



**“A GREAT PLACE TO LIVE”**

**AGENDA  
PLANNING AND ZONING COMMISSION  
MONDAY, JULY 11, 2016  
CITY HALL COUNCIL CHAMBER, 7105 WHITLEY ROAD  
REGULAR MEETING  
6:00 P.M.**

**CALL TO ORDER**

**INVOCATION**

**APPROVAL OF MINUTES**

1. Minutes of the regular meeting of June 7, 2016.

**PUBLIC HEARING**

1. **Planning and Zoning Case 16-08:** Amending the Zoning Ordinance, Chapter 115, City of Watauga Code of Ordinances, Section 115-117-Landscape Regulations, (b) Landscaping standards for one- and two-family dwellings, (2) Right-of-way, a., 2, permitting landowners to plant shrubbery, trees, or ornamental trees in the public right-of-way.

**NEW BUSINESS**

1. **Consideration and Action on Planning and Zoning Case 16-08:** Amending the Zoning Ordinance, Chapter 115, City of Watauga Code of Ordinances, Section 115-117-Landscape Regulations, (b) Landscaping standards for one- and two-family dwellings, (2) Right-of-way, a., 2, permitting landowners to plant shrubbery, trees, or ornamental trees in the public right-of-way.

**ADJOURNMENT**

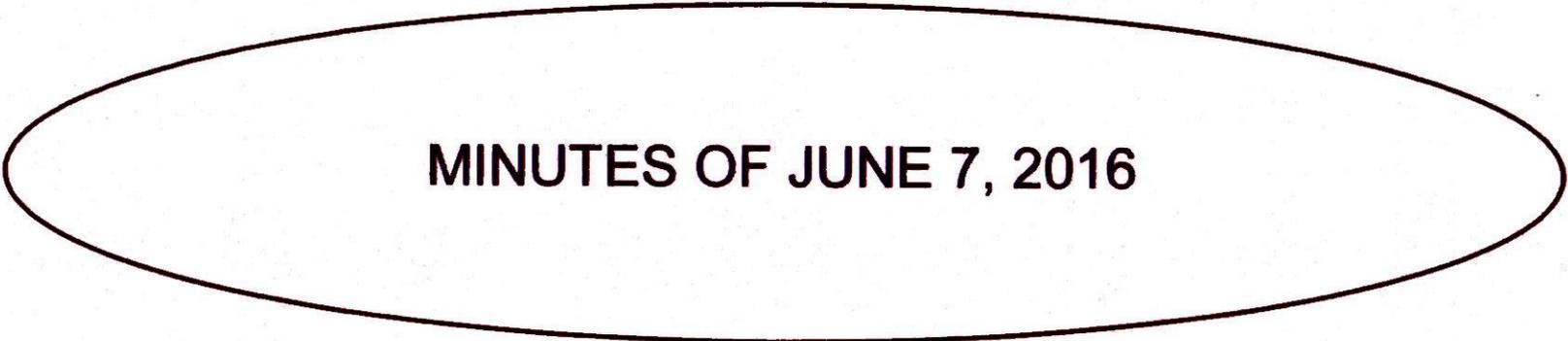
**NOTICE**

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (817) 514-5825, OR FAX (817) 514-3625 FOR FURTHER INFORMATION.

I, Zolaina R. Parker, City Secretary for the City of Watauga, Texas, do hereby certify that this agenda was posted on the official bulletin board at City Hall, 7105 Whitley Road, Watauga, Texas, on Tuesday, July 5, 2016 before 6:00 p.m., in accordance with Chapter 551 of the Texas Government Code.

  
~~Zolaina R. Parker, City Secretary~~





**MINUTES OF JUNE 7, 2016**



“A GREAT PLACE TO LIVE”

**MINUTES  
PLANNING AND ZONING COMMISSION  
TUESDAY, JUNE 7, 2016  
CITY HALL COUNCIL CHAMBER, 7105 WHITLEY ROAD  
REGULAR MEETING  
6:00 P.M.**

Larry Clark	Chairman
Brad Hearne	Vice-Chairman
William Boese	Member
Kay Ivey	Member
Cristy McCauley	Member
Ron Holland	Member

And

Jacquelyn Reyff, AICP	Planning & Development Manager
Patricia Rodriguez	Planning & Development Specialist
Denise Wilkinson	Economic Development Coordinator

With

Secretary Sergio Molina was absent with notice.

### **CALL TO ORDER**

Chairman Clark called the meeting to order at 6:00 p.m.

### **INVOCATION**

Mr. Hearne gave the invocation.

### **APPROVAL OF MINUTES**

1. Minutes of regular meeting of April 5, 2016

Ms. McCauley made a motion to approve the minutes of the meeting of April 5, 2016 as written. Ms. Ivey seconded the motion with all members present voting aye.

### **PUBLIC HEARING**

**Planning and Zoning Case 16-04** Request for a zoning change from LB-Local Business to GB-General Business; and a Specific Use Permit (SUP) for Take 5 Oil Change, a proposed Auto, repair garage (light maintenance-oil change) at 7060 Denton Highway, legally described as Lot 1, Block 1, Westward Village Shopping Center Addition, located on the southeast corner of Denton Highway and Hightower Drive. Kimberly Banks, VRE Denton, LLC, owner. Take 5 Oil Change, LLC, applicant.

