, or, where a lot or lots have been sold, by all the property owners in said subdivision. The vacation of a subdivision plat may be considered without notice or Public Hearing and is subject to the approval of the Planning and Zoning Commission.

15.10.2 Pre-Application Conference

Prior to the submittal of an application, a pre-application conference shall be held with the Planning Director and applicable City staff to discuss the proposed Vacation plat unless determined otherwise by the Planning Director.

15.10.3 Application Requirements

See UDC Supplemental Schedule.

15.10.4 Vacation Plat Review Process

- A. A Vacation plat shall follow the same review process and schedule as a final plat.
- B. Upon approval of the Vacation plat by the Commission, the proposed instrument of vacation shall be recorded, or if in the ETJ, sent to the applicable county planning department for consideration.

15.11 CONSTRUCTION PLANS

15.11.1 Purpose

Construction plans provide the detailed engineering required to build public improvements to serve a subdivision as required within this Subchapter, and to the specifications described in the Engineering Design Manual and Construction Standards.

15.11.2 Applicability

The applicant shall submit construction plans following the approval of a preliminary plan and final plat. The City Engineer shall review and approve the plans prior to commencement of construction.

15.11.3 Application Requirements

See UDC Supplemental Schedule.

15.11.4 Construction Plans Content Requirements

See UDC Supplemental Schedule.

15.11.5 Construction Plans Review Process

- A. An application for construction plans shall be accepted only after a valid preliminary plan exists.
- B. The construction plans shall include the on-site and off-site Public Improvements required to serve one or more phases of a valid preliminary plan.
- C. A complete application for construction plans shall be submitted to the Engineering Department for review based on the approved preliminary plan. Within 30 calendar days of the City Engineer deeming the application complete, the Planning Department shall provide the City Engineer or designee with any comments for revision.
- D. Within 30 calendar days of the Planning Director deeming the application complete, the City Engineer or designee shall approve or deny the application and provide written comments to the applicant regarding necessary revisions or requests for additional information. The applicant shall submit revised construction plans or additional information, as required, no later than 60 calendar days after receiving the City Engineer's comments.
- E. Revised construction plans shall be submitted to the City Engineer in continual cycles until all comments are satisfied and the construction plans are ultimately approved by the City Engineer.
- F. The City Engineer or designee shall notify the Engineer of Record when the construction plans are ready for approval, at which point the Engineer of Record shall submit within seven (7) calendar days of this notification the title sheet of the approved plan set, one full size (22" x 34") and two half size (11" x 17") black line copies and an electronic pdf copy of the approved plans to the Development Services Center for City Engineer signature.
- G. Within 14 days of signing the approved construction plans, the City Engineer shall issue a permit to begin construction.
- H. The construction permit shall expire immediately and approval of the construction plans shall be rescinded immediately when either of the following conditions occur:
 - 1. Work has not started 90 days from the date the permit was issued.
 - 2. The job is abandoned for 90 consecutive days or longer after work was started.

- I. Prior to a construction permit expiring, the City Engineer may, upon written request of the applicant, grant a one time, 180-day extension of the construction permit. All written requests shall be submitted directly to the City Engineer and provide justification for the extension request. The provisions of subsection 15.11.5(H) above shall also apply to any approved extension of a construction permit.

15.11.6 Plan Correction Process

- A. Any changes to the approved construction plans shall be processed via correction with the City prior to being constructed.
- B. The correction shall be indicated in the revision blocks of the original cover sheet and shown on every sheet affected by the proposed correction. The engineer of record shall submit one full size (22" x 34") and two half size (11" x 17") blue line or black line copies and an electronic pdf copy of the corrected sheets to the Development Services Center for review.
- C. Within seven (7) calendar days of receiving the correction, the City Engineer or designee shall approve or deny the correction and provide written comments to the applicant regarding necessary revisions or requests for additional information. The applicant shall submit the revised sheets or additional information, as required, not later than seven (7) calendar days after receiving the City Engineer's comments.
- D. Revised Corrections shall be submitted to the City Engineer in continual review cycles until all comments are satisfied and the corrections are ultimately approved by the City Engineer.
- E. The City Engineer or designee shall notify the Engineer of Record when the correction is ready for approval, at which point the Engineer of Record shall submit within seven (7) calendar days of this notification, the title sheet of the approved plan set, one full size (22" x 34") and two half size (11" x 17") blue line or black line copies and an electronic pdf copy of the approved plans to the Development Services Center for City Engineer signature.
- F. Once the correction is submitted for City Engineer signature, the City Engineer shall, within three (3) calendar days, issue the signed and approved Correction.

15.12 CONSTRUCTION OF PUBLIC IMPROVEMENTS OR FISCAL SECURITY

- A. The applicant shall be responsible for providing all streets, utilities, drainage, streetlights, traffic control devices, and any other Public Improvements within the subdivision, and those off-site improvements necessary to serve the subdivision, except as specified in a development agreement, if applicable.
- B. Following approval of a final plat, the applicant shall submit construction plans in accordance with Section 15.16. The applicant may choose to either:
 1. Construct and be granted final acceptance by the City for all required public improvements prior to recordation of the final plat for the subject area; or

2. Provide fiscal security in an amount equal to 110 percent of the estimated cost of the improvements in a form acceptable to the City Engineer. When Public Improvements are under construction but have not been officially accepted by the City, the City Engineer may allow the posting of partial fiscal security in an amount equal to 110 percent of the estimated cost for the remaining improvements in order to allow a final plat to be recorded prior to City acceptance of the improvements. The applicant shall submit a written request to the City Engineer and shall include a current cost estimate that has been signed and sealed by the engineer of record for review and concurrence by the City Engineer.

15.13 ACCEPTANCE OF SUBDIVISION AS COMPLETE

Subdivision acceptance of Improvements shall conform to the City of Pflugerville Engineering Design Manual and Construction Standards.

15.14 FINAL PLAT RECORDATION PROCEDURE

In order for the approved plat to be recorded, the applicant shall submit the following to the Planning Director:

- A. All parkland conveyance documentation or fee in lieu as applicable, in accordance with Subchapter 14;
- B. Original tax certificates reflecting all taxes paid;
- C. Evidence certifying the required Public Improvements have been constructed and accepted, or that construction plans have been approved and the posting of appropriate fiscal security has been provided;
- D. The county recordation fees;
- E. Separate instrument easements or documents to be filed concurrently with the final plat as applicable; and
- F. Evidence that any regional storm water detention fees, where applicable, have been provided.

15.15 SUBDIVISION WAIVER

Upon written request and demonstration by the applicant, the Planning and Zoning Commission may consider a waiver, or partial waiver from requirements of this Subchapter in specific cases where:

- A. Owing to special conditions of the subject property, a literal enforcement of the provisions of the Subchapter may not be physically obtainable; or

- B. The requirement does not appear to be reasonably applicable in the specific case; or
- C. Compliance with the requirement would result in an undesirable situation; and in the Commission's opinion, such a subdivision Waiver would not be contrary to the public interest and would not destroy the intent of the provisions of this Subchapter.

15.15.1 Pre-Application Conference

Prior to the submittal of an application, a pre-application conference shall be held with the Planning Director and applicable City staff to discuss the proposed subdivision unless determined otherwise by the Planning Director.

15.15.2 Application Requirements

- A. Completed application form.
- B. A letter from the applicant addressed to the Commission demonstrating why a subdivision Waiver is being requested.
- C. Filing fee.

15.15.3 Subdivision Waiver Review Process

- A. A waiver of any standard established by the Subchapter may be considered by the Commission at any time prior to, or concurrently with the submittal of a plat application provided a Complete Application for a waiver is submitted as determined by the Planning Director.
- B. A waiver that is to be considered prior to the submittal of a plat application shall follow the subdivision plat schedule provided in the Unified Development Code Supplemental Schedule.

15.16 SUBDIVISION DESIGN STANDARDS

15.16.1 Applicability

- A. The standards in this Section apply to all subdivision of land within the City and its ETJ except where superseded by standards in an approved Development Agreement.
- B. All public improvements must be constructed in compliance with the requirements of the Unified Development Code, the Tree Technical Manual, and the Engineering Design Manual and Construction Standards.
- C. Areas subject to the City's Unified Development Code may have specific standards established for a subdivision that vary from the standards established in this code by complying with the process for a Planned Unit Development as provided in Subchapter 3. A Planned Unit Development must be approved before the subject preliminary plan may be submitted for review.

15.16.2 General

- A. A subdivision name shall be unique, shall not imply a type of development or land use, and shall not duplicate the name of any other subdivision in the County in which it is located. Subdivision names shall be subject to approval by the Administrator or designee.
- B. Phasing of a subdivision shall be required with a preliminary plan and upheld with final plats to ensure adequate public facilities needed to serve the development and community are provided in a sequential and timely manner and not deferred to later phases. Phasing shall be determined with the preliminary plan. If a deviation is necessary, a revision to the preliminary plan shall be required.

15.16.3 Streets

- A. All street names shall be subject to approval by the DRC and shall not duplicate the name of any other street within the same County.
- B. Where an extension of a street occurs across an intersection, the street extension shall retain the same name as the original street segment.
- C. All streets that are stubbed out into the subject subdivision boundary shall be extended into the subdivision.
- D. The subdivision shall provide for the initial construction, improvement or extension of streets within the subject subdivision boundary as identified in the Master Transportation Plan, or the extension of those streets in proximity of the subdivision that the Administrator determines must be extended within the subject subdivision boundary. At no time shall a cul-de-sac be permitted where a street stub has been provided by an adjacent subdivision unless the street is located within the ETJ and an extension is not permitted by the applicable county.
- E. No subdivision shall be permitted to decrease the level of service of an intersection without mitigating the impact, as may be identified through a TIA.
- F. The classification and location of streets internal to the subdivision shall be determined and required by the Administrator as necessary to provide adequate circulation.
- G. All right-of-way for the applicable classification street must be dedicated as indicated in the City Engineering Design Manual and Construction Standards.
- H. Local streets shall not intersect with arterial streets unless turning movements are physically constrained to a right in / right out condition, and only when approved by the City Engineer.
- I. Street design shall be in compliance with all City Engineering Design Manual and Construction Standards.
- J. Additional right-of-way width may be required by the City Engineer in order to comply with recommendations of a traffic impact analysis and the Master Transportation Plan.

- K. All permanent dead end streets shall terminate with a cul-de-sac.
- L. All cul-de-sac right-of-way and radii shall conform to the City Engineering Design Manual and Construction Standards.
- M. Permanent dead end Streets shall not be longer than 600 feet.
- N. All temporary dead end Streets shall terminate with a temporary cul-de-sac.
- O. Private Streets shall only be permitted within a residential condominium project, and only if built to the public street standards outlined in the Engineering Design Manual and Construction Standards.
- P. On-street parking may be permitted within the Downtown District Overlay, commercial subdivisions or at the discretion of the Planning Director, in accordance with the parking dimensions provided in Subchapter 10.
- Q. The minimum and maximum distances between intersections of through streets along a roadway on the same side of the street by class as measured from respective center lines shall be as provided in Table 15.16.3

Table 15.16.3. - Minimum and maximum distances between intersections		
Class	Minimum	Maximum
Major Arterial	1,000 feet	5,000 feet
Minor Arterial	1,000 feet	5,000 feet
Major Collector	500 feet	2,500 feet
Minor Collector	150 feet	1,200 feet
Local	150 feet	1,200 feet
Industrial	300 feet	1,200 feet

- R. In accordance with the adopted Fire Code all preliminary plan with 30 lots or more must have at least two permanent access points with routes to a collector or arterial street network which do not duplicate any segment of the route of any other access point for the same preliminary plan unless the preliminary plan provides phasing within the subdivision that will provide a secondary access point, meeting the aforementioned criteria, prior to the 100th lot.
- S. At no time may a final plat create 100 lots or more, cumulatively with other final plats within the same preliminary plat, that would be subject to only one access point or to multiple access points with routes to an arterial street that duplicate a segment of the route of any other access point for the same final plat.
- T. Residential subdivisions shall have at least one street stubbed-out into every adjacent unplatted property unless determined otherwise by the Administrator.

- U. Street right-of-way width shall be increased by at least four (4) feet and for a minimum length of twenty (20) feet to accommodate turnouts where neighborhood mail box units are proposed. An ADA accessible curb ramp meeting minimum requirements per the Engineering Design Manual and Construction Standards shall be provided directly adjacent to the turn out.

15.16.4 Alleys

Alleys shall be permitted in residential and commercial zoning districts in accordance with the following requirements:

A. Residential alleys:

1. Shall be independent lots with shared access easements to be privately owned and maintained by an HOA or similar governing body.
2. Shall have a minimum shared access easement width of 20 feet and a minimum pavement width of 15 feet, unless the easement will be utilized for emergency access, in which case the minimum pavement width shall be 20 feet.
3. Shall be designed to meet all City Engineering Design Manual and Construction Standards for pavement design. Use of concrete paving is encouraged.
4. In new subdivisions, alleys shall connect to and/or be aligned with alleys in adjacent subdivisions.

B. Commercial alleys:

1. Shall be designed to meet all City Engineering Design Manual and Construction Standards for pavement design.
2. Shall have a minimum pavement width of 24 feet.

C. Shall be designed so that both ends terminate only at public streets. At no time shall an alley terminate at another alley or an arterial street unless otherwise approved through a Planned Unit Development.

D. Shall not exceed 600 feet in length without an intersection with a public street.

E. Shall not contain gas service meters, with exception that a gas service meter may be located at the rear of a building, outside of the required right-of-way width and accessed via an alley. Overhead utility lines may be considered when a distribution line is necessary to serve the development and only when approved by the Planning Director and City Engineer.

F. Shall have any above-grade utility connections, meters, junction boxes and similar facilities located so as not to become a hazard. Where feasible such facilities shall be located near or affixed to a structure.

G. Shall be designed so that any entrance to the alley off of a street right-of-way is widened to accommodate the required pavement width plus a minimum of two feet on each side.

If an alley will be utilized for emergency access, the entrances shall meet minimum requirements for street radii per the Emergency Service District.

15.16.5 Lots

- A. All lots within the City designed for a residential, commercial or light industrial land use shall conform to the minimum lot dimensions and area as specified in the respective zoning district, unless otherwise permitted herein.
- B. All lots within the ETJ designed for a residential land use should generally conform to the minimum lot dimensions and area as specified in Table 15.16.5, unless otherwise approved through a development agreement.

Table 15.16.5 - Lot Standards	
Minimum area	9,000 square feet
Minimum width	70 feet
Minimum depth	125 feet
Minimum width (cul-de-sac, curved, or pie shaped lots)	45 feet chord length measured at the ROW

- C. A flag lot shall only be permitted where:
 - 1. The proposed lot configuration is needed to abate a topographical condition or other unusual property accessibility constraint not created by the applicant; or
 - 2. The lot is located within the city’s ETJ and is greater than 3 acres if not connected to a public wastewater line. If a flag lot is proposed to be less than three (3) acres and an onsite sanitary sewer system is proposed, a waiver as may be allowed in 15.15 shall be first obtained; or
 - 3. The unusual adjacent property boundary configuration constrains the arrangement of an otherwise standard lot configuration

Where any of the above items are present, the Planning Director, may allow the proposed flag lot configuration, provided the following conditions are met:

- a. The proposed lot does not circumvent the normal platting of streets for public and emergency access;
- b. The proposed lot does not prevent the extensions of streets to adjacent property;
- c. The proposed lot width is not less than fifty (50) feet in width at its frontage connection with the adjacent public right of way; and
- d. The narrow or elongated part of the proposed lot ‘pole’ does not exceed one hundred (100) ft. in length, measured from the connecting street frontage to where the lot widens into a ‘flag’ shape to receive a suitable building area where conforming building setback lines shall be established; nor shall more than two (2) adjacent neck lots be connected.

- D. All lots shall be numbered consecutively within each block and may be cumulative throughout the subdivision. At no time shall the same lot number be utilized within the same block of an overall subdivision development even if located in a separate final plat.
- E. All lots shall front onto a public right-of-way and have a point of access to a public street. Lots along an arterial and major collector street shall have a minimum width of 200 feet at the front lot line and all other points. In order to maintain minimum driveway spacing along an arterial, the minimum 200-ft lot width may not be sufficient for an individual driveway at which point, a shared access easement shall be provided along one lot line to accommodate for shared access to a public street with an adjacent lot. The shared access easement may be waived by the Planning Director in situations where the easement would not attain the minimum driveway spacing required between driveways. As stated in Subchapter 4, commercial properties may be designed with a minimum 50 feet of frontage if a perpetual joint access easement or unified development agreement is provided, driveway spacing requirements are met and a note is placed to such on the subdivision.
- F. Corner lots shall be at least ten feet wider than the width of the widest interior lot on the block where they are located.
- G. Within residential developments, a landscape lot shall be required between any residential lot or residential component of a condominium or mixed-use structure with individual residential units and an arterial street when any conforming side or rear lot line of the subject lot or structure is generally parallel to the arterial street. The landscape lot shall have a minimum depth of 20 feet at all points as measured from the arterial right of way edge. The landscape lot shall include the adjacent residential lot's fencing, any subdivision perimeter fencing, subdivision signage, and street yard trees as required in Subchapter 11. The landscape lot and aforementioned improvements shall be owned and maintained in common by a homeowner's association or similar association.
- H. Within residential developments, a landscape lot shall be required between any residential lot or residential component of a condominium or mixed-use structure with individual units and a major collector street when any conforming side or rear lot line of the subject lot or structure is generally parallel to the major collector street. The landscape lot shall have a minimum depth of 15 feet at all points as measured from the major collector right of way edge. The landscape lot shall include the adjacent lot's fencing, any subdivision perimeter fencing, subdivision signage, and street yard trees as required in Subchapter 11. The landscape lot and aforementioned improvements shall be owned and maintained in common by a homeowner's association or similar association.

15.16.6 Blocks

- A. Block lengths shall comply with the minimum and maximum distances between intersections along a street on the same side of the street by class established in Subchapter 10.

- B. Blocks shall be numbered consecutively in a uniform manner throughout a subdivision. At no time shall the same block designation be utilized within an overall subdivision development even if located in a separate final plat.
- C. All subdivisions shall have a minimum 15-ft wide pass through lot at mid-block on any block that is 1,000 feet or greater in length. The pass through lot shall extend the depth of the block, contain a minimum 10-ft wide hike and bike trail designed in accordance with the City's Engineering Design Manual and Construction Standards, and connect to the public sidewalk. The pass through lot with improvement shall be owned and maintained by the HOA.
- D. Block length shall be calculated as the distance between the centerline of two generally parallel thru streets, in which the thru streets have two distinct points of ingress from two different directions. Cul-de-sacs and alleys shall not be considered thru streets and shall not be used in calculating block length. This provision shall not apply to the periphery of a new residential development when a looped street is utilized, provided a connection is made to existing street stubs, mid-block pass through lots as described above are provided, and new street stubs are provided in accordance with this chapter.