Chairman Clark opened the public hearing at 6:02 p.m.

Ms. Reyff, Planning and Development Manager, explained the application and the staff report.

Scott Stone, American Engineering Associates; Henry Robert, Take 5 Oil Change; and Tim Donovan; VRE Denton, LLC, each gave a presentation of the proposal and were available to answer questions.

Tony Dalton, Tony's Express Wash & Lube; Jordan Moseley, America's Automotive; and Jim Moseley, Kwik Kar Lube Center spoke in opposition to the proposed Take 5 Oil Change.

No other public comment was received.

**Planning and Zoning Case 16-07** Request for a Specific Use Permit (SUP) for El Pollo Loco, a proposed Restaurant with drive-thru at 7900 Denton Highway, legally described as Lot 1, Block 2, Northpark Village Addition, located on the northeast corner of Denton Highway and North Park Drive. The property is zoned GB-General Business. Sultan Shamim and Sultan Manzurul, owners. Vaquero Ventures, applicant.

Ms. Reyff, Planning and Development Manager, explained the application and staff report.

Kevin Mattson, Vaquero Ventures gave a presentation of the proposal and was available to answer questions.

No public comment was received.

Chairman Clark closed the public hearings at 6:40 p.m.

## **NEW BUSINESS**

- 1. Consideration and action on Planning and Zoning Case 16-04:** Request for a zoning change from LB-Local Business to GB-General Business; and a Specific Use Permit (SUP) for Take 5 Oil Change, a proposed Auto, repair garage (light maintenance-oil change) at 7060 Denton Highway, legally described as Lot 1, Block 1, Westward Village Shopping Center Addition, located on the southeast corner of Denton Highway and Hightower Drive. Kimberly Banks, VRE Denton, LLC, owner, Take 5 Oil Change, LLC, applicant.

After discussion, Mr. Holland motioned to recommend denial of Planning & Zoning Case 16-04 for a zoning change and SUP for Take 5 Oil Change, a proposed Auto, repair garage (light maintenance-oil change) at 7060 Denton Highway. Mr. Hearne seconded, and the motion carried with the following vote:

AYES: Hearne, Ivey, Holland, Boese,  
NAYS: McCauley  
ABSENT: Molina  
ABSTAIN: Clark

- 2. Consideration and action on Planning and Zoning Case 16-07:** Request for a Specific Use Permit (SUP) for El Pollo Loco, a proposed Restaurant with drive-thru at 7900 Denton Highway, legally described as Lot 1, Block 2, Northpark Village Addition, located on the northeast corner of Denton Highway and North Park Drive. The property is zoned GB-General Business. Sultan Shamim and Sultan Manzurul, owners. Vaquero Ventures, applicant.

After discussion, Ms. Ivy motioned to recommend approval of Planning & Zoning Case 16-07 for El Pollo Loco, a proposed Restaurant with drive-thru at 7900 Denton Highway. Mr. Holland seconded, and the motion carried with the following vote:

AYES: Hearne, Ivey, Holland, Boese, McCauley  
NAYS: None  
ABSENT: Molina  
ABSTAIN: Clark

- 3. Training Session for Planning and Zoning Commission Members regarding ethics and Special Zoning Districts.**

Ms. Reyff introduced Ann Bagley, FAICP, with Bagley Associates. Ms. Bagley briefed the Commission about ethics and Special Zoning Districts.

## **ADJOURNMENT**

With there being no further business to discuss, Chairman Clark adjourned the meeting at 7:49 p.m.

**APPROVED:** this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**SIGNED:** this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**APPROVED:** \_\_\_\_\_  
Larry Clark, Chairperson

**ATTEST:** \_\_\_\_\_  
Sergio Molina, Secretary



**NOTICE OF PUBLIC HEARING**



## NOTICE OF PUBLIC HEARING

Notice is hereby given of a Public Hearing of the Planning and Zoning Commission of the City of Watauga to be held in the City of Watauga Council Chamber located at 7105 Whitley Road, on Monday, July 11, 2016 at 6:00 p.m.

**Planning and Zoning Case 16-08:** Amending the Zoning Ordinance, Chapter 115, City of Watauga Code of Ordinances, Section 115-117-Landscape Regulations, (b) Landscaping standards for one- and two-family dwellings, (2) Right-of-way, a., 2, permitting landowners to plant shrubbery, trees, or ornamental trees in the public right-of-way.

Published on Friday, June 24, 2016, in the Star Telegram, Legal Notices Section.

I, Zolaina R. Parker, City Secretary for the City of Watauga, Texas, hereby certify that this notice was posted on the official bulletin board at City Hall, 7105 Whitley Road, Watauga, Texas, on Thursday, June 23, 2016 before 6:00 p.m., in accordance with Chapter 551 of the Texas Government Code.

  
Zolaina R. Parker, City Secretary





**NEW BUSINESS 1**

Please submit this to the agenda for Council Meeting, June 20, 2016

## New Business

Discussion and action on eliminating from Chapter 14, Article 14.05.004, b2, number 2 and part of number 3 as it contradicts the Development Strategy adopted April 25, 2016.

Robert Davis, Council Member Place 7

In (2 RIGHT OF WAY) number 2 would be eliminated.

~~Landowners are prohibited from planting shrubbery, trees, or ornamental trees in publicly owned right of way areas. This prohibition shall not apply to shrubbery, trees and ornamental trees already in place in the public right of way prior to the passage of this chapter. This prohibition shall also not apply to permanent structures authorized by the zoning ordinance or to traffic control, signs and signals, street signs, or utility poles placed within the right of way area by duly authorized personnel.~~

In number 3, line 1 thru 6, the following words will be eliminated:

~~already in place in the public right of way areas prior to the passage of this chapter, it shall be unlawful to maintain, or permit or cause to be maintained any tree, shrub, or plant within any right of way area, including~~

## Development Strategy

### Examples:

See pages iii Chapter 213, P iv Community and Neighborhood. P v. Land Use and Economic Development. P 67. Picture. P 88. Picture, and P 99. illustrations.

## Sec. 115-117. - Landscape regulations.

(a) *Purpose.* The purpose and intent of this section is as follows:

- (1) *Stabilizing ecological balance.* To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge, and stormwater runoff retardation, while at the same time aiding in noise, glare and heat abatement.
- (2) *Retention of native vegetation.* To ensure that the local stock of native trees and vegetation is retained and replenished.
- (3) *Adequate light and air.* To assist in providing adequate light and air and in preventing overcrowding of land.
- (4) *Visual buffering.* To provide visual buffering and enhance the beautification of the city.

(b) *Landscaping standards for one- and two-family dwellings.*

- (1) All one- and two-family dwellings shall have installed not less than 14 locally adapted shrubs and two two-inch caliper locally adaptable large trees to be located within the front yard. All lawns shall be hydromulched or block sodded covering 100 percent of the front and side yards. Such required landscaping shall be in a thriving condition at the time of final inspection of the main structure.

(2) *Right-of-way.*

## a. Landowners are encouraged to install and maintain turf grass native to the North Texas region in non-paved publicly owned street right-of-ways abutting their land; provided, however:

1. Removal of landscaping. The city may at any time remove or require the landowner to remove any landscaping located within any right-of-way or public easement for the purpose of public safety, access to utilities and to perform any public improvements within said right-of-way or public easement.
2. Landowners are prohibited from planting shrubbery, trees, or ornamental trees in publicly owned right-of-way areas. This prohibition shall not apply to shrubbery, trees and ornamental trees already in place in the public right-of-way prior to the passage of this chapter. This prohibition shall also not apply to permanent structures authorized by the zoning ordinance or to traffic-control, signs and signals, street signs, or utility poles placed within the right-of-way area by duly authorized personnel.
3. In connection with shrubbery, trees, or ornamental trees already in place in the public right-of-way areas prior to the passage of this chapter, it shall be unlawful to maintain, or permit or cause to be maintained any tree, shrub, or plant within any right-of-way area, including within the intersection visibility triangle, which would interfere with the vehicular traffic on any adjacent or any intersecting street, obscure the view of persons lawfully operating motor vehicles on any adjacent or intersecting streets or interfere with or obstruct the accessibility or passage by pedestrians on public sidewalks. Tree limbs or branches on trees or ornamental trees (regardless of whether such existed in the public right-of-way prior to the passage of this chapter) shall be no less than 14 feet in height above any portion of a street, or eight feet in height above any portion of a sidewalk so as not to interfere with the free passage of vehicles, obscure the view of motor vehicle operators, interfere with or obstruct the ability to view any traffic-control device or street sign, cause or create a traffic hazard, interfere with or obstruct the accessibility or passage of pedestrians on public sidewalks.
4. For purposes of this section, the term "intersection visibility triangle" means a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two property lines 25 feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersection of the curblines.

(c) *Landscaping standards for buildings and structures other than one- or two-family dwellings.*

- (1) *Area required.* On all lots, not less than 15 percent of the area of the front and side yards visible from an adjacent street shall be landscaped area. All of the required landscaped areas shall be located in the front and side yards visible from an adjacent street and parking lots.
- (2) *Trees required.* At least one large tree of at least three inches in diameter and 12 feet in initial height shall be provided as follows:
  - a. *Street yards less than 10,000 square feet.* In front and side yards visible from the adjacent street totaling less than 10,000 square feet, one tree per 1,000 square feet, or fraction thereof, of the street yard.
  - b. *Street yards more than 10,000 square feet.* In front and side yards visible from adjacent street totaling more than 10,000 square feet, ten trees plus one per 2,000 square feet, or fraction thereof, of the street yard.

c.

*Credit for existing trees.* An existing or planted tree of at least six inches in diameter and at least 15 feet in height shall be considered as two trees for purposes of satisfying this requirement. All newly planted trees shall be planted in permeable areas of not less than three feet in diameter.