15.16.7 Water

- A. All water infrastructure required to adequately serve all non-drainage lots shall be provided within the subdivision. Any existing or new water facilities shall supply the required demand at the required pressure for both domestic use and fire protection.
- B. All water infrastructure and service connections shall conform to the City Engineering Design Manual and Construction Standards, and Water Master Plan.
- C. The City Engineer shall require water infrastructure to be extended to adjacent land when the City Engineer determines it is necessary for the efficient delivery of utility service and in accordance with the Water Master Plan.

15.16.8 Wastewater

- A. Onsite sanitary sewer facilities (OSSF) shall be permitted in the ETJ to serve residential lots equal to or greater than three (3) acres when the City or other providers are unable to provide immediate or foreseeable future wastewater service, and only when approved by the Planning Director and City Engineer. On a case by case basis, when a single residential lot in the ETJ cannot meet the minimum three (3) acre size requirement, the Planning Director and City Engineer may approve a waiver to allow an OSSF provided the minimum acreage, site design and similar requirements of the applicable county are maintained.
- B. All wastewater infrastructure, including but not limited to any necessary upgrades to existing lines or facilities shall be constructed to ensure adequate service to all non-drainage lots within the subdivision. The subdivider shall bear all costs for extending existing public wastewater lines and facilities to have sufficient capacity to serve the subdivision. All wastewater facilities, lines and service connections shall conform to the City Engineering Design Manual and Construction Standards, Wastewater Master Plan, the specifications established by the subject utility company, and the Texas Department of Health.

- C. The City Engineer shall require wastewater lines to be extended to adjacent land when the City Engineer determines it is necessary for the efficient delivery of utility service.

15.16.9 Easements

- A. A ten (10) foot public utility easement shall be provided adjacent to all public street frontages.
- B. When necessary to adequately serve a subdivision with public utilities, additional city public utility easements shall be dedicated as determined by the City Engineer.
- C. All drainage facilities requiring dedication of a drainage easement shall adhere to City Engineering Design Manual and Construction Standards. Any public drainage easement shall have a minimum width of 15 feet.
- D. The 100 year flood plain shall be entirely contained within a drainage easement dedicated to the public in accordance with the City Engineering Design Manual and Construction Standards.
- E. Shared access easements may be required at the discretion of the Planning Director or City Engineer in order to ensure adequate street access and minimum driveway spacing is maintained.

Subchapter 16. RESERVED

Subchapter 17. RESERVED

Subchapter 18. RESERVED

Subchapter 19. RESERVED

SUBCHAPTER 20. DEFINITIONS

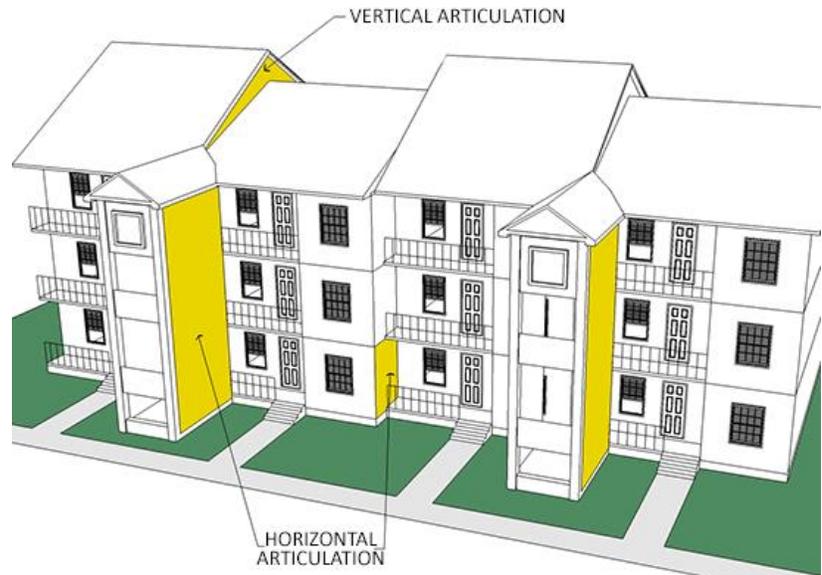
- A. In this subchapter, the words “shall” and “must” are deemed as mandatory or directory, in accordance with the intent and context of its use, and the word “may” is deemed as permissive.
- B. Terms not defined herein will be construed in accordance with customary usage. Should any definition established by ordinance be later found to conflict with the definition of the same term made by applicable Texas law, the Texas statutory definition will supersede the definitions herein.
- C. List of defined terms:

ACCESS POINT	A point of ingress and egress via a public right-of-way to a lot or subdivision.
ACCESSORY BUILDING	Refer to Building, Accessory.
ACCESSORY DWELLING UNIT	Refer to Dwelling Unit, Accessory.
ACCESSORY USE	Refer to Use, Accessory.
A.D.A.	Americans with Disabilities Act
ADJACENT USE	Refer to Use, Adjacent.
ADMINISTRATOR	The Assistant City Manager of the City of Pflugerville over Development Services and/or his or her designee.
ALLEY	A private or public way which affords access to the property thereon.
AMENITY CENTER	A recreational facility, including, but not limited to, clubhouse, swimming pool(s), playground, and open space, operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.
AMENITY, PRIVATE	Private recreational facilities located in private parks, including but not limited to neighborhood swimming pools, clubhouses, tennis courts, basketball courts, practice fields with irrigation, and trails.

AMENITY, PUBLIC	Public recreational facilities located on public parkland or within a private park in which a public access easement is dedicated to the City and is open to the general public, including but not limited to, playground, tennis court, basketball court, multi-purpose regulation sports fields, and trails. The list of creditable public amenities and specifications are included within the Parks Development Manual.
ANIMAL ESTABLISHMENT, COMMERCIAL	A facility that provides goods or care services for animals and pets, such as boarding, grooming, and training. This definition does not includes animal shelters or veterinarian clinics.
ANIMAL SHELTER	A public or private facility which temporarily keeps dogs, cats or other domesticated animals that are stray, lost or unwanted for the purpose of giving or selling the animals to the general public.
APARTMENT HOME	Refer to Dwelling – Multi-Family.
APPLICANT	Means the developer or owner of real property for which a permit application has been submitted.
APPLICATION	The filing of a document with the City meeting the requirements outlined in the Unified Development Code as applicable and accepted as complete by the Administrator.
APPRAISED VALUE	The Appraised Value of a property is the value as determined by the most recent tax appraisal by the tax assessor-collector for the applicable jurisdiction.
APRON OR DRIVEWAY APRON	The part of a Driveway that is situated within a street right-of-way.
ART GALLERY	Refer to Museum / Art Gallery.
ARTICULATION	A horizontal or vertical projection or recession of a building or Structure.

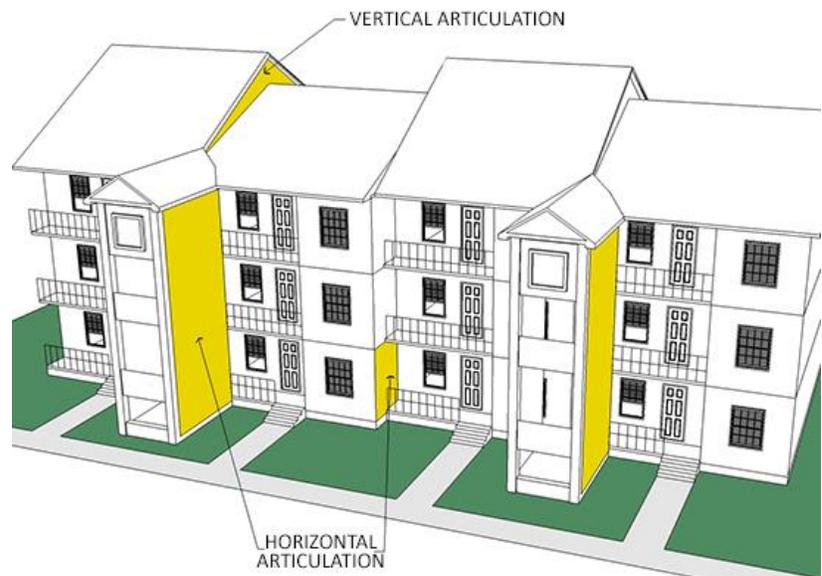
ARTICULATION,
HORIZONTAL

A wall projection or recession of a building or structure.



ARTICULATION,
VERTICAL

A vertical variation of the roofline that may be achieved through the use of a gabled, hipped, gambrel, or parapet roof forms.



ASSISTED LIVING	A quasi-residential facility where room, board, and personal care services are provided within a structure containing multiple living quarters for persons who are unrelated to the proprietor of the establishment. Facilities include common dining and recreational areas. Personal care services include assistance with routine daily activities such as dressing, movement, meals, bathing, or other personal needs or maintenance, or administration of medication, as defined by the Personal Care Facility Licensing Act, V.T.C.A., Health and Safety Code § 247, as amended.
ATHLETIC FACILITIES	Privately owned indoor and/or outdoor facilities devoted to health, fitness, recreation or organized sports. May include facilities such as, but not limited to, soccer, gymnastics and exercise equipment.
ATHLETIC FIELD	Open space devoted to outdoor sports, including but not limited to, basketball, tennis, football, baseball, and soccer. These may include accessory structures for restrooms, concessions, dressing, offices, and ticket sale booths.
AUCTION SALES	A business enterprise engaged in the sale of new or used goods sold to the highest bidder where the operations are wholly enclosed within a building. The definition does not include the sale or trade of animals or other livestock.
AUTOMOTIVE BODY REPAIR SHOP	An establishment where vehicles are repainted, exterior vehicle body panels are repaired or replaced, window glass is repaired and replaced, and frame, bodies, or fenders are straightened or repaired.
AUTOMOTIVE PARKING LOT/GARAGE, COMMERCIAL	A business enterprise offering the temporary parking or storage of motor vehicles not to exceed seven (7) consecutive days in an enclosed or unenclosed area. A fee may be charged to users of the parking area.
AUTOMOTIVE PARTS SALES, INDOOR	Retail sales of automobile related parts and accessories.

**AUTOMOTIVE REPAIR
AND SERVICE**

An establishment used for any or all of the following: the dispensing of sales of fuels, lubricants, and automobile accessories; automobile detailing; the sales and installation of automobile radios; performing state vehicle inspections; and the repair or replacement of engines, air conditioning systems, transmissions or other vehicle systems. Vehicles, which are inoperative or are being repaired, may not remain outside for a period greater than 48 hours. This definition does not include wrecker or towing services with on-site vehicle storage, or automotive body repair shops.

**AUTOMOTIVE SALES AND
RENTAL**

A facility which displays for sale new vehicles or previously owned vehicles which are in condition to be driven on or off the lot. The facility may also provide a full line of services such as repair, tune-up, paint and body repair, and auto or truck parts sales as accessory uses.

**AUTOMOTIVE SALES AND
RENTAL, RECREATIONAL**

Sales and/or leasing of new and/or used recreational vehicles or boats, including, as an accessory use, repair work of recreational vehicles and boats.

**AUTOMOTIVE SALVAGE
YARD**

An establishment engaged in the outdoor storage, sale, exchange, dismantling or other processing of used or waste materials intended for re-use or recycling, including but not limited to, used vehicular parts, scrap metals, mechanical parts, tires or other similar parts. This definition does not include a recycling center or wrecker and towing services.

AUTOMOTIVE USE AREA

That part of a Lot utilized by motor vehicles for stopping or parking, including but not limited to parking areas (whether striped for spaces or not), loading areas, and drive-through lanes.

AWNING

A roof-like structure that projects from a building wall to cover an entrance or other pedestrian area.

BAIL BOND

A cash deposit, or similar deposit or written undertaking, or a bond or other security given to guarantee the appearance of a defendant in a criminal cases defined by the State of Texas Occupations Code Chapter 1704, as amended.

BAIL BOND BUSINESS

The solicitation, negotiation, or execution of a bail bond by a bail bond surety as defined under the State of Texas Occupations Code Chapter 1704, as amended.

BAIL BOND SURETY

A person who a) executes bail bond as a surety of cosurety for another person; or b) for compensation deposits cash to ensure the appearance in court of a person accused of a crime as defined by the State of Texas Occupations Code Chapter 1704, as amended.

BANK

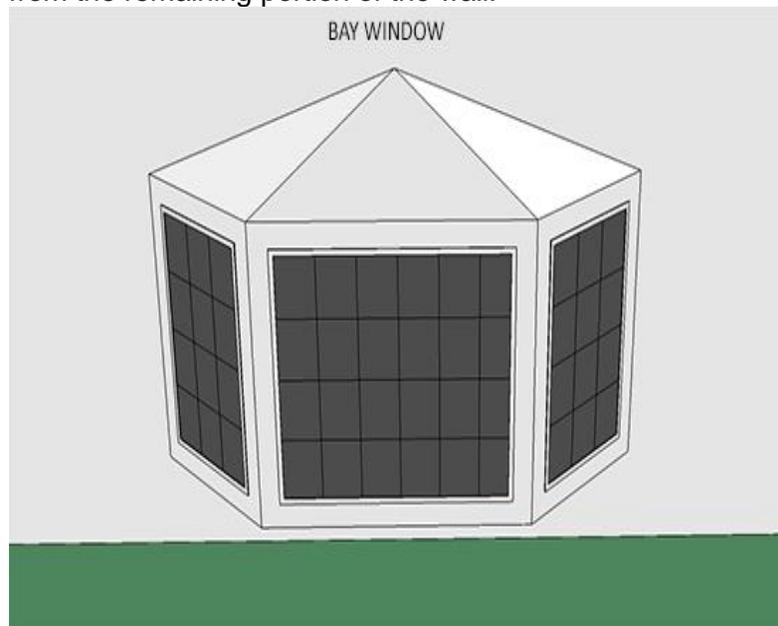
Refer to Financial Institution.

BAR/TAVERN

An establishment with more than fifty (50%) percent of total gross revenue from the sale of any alcoholic beverages of on premise consumption.

BAY WINDOWS

A window that is part of an outside wall that projects outward from the remaining portion of the wall.

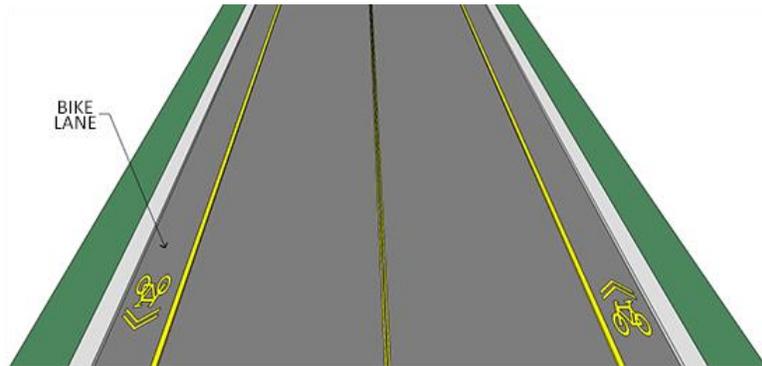


BED AND BREAKFAST

A Home Occupation in which a house, or portion thereof, is allocated for short-term lodging rooms and meals are provided. A Bed and Breakfast shall not include restaurants, banquet facilities or similar services. This definition is subject to the Accessory Use standards in Subchapter 4.

BICYCLE LANE

A portion of the roadway which has been designated by signs, striping, and pavement markings for the sole use of bicyclists.

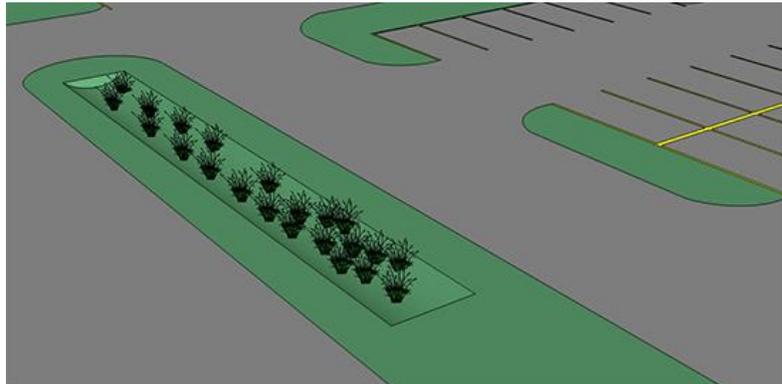


BICYCLE SHOP

An establishment that sells bicycles, bicycle parts, and accessories including, but not limited to, tools, helmets, clothing, and shoes. Facilities may also be used to offer basic repair services for bicycles, bicycle parts and equipment.

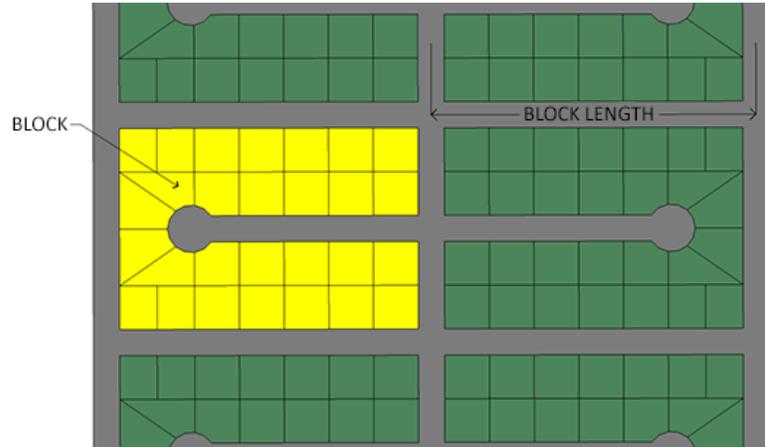
BIORETENTION/RAIN GARDEN

Landscaping features adapted to treat stormwater runoff which is directed into shallow vegetative depressions that allow filtration before the water enters the storm drain system. These may be located in parking lot islands or within small pockets in residential land uses and may be under-drained or self-contained.



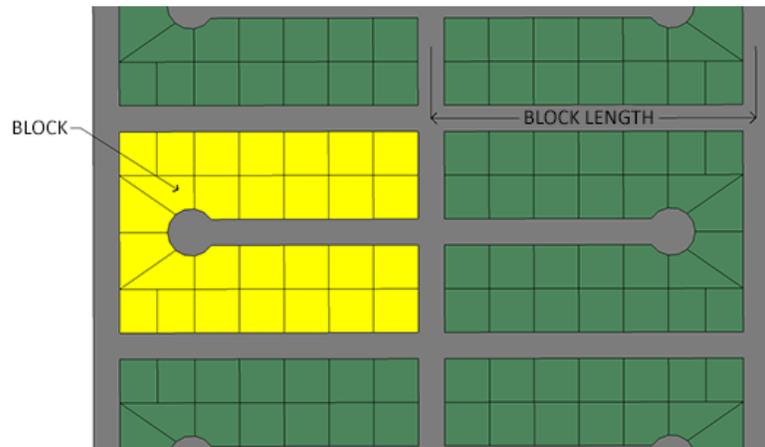
BLOCK

A unit of land enclosed by through-streets or by a combination of through-streets, railroad rights-of-way, watercourses or any other barrier to the continuity of development. In cases where the platting is incomplete or disconnected, the Planning Director shall determine the outline of the block.