- d. *Ornamental trees.* In lieu of one large tree, two small or ornamental trees (as listed on the plant list contained herein) may be used. Said small trees shall be a minimum of six feet in height at the time of planting. Not more than 50 percent of the required large trees may be substituted by installing ornamental trees at a rate of two ornamental trees to one large tree.
  - e. *Right-of-way.* No trees shall be planted in the right-of-way.
- (3) *Shrubbery required.* Not less than one shrub shall be required for every 50 square feet of the area required to be landscaped. Placement of such shrubbery shall be taken into consideration as to the plant at full maturity, and be located in the right-of-way or so as not to conflict with vehicular or pedestrian traffic visibility.
  - (4) *Groundcover required.* Not less than ten percent or more than 40 percent of the landscape shall be maintained in groundcover. The remaining landscaped area shall be maintained in lawn grasses and mulch used around bedding plants, shrubs and trees. All groundcover areas shall be kept clear of weeds and undergrowth.
  - (5) *Parking lots and vehicular use areas.* A minimum amount of the total area of all vehicular use areas shall be devoted to landscaped islands, peninsulas, or medians.
    - a. *Street and yard area.* The minimum total area in such islands, peninsulas, and medians in the street yard shall be 90 square feet for each 12 parking spaces. Landscape islands, peninsulas, and medians located in the street yard may be included in calculating the minimum required landscape in the street yard.
    - b. *Non-street yard area.* The minimum total area in such islands, peninsulas, and medians in the non-street yard shall be 60 square feet for each 12 parking spaces.
    - c. *Distribution of islands, medians and peninsulas.* The number, size, and shape of islands, peninsulas, and medians, in both street and non-street yards shall be at the discretion of the applicant. All required islands, peninsulas, and medians shall be more or less evenly distributed throughout such parking areas, respectively. However, the distribution and location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features so long as the total area requirements for landscaped islands, peninsulas and medians for the respective parking areas above is satisfied.
    - d. *Construction and landscaping of islands, medians, and peninsulas.* Whenever the design and construction of islands, medians, and peninsulas permits, the same shall be landscaped with grass, shrubbery, or groundcover, and construction of the same in solid concrete or blacktop should be avoided whenever possible.
  - (6) *Indiscriminate clearing prohibited.* The existing natural landscape character (especially native oak, elm, and pecan trees) shall be preserved to the extent reasonable and feasible. In an area of the street yard containing a stand of trees, the applicant shall use his best good faith efforts to preserve such trees. In determining compliance with this subsection, the director of public works shall consider topographical constraints on design, drainage, access and egress, utilities, and other factors reasonably related to the health, safety, and welfare of the public which necessitated disturbance of the existing natural character, the nature and quality of the landscaping installed to replace it, and such other factors as may be relevant and proper. Indiscriminate clearing or stripping of the natural vegetation is prohibited.
  - (7) *Irrigation.* All required landscaping shall be irrigated by an underground irrigation system approved by the administrator.
  - (8) *Erosion control.* All impervious areas shall be maintained with groundcover and shrubbery in a manner to control erosion.
  - (9) *Protection.* All required landscaped areas which are adjacent to the pavement shall be protected with concrete curbs or equivalent barriers (such as railroad ties, continuous border plants, or hedgerows).
  - (10) *Obstruction prohibited.* It shall be unlawful to set out, maintain, or permit or cause to be set out or maintained any shrubbery, flowers, or plants within any right-of-way area or public easement area or the intersection visibility triangle, which exceeds two feet in height above curb level.
  - (11) *Maintenance.* All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaping areas shall be kept free of trash, litter, weeds, and other such materials or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant material which dies shall be replaced with plant material of similar variety and size.
  - (12) *Right-of-way.* Landowners are permitted to landscape non-paved publicly owned street right-of-way abutting their land; provided, however:
    - a.

Removal of landscaping. The city may remove or require the landowner to remove any landscaping located within any right-of-way or public easement for the purpose of public safety, access to utilities and to perform any public improvements within said right-of-way or public easement. Costs of replacement of landscaping, other than turf grass, removed or relocated by the city from or within the right-of-way or public easement, shall be borne by the property owner.

- b. Limbs or branches on trees or ornamental trees, regardless of whether such existed in the public right-of-way prior to the passage of this chapter, which encroach into or over a street or right-of-way shall be permitted in the following configuration on residential streets:

	Minimum Height Above Street
At curbline	8 feet
One foot out from curb	9.5 feet
Two feet out from curb	11 feet
Three feet out from curb	12.5 feet
Four feet out from curb	14 feet
Five feet out from curb	15.5 feet
Six feet out from curb	17 feet
Seven feet out from curb	18.5 feet
Eight feet out from curb	20 feet

- c. Limbs or branches on trees or ornamental trees, regardless of whether such existed in the public right-of-way prior to the passage of this chapter, which encroach into or over a collector or arterial street or right-of-way shall be maintained at a minimum height of 14 feet above the street.
- d. Notwithstanding the above, no tree or ornamental tree shall be permitted to extend over a street or public right-of-way in a manner that obstructs or interferes with the passage of vehicles used in rendition of law enforcement, emergency, medical, emergency fire or refuse services. It shall be the responsibility of the property owner to adhere to and comply with the above standards.
- e. Species of trees permitted in right-of-way or public easement. The following species of trees will be permitted to be planted, grown or maintained in the public right-of-way or public easement:

Crape Myrtle	Texas Ash	Sweetgum
Golden Rain Tree	Bur Oak	Lace Bark Elm
Yaupon	Shumard Oak	Durand Oak
Redbud	Live Oak	Chinese Pistache
Texas Red Oak	Cedar Elm	Mexican Plum

- f. Species of trees not permitted in right-of-way or public easement. The following species of trees cannot be planted in the public right-of-way or public easement:

Hackberry	Sycamore	Silver Maple
Mulberry	Siberian Elm	Mimosa
Arizona Ash	Cottonwood	Willow

Other species of trees shall be subject to variance application and approval of the city council.

- (13) *Parking lot lighting.* Landscaping provided in vehicular and pedestrian use areas shall be designed so that the maturing of the landscaping will not conflict with the lighting scheme.
- (14) *Recommended plants.* All plants used to satisfy this chapter shall be a species common or adaptable to this area of Texas. The following is a list of recommended plant material type. The applicant may propose plants other than those listed if the plant is appropriate for the intended use.

#### RECOMMENDED PLANTS

##### Large Trees

Common Name	Botanical Name	Comments	Evergreen	Height	Growth	Water
Afghan Pine	Pinus elderica	Fast growing, drought tolerant	No	25-50'	Rapid	Mod
Bald Cypress	Taxodium distichum	Likes wet feet, fall color	No	50+	Mod	Moist
Bradford Pear	Pyrus calleryan "Bradford"	Shiny foliage, disease resistant	No	25-50'	Mod	Mod
Bur Oak	Quercus macrocarpa	Nice branching shade tree	No	50+	Rapid	Mod
Cedar Elm	Ulmus crassifolia	Nice for shade	No	25-50'	Mod	Mod
Lacebark Elm	Ulmus pavifolia	Fast growth, disease resistant	No	25-50'	Rapid	Mod
Live Oak	Quercus virginiana	Long lived	Yes	25-50'	Slow	Dry
Pecan	Carya illinoesis	Texas state tree, great for shade	No	70'	Mod	Moist
Pistache	Pistachia chinensis	Fall color, rapid growth	No	25'	Rapid	Mod
Red Oak	Quercus shumardii	Red fall color, excellent shade	No	50+	Rapid	Mod
Southern	Magnolia	Large evergreen	Yes	60-70'	Mod	Moist

Magnolia	grandiflora					
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## Small Trees

Common Name	Botanical Name	Comments	Evergreen	Height	Growth	Water
Crepe Myrtle	Lagerstroemia indica	Summer blooms in many colors	No	<25'	Rapid	Mod
Japanese Black Pine	Pinus thunbergi	Evergreen ornamental	Yes	<25'	Mod	Mod
Mexican Plum	Plumus mexicana	Bright white flowers	No	<25'	Mod	Mod
Purpleleaf Plum	Prunus cerasifera	Purple foliage, flowers in spring	No	<25'	Rapid	Mod-dry
Redbud	Cercis canadensis	Pink flowers in spring	No	<25'	Mod	Mod
Yaupon Holly	Ilex vomitoria	Very hardy, great in small area	Yes	<25'	Rapid	Mod-dry

## Shrubs

Common Name	Botanical Name	Comments	Evergreen	Height	Growth	Water
Dwarf Burford Holly	Ilex cornuta "Burfordii nana"	Shiny green leaf	Yes	5'	Mod	Mod
Dwarf Chinese Holly	Ilex cornuta "Rotunda"	Low rounded growth, tough	Yes	3'	Slow	Mod
Dwarf Yaupon	Ilex vomitoria "Nana"	Dense rounded growth	Yes	3'	Slow	Mod
Flowering Quince	Chanomeles "Texas Scarlet"	Red flower, early spring	No	6'	Mod	Mod
Forsythia	Forsythia intermedia	Yellow flower in early spring	No	6'	Mod	Mod
Japanese Barberry	Berberis thunbergi	Thorns, red foliage	Yes	2-5'	Slow	Mod

Nandina	Nandina domestica	Red winter foliage	Yes	6'	Rapid	Mod
Pampas Grass	Cordateria selloana	Fall flower	Yes	6'	Rapid	Mod
Photinia	Photinia fraseri	Tall, red foliage spring/fall	Yes	15'	Rapid	Mod
Sea Green Juniper	Juniperus chinensis "Sea Green"	Arching growth	Yes	6'	Mod	Mod
Spiraca	Spiraca prunifolia	White flower, April- May	No	6'	Mod	Mod
Tam Juniper	Juniperus sabina "Tam"	Low growth, tolerates heat	Yes	5'	Mod	Dry
Texas Sage	Leucophyllum frutescens "Nana"	Gray foliage, blooms after rain	Yes	6'	Slow	Mod-dry

## Groundcovers

Common Name	Botanical Name	Comments	Evergreen	Height	Growth	Water
Asian Jasmine	Trachelospermum	Rapid spread	Yes	1.5'	Rapid	Mod
Euonymus coloratus	Euonymus fortunei "Coloratus"	Winter color	Yes	1.5'	Mod	Mod
Juniper species	Jun. horizontalis, procumbens	Tolerates heat/drought	Yes	1.5'	Slow	Mod
Mondo grass	Ophiopogon japonicus	Small dark leaves	Yes	8"	Rapid	Mod
Monkey grass	Liriope muscari	Hardy, blue flower	Yes	1.5'	Rapid	Mod
Vinca/periwinkle	Vinca minor	Shade, blue flowers	No	1.5'	Rapid	Mod

(d) *Approval procedures.*(1) *Landscape plan required.* A landscape plan shall be required containing the following information:

- a. Date, graphic scale, north arrow, title and name of applicant/owner.
- b. Location of existing boundary lines and dimensions of the tract.
- c. Approximate centerline of existing watercourses; location of significant drainage features; and the location and size of existing and proposed streets, alleys, utility and emergency access easements and sidewalks.
- d. Location, size, and type (tree, shrub, groundcover, or grass) of landscaping in proposed areas and location and size of proposed landscaped areas.