BLOCK LENGTH

The distance measured between the centerline of two through streets. Alleys and cul-de-sacs as commonly known or otherwise defined herein shall not be considered through streets.



BLOCK, PEDESTRIAN

A pedestrian block may follow the configuration of a vehicular block through the use of trails and sidewalks provided within the cross-section of public right-of-way and major drive aisles. However, all or a portion thereof of the pedestrian block may be comprised of a pedestrian path traversing, around a perimeter of a site or around the perimeter of a site not in conjunction with a drive aisle.

BLOCK, VEHICULAR

Similar to definition of a block, a vehicular block is a unit of land enclosed by through-streets or by a combination of through-streets, public rights-of-way, and private major drive aisles that provides for vehicular circulation through and around a development.

BODY ART STUDIO

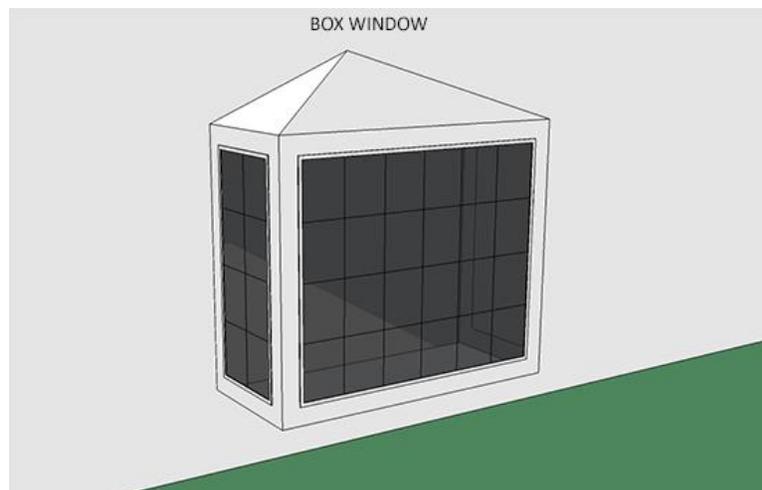
An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: placing of designs, letters, figures, symbols, or other marks upon or under the skin or any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; or the creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. For the purposes of this Chapter, this definition does not include ear piercing.

BOARD, BOARD OF ADJUSTMENT

The Board of Adjustment (BOA) of the City of Pflugerville, as created by this UDC, appointed by the City Council, and authorized by Section 211.008 of the Texas Local Government Code. The composition, powers and duties of the Board of Adjustment are set forth in Subchapter 2.

BOX WINDOW

A window that protrudes from a wall of a home or building with sides that are at a right angle to the window.

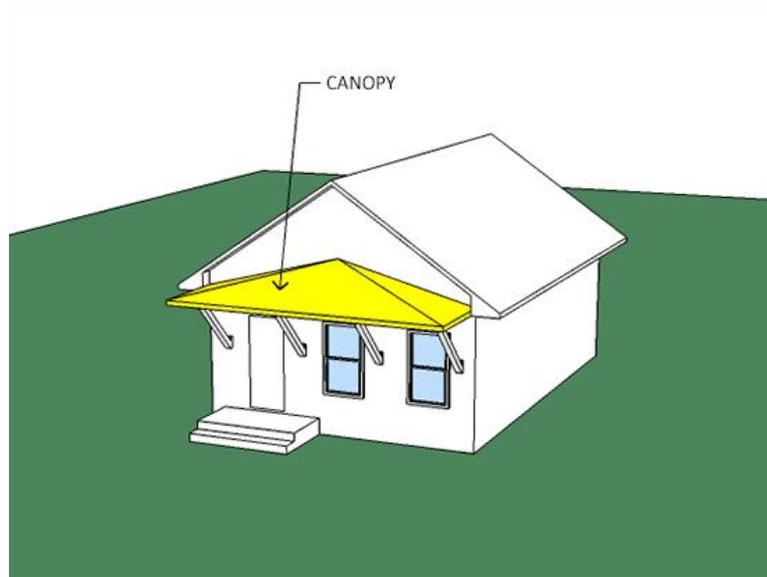


BREWERY, MICRO	A facility that produces less than 15,000 barrels (17,600 hectoliters) of beer per year with more than 75% of its beer sold off-site. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer to retailer to consumer); and, directly to the consumer through carry outs and/or on-site tap-room or restaurant sales.
BREWERY, REGIONAL	A facility that produces between 15,000 and 6,000,000 barrels of beer annually.
BREW PUB	A restaurant-brewery that sells more than 25% of its beer on site for on premise consumption. The beer is brewed primarily for sale in the restaurant and bar. The beer is often dispensed directly from the brewery's storage tanks. Where allowed by law, brewpubs often sell beer "to go" and/or distribute to offsite accounts. Note: BA re-categorizes a company as a microbrewery if its off-site (distributed) beer sales exceed 75%.
BUFFER/BUFFERING	The use of berms, plant material, fences, walls, or any combination thereof placed within a required yard for the purpose of screening certain areas from other areas.
BUFFER YARD	An area of open space and landscaping that serves as a visual separation between a residential land use and a more intense land use.
BUILD	To erect, convert, enlarge, reconstruct, or alter a building or Structure.
BUILDABLE AREA	The area available for building on a Lot after deletion of areas not available for building, such as any floodplain, easement, setbacks or yard.
BUILDING	A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property.
BUILDING, ACCESSORY	Refer to Structure, Accessory.
BUILDING, PERIMETER	A building that is at or near the edge of a property.
BUILDING HEIGHT	Refer to Height, Building.

BUILDING OFFICIAL	The Person responsible for enforcement of the City building code and some Development related codes and ordinances or a duly authorized designee.
BUILDING PERMIT	A permit issued by the Building Official that allows a Person to build a Structure.
BUILD-TO LINE	An alignment that establishes a certain distance from the property line to a line along which the building shall be built.
BUS DEPOT	Refer to Transit Facility.
BUSINESS SERVICES	Activities primarily associated with providing services not elsewhere classified, to business enterprises on a fee contract basis, including but not limited to advertising, printing and mailing services; janitorial, office or business equipment rental, leasing, or repair; or the provision of services used by office, professional, and services establishments.
CALIPER	The diameter of a tree trunk at a given height. Nursery stock shall be measured six (6) inches above the root ball for trees up to and including four-inch caliper size, and twelve (12) inches above the root ball for larger tree sizes, as defined by The American Nursery & Landscape (ANSI Z60.1-2004).
CALL CENTER	An office facility used for collecting information by telephone, selling products or services by telephone, or offering support or general customer service by telephone.
CAMPGROUND OR RECREATIONAL VEHICLE PARK	Establishments that operate sites that accommodate campers and their equipment, including tents, tent trailers, travel trailers, and recreational vehicles in a temporary, seasonal manner. They may also provide overnight recreational camps, such as children's camps, family vacation camps, hunting and fishing camps, and outdoor adventures such as trail riding, water activities and hiking. These establishments may provide facilities and services such as cabins, washrooms, food services and recreational activities.

CANOPY

An overhanging roof projection or covering, often supported by structural columns, over a doorway or other pedestrian area. It may also be a standalone structure.

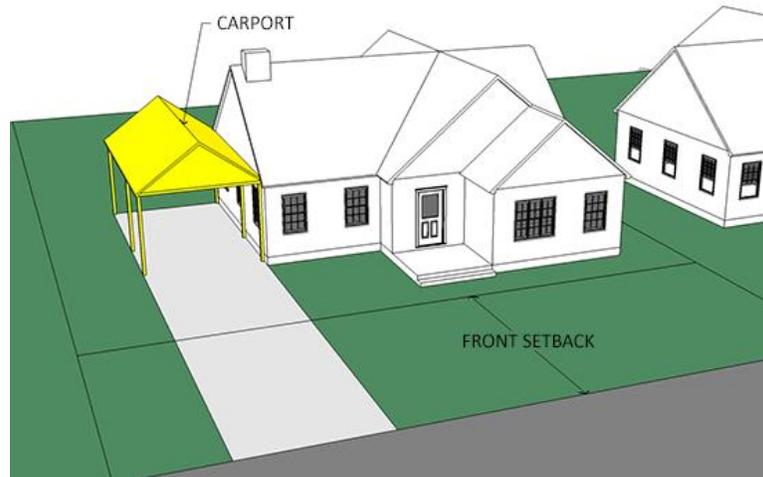


CAPITAL IMPROVEMENT PROGRAM (CIP)

The list of recommended capital improvements to be constructed during the forthcoming five-year period.

CARPORT

A roofed structure that is open on two or more sides and designed to provide shelter for an automobile.



CAR TITLE LOAN BUSINESS

An establishment that makes small, short-term consumer loans that leverage the equity value of a car or other collateral where the title to such vehicle is owned free and clear by the loan applicant any an existing liens on the car or vehicle cancel the application, and where failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car of vehicle. This excludes state or federally-chartered banks, savings and loan associations, or credit unions engaged primarily in the business of making longer term loans and which make loans that leverage the total equity value of a car or vehicle as collateral. See also Financial Services Institution, Alternative

CAR WASH

A facility for washing and cleaning passenger vehicles, recreational vehicles, or other light duty equipment. Facilities may be self-service in nature, or may contain automated systems that washes, dries, and cleans automobiles, either while the vehicle is stationary or on a conveyor system. May be the Primary Use for a site or an Accessory Use.

CASITA

An accessory dwelling unit designed as an attached or detached unit, with either independent guest suite with amenities to supplement the principal structure. A "Casita" may be attached to the larger principal structure or may be detached and located in front of the principal building, provided the minimum setbacks are maintained, the structure has a cohesive architectural design as the principal structure, and is a part of a private landscape courtyard that is typically gated.

CATERING ESTABLISHMENT	An establishment which prepares and stores food on-site in order to transport the food to an off-site location to be served to customers or set up in a buffet for customer self-service.
CEMETERY / MAUSOLEUM	Land used or intended to be used for the burial of the dead, both human and animal, and dedicated for cemetery purposes including a columbarium, crematorium, mausoleum, and funeral establishment, or any combination thereof.
CERTIFICATE OF OCCUPANCY (CO)	The official certificate issued by the City through the enforcing official which indicates conformance with, or approved conditional waiver from, UDC requirements and standards. Authorizes legal use of the premises for which it is issued.
CHAPTER	The Unified Development Code of the City of Pflugerville as Codified in Chapter 157 of the City of Pflugerville Code of Ordinances.
CHECK CASHING BUSINESS	An establishment that provides to the customer an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time, the business of cashing checks, warrants, drafts, money orders or other commercial paper serving the same purpose for compensation by any person or entity other than a retail seller engaged primarily in the business of selling consumer goods, including consumables to retail buyers, that cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as a service that is incidental to its main purpose or business. This definition excludes a state or federally-chartered bank, savings and loan associations, credit union, pawnshop, grocery store or gas station. See also Financial Services Institution, Alternative.
CHURCH	Refer to Place of Worship.
CITY	The City of Pflugerville, Travis County, Texas.
CITY CHARTER	The Home Rule Charter of the City of Pflugerville, Texas, as amended.
CITY CODE	The Code of Ordinances of the City of Pflugerville, Texas.

CITY ENGINEER	The Person appointed by the Administrator to perform general engineering functions for the City, or the duly authorized representative of such Person.
CITY FORESTER	A person designated to oversee the urban forestry program; all aspects of public tree planting, and public tree care; the Public Tree Care Ordinance; relevant portions of Subchapter 11, and relevant processes of tree preservation and landscaping throughout the development process.
CITY PLANNING DIRECTOR	The Person appointed by the Administrator to perform general planning functions for the City, or the duly authorized representative of such Person.
CITY SECRETARY	The Person appointed by the City Manager to serve as City Secretary for the City of Pflugerville, or the City Secretary's duly authorized representative.
CIVIC CENTER	A building, or a portion of a building, together with the grounds and related facilities, primarily used by an association of persons for periodic meetings to promote special purpose activities such as education, literature, science, government, social services, or civic improvements, and includes lodges, fraternal organizations and social clubs.
CLINIC	A group of offices for one (1) or more physicians, surgeons, or dentists to treat or examine outpatients who do not remain overnight. May provide emergency services such as outpatient surgeries.
CODE	<u>This Chapter 157, the Unified Development Code of the City of Pflugerville.</u>
COMMERCIAL AMUSEMENT	Any enterprise whose main purpose is to provide the general public with amusing or entertaining activities, where tickets are sold or fees collected at the gates of the activity. Activities include, but are not limited to, zoos, carnivals, expositions, fairs, exhibitions, athletic contests, rodeos, tent shows, Ferris wheels, children's rides, roller coasters, traveling shows and similar enterprises that operate on a temporary basis. Sexually-oriented businesses and bars/taverns are excluded from this definition.

COMMERCIAL RECREATION AND ENTERTAINMENT, INDOOR	An establishment where commercial recreational and entertainment uses occur entirely within an enclosed building. Examples of such uses include, but are not limited to, roller rinks, bowling alleys, pool halls, arcades, miniature golf courses and other similar enterprises. Sexually-oriented businesses and bars/taverns are excluded from this definition.
COMMERCIAL RECREATION AND ENTERTAINMENT, OUTDOOR	Facilities offering entertainment or the playing of games to the general public for a fee or charge wherein any portion of the activities takes place outside of a building or structure. Entertainment activities may include, but are not limited to, archery ranges, children’s rides, miniature golf courses, waterparks and other similar uses. Sexually-oriented businesses and bars/taverns are excluded from this definition.
COMMISSARY	An establishment where food, food containers or supplies are stored, kept, handled, prepared, or packaged for use, primarily by mobile food vendors, caterers and other establishments.
COMMISSION	The Planning and Zoning Commission of the City of Pflugerville.
COMMON DEVELOPMENT	Property developed in such a way that multiple businesses or tenants on-site are connected via private drive aisles and often share parking areas. These sites usually have few entrances from public roads, while access is provided to each business through on-site drive aisles or streets. This shall include all buildings situated on lots included within an approved preliminary plan and preliminary plans associated with the parent tract(s).
COMMON OPEN SPACE	The open space in a planned unit development set aside, designated, or reserved for the use and enjoyment of the owners and occupants of the designated property or, if dedicated to the City, also for the use and enjoyment of the general public.
COMPLETE APPLICATION	An Application for any of the processes established in the Unified Development Code which includes all materials as specified in their respective sections.
COMPREHENSIVE MASTER PLAN	The policy document, and all its components, adopted by the City Council, or any amendment thereto, that addresses land use, growth, development, or similar issues in and for the City of Pflugerville and its Extraterritorial Jurisdiction.

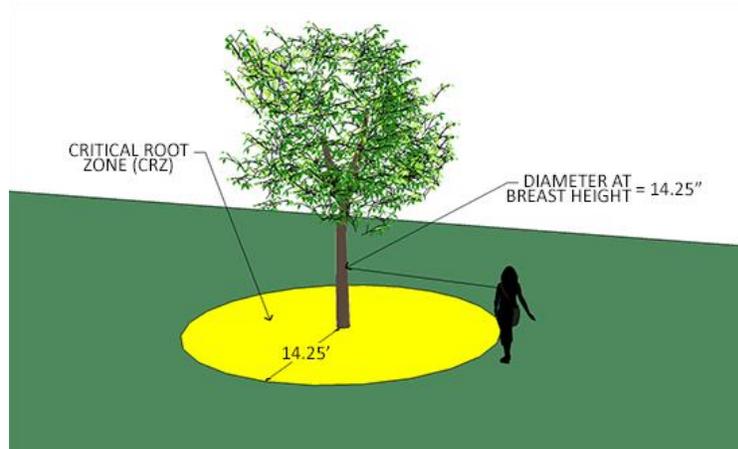
CONDOMINIUM	A dwelling unit with an arrangement under which a tenant in an apartment building or a complex of multiple dwelling units holds the full title to a unit and has joint ownership in the common grounds.
CONSERVATION AREA	Those areas designated as permanent open space in the Comprehensive Plan and may not be developed.
CONSTRUCTION	The commencement and continuous work or activity pursuant to a Site Disturbance Permit, Site Development Permit or Building Permit that includes the permanent placement and fastening of materials to the land or Structure for which the permit has been issued. This definition includes activities such as development, demolition, excavation or removal of an existing structure in preparation for new construction, and the installation of drainage facilities. This definition shall include only work begun under a valid building permit.
CONSTRUCTION PLAN	Drawings and technical specifications, including bid documents and contract conditions, where applicable, that provide a graphic and written description of the character and scope of the work to be performed in construction of public improvements within a development subject to the processes outlined in Subchapter 15. Subdivision Process.
CONSTRUCTION PLAN PERMIT	A permit issued for the construction of public improvements, including but not limited to, water and wastewater infrastructure, in accordance with Subchapter 15. Subdivision Process of this Chapter and the Engineering Design Manual and Construction Standards.
CONTRACTOR'S SHOP	A building, part of a building, or land area for the construction or storage (inside or out) of materials, tools, products, and vehicle fleets.
CONVALESCENT HOME	Refer to Nursing Home.
CONVENIENCE STORE	A retail establishment that sells primarily food products, household items, newspapers and magazines, candy, and beverages, and a limited amount of freshly prepared foods such as sandwiches and salads for off-premise consumption.
CONVENTION CENTER	A facility that provides space for conventions, meetings, exhibitions, shows, gatherings, presentations, or celebrations, including related incidental facilities for office and administrative use, food and beverage preparation and service, and on-site and off-site parking facilities.

COUNTY Either Travis County or Williamson County, Texas as applicable.

COUNTRY CLUB An area containing recreational facilities such as a golf course, swimming pool, tennis court, and clubhouse which is available to a specific recorded membership. May include adjunct facilities such as a dining room or bar for its members.

CREMATORIUM An establishment containing a furnace for cremating human remains in preparation of burial or storage. May be incidental to a funeral home.

CRITICAL ROOT ZONE (CRZ) A circular region measured outward from the tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. The Critical Root Zone is one foot of radial distance for every inch of tree Diameter at Breast Height (DBH).



CROWN All portions of a tree, excluding the trunk and roots.

DATA CENTER A facility housing a collection of computer servers and associated components, such as telecommunication, storage and backup systems that supply information to a single or multiple end users off-site. Facilities typically require large amounts of electricity, strict temperature control and security, and will generally have few employees present on-site.

DAY A calendar day, unless specifically defined otherwise in the Code.

DAY CARE FACILITY A facility arranged and conducted for the organized instruction and recreation of children, including outdoor activities on a daytime basis; a kindergarten or nursery school.