- e. Location and species of existing trees having trunks of six inches or larger in diameter and the approximate size of their crowns.
  - f. Information necessary for verifying the required minimum amount of landscaped area.
  - g. Plans for protecting retained existing trees from damage during construction.
  - h. Location and size of the proposed irrigation system.
- (2) *Professional requirement.* Landscape plans for projects which incorporate more than two acres of lot area shall be prepared and signed by a licensed professional landscape architect. All irrigation plans shall be prepared and signed by a licensed irrigator or other professional authorized by the state to design such system.
- (3) *Plan approval.* Landscaping and irrigation shall be installed in accordance with plans upon review and approval by the director of public works. Should the director of public works deny a landscaping scheme for noncompliance with the requirements, the applicant may, within seven days of the decision, appeal that decision to the board of adjustment. The board of adjustment shall be the final judge as to whether the proposed landscape plan complies with the intent of this chapter.
- (4) *Fee required.* An inspection fee in an amount set by city council resolution shall be collected by the director of public works at the time of application for a building permit.
- (5) *Fiscal arrangements.* If, at the time of an application for a certificate of occupancy, required landscaping is not yet in place for seasonal consideration, the applicant shall make fiscal arrangements (by bond, certificate of deposit or letter of credit) satisfactory to the city in the amount of \$2.00 per square foot of required landscaping not yet in place to ensure that such shall be installed. Any applicant making such fiscal arrangements shall also grant to the city a license to enter upon the land for the purpose of installing the required landscaping in the event that such landscaping is not installed by the applicant within nine months. Such fiscal arrangements shall be for a period of not less than 12 months.
- (e) *Screening requirements.*
- (1) *Applicability.* These regulations shall apply to all land within the city. Such screening regulations shall become applicable upon any change of use, ownership, occupancy or at such time as a building permit is applied for, except as otherwise specified by this chapter.
- (2) *Types of screening (in general).* Where required, screening fences and walls shall be erected to a height not less than six feet and provide a visual barrier from adjacent properties and streets. Such screening shall be permanently and adequately maintained by the owner of the property on which the screening is required. Except for the landscape buffer, no screening fence or wall shall have more than 40 square inches of openings over any one square foot of fence or wall surface. Only the following types of screening shall qualify as meeting the requirements of this chapter:
- a. *Landscaped buffer.* This type of screening shall consist of a landscaped strip of not less than five feet in width and shall include hedge-like shrubbery of evergreen planting materials capable of obtaining a minimum height of six feet within the first three years of initial planting. Such evergreen planting materials shall be planted at a minimum spacing of four feet on centers and be a minimum height of 2½ feet at initial planting. An automatic underground drip irrigation or sprinkler system shall be provided for all required landscaped buffer screens. Any landscaped buffer required by this chapter shall be maintained in a healthy thriving condition.
  - b. *Fencing regulations.*
    - 1. Fencing shall consist of wood panel, brick, rock, stone, wrought iron, fiberglass, vinyl, galvanized chain link, and wood composite material. The public works director may approve other materials provided the material is expressly designed for fence installation and is resistant to sunlight and moisture.
    - 2. Fences shall not exceed eight feet in height.
    - 3. Newly constructed fences, or existing fences being repaired or replaced, shall be constructed with minimum 13 gauge metal posts for vertical supports. Hollow metal posts shall be capped. Wrought iron posts that are three inches square by 12 gauge, 2½ inches square by 14 gauge, or 2½ inches square by 13 gauge may also be used. Posts shall be set in concrete at least two feet in the ground. Metal posts shall be filled with concrete two feet above ground for fences that are eight feet in height.
    - 4. Wood fences may be stained or have a clear sealer applied. Fiberglass, wrought iron, wood composite or vinyl fencing shall be a color compatible with the adjoining structures and shall be a subdued color to blend with surrounding neighborhood previously approved by the director of public works. When erected on residential property, painted wooden fences, fiberglass fences, or vinyl fences shall require the prior written approval of the director of public works to ensure compliance with city codes.
    - 5. Fencing shall have the finished side facing out, with the posts placed inside, when facing public property, when facing a public thoroughfare, or when accessible to public view.