DAY CARE FACILITY, HOME-BASED	A home occupation which is arranged and conducted for the organized instruction and recreation of less than six (6) children at a time for less than twenty-four (24) hours a day. This use is subject to registration with the Texas Department of Protective and Regulatory Services.
DAY CARE FACILITY, INCIDENTAL	A place designed solely for the care of children belonging to employees of the primary use. The facility shall be completely contained within the primary use and shall not constitute more than fifteen percent of the main use. The operating hours of the center shall be the same as the primary use and shall not include overnight lodging, medical treatment, counseling, or rehabilitative services. This use is subject to registration with the State prior to a Certificate of Occupancy being issued for the facility.
DEDICATION	Shall mean the commitment of land, or an easement therein, by the owner, for the use of the public, and accepted for such use by or on behalf of the public.
DENSITY	The net number of dwelling units per acre.
DEVELOPER	The legal owner or owners of a lot or any land included in a proposed development, or the holder of an option or contract to purchase, or any person having the authority to submit an application for approval of a subdivision under these regulations (refer to Subdivider).
DEVELOPMENT	Includes, but is not limited to, any of the following activities: <ul style="list-style-type: none"> a) The commencement of mining, quarrying, excavation, or dredging; b) The clearing, grading or removal of natural ground cover and/or Trees in connection with site preparation for Construction, whether imminent or planned for the future; c) The deposit of fill, refuse, or solid or liquid waste; d) The alteration or Improvement of a bed, bank, or floodplain of a Waterway; or e) The Construction, reconstruction, conversion, enlargement and/or relocation of a building or structure on a lot or tract of land f) "To develop" is to create a Development. g) The subdividing of land as well as any manmade change to improved or unimproved real estate.

DEVELOPMENT AGREEMENT

The City and Developer may enter into a legally binding agreement for the purposes of establishing mutually agreed upon standards for the development of land located within the Extraterritorial Jurisdiction.

DEVELOPMENT AREA

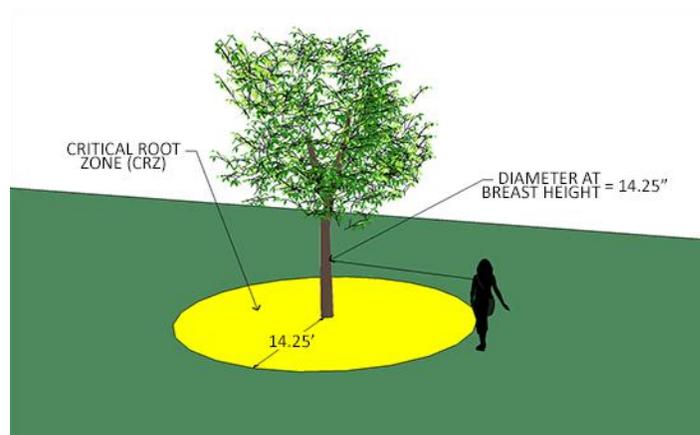
The boundary of the area indicated in a site plan, or other development plan, that is the ultimate boundary of the developed site.

DEVELOPMENT SITE

That area of a Lot for which there is an application pending or a grant made of a site development permit, site disturbance permit or other development plan.

DIAMETER AT BREAST HEIGHT (DBH)

A standard of measure of a tree trunk measured at a height of four and one-half (4.5) feet above the natural grade, or the DBH measurement according to the latest edition of the Guide for Plant Appraisal as published by the Council of Tree and Landscape Appraisers, when the tree trunk branches out at a point lower than four and one-half (4.5) feet.



DISTILLERY, MICRO

A facility that produces less than 52,500 cases (4,725 hectoliters) of liquor or other spirits per year with 75% or more of its liquor sold off-site. Micro-distilleries sell to the public by one or more of the following methods: the traditional three-tier system (distiller to wholesaler to retailer to consumer); the two-tier system (distiller to retailer to consumer); and, directly to the consumer through on-site and/or carry out sales.

DISTILLERY, REGIONAL

A facility that produces more than 52,500 cases (4,725 hectoliters) of liquor or other spirits annually.

DISTRIBUTION /
LOGISTICS CENTER

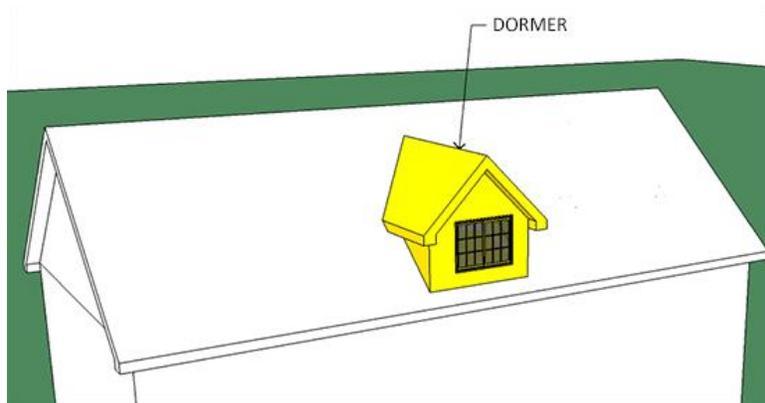
A facility which is designed and used for the purpose of wholesaling, storing, handling, sorting and distributing materials, goods, products and equipment, excluding live animals and plants. Typical uses include mail or package distribution, freight storage and wholesale distribution.

DISTRICT

A zoning district that is located inside the City limits of the City of Pflugerville.

DORMER

A window that projects vertically out of a sloped roof. This definition includes the structure that houses the window.



DOWNTOWN DISTRICT
OVERLAY

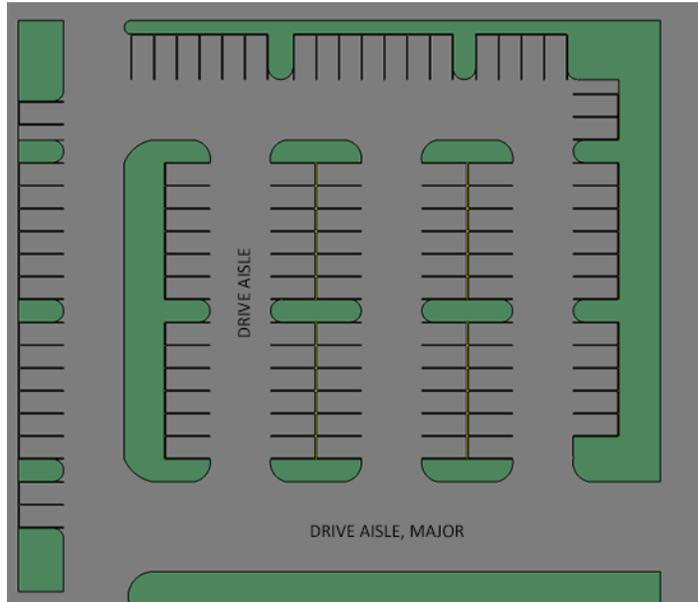
The area identified by Chapter 155(B) of the Code of Ordinances of the City of Pflugerville. The district is established to promote the long-term economic growth of Old Downtown Pflugerville.

DRIPLINE

The periphery of the area underneath a Tree that would be encompassed if perpendicular lines were dropped from the farthest edges of the crown of the Tree.

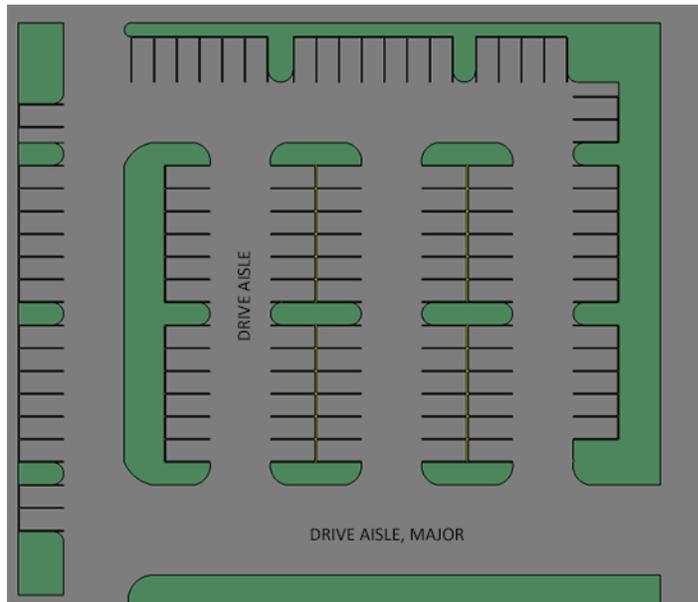
DRIVE AISLE

A circulation route for vehicular traffic through a parking lot, site or property, and may connect to a driveway.



DRIVE AISLE, MAJOR

A primary circulation route for vehicular traffic through a development which provides access to two (2) or more lots. Major drive aisles typically intersect with public right-of-way or other major drive aisles.



DRIVE-THRU FACILITIES	Facilities that by design, physical facilities, services, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles. An order box, pick up window, or separate stacking lane are typical facilities included in a drive-thru facility.
DRIVEWAY	The portion of a defined access located from a public street right-of-way designed for the ingress or egress of vehicles into Vehicular Use Area of a site.
DRY CLEANING, MAJOR	An industrial facility where fabrics are cleaned with substantially non-aqueous solvents on a commercial or wholesale basis.
DRY CLEANING, MINOR	A custom cleaning shop or pick-up station not exceeding 6,000 square feet of floor area, including, but not limited to, dry cleaning plants having no more 1,500 square feet of floor area for dry cleaning equipment.
DUPLEX	Refer to Dwelling, Two-Family.
DWELLING/ DWELLING UNIT	A building or a portion of a building designed and used exclusively for residential purposes accommodating one family, including those residences with a legally operating home occupation.
DWELLING, LIVE-WORK UNIT	A dwelling unit, part of which may be used as a business establishment if the dwelling unit is used as the principal residence of the business operator. Typically, the business operation is limited to the first story with the residence to occupy the second and third stories.
DWELLING, MANUFACTURED HOME	A residential structure constructed on or after June 15, 1976, in compliance with the rules and definitions of the United States Department of Housing and Urban Development, that is transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.
DWELLING, MOBILE HOME	A residential structure that was constructed before June 15, 1976, transportable in one or more sections, which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

DWELLING, MULTI-FAMILY

A residential structure providing complete, independent living facilities for three or more families or households independently of each other including permanent provisions for living, sleeping, cooking, eating, and sanitation. For purposes of clarifying different product types, a Multi-Family Dwelling shall be considered a unit that is “for rent” vs. “for sale”.

DWELLING, SINGLE FAMILY, ATTACHED

A dwelling unit which is joined to another dwelling on one or more sides by a party wall or abutting separate wall and which is designed for occupancy by not more than one family and is located on a single lot owned and fee simple. A single family attached dwelling shall be limited to a single common wall.

DWELLING, SINGLE FAMILY, DETACHED

A dwelling unit designed and constructed for occupancy by not more than one family, located on a lot or separate building tract, and having no physical connection to a building located on the same or any other lot or tract.

DWELLING, TWO-FAMILY

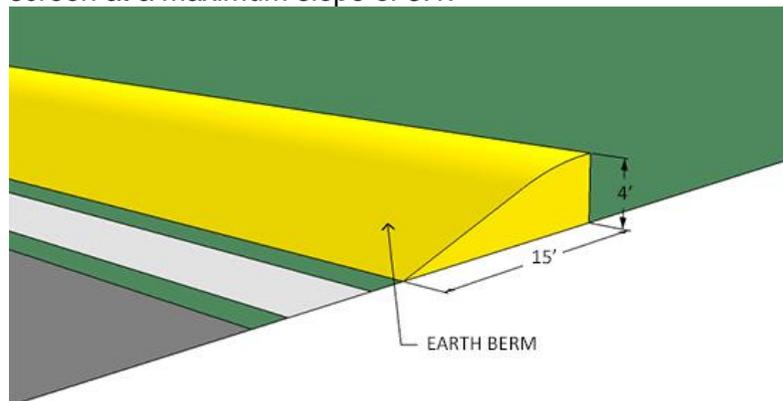
A residential structure providing complete, independent living facilities for two separate families, including permanent provisions for living, sleeping, cooking, eating, and sanitation.

DWELLING UNIT, ACCESSORY

A residential dwelling unit that is no more than half the gross floor area of the first floor of the principal structure, is integrated in appearance with the principal structure, and is located within the principal structure setbacks. Shall only be permitted when the owner of the primary Dwelling Unit resides in the primary Dwelling Unit.

EARTH BERM

An elevated landscaped strip of ground used as a visual screen at a maximum slope of 3:1.



EASEMENT	<ol style="list-style-type: none"> 1. In Gross Easement - Right held by one person to make use of the land of another for a limited purpose. 2. Appurtenant Easement - A perpetual property right that runs with the land and provides the owner of the dominant estate with the right or privilege to use the easement across the land of the servient estate.
EASEMENT, JOINT-ACCESS	An appurtenant perpetual easement which runs with the land, where each property shares access rights.
EASEMENT, PUBLIC UTILITY	Shall mean an easement dedicated by plat or separate instrument to and/or for the use by a public utility.
EASEMENT, SIDEWALK	An easement for public pedestrian travel and the placement, construction, installation, replacement, repair, maintenance, relocation, removal, and operation of public improvements and related appurtenances, or making connections thereto.
EASEMENT VACATION	Shall mean the nullification of all or a portion of an easement established in a previously recorded plat or by separate instrument by recording the vacation instrument with the county.
EXTERIOR INSULATION AND FINISHING SYSTEM (E.I.F.S)	A type of building exterior wall cladding system that provides exterior walls with an insulated finished surface and waterproofing in an integrated composite material system.
ENGINEERING DESIGN MANUAL (AND CONSTRUCTION STANDARDS)	Shall mean the specifications, procedures, and standards approved by the city council, as amended for the purpose of regulating the design and construction of specified public improvements, a copy of which shall be maintained by the city secretary.
ENGINEER OF RECORD	The professional licensed by the State of Texas to practice engineering who certified the applicable plan or plat.
ENGINEER'S REPORT	Shall mean a written report sealed by an engineer, including schematic diagrams as appropriate, addressing and describing utility service, drainage, streets and floodplain issues, and any other items that may be listed in the development packet.
EQUIPMENT AND MACHINERY SALES AND RENTAL, MAJOR	A building or open area used for the sale, rental, or indoor and outdoor storage of heavy equipment and machinery including, but not limited to, forklifts, bulldozers, cranes, skid steers and other similar equipment.

EQUIPMENT AND MACHINERY SALES AND RENTAL, MINOR	A building or structure used for the inside display, sale, rental, or storage of light machinery, including, but not limited to, bicycles, lawn mowers, tools, and other small machinery.
EVENT CENTER	A public or privately owned structure or area used for the purposes of public performances, sporting events, private receptions or parties, or similar attractions that may generate heavy traffic. Entertainment facilities may include concert halls, stadiums, sports arenas, racetracks, rodeo arenas, coliseums, and convention centers. Accessory uses may include food preparation facilities, concessions, offices, museums, parks, athletic training or practice facilities, stores, restaurants, heliports, structured parking facilities, and patron transportation facilities.
EXTRACTION, OIL AND NATURAL GAS	Land used primarily for the on-site extraction of surface or subsurface oil, natural gas or other similar naturally occurring materials which are processed and then sold or used for commercial purposes. This term does not include the excavation or grading necessary for the development of a lot or tract.
EXTRATERRITORIAL JURISDICTION (ETJ)	The area defined by the Texas Local Government Code, Chapter 42, as applied to the City.
FAÇADE	The exterior wall of a structure.
FAÇADE PLANE, AVERAGE	The linear calculation of the distance between the furthest building wall recess from the property line(s) and the closest building wall projection from the property line(s), divided by two (2).
FAÇADE, PRIMARY	Any facade facing a public right-of-way, street, customer parking area or pedestrian walkway.
FAMILY	One or more persons related by blood, marriage, or adoption, or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living as a single housekeeping unit.

FARM, RANCH, GARDEN,
OR ORCHARD

An area which is used for the growing of usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep, and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals, and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

FENCE

A tangible enclosure or barrier, typically constructed of wood, steel, or iron, but not including hedges, shrubs, trees, or other natural growth, erected for the purpose of providing boundaries, screening, separation of areas, decorations, or control of access. This definition does include retaining walls.

FINANCIAL INSTITUTION

An establishment for the custody, loan, exchange or issue of money, the extension of credit and/or facilitating the transmission of funds, including automated teller machines such as a bank or credit union. This definition does not include pawnshops, check cashing businesses, payday advance businesses, money transfer businesses or other similar services.

FINANCIAL SERVICES
INSTITUTION,
ALTERNATIVE

A check cashing business, payday advance or loan business, money transfer business, precious metal dealer, or car title loan business. At no time may an alternative finance service be permitted as an accessory use unless specifically provided for within the definition of the specific alternative financial service use.

FIRE MARSHAL

The Fire Marshal used by the City as set forth in the Code of Ordinances of the City of Pflugerville.

FLOOD OR FLOODING

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

FLOODPLAIN

Any land area within the FEMA 100-year frequency flood, including the floodway, and an approximate floodplain susceptible to being inundated by water from any source (see definition Flood or Flooding).

FLOOR AREA RATIO (FAR)

The measure of the density of non-residential land uses on a specific parcel, calculated as the total building square-footage divided by the net buildable land area square-footage of the parcel on which the building(s) is/are to be constructed. For example, on a site with 10,000 net square feet of land area, an FAR of 1.0 will allow a maximum of 10,000 gross square feet (sq. ft.) to be built, an FAR of 1.5 would allow 15,000 sq. ft., an FAR of 2.0 would allow for 20,000 sq. ft., and an FAR of 0.5 would allow 5,000 sq.

FOOD PROCESSING ESTABLISHMENT, MAJOR

Food Processing Establishment, Major – Manufacturing establishments producing or processing foods for human consumption and certain related products. Includes: (1) dairy products processing; (2) fats and oil products (not including rendering plants); (3) meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals); and (4) miscellaneous food preparation from raw products, where such manufacturing activities may not be wholly contained within the building. This definition specifically excludes wineries, breweries, distilleries, leather tanning operations, rendering plants, and slaughter houses. All noise, odor, smoke, heat, glare and vibration resulting from the manufacturing activity shall be confined to the site for which the use is located.