6. When a screen fence is required by ordinance in an LB Local Business District, GB General Business District, or C Commercial District, a masonry wall may be used. Where required, screening fences and walls shall be erected to a height of not less than six feet and shall provide a visual barrier from adjacent properties and streets.
  7. No fence or enclosure shall extend closer to any street right-of-way than the building line in front, building line definition, being the front of the building or structure. On corner lots, the fence may not extend closer than 15 feet from the back of the curb.
  8. No fence or gate shall be allowed to open, or front a channel, from an entrance from or to a side or back yard.
  9. Fence gates shall not be constructed for access to a yard from a street without an approved drive approach.
  10. Where side or rear lot lines of newly constructed residential or commercial property coincide with an adjacent street, a minimum six-foot masonry fence or wall is required as described below.
  11. Masonry fences or walls shall be:
    - (i) Compatible in color with the adjoining structures and subdued in color to blend with the surrounding neighborhood;
    - (ii) Designed by an engineer licensed by the state; and
    - (iii) Properly engineered to withstand wind load, special load conditions and site drainage.
  12. All fences shall be maintained in a good condition by the property owner including compliance with the following standards:
    - (i) The fence must be free of damage, breaks or missing components or parts;
    - (ii) Fence posts and rails with evidence of significant rot or deterioration must be replaced to keep the fence safe and prevent catastrophic failure;
    - (iii) Fences, retaining walls, and decorative walls that lean more than 15 degrees from vertical, buckling, sagging or deteriorating must be repaired or replaced with materials and color similar to its original construction; and
    - (iv) Loose brick, stone, rock, mortar or similar materials on masonry walls and barriers shall be rebonded or similarly repaired.
- c. **Prohibited fencing.** Prohibited fencing includes, but is not limited to, plywood, corrugated metal, chicken wire, cardboard, barbed wire, or electrical fences.
- d. **Swimming pool, spa, and hot tub fences.** A six-foot permanent fence, wall, or bolted screen enclosure must be erected and maintained so as to completely enclose each swimming pool, spa, or hot tub. The fence, wall, or bolted screen enclosure must be constructed and equipped with a self-closing and latching gate, and equipped to accommodate a locking device that shall be located on the pool side of the gate, which must be locked when the swimming pool, spa, or hot tub is not in use. It shall be an affirmative defense to this section that a residential swimming pool has a power safety cover or that a spa or hot tub has a safety cover complying with ASTM F1346.
- e. **Fence permits.** It is unlawful for any person to construct, replace, or cause to be constructed or replaced, a fence that is over 30 inches in height without first obtaining a fence permit from the public works department. It is an affirmative defense to this section that the person is repairing or partially replacing a residential fence due to deterioration or damage and it is determined by the public works department that a permit is not required. Fence permit fees will be based on the cost of construction per table 1-A in [section 12-103](#).
- f. **Fence maintenance.** So as not to be detrimental to public health and safety, all fences shall be maintained by the property owner or lessee and shall be kept clean and free from all hazards including, but not limited to, faulty and loose fastenings, nails, missing panels, missing boards, fiberglass panels, or missing/damaged sections. The director of public works shall be vested with authority to extend the time necessary for fence repairs not to exceed a period of 90 days from the time that the need for repair occurs.
- g. **Ribbed metal panel frame.** A ribbed metal panel fence shall be suitably finished to blend with the primary structure and shall be erected on a structurally sound metal frame set in concrete. When a ribbed metal panel fence is required, a masonry wall described below may be used.
- h. **Masonry wall.** A masonry fence or wall shall be constructed with the finish side out and of any of the following materials: native stone, brick, precast concrete panels with decorative finish, or decorative masonry unit. In no case shall more than 25 percent of the area of the wall be erected with common smooth-faced masonry units.
- (3) **Screening required between uses and similar districts.** Screening between an incoming use and a less intensive zoning district shall be provided prior to occupancy of the incoming use. Uses not specifically listed shall comply with the screening requirements for the listed use it most closely resembles. Said screening shall comply with the following table:

MINIMUM SCREENING  
BETWEEN USES AND DISTRICTS INCOMING USE

	Single-Family Detached	Single-Family Attached	Duplex	Townhouse	Multifamily	Office Retail	Warehouse/Storage	Manufacturing Assembly
	SFD	SFA	DUP	TH	MF	COMM	WH	MFG
R-1	None	b	b	a & b	a & b	a & b	a & b	a & d
R-1A	None	None	b	b	a & b	a & b	a & b	a & d
R-2	None	None	None	b	a & b	a & b	a & b	a & d
R-3	None	None	None	None	b	a & b	a & b	a & d
C-1	None	None	None	None	None	None	c	c
C-2	None	None	None	None	None	None	c	c
C-3	None	None	None	None	None	None	c	c
M-1	None	None	None	None	None	None	None	c
M-2	None	None	None	None	None	None	None	None

(4) *Trash collection areas other than single-family or two-family uses.* No trash collection areas shall be located within the required front or street side yard or within ten feet of any property zoned for residential purposes. Trash collection areas shall be screened from adjacent properties and streets on a minimum of three sides with a screening fence meeting the standards of section 115-117(e), Screening fence. If the trash receptacle is to be a dumpster, it shall have wheel stops or bollards on all four sides to contain the dumpster and be located a minimum of 2½ feet inside the screening fence or wall. Said wheel stops shall be securely affixed to the pavement and shall be spaced to allow for drainage. A concrete pad shall be contained within the screened area and extend not less than 12 feet in front of the screen. Said concrete pad shall be not less than six inches thick and made of 3,000 psi concrete with number three rebar placed at 18 inches on center. Additionally, each screened area shall have constructed adjacent thereto a concrete approach ramp not less than six inches thick and made of 3,000 psi concrete with number three rebar placed at 12 inches on center.

(f) *Open storage and use areas.*

(1) *Applicability.* This landscape section shall apply to all land within the city upon the effective date. Planned development, specific use permits, or other plans approved by city council specifically authorizing outside sales, storage, or display shall be permitted in accordance with the provisions established at approval.