FOOD PROCESSING ESTABLISHMENT, MINOR

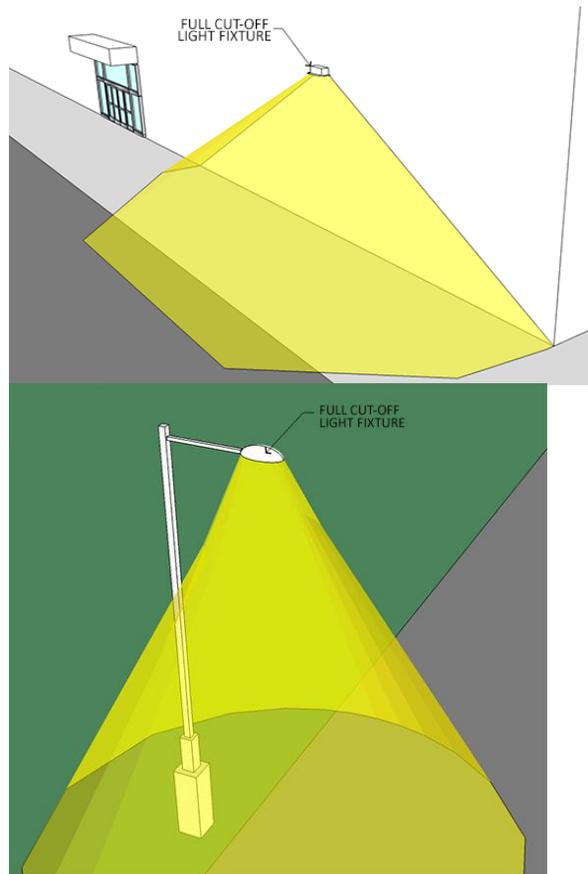
Manufacturing establishment producing or processing foods and beverages for human consumption and certain related products. Includes: (1) bakery products, sugar and confectionery products (except facilities that produce goods for on-site sales with no wider distribution); (2) fruit and vegetable canning, preserving, and related processing; (3) grain mill products and by-products; and (4) miscellaneous food preparation from raw products, limited to aseptic processing and packaging, canning processes, freeze-drying and/or food fortification. This definition specifically excludes wineries, breweries, distilleries, leather tanning operations, rendering plants, and slaughter houses. All manufacturing activities shall be contained entirely within the building; including noise, odor, smoke, heat, glare and vibration resulting from the manufacturing activity are confined entirely within the building.

FOOD VENDOR, TEMPORARY

A person or entity selling food products on a temporary and/or seasonal basis from a temporary or mobile facility, including but not limited to snow cones, hot dogs and similar food products.

FULL CUT-OFF LIGHT
FIXTURE

A lighting fixture where no light is emitted above the horizontal
plane of the light source.

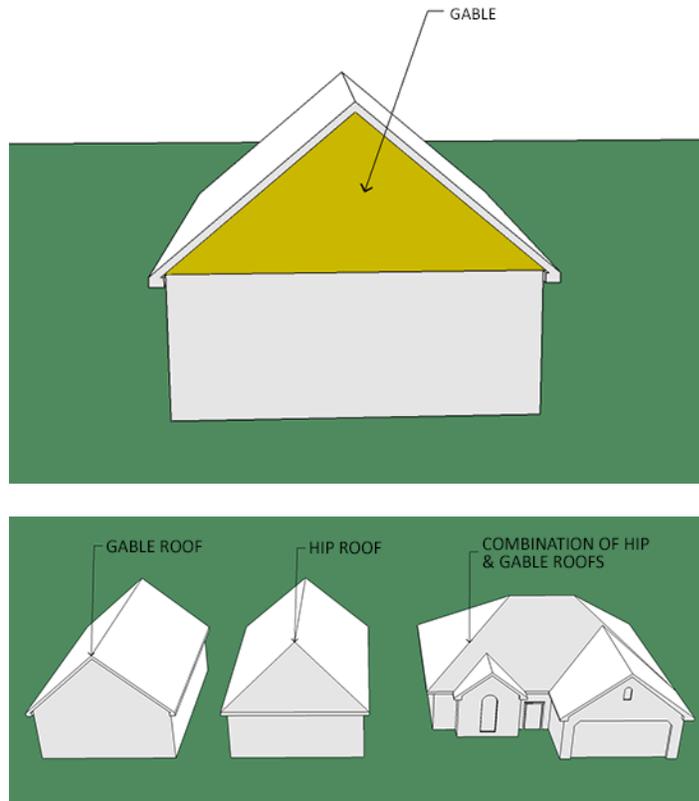


FUNERAL HOME /
MORTUARY

A building used for the preparation of the deceased for burial,
display and other rituals connected therewith before burial or
cremation. This definition includes a funeral chapel and may
include a crematory as an accessory use, but excludes
mausoleums.

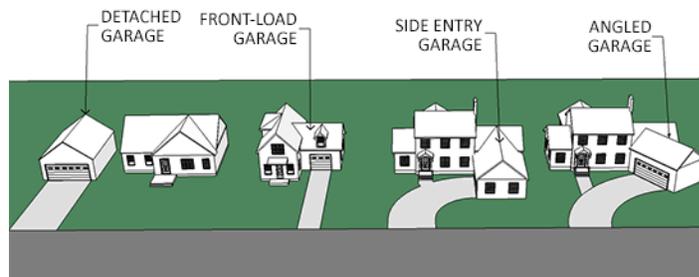
GABLE

The wall that encloses the ends of a pitched or sloped roof.



GARAGE

A portion of a residential building or detached accessory building utilized for the purpose of parking cars and storage of personal items. The building shall be fully enclosed with the use of structural walls, a roof, consistent or similar finished materials as utilized on the principal structure, and a roll-up door(s).



GARAGE SALE

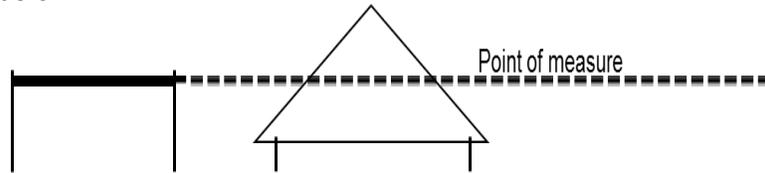
A temporary sale of used household goods at a residential dwelling unit, typically taking place in the garage, driveway or front yard.

GAS STATION	A retail outlet for the dispensing of vehicular fuels to the general public. Facilities may include a Convenience Store and/or a Car Wash.
G.F.A.	Refer to Gross Floor Area
GOLF COURSE	A tract of land designed for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a Country Club or other clubhouse, a driving range, putting greens, and shelters as accessory uses. This term excludes stand-alone driving ranges or miniature golf facilities.
GOLF DRIVING RANGE	An outdoor area equipped with distance markers, clubs, balls, and tees for practicing long distance golf drives.
GOVERNMENT FACILITIES	A group of uses focused on the provision of a public service. These facilities are often public in nature and serve a wide range of needs and patrons. This definition includes, but is not limited to, schools, libraries and office buildings.
GRADE, FINISHED	The final altered elevation of land, soil, base or pavement during construction or after completion of construction.
GRADE, NATURAL	The elevation and contours of land as they naturally exist without any cut, fill or other similar alterations.
GRAY WATER	Untreated wastewater that has not come into contact with toilet waste and may include discharged water from wash basins, bathtubs, showers, clothes washers and laundry trays.
GRAY WATER SYSTEMS	Wastewater that is recycled especially for reuse in accordance with the adopted International Plumbing Code and applicable State requirements.
GREEN ROOF SYSTEMS	A roof of a building that is partially or completely covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.
GREEN SCREEN	Refer to Vegetative Screening Structure.

GROUP HOME	A group home means a residential arrangement, other than a residential care facility, operated by the department or a community center in which not more than 15 persons with mental retardation voluntarily live and under appropriate supervision may share responsibilities for operation of the living unit.(Tex. Health & Safety Code Ann. § 591.003)
GROSS DENSITY	The calculation of residential units per acre within a subdivision, including the calculation of the area of parks and roads within the subdivision, or on an individual platted lot.
GROSS FLOOR AREA (GFA)	Except as may be otherwise indicated in these regulations, Gross Floor Area shall be construed as the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, and including outside decks and/or patios Uses for commercial purposes.
GYMNASTICS/DANCE STUDIO	A facility that offers its primary floor area for the practice of gymnastics or dance. Such a facility may include workout or exercise equipment, gymnasiums and snack bar-refreshment services, subject to all other provisions of this chapter governing such services.
HAZARDOUS WASTE	Waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency (EPA) under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, or so classified by any federal or state statute, rule, order or regulation.
HEALTH/FITNESS CENTER	A facility that is open to the general public and offers its primary floor area for the playing of organized sports, such as basketball, soccer, gymnastics or dance, for fees, whether in structured league arrangements or in "free play" setting. Such a facility may include spas, workout or exercise equipment, gymnasiums or restaurant and snack bar-refreshment services, subject to all other provisions of this chapter governing such services.

HEIGHT, BUILDING

The vertical distance from the average finished grade at the base of a building to the average height of the highest roof structure of the building, as measured at the top plate or at the point of average height for pitched roofs. Refer to illustration below.



HERITAGE TREE

Any tree measuring twenty-five inches (25") or larger at DBH. The following species are excluded from the Heritage tree classification: Chinaberry, Hackberry, Ashe juniper (Cedar), Chinese tallow, Willow, Ligustrum, Mimosa, and Cottonwood or any other tree that is determined by the Administrator to be diseased or dying due to natural causes.

HOME OCCUPATION

An occupation, profession, activity or use that is clearly incidental and secondary to use of a residential dwelling unit which does not alter the exterior of the property, is conducted wholly or in part with a primary structure or accessory structure by a member of the household who resides on the premises and fully complies with the provisions of this Chapter.

HOSPITAL

An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities. The institution may include ancillary uses such as a cafeteria or restaurant, medically related heliports, nursing homes, extended care clinics, physical therapy, employee exercise facilities, employee housing, temporary patient or patient family housing, and shops for medical equipment, pharmaceutical supplies, and gifts, child care centers and medical offices.

HOTEL

A facility offering transient lodging accommodations on a daily rate to the general public with units accessed via internal hallways and which can provide additional services, such as meeting rooms, restaurants and recreational facilities.

HOTEL, RESIDENCE	A multi-unit facility offering extended stay lodging consisting of efficiency units or suites with complete kitchen facilities suitable for long-term occupancy. Access to the units is required via internal hallways. Meeting rooms, club house, restaurants and other recreational facilities intended for the use of the residents and their guests are permitted. This definition does not include a boarding house.
HOUSEHOLD SERVICE AND REPAIR	An establishment primarily engaged in the provision of repair services to individuals and households rather than firms. Typical uses include appliance repair, locksmiths, watch or jewelry repair, or musical instrument repair. This use excludes automotive and large equipment servicing or repair.
IMPERVIOUS COVER	A surface which will not allow rainfall to pass into the ground, including impermeable concrete, asphalt paving, compacted base material, and brick pavers on a compacted base.
IMPROVEMENT	Structure and all appurtenances of every type, whether temporary or permanent, including but not limited to buildings, outbuildings, sheds, patios, swimming pools, garages, storage buildings, gazebos, signs, fences, gates, walls, decks, landscaping, landscape improvements, poles, mailboxes, and antennae.
INDUSTRIAL USE, HEAVY	A use engaged in the basic processing and manufacturing of materials or products or parts, predominantly from extracted raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
INDUSTRIAL USE, LIGHT	A use engaged in the manufacture of finished products or parts predominantly from previously prepared materials, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.
INDUSTRIAL WASTE	Waste resulting from any process of industry, manufacturing, trade, or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater.
JOINT-USE DRIVEWAY	A common drive shared by 2 or more lots for purposes of providing vehicular access to each lot.

KENNEL

A commercial animal establishment where household pets, or other domesticated animals, are housed, bred, boarded, trained or kept on a temporary basis. Typical uses would be a kennel, animal hotel and/or lodging or animal training centers. This definition does not include animal shelters or pet stores.

LANDFILL

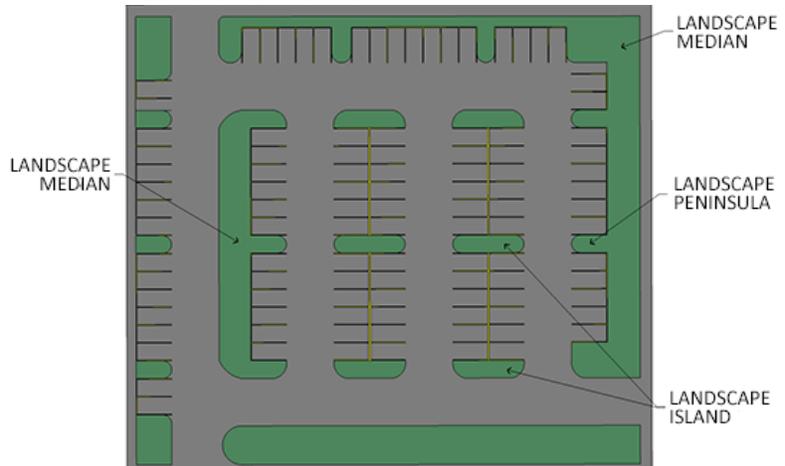
A controlled area of land upon which solid waste is disposed of and buried in accordance with standards, rules, or orders established by an administrative agency of the State of Texas. Types of waste that are excluded in this definition include hazardous, industrial and demolition waste.

LANDSCAPED AREA

An area which has been enhanced by the use of plant material, planters, natural and water forms. The use of smooth concrete or asphalt is not permitted within the required landscape area.

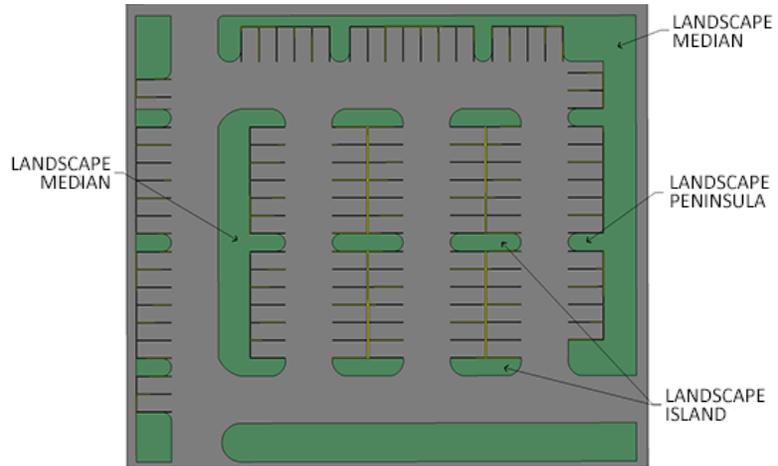
LANDSCAPE ISLAND

A landscape area completely surrounded by a parking area and/or a vehicular use area.



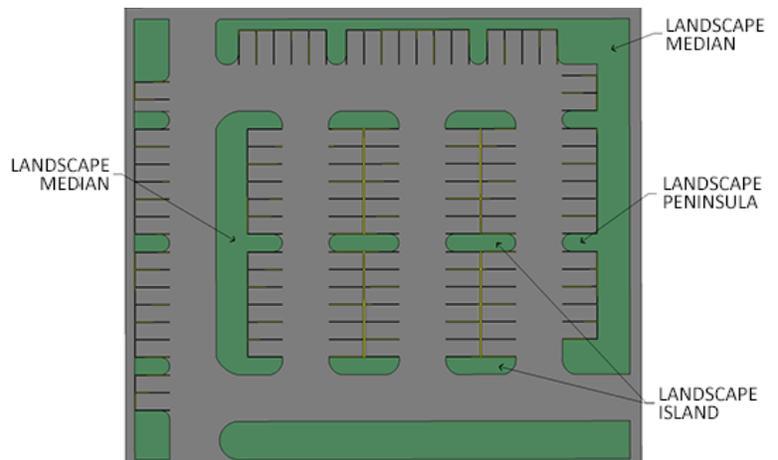
LANDSCAPE MEDIAN

A linear landscape area between two (2) rows of parking, between two (2) drive aisles or between a row of parking and a drive aisle.



LANDSCAPE PENINSULA

A landscape area surrounded on two (2) or three (3) sides by a parking area and/or vehicular use area.



LAUNDROMAT

A facility where patrons wash and/or dry clothing and other fabrics in self-serve machines operated by the patron.

LEGAL DESCRIPTION

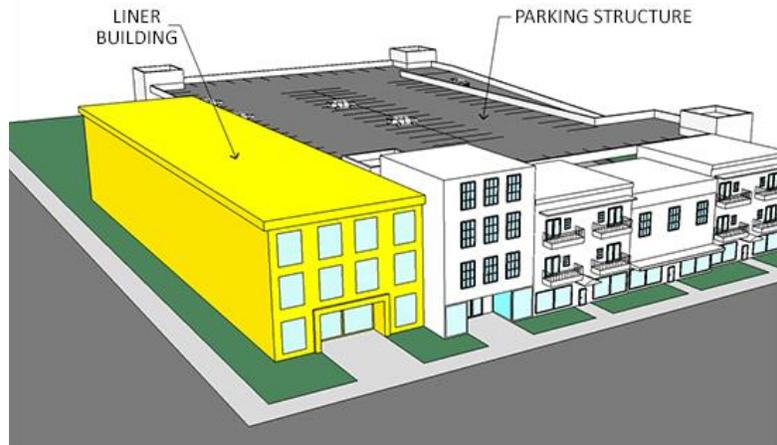
The identification of a lot, tract, or parcel of land by means of a deed reference, a metes and bounds description and, when applicable, a plat reference.

LIBRARY

An institution for the collection, display, and distribution of books, objects of art or science, and which is sponsored by a public or quasi-public agency, and which facilities are open to the general public.

LINER BUILDING

A building that wraps around a parking Lot or parking Structure in order to mask it from the street.



LIQUOR STORE

A retail establishment permitted by the Texas Alcoholic Beverage Commission (TABC) to sell liquor, malt and vinous liquors on premise to consumers for off-premise consumption.

LOADING DOCK

A portion of a building used for the receiving, parking, loading and unloading of trucks or other vehicles that deliver or transfer products and goods. These are typically above grade and located behind the building and screened from public view.

LOADING, OFF-STREET

An off-street space on the same Lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

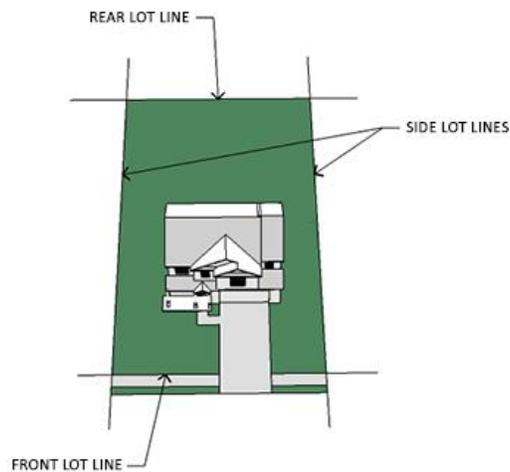
LOT

A parcel of land described and recorded as a lot in the records of Travis County or Williamson County, Texas; or, in the event any lot or lots or land acreage is recorded as subdivided or cut up into smaller or different parcels of land, or, in the event any parcel of such lot or lots or land acreage is used for the purpose of placing on any such parcel a principal building and its accessory buildings, each such parcel of land will become a separate lot for the purpose of this chapter, and the boundaries of each lot will be determined and defined so as to contain sufficient area to include the principal building and its accessory buildings to be erected thereon and the open spaces required under the chapter.

LOT, CORNER

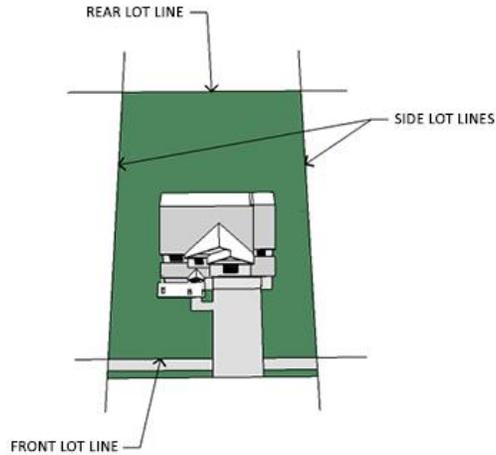
A lot located at the intersection of two (2) or more streets.

LOT COVERAGE	The percent of a lot which is covered by a roof, floor, or other structure, which is not open to the sky, and which prevents the infiltration of water into the soil.
LOT, DEPTH	The distance between the midpoint of the front lot line and the midpoint of the rear lot line.
LOT, DOUBLE FRONTAGE	A lot having frontage on two (2) streets which do not intersect. On a Double Frontage Lot, both street lot lines shall be deemed Front Lot Lines.
LOT, INTERIOR	A lot surrounded by adjacent lots on at least two (2) sides, and is not a corner lot.
LOT, THROUGH	Refer to Lot, Double Frontage.
LOT, WIDTH	The average distance between the side lot lines of a lot, measured at right angles to the front lot line established at the right-of-way.
LOT LINE, FRONT	The boundary of a lot that abuts a public street right-of-way. On lots which abut more than one street, the front lot line is the boundary which abuts the street having the least dimension, except in the case of a double frontage lot.



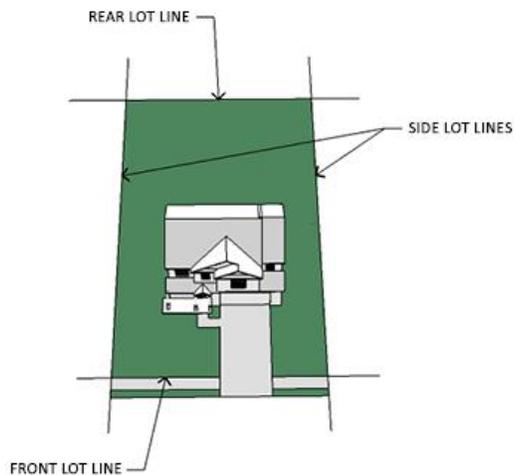
LOT LINE, REAR

The boundary of a lot which is the most distant from and is, or is most nearly parallel to the front lot line.



LOT LINE, SIDE

The boundary of a lot which is neither a front lot line nor a rear lot line.



LOUNGE

A facility which offers patrons a relaxing environment where food, tobacco and alcohol may be consumed and purchased. A Lounge differs from a Bar/Tavern or Restaurant as a Lounge shall not receive more than 50% of its total sales from food and alcohol sales.

LOW IMPACT DEVELOPMENT (LID)

An alternative comprehensive approach to stormwater management that emphasizes conservation and use of on-site natural features to protect water quality. This approach implements engineered small-scale hydrologic controls to replicate the pre-development hydrologic regime of watersheds through infiltrating, filtering, storing, evaporating, and detaining runoff close to its source.

MACHINE SHOP	A facility or workshop where metal, or a similar material, is cut, shaped, or otherwise altered by machining tools in order to produce or repair equipment, tools, or other objects.
MAJOR THOROUGHFARE	A street, inclusive of an arterial or major collector, that is designed to accommodate large amounts of traffic over a long distance.
MANUFACTURING	Facilities used for the mechanical, biological, or chemical transformation of materials or substances into new products, including the assembling of components, the manufacture of products, and the blending of materials such as lubricating oils, plastics, or resins. This definition includes finished products as well as semi-finished products or materials that are intended to go through additional processes.
MASONRY	Consists of clay brick, natural and manufactured stone, granite, marble, architectural concrete block, stucco, tilt wall concrete panels and other similar materials. This definition does not include EIFS or other similar materials.
MASSAGE THERAPY, LICENSED	A facility that offers the manipulation of soft tissue by hand or through a mechanical or electrical apparatus for the purpose of body massage, therapy or treatment, and that is licensed under Chapter 455 of the Texas Occupations Code.
MASTER PLAN	The City's comprehensive plan adopted by City Council by ordinance, amended from time to time, to represent the City's vision for development that identifies, policy, goal, and action items that ultimately guides the City's decision-making process for a multitude of programs, including but not limited to the 2030 Comprehensive Plan, Water Master Plan, the Wastewater Master Plan, the Parks, Recreation, and Open Space Master Plan, Transportation Plan, and Trails Master Plan.
MAUSOLEUM	Refer to "Cemetery / Mausoleum."
MEASUREMENT	Distances between driveways, streets and trees measured on center from the respective feature.
MICROWAVE AND SATELLITE RECEIVING STATION, COMMERCIAL	Those technical facilities associated with the commercial receipt and distribution of microwave or satellite transmissions, including, but not limited to, those facilities related to a commercial cable television operation. This definition does not include an office from which the operation of a business can be conducted.

MINI-WAREHOUSE / PUBLIC STORAGE	An establishment offering small, individual storage units for rent or lease and are restricted solely to the storage of items such as motor vehicles, trailers, boats, bulky household goods and various personal property. There is no conduct of sales, business or any other activity within the individual storage units.
MINING	Land used for the on-site extraction of surface or subsurface rock, stone, gravel, sand, minerals or other naturally occurring materials for economic use. This term does not include the excavation or grading necessary for the development of a lot or tract.
MANUFACTURED HOUSING PARK	A tract of land designed or being used to accommodate one (1) or more transient portable dwelling units designed to be moved on wheels from location to location by automobile, truck, or similar prime mover.
MONEY TRANSFER BUSINESS	An establishment, other than a bank or financial institution that engages in or facilitates the transmission of funds to or from a location outside the United States and its territories for a fee. See also Financial Services Institution, Alternative.
MORTUARY	Refer to “Funeral Home / Mortuary.”
MUSEUM / ART GALLERY	An institution for the collection, preservation and display of books and objects of art or science, and which is sponsored by a public or quasi-public agency, and which facilities are open to the general public.
NONCONFORMING LOT	A nonconforming lot is a lot of record that does not meet the minimum area or dimensional requirements of the zoning district in which the lot is located. Those nonconforming lots lawfully existing on the effective date or applicability of this Code or subsequent amendments thereto shall be considered legal nonconforming lots.
NONCONFORMING SITE	A site lawfully occupied at the time of the effective date of this chapter or amendments thereto, or which was subsequently annexed to the City, and which does not conform to the development regulations associated with site including, but not limited to site access and circulation, parking requirements for the specific land use, landscaping, and lighting.

NONCONFORMING STRUCTURE	A building or structure lawfully occupied at the time of the effective date of this chapter or amendments thereto, or which was subsequently annexed to the City, and which does not conform to the zoning regulations of the district in which it is situated.
NONCONFORMING USE	A use of land that is not permitted within the zoning district assigned to the property upon which the use is located. In addition, a use located in a zoning district in which it could lawfully locate with the approval of a Specific Use Permit but lacking such a permit or a use allowed with land use conditions per Subchapter 4 that does not conform to such conditions shall also be considered nonconforming. Those nonconforming uses lawfully existing and located on the property on the effective date or applicability of this Code or subsequent amendments thereto shall be considered legal nonconforming uses.
NURSERY, INDOOR/OUTDOOR SALES	Land and/or facilities, such as greenhouses, that are used to raise flowers, shrubs, trees, grass, and other plants for sale.
NURSING HOME	Any home, place, institution or facility which provides licensed and professional short-term or chronic care, or both, for a period in excess of 24 consecutive hours for four (4) or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable to properly care for themselves. This definition does not include Assisted Living facilities.
OFFICE, PROFESSIONAL	The use of a site for the provision of administrative, executive, management. This use includes administrative offices and services including real estate, insurance, property management, personal and/or family counseling, investment, title companies, personnel, travel, and secretarial.
OFFICE, GOVERNMENT	The use of a site for the provision of government services, included administrative and management services. This use includes, but is not limited to, offices pertaining to government services such as secretarial, economic development, financial, legal, public works and utilities.
OFFICE, MEDICAL	A facility for examining and treating patients with medical conditions on an outpatient basis, including ambulatory care or similar medical services that generally require a stay of less than 24 hours.

OFFICE/ SHOWROOM	A building that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services are permitted. Warehousing facilities shall not exceed 50% of the total floor area. This definition does not include contractor's shop and storage yard.
OFFICE/ WAREHOUSE	A building, or a portion of a building which is a structurally separate and functionally distinct unit, primarily devoted to storage, warehousing and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.
OPEN AREA	That part of a lot, including courts or yards, which is open and unobstructed from the ground to the sky.
OPEN SPACE	An area or tract of undeveloped land which is intended to remain generally in its natural state, except for those uses allowed under the provisions of this Chapter.
OPEN STORAGE FACILITY	A facility used primarily for the purpose of outdoor storage of any equipment, machinery, commodities, raw or semi-finished materials, or building materials. (Primary Use)
OPERATION	Any physical action resulting in a change in the location, form, or physical properties of a material, or any chemical action resulting in a change in the chemical composition or chemical or physical properties of a material. The following are given as examples without limitation of the generality of the foregoing: heat transfer, calcination, double decomposition fermentation, pyrolysis, electrolysis, combustion material handling, evaporation mixing, absorption, filtration, fluidization, screening, crushing, grinding, demolishing, shoveling, bagging, etc.
OUTDOOR DISPLAY AND SALES	The outdoor display or sale of finished products actively available for sale for less than 24 hours a day. This definition does not include products in shipping boxes, crates, on pallets, or other shipping containers, which shall be considered Outdoor Storage.

OUTDOOR HOME ACCESSORIES

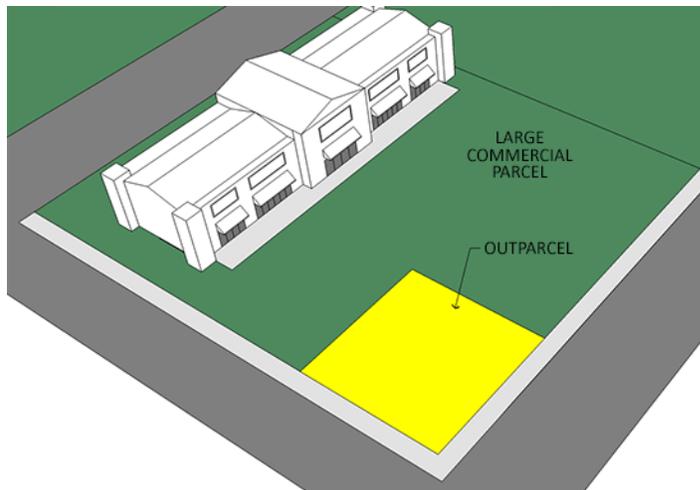
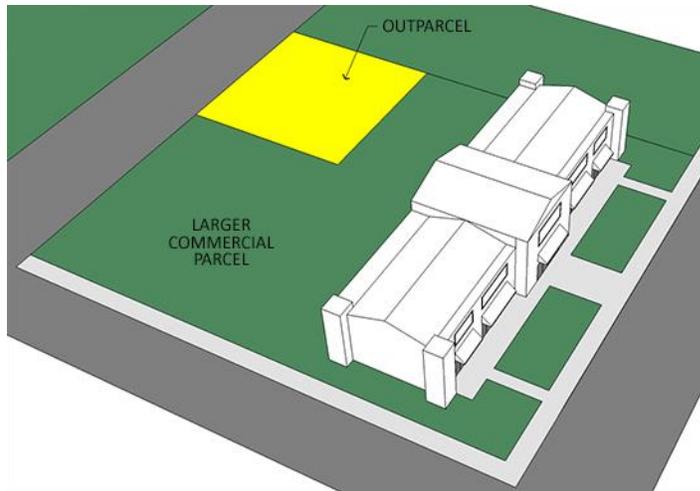
Outdoor home accessories are products or goods that may be typically be found outside of a single family dwelling unit. This includes pergolas, sheds, pots, sprinklers, gnomes, playscapes, grills and other related items. For the purpose of this definition, at no time shall a pool or spa, either above or below ground, be considered an outdoor home accessory.

OUTDOOR STORAGE

The outdoor storage of products or goods that have a large size, mass, or volume that occur on site for more than 24 hours such as, but not limited to, heavy equipment, freight or commercial motor vehicles, trailers, construction materials, and raw, processed or packaged materials including any products on pallets, in shipping containers or in crates.

OUTPARCEL

A parcel of land generally located on the perimeter of a larger parcel of commercial land and often subordinate to the larger parcel for access, parking and drainage purposes otherwise known as a pad site.



OVERHEAD DOOR	A large door or roll-up door that extends above six (6) feet in height and is used for giving vehicles access to a building, for loading and unloading freight or materials, or for personal access to storage or self-storage areas in a building. These are typically at the same grade as the building. This definition does not include Service Bay.
OVERLAY DISTRICT	An area that is zoned for particular uses in addition to the regular uses specified in this Code and may have additional development regulations associated with the district.
OWNER	The Person who has legal title to a particular property or a lessee, agent, employee, or other Person acting on behalf of, and with the authorization of, such title holder.
PARK	Inclusive of private parks and public park or parkland
PARK, PRIVATE	Land, located within a subdivision, owned and maintained by a private entity such as a property owner's association and to which use of the facility is restricted to the residents of that subdivision. This definition may include an amenity center.
PARKLAND, PUBLIC	Land dedicated, owned and operated by the City, a Municipal Utility District, a Water Control and Improvement District, or the County, and which is available to the general public for use as a park or recreational purposes.
PARK, COMMUNITY PUBLIC	Public parkland totaling a minimum of five (5) acres or more, which may include an assortment of public amenities, including but not limited to, a playground, trail, restrooms, and sports and recreational facilities.
PARK AND RIDE	Refer to Transit Facility.
PARK DEVELOPMENT FEE	A development fee associated with residential developments' responsibility to provide payments to the City, for the construction of Public Amenities within Public Parkland from time to time, that represent the development's impact on the public parkland system. The formula is included within Subchapter 14. Public Parkland Standards and the Parks Development Manual.
PARKING MODULE	Refer to Parking Row.

PARKING STRUCTURE

An above grade, ramp access, open-air structure specifically designed to accommodate vehicle parking.

PARKING LOT

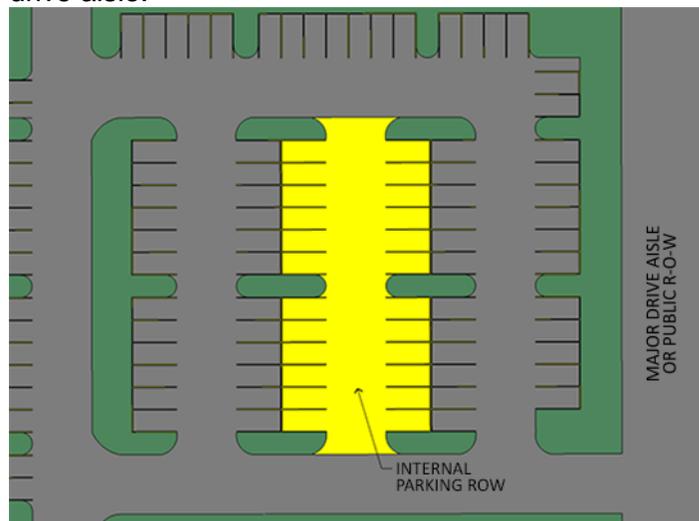
An open area or garage used for the temporary parking of motor vehicles when such use is not accessory to any other use.

PARENT TRACT

The original tract from which a parcel was taken.

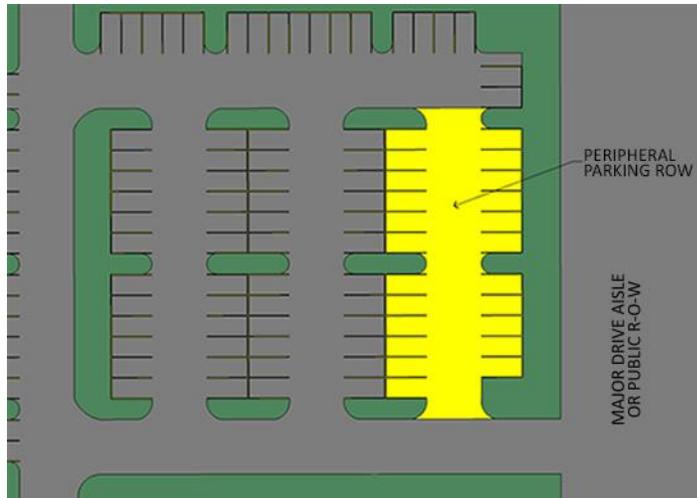
PARKING ROW, INTERNAL

A parking row not adjacent to a public right-of-way or major drive aisle.



PARKING ROW,
PERIPHERAL

A parking row adjacent to a public right-of-way or major drive aisle and contains a minimum of one (1) landscape median adjacent to the public right-of-way or major drive aisle.



PARKING SPACE

A part of a Vehicular Use Area designed to be used for parking of a motor vehicle.

PAWN BROKER

A person engaged in the business of (a) lending money on the security of pledged goods; or (b) purchasing goods on condition that the goods may be redeemed or repurchased by the seller for a fixed price within a fixed period as defined by the state of Texas Finance Code Chapter 371, as amended.

PAWN SHOP

A location at which or premises in which a pawnbroker regularly conducts business as defined by the State of Texas Finance Code Chapter 371, as amended.

PAYDAY ADVANCE OR LOAN BUSINESS

An establishment that makes small consumer loans, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed upon term or until the applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check. See also Financial Services Institution, Alternative.

PEDESTRIAN AREA

Any area which is intended to be occupied, traversed, or otherwise used primarily by pedestrians, including sidewalks, walkways, trails, building entrances, plazas, and other areas.

PEDESTRIAN SPACE

A building entrance area which includes decorative elements including, but not limited to, stained and sealed pavement, seating facilities, pedestrian scale lighting, landscaping, architectural planters and art. Refer to Subchapter 9 for development requirements.

PEDESTRIAN AND BICYCLE FACILITIES	Those facilities, including but not limited to rights-of-way, sidewalks, paths and trails, designed for use by both pedestrians and bicyclists as proposed in the City's Master Plans.
PEDESTRIAN CORRIDOR	Walkways, such as paths or sidewalks, which are designed to accommodate pedestrian traffic by emphasizing convenience and safety.
PEDESTRIAN REFUGE	A traffic control device intended to provide for safe pedestrian travel across a roadway or driveway. Refer to the Engineering Design Manual and Construction Standards.
PERSON	Any person, firm, association, organization, partnership, business, trust, corporation, or company.
PERSONAL SERVICES	An establishment which offers specialized goods and services purchased frequently by the consumer, such as a barbershop, beauty shop, dressmaker, fortune teller, licensed massage therapy shop, nail salon, portrait studio, shoe shop, tailor, or other similar shops offering custom service. A Body Art Studio is specifically excluded from this definition.
PET STORE	Pet store means a retail establishment primarily selling live animals generally kept as household pets, i.e. dogs, cats, birds or fish and associated goods for the maintenance of such animals.
PLACE OF WORSHIP	A building or group of buildings maintained for the practice of worship and religious training of religions, and includes the on-site housing of ministers, rabbis, priests, nuns, and similar staff personnel.
PLANNING AND ZONING COMMISSION	The Planning and Zoning Commission of the City of Pflugerville as created by City Charter, with functions and duties identified in this Chapter.
PLANT MATERIAL	Grass, Trees, Shrubs, flowers, vines, and other ground cover.
PLAT	A map as a formal document representing a tract of land, showing the boundaries and location of individual properties along with any streets, alleys, squares, parks or parts of a tract intended to be dedication to public use.
PLAT, ADMINISTRATIVE	A plat that may be issued by the Administrator under this Chapter.

PLAT, AMENDING	A change to a recorded plat to correct minor errors or make minor adjustments.
PLAT, FINAL	A plat for all or a phased portion of a subdivision that is presented to the Planning and Zoning Commission for approval and acceptance of dedications.
PLAT, MINOR	A plat for all or a phased portion of a subdivision that does not require the submission of a preliminary plan.
PLAT, RECORDED	A final plat that has been duly approved by the City of Pflugerville per the Subdivision Code and filed in the Official plat Records of the County.
PLAT, VACATION	A recorded plat which is vacated through the procedures described in this Chapter.
PLAYGROUND	A facility, typically located within a public or private park, which provides equipment for children to play on or around. Typically includes amenities such as climbing structures, swing sets, slides, and others.
PLAYSCAPE	Refer to Playground.
PORTABLE BUILDING SALES	A site on which factory-manufactured portable buildings, such as manufactured homes, are displayed and offered for sale or order to the general public.
PRE-APPLICATION CONFERENCE	A required meeting between a subdivider, owner, and City staff to discuss a proposed subdivision or development prior to the submittal of an application. A pre-application conference may be waived at the discretion of the Planning Director.
PRECIOUS METAL DEALER	Any person or entity engaged in purchasing articles made of or containing gold, silver, platinum, or other precious metals or jewels of any description for the purpose of reselling the items in any form. See also Financial Services Institution, Alternative.
PRELIMINARY PLAN	A plan which identifies the proposed layout of the subdivision that is presented to the Planning and Zoning Commission for consideration and approval.

PRELIMINARY PLAN, VALID	A preliminary plan that was approved by the City of Pflugerville and has not expired or been withdrawn, superseded or replaced.
PRINT SHOP, MAJOR	An establishment used for bulk printing, binding, cutting or copying of materials including books, magazines, newspapers, posters, photos, signs or drawings by means of a printing press, lithography, offset printed, blue printing, photographic reproduction techniques, or other similar methods, for either distribution or sale.
PRINT SHOP, MINOR	An establishment which primarily reproduces, in printed form, individual orders from a business, profession, service, industry or government organization. Offset, letterpress, and duplicating equipment are used, but no rotary presses or linotype equipment are used. Related services might include faxing, digitizing, graphic reproducing, and report assembling.
PROTECTED TREE	Any tree, including a multi-trunk tree, measuring eight inches (8”) or larger at DBH. The following species are excluded from protected status: Chinaberry, Hackberry, Ashe juniper (Cedar), Chinese tallow, Willow, Ligustrum, Cottonwood, Mimosa or any other tree that is determined by the Administrator to be diseased or dying due to natural causes.
PUBLIC HEARING	A meeting of a public body, for which notice is given to the public and members of the public are allowed to address the public body regarding the issue being discussed within reasonable time limits for each speaker or an overall time limit.
PUBLIC IMPROVEMENTS	The components of a water, wastewater, transportation, or drainage system, whether owned and maintained by a governmental entity, a private corporation, partnership, or proprietorship, that are designed to serve the general public.
PUBLIC PLAZA	A citywide plaza for concentrated public use and gatherings.
RADIO / TELEVISION TOWERS	Structures supporting antennae for transmitting or receiving any portion of the radio spectrum below eight hundred (800) megahertz, excluding noncommercial antennae installations for home use of radio or television.
RECEPTION HALL	A facility used to host gatherings of people, typically within large rooms, for meetings, parties, or other events.

RECREATION CENTER, PUBLIC	An area containing a building or complex of buildings housing community recreation facilities owned, operated, or leased for operation by a public entity.
RECYCLING CENTER	A facility designed for the collection and temporary storage of recyclable items for transport to a reprocessing plant or reclamation center. Definition does not include a junkyard, Automotive Salvage Yard, or a government-owned facility.
RECYCLING PLANT	A facility in which recoverable resources such as paper, newspapers, magazines, books, glass, metal cans and other products are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production. Definition does not include a junkyard or Automotive Salvage Yard.
REPLAT	The resubdivision of all or any part of an existing subdivision, which does not require the vacation of the entire preceding plat, but not including an amending plat.
RESEARCH AND DEVELOPMENT CENTER	A use engaged in research and development, testing, assembly, repair, and manufacturing in the following industries: bio-technology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software. Office, warehousing, wholesaling, and distribution of the finished products produced at the site are allowed as part of this use. Such uses shall not violate any odor, dust, smoke, gas, noise radiation, vibration, or similar pollution standard.
RESIDENTIAL	For purposes of this chapter, residential means single family, duplex and multi-family dwellings.
RESIDENTIAL UNIT	Either one Dwelling Unit or one Lot that is designed to accommodate one family at a time for residential occupancy, including facilities for sleeping, eating, cooking, and sanitation. One dwelling unit located on one or more Lots is considered one Residential Unit.
RESUBDIVISION	Any change to a previously approved or recorded subdivision plat (refer to Replat).

RESTAURANT

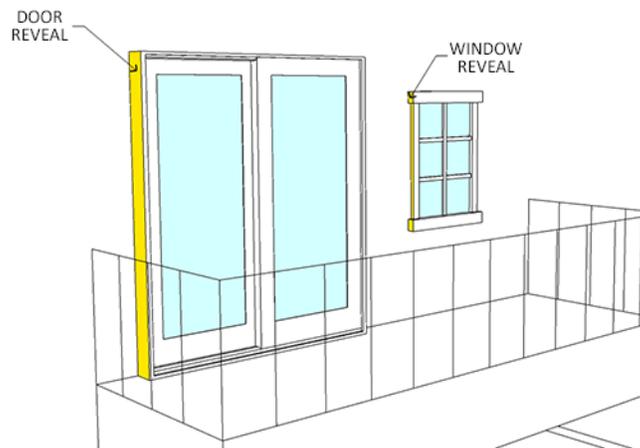
An establishment which serves prepared food to the general public with designated dining areas, which receives more than 50% of total gross revenue from the sale of food, and which is not designated nor used for the service of food to automobiles on the premises.

RETAIL SALES AND SERVICES

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

REVEAL

The vertical part of a jamb of a door or window that is visible between the edge of the door or window and outer wall of a building.



REVIEW CYCLES

A review cycle constitutes one complete submittal of required application contents and staff requested items, and one staff review report generated that identifies required amendments to the plan set and miscellaneous information necessary for staff to review such application. A submittal that does not require staff comments, where all comments have been cleared, shall not constitute a review cycle.

REZONING

An action of the City Council, by ordinance, which changes the zoning district in which a particular tract of land is located.

RIGHT-OF-WAY (ROW)

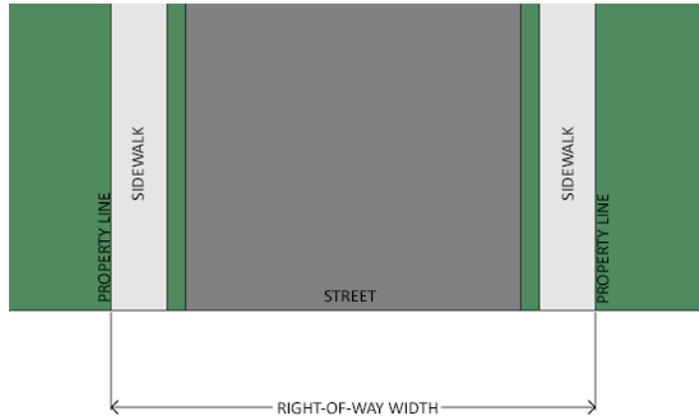
A strip of land acquired by Right-of-Way Reservation, dedication or condemnation and intended for use as a public way. The ROW normally incorporates the roadway, curbs, parking strips, sidewalks, lighting and drainage facilities, other utilities, and may include special features (required by topography) such as grade separation, landscape areas, viaducts or bridges.

RIGHT-OF-WAY
RESERVATION

Decision by a private owner to withhold specific real estate from further development pending acquisition by a public entity.

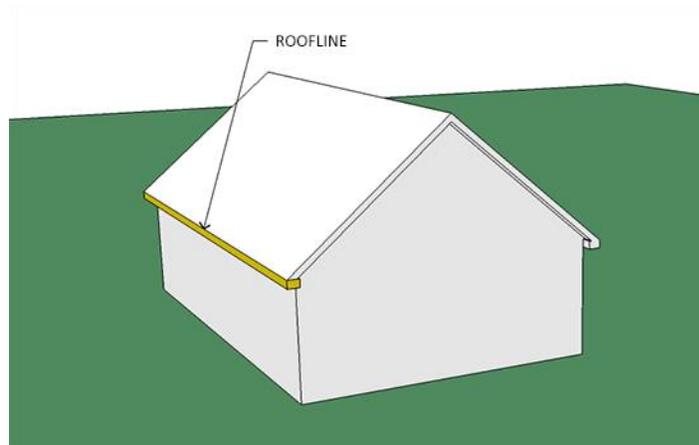
RIGHT-OF-WAY WIDTH

The shortest distance between the property lines abutting both sides of a street right-of-way.



ROOFLINE

The Roofline shall be the lower edge of the eave or gable on a pitched roof or the uppermost height of a parapet wall.



ROUNDAABOUT	A traffic control device that provides for the safe and efficient movement of vehicular traffic through an intersection.
SCHOOL, BOARDING	Facilities offering education services that meet state requirements for primary, secondary, or higher education and provide dormitories, dining facilities, and other accessory uses for the boarding of students.
SPECIAL EXCEPTION	A use of property permitted in a zoning district upon a finding be the Board of Adjustment that such use is allowable because conditions specified in this ordinance (as those upon which the exception is permitted) are found to exist with regards to the property that is the subject of the request for Special Exception.
SCHOOL, BUSINESS or TRADE	A school offering instruction and training in a service or art such as a secretarial school, barber college, beauty school, commercial art school, or dance or music school.
SCHOOL, COLLEGE or UNIVERSITY	An educational institution of higher learning, offering general and specialized courses that are certified by the State Board of Higher Education, or by a recognized accrediting agency, and that lead to a degree. Facilities may include student dorms or housing, sports facilities, theaters, and maintenance facilities.
SCHOOL, PUBLIC	Facilities that are used to provide instruction or education by primary schools or secondary schools that are in a public school district or are institutions of higher education that receive public funding. Does not include trade or business schools.
SCHOOL, PRIVATE, or PAROCHIAL	An educational institution having a curriculum equivalent to public schools and meets the same license and certification requirements of public schools. A private or parochial school shall not include specialty schools, such as dancing, music, beauty, mechanical, trade swimming, or commercial schools.
SEASONAL PRODUCTS, SALES	The sale of Christmas trees, firewood, snow cones and other food vending items may be allowed during their normal and generally accepted season. This definition includes indoor and outdoor arts and crafts shows, exhibits and sales, and sales by temporary food vendors.
SELF-SERVE KIOSK, OUTDOOR	Equipment or machinery used by the general public to extract money or other goods. Typical uses include ATM machines, movie rental machines or prize machines.

SERVICE BAY

An automotive service bay is a singular automobile space, within or underneath a structure, that provides a technician, customer, and/or automated system adequate space to safely and efficiently service one vehicle. Service bay(s) would be included within car washes and automotive repair and service facilities. This definition does not include overhead doors.

SERVICE COURT

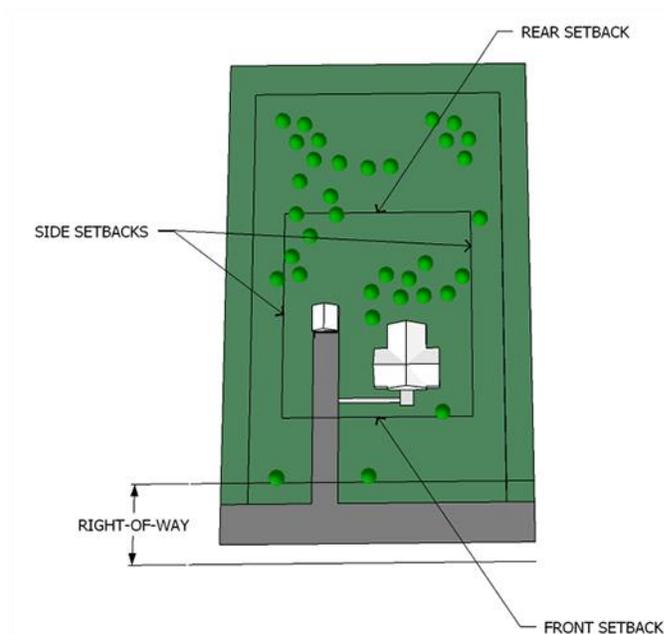
A vehicular use area associated specifically with loading docks and/or delivery receivable areas for multiple buildings or tenant spaces within one building for offices, commercial, and/or industrial uses.

SERVICE STATION, FUEL

Any building or premises used for the dispensing, sale, or offering for sale at retail of any automobile fuel or oil. If the dispensing, sale, or offering for sale is secondary to another use, the premises will be classified as to the primary use.

SETBACK, BUILDING

A distance which represents the minimum distance a structure must be located from the property line, and establishes the minimum required front, side, or rear yard space of a lot.



SETBACK, BUILDING HEIGHT

A distance which represents the minimum distance the height of the structure, greater than 20 feet in height, must be located or setback from the property line based on the land use of the structure and the zoning district. Refer to Subchapter 4 for the building height standards according to its district and land use.

SEXUALLY ORIENTED BUSINESS

An establishment providing, featuring or offering employees or entertainment personnel who appear on the premises while in a state of nudity or simulated nudity and provide live performances or entertainment for customers; or provides, features or offers non-live, sexually-explicit entertainment, materials, or items for sale or rental to customers; or provides materials or items that are intended to provide sexual stimulation or sexual gratification to its customers. For further definitions and regulations, see Chapter 112: Sexually Oriented Businesses.

SHOOTING RANGE, INDOOR

A public or private facility where a pistol, rifle, silhouette, or other similar range is used for discharging firearms for a sporting event, practice, instruction in the use of the firearms or the testing of firearms.

SHRUB

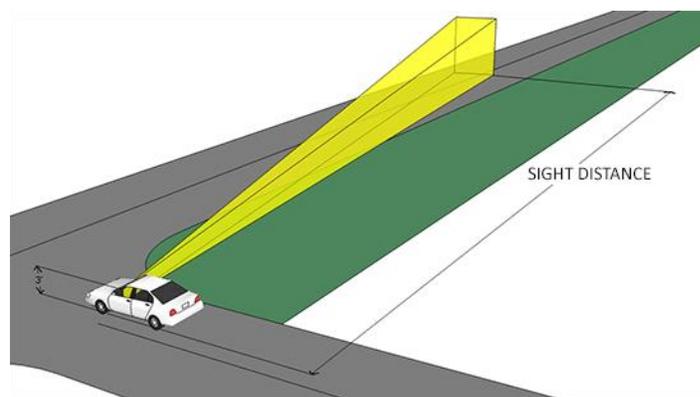
Any self-supporting woody evergreen or deciduous perennial usually less than 12 feet in height without a central stem.

SIDEWALK

A paved area, generally parallel to, and usually separated from, the street, and used as a pedestrian walkway.

SIGHT DISTANCE

The length of street measured along the centerline, which is continuously visible from any point three (3) feet above the centerline.

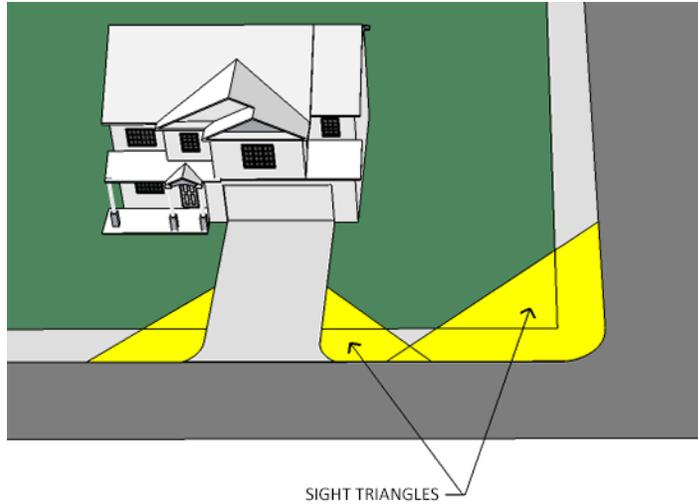


SIGHTLINES

Refer to the Engineering Design Manual.

SIGHT TRIANGLE

The triangular area formed by an invisible diagonal line at the corner of either two intersecting street right-of-way lines, the edge of street lines, the edge of a driveway or combination of two thereof within which no obstruction may be placed which would block the sight lines for vehicular traffic. Refer to the Engineering Design Manual.



SITE DEVELOPMENT PERMIT

A permit issued under Subchapter 3 of this Chapter.

SITE DISTURBANCE PERMIT

A permit issued under Subchapter 3 of this Chapter.

SITE PLAN

A plan, drawn to scale, depicting the existing conditions and proposed improvements of a legally platted lot. The plans will typically include the location of buildings, parking areas, landscaping, and other private improvement details.

SLOPE

The number of feet of vertical elevation change per one hundred (100) feet of horizontal distance. Also referred to as “percent grade.”

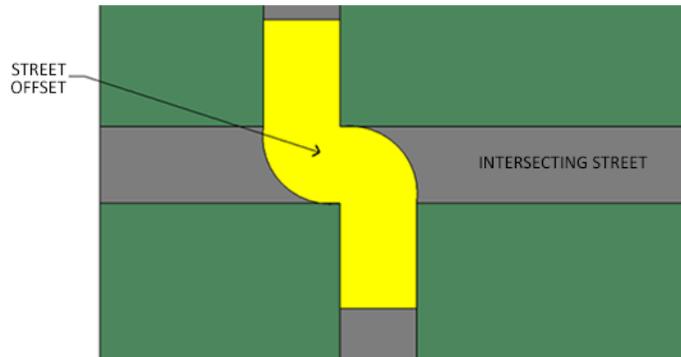
SMALL ENGINE REPAIR SHOP

A business that repairs, adjusts, tunes or modifies gasoline engines of a small horsepower motor commonly used to power grass trimmers, lawn mowers, chain saws and similar equipment. This repair service may also conduct work on electric motors commonly used in power tools, lawn maintenance equipment, and small household appliances. This term does not include work all-terrain vehicles, jet skis, or similar vehicles and does not include storage or repair work conducted outside of a building.

SMALL WIND ENERGY SYSTEMS	Equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This includes the base, blade, foundation, generator, nacelle, rotor, monopole, transformer, vane, wire, inverter, batteries or other component used in the system. The rotor may operate in a vertical or horizontal direction, system listed as UL 1741, comply with the approved International Building Code and noise ordinance in effect at the time, and shall have a capacity of 1 kW or less. Setbacks and height shall be as provided in Subchapter 4 of this Chapter.
SPECIAL EXCEPTION	See Subchapter 8
SPECIFIC USE PERMIT (SUP)	A permit issued under Subchapter 3 of this Chapter.
SQUARE FOOT DIMENSIONS	The area contained within a square when measured one foot (1') wide by one-foot (1') long.
STABLE, COMMERCIAL	A stable and related open pasture where horses are quartered for owners on a fee basis.
STREET	A public thoroughfare which affords a primary means of access to abutting property, including all land within the right-of-way thereof.
STREET, COLLECTOR	Refer to the Transportation Master Plan for the definition and classifications.
STREET, LOCAL	Refer to the Transportation Master Plan for the definition and classifications.
STREET, ARTERIAL	Refer to the Transportation Master Plan for the definition and classifications.

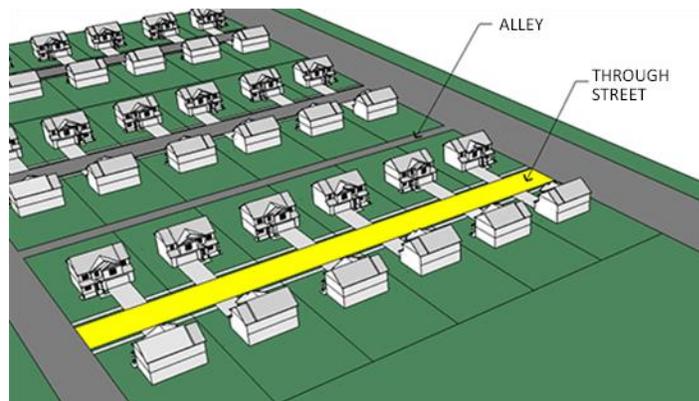
STREET, OFFSET

The separation of two streets on opposite sides of an intersecting Street as provided in the Engineering Design Manual.



STREET, THROUGH

A street which has two distinct points of ingress and egress from two generally opposing cardinal directions and which only terminates into another through street. An alley and cul-de-sac as commonly known or otherwise defined herein shall not be considered through streets.



STREETSCAPE YARD

A space designated within the street yard intended to enhance the pedestrian experience with improvements, including but not limited to, a sidewalk, street trees, pedestrian scale lighting, signage, and furniture.

STRUCTURE

Buildings as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring Construction or erection on the ground.

STRUCTURE, ACCESSORY	A structure or building which is subordinate and secondary to a principal structure, is located on the same lot, contributes to the comfort, convenience, and necessity of the occupants of the principal structure, and may be construed as temporary or permanent.
STRUCTURED PARKING	Refer to Parking Structure.
STRUCTURE, PRINCIPAL	The primary or main building on a Lot which is occupied by the primary use.
STOP WORK ORDER	An order issued by the City of Pflugerville to the owner to cease and desist with work being performed on a site.
STUCCO	Exterior cement plaster, applied in accordance with the requirements of the International Building Code, as amended and adopted by the City.
SUBDIVIDER	The owner, applicant, developer, or a duly authorized agent of the owner of record of the land intended for subdivision.
SUBDIVISION	The division of any lot, tract, or parcel of land with the City's corporate limits or its Extraterritorial Jurisdiction into two or more parts for the purpose of development, or for the purpose of laying out any lots or sites, or for the purpose of laying out any lots, Streets, Alleys, access easements, drainage easements, public utility easements, Parks, or other land intended for public use or for the use of any purchaser, owner, occupant or tenant of a lot or site fronting thereon or adjacent thereto, or of the use and benefit of any Person being served thereby or having the use or benefit thereof. Subdivision includes a replat and the development of a condo regime or manufactured housing park. Subdivision does not include a division of land specifically excluded from the definition under applicable state laws.
SWIMMING POOL, PRIVATE	A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multi-family subdivision and located, fenced and built in accordance with all applicable standards. A private swimming pool is not operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.
SWIMMING POOL, PUBLIC	A swimming pool constructed for use by the general public, including those operated as a business and those constructed and maintained by the City or county.

T.A.S.	Texas Accessibility Standards
TATTOO SHOP	Refer to Body Art Shop.
THEATER	An establishment charging admission to the general public for the privilege of observing a live, televised, or motion picture performance indoors.
TOTAL CONSTRUCTION COST	The direct cost to the applicant of all construction contracts for the subdivision, items of construction, including labor, materials, and equipment necessary to complete all work for final acceptance by the City.
TOWNHOME/TOWNHOUSE	A dwelling unit, generally having two or more floors, which is joined to a similar dwelling unit on one or more sides by a common party wall or abutting separate wall, and which is designed for occupancy by not more than one family. A Townhouse may be known as a row house or single family attached unit. For purposes of clarifying different product types, a Townhome shall be considered a dwelling unit that is “for sale” vs. “for rent”.
TRANSIT FACILITY	Any structure or use that is primarily used, as part of a transportation system, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.
TREE	A woody plant usually having one well defined stem or trunk and a more or less definitely formed crown, and usually attaining a mature height of at least twelve (12) feet.
TREE, LARGE	A tree species listed in the Approved Tree List in Subchapter 11 as having a mature height of 40 feet or more. (Type A Tree)
TREE, MEDIUM	A tree species listed in the Approved Tree List in Subchapter 11 as having a mature height of 25-40 feet. (Type B Tree)
TREE CANOPY	The horizontal extension of a tree’s branches in all directions from its trunk.
TREE LINE	Three or more Protected Trees situated with reference to one another as to appear to be in a line or following a fence line.

TREE PROTECTION PLAN	A plan identifying the proposed methods of protecting trees during construction that may include protection details, standards, notes, and construction plans as determined by the administrator in accordance with Section 2.3 of the Tree Technical Manual.
TREE REMOVAL	An act that causes or may be reasonably expected to cause a tree to die, including, but not limited to, damage inflicted upon the root system by: (i) machinery, (ii) storage of materials, (iii) soil compaction, (iv) substantially changing the natural grade above the root system or around the trunk, (v) excessive pruning, or (vi) placing an Impervious Cover over more than 50% of the area within the Dripline.
TREE REPLACEMENT PLAN	A plan showing the proposed type and location of replacement trees on site and shall include an irrigation plan (if applicable) for the proposed replacement trees. The plan may be included within the proposed landscape plan if proposed replacement trees are located on site of proposed Development.
TREE, SMALL	A tree species listed in the Approved Tree List in Subchapter 11 as having a mature height of 8-25 feet. (Type C Tree)
TREE SURVEY	A drawing of the proposed preliminary plan or site plan showing the size, location, species, tree numbers (tags), Critical Root Zone of all existing Protected Trees and Significant Stands of Trees, any Protected Tree proposed for removal or transplant, a table summarizing all Protected Trees and the total number of caliper inches of Protected Trees, in accordance with generally accepted methods such as those provided in Section 1 of the Tree Technical Manual. Tree Surveys shall be prepared by a certified arborist, registered landscape architect or registered professional land surveyor.
TREE TECHNICAL MANUAL	A manual approved by City Council that includes standards and specifications based on generally accepted arboricultural practices, techniques and procedures which shall serve as guidelines for trees, including but not limited to tree selection, planting, pruning, alteration, soil standards, treatment, protection, and removal..
TRUCK/TRAILER RENTAL	A facility offering commercial trucks, light duty fleet vehicles, and/or trailers for rental purposes to the general public.
TRUCK / BUS / LARGE VEHICLE REPAIR	A facility that provides all types of repair, maintenance and reconditioning of trucks, buses, RVs, and other large vehicles.

TRUCK SALES, HEAVY TRUCKS	A facility offering sales services for commercial trucks, including tractor and trailer units, to the general public. This definition does not include sales of consumer automobiles or trucks, or light duty fleet vehicles such as small trucks and vans.
TRUCK TERMINAL	A building or area in which freight brought by motor truck is assembled and/or stored for shipping in interstate and intrastate commerce by motor truck. A motor freight terminal is a truck terminal.
TXDOT	Texas Department of Transportation
UNDERGROUD PARKING	Parking located below grade within a building.
UNIFIED DEVELOPMENT CODE	This Chapter 157 of the Code of Ordinances of the City of Pflugerville.
USE, ACCESSORY	A use that is clearly incidental and secondary to the primary use and that is under the same ownership as and located upon the same lot as the primary use, and which does not change the character thereof.
USE, ADJACENT	A use that exists immediately next to another use.
USE, PRIMARY (USE)	The purpose or activity for which the land or building thereon is designed, arranged, oriented, or for which it is occupied or maintained, and will include any manner of such activity with respect to the standards of a zoning ordinance.
USE, TEMPORARY	A use that is established for a fixed, often short-term, period of time with the intent to discontinue the use upon the expiration of the time.
UTILITIES	A structure or facility used by a public, semi-public, or private utility agency to store, distribute, or provide a utility service such water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel or gas pipelines, telephone lines, roads, cable telephone line, fiber optic cable, storm water systems and drainage ways, and railroads or other utilities. The definition does not include Wireless Telecommunication Facilities.

VARIANCE	means permission given by the Board of Adjustment to use property in a manner that would be otherwise prohibited within the zoning district where the property is located; and is only proper in specific cases where the Board of Adjustment makes findings, as required elsewhere in this code, that in essence constitute a determination that a literal or rigid interpretation of the zoning ordinance would cause unreasonable and unnecessary hardship.
VEGETATIVE SCREENING STRUCTURE	A welded wire trellising system with the ability to combine distinctive trellis panels in order to create a multi-dimensional structural frame that can support the healthy growth of vines. The wire trellis system may not include chain-link fencing material. Vines may either be deciduous or evergreen, except for screening requirements established by Subchapter 11, in which case all Plant Material shall be evergreen and planted every four (4') feet along the base of the structure.
VEHICULAR SALES AND RENTAL, RECREATIONAL	<p>A business establishment for the sale and rental of bulky recreational vehicles, including but not limited to, RVs, jet skis, boats, campers, or other similar vehicles, which may be stored and displayed outdoors. This definition does not include Truck and Trailer Rental.</p> <p>Any other similar establishment, in which all business operations including storage and display or merchandise are wholly enclosed within the principle building, may be classified under Retail Sales and Service.</p>
VEHICULAR USE AREA	That part of the lot utilized by motor vehicles for stopping, idling, and parking, including but not limited to parking areas (whether striped for spaces or not), loading areas, and drive-through lanes.
VICINITY MAP	A drawing located on a Site Plan, preliminary plan and final plat which illustrates the relationship of the proposed subdivision or site plan to the established street systems, other nearby developments, landmarks or community facilities for the purpose of locating and orienting the area under consideration.
VETERINARIAN CLINIC	A facility where a licensed veterinarian maintains treatment facilities for the boarding and medical or surgical treatment of diseased or injured animals such as dogs, cats or other domesticated animals.

WAIVER	Waiver means a total or partial exemption from a specific requirement of this Code when such waiver is authorized by a provision of this Code, requested by an applicant and determined by the Administrator or the Administrator's designee, warranted pursuant to the Code provision authorizing a grant of waiver.
WAIVER, ARCHITECTURAL	A specific type of waiver that either the Administrator or the Planning and Zoning Commission has authority and discretion that allows architectural design standards within the Unified Development Code to be altered, reduced or otherwise changed.
WALL	An upright structure forming an exterior surface of a building, an interior partition to separate spaces, or as a standing barrier around space for screening or security purposes. This definition does not include fence structures.
WATERWAY	Any open channel which carries surface water drainage at a rate of over five (5) cubic feet per second in a twenty-five (25) year frequency storm event.
WINE BAR	A bar or restaurant that offers wine as the primary selection of drinks, instead of beer or liquors. Patrons are often allowed to taste the wine before purchasing. The wine may be produced onsite for sale in the bar and restaurant. Where allowed by law, wine bars may sell wine "to go" and/or distribute to offsite accounts.
WINERY, MICRO	Agricultural processing facilities used to produce 10,000 cases of wine or less per year. The processing activities may include, but are not limited to, wholesale sales, crushing, fermenting, blending, aging, storing, bottling, and administrative office functions. Facilities may include space for retail sales, wine tasting, indoor event rooms and a small outdoor picnic area as part of the operations.
WINERY, REGIONAL	Agricultural processing facilities used to produce more than 10,000 cases of wine per year. The processing activities may include, but are not limited to, wholesale sales, crushing, fermenting, blending, aging, storing, bottling, and administrative office functions.
WING WALL	For the purposes of screening service courts or other types of required screening prescribed in this Chapter, a wing wall is self-supporting structure or architecturally integrated into the principal structure with the use of masonry consistent with the primary masonry materials utilized on the principle structure.

WIRELESS
TELECOMMUNICATION
FACILITY (WTF)

An unstaffed facility composed of one or more of the following components: antenna, equipment enclosure, security barrier, and/or communication tower. The facility is used for the transmission and reception of radio, microwave, or electromagnetic signals used for commercial communication by a wireless communication service provider.

WIRELESS
TELECOMMUNICATION
FACILITY (WTF),
ATTACHED

A wireless telecommunication facility (WTF) that is attached to a monopole, self-enclosed monopole, building or other permanent structure.

WIRELESS
TELECOMMUNICATION
FACILITY (WTF),
MONOPOLE

A wireless telecommunication facility constructed as a freestanding structure which consists of a single vertical pole, fixed into the ground and/or attached to a foundation with no guy wires, containing one or more externally mounted antennas and associated ground based equipment and supporting utilities.

WORK

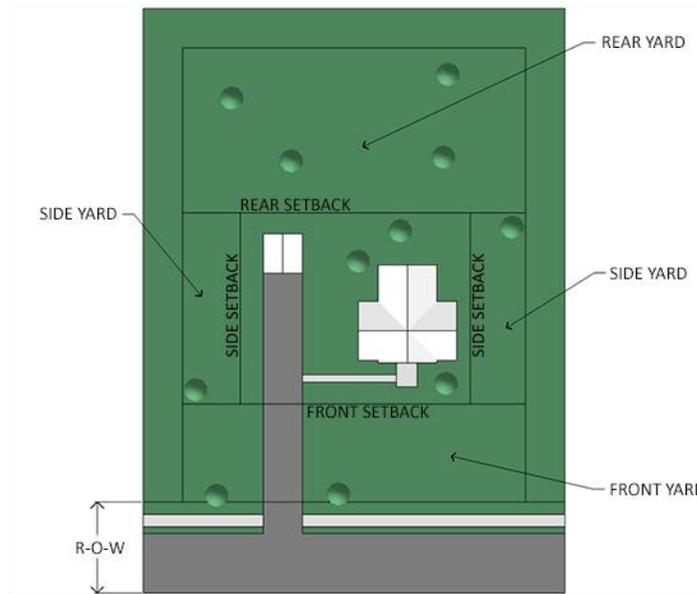
For purposes of retaining valid construction plans, work shall mean disturbance of existing topography and ground cover with machinery and workforce labor such as clearing, grubbing, grading, utility or drainage infrastructure installation, and tree removal. The installation of erosion control measures beyond silt fence does not constitute work for the purposes of this definition.

WRECKER / TOWING
SERVICES

An establishment engaged in the temporary outdoor storage of vehicles that have been towed, carried, hauled, or pushed from public or private property for impoundment licensed by the State of Texas; but does not include long-term vehicle storage or salvage yard operations. In the context of Wrecker/Towing Services temporary outdoor storage means storage of a motor vehicle not more than 60 days, unless a longer period is required by the Texas Occupation Code Ch. 2303, Subchapter D, as amended or re-codified, for the disposition of a temporary stored vehicle.

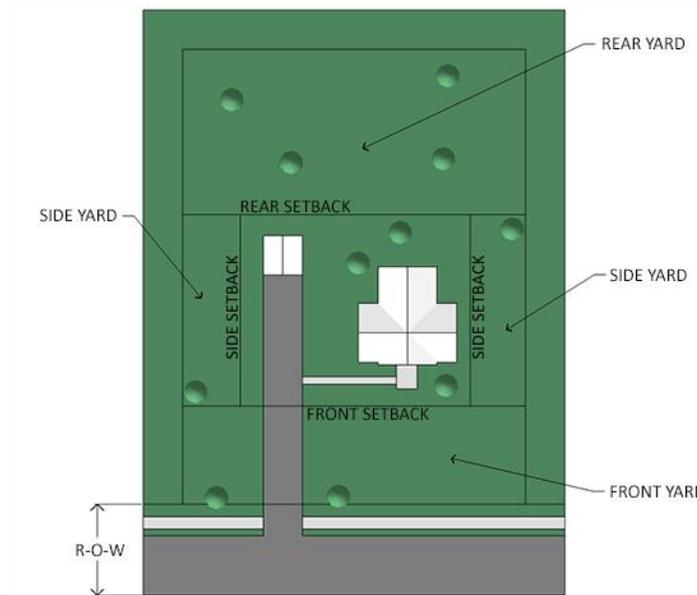
YARD, REAR

The area of a site formed by a line parallel to a rear site lot line, extending across the dimension of a site between the side site boundaries.



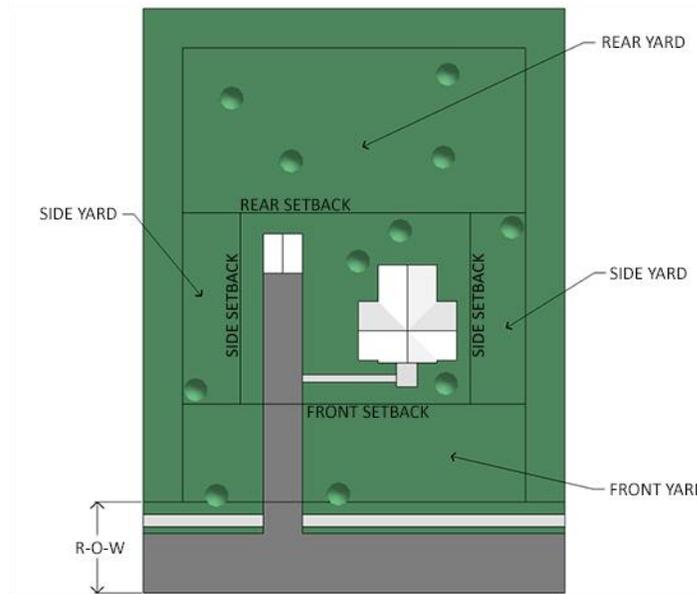
YARD, SIDE

The area of a site formed by a line parallel to a side lot line, extending across the dimension of a site between the front and Rear Yards.



YARD, STREET/FRONT

The area of a site formed by a line parallel to a Street Line, extending across the dimension of a site that is adjacent to a street between the side site boundaries.



ZONING DISTRICT MAP OF THE CITY

The official zoning map of the City to be filed with the City Secretary.