(2)

*Residential uses.* In all residential districts, no open outside accessory storage or display of materials, commodities, or machinery shall be permitted, other than that which is incidental to the primary use of the property as a residence. Incidental storage is permitted behind the main structure provided the area devoted to storage is not more than 60 percent of the required rear yard. Said area shall be kept neat and clean and free of all tall grass and weeds, and must be screened from all adjacent properties and streets with a landscape buffer or screening fence as set forth in the preceding subsection. No materials shall be stacked to a height greater than the visual screen. Materials shall not be stored in a manner which would attract or harbor vermin.

- (3) *Nonresidential uses.* Except as otherwise specifically authorized by this chapter, all outdoor sales, storage, and display areas shall be located behind building lines and shall be screened with a screening fence as set forth in the preceding subsection. Any outside storage or outside use area established after the effective date of this ordinance shall be screened by a fence as set forth in the previous section unless the screen is visible from a public street, in which case that portion of the screen visible to the street, shall be masonry. Openings for access to the outside storage or outside use area shall be equipped with gates capable of screening the activities and user from view when closed. Such gates shall not be designed to swing outward towards the street. In no case may any materials be stored above the highest point of the screening provided.

(Code 2001, § 14.504; Code 2010, § 14.05.004; Ord. No. 1534, § I, 11-18-2013; Ord. No. 1548, § I(Exh. A), 3-24-2014)

CITY OF WATAUGA, TEXAS  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS AMENDING CHAPTER 115, ARTICLE V, SECTION 115-117 OF THE CITY OF WATAUGA CODE OF ORDINANCES REGULATING LANDSCAPE; AMENDING SUBSECTION (b) PERTAINING TO ONE AND TWO FAMILY DWELLINGS TO ALLOW FOR THE PLANTING OF TREES, SHRUBS, GROUNDCOVER, OR ORNAMENTAL GRASSES WITHIN THE NON-PAVED RIGHT-A-WAY; PROVIDING REGULATIONS FOR PLANTS WITHIN THE RIGHT-OF-WAY; ADDING SUBSECTION (g) PROVIDING THAT A PERSON COMMITS AN OFFENSE UNDER SECTION 115-117 IF THE PERSON INTENTIONALLY, KNOWINGLY, OR RECKLESSLY FAILS TO COMPLY WITH ANY OF THE PROVISIONS OR REQUIREMENTS OF SECTION 115-117; MAKING THE OFFENSE PUNISHABLE BY FINE IN ACCORDANCE WITH SECTION 1-7 OF THE CITY OF WATAUGA CODE OF ORDINANCES; PROVIDING THAT ALL ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED TO THE EXTENT THAT THEY ARE IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Commission reviewed Planning and Zoning Case Number 16-\_\_\_\_; and

WHEREAS, the Planning and Zoning Commission recommended approval of Planning and Zoning Case Number 16-\_\_\_\_ to the City Council;

WHEREAS, the enforcement of the provisions relating to trees, shrubs, groundcover, and ornamental grasses in the non-paved right-a-way is necessary;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Watauga,

Texas as follows:

I.

Chapter 115, Article V, Section 115-117 of the City of Watauga Code of Ordinances regulating the landscaping for one and two family dwellings is hereby amended as set forth in Exhibit "A" and by adding subsection (g) below.

(g) Enforcement and penalties. Any person who intentionally, knowingly, or recklessly fails to comply with any of the provisions or requirements of this chapter shall be fined in accordance with the general penalty provision in section 1-7 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

II.

This Ordinance shall be and is hereby cumulative of all Ordinances of the City of Watauga, Texas, and this Ordinance shall not operate to repeal or affect any such other Ordinances except insofar as the provision thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event, such conflicting provisions, if any, in such Ordinance or Ordinances are hereby repealed.

III.

If any section, sub-section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

IV.

This Ordinance shall become effective and shall be in full force and effect from and after the date of passage and adoption by the City Council of the City of Watauga, Texas, and upon approval thereof by the Mayor of the City of Watauga, Texas, and publication hereof as prescribed by law.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas this \_\_\_\_\_ day of \_\_\_\_\_, 2016

**APPROVED:**

\_\_\_\_\_  
**Hector F. Garcia, Mayor**

**ATTEST:**

\_\_\_\_\_  
**ZOLAINA R. PARKER, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**MARK G. DANIEL, City Attorney**

(b) Landscaping standards for one- and two-family dwellings.

(1) All one- and two-family dwellings shall have installed not less than 14 locally adapted shrubs and two two-inch caliper locally adaptable large trees to be located within the front yard. All lawns shall be hydromulched or block sodded covering 100 percent of the front and side yards. Such required landscaping shall be in a thriving condition at the time of final inspection of the main structure.

(2) Right-of-way.

a. Landowners are encouraged to install and maintain turf grass native to the North Texas region in non-paved publicly owned street right-of-ways abutting their land; provided, however:

1. Removal of landscaping. The city may at any time remove or require the landowner to remove any landscaping located within any right-of-way or public easement for the purpose of public safety, access to utilities, and to perform any public improvements within said right-of-way or public easement. Costs associated with the replacement of landscape within the right-of-way or public easement, other than turf grass, which was removed by the City or on behalf of the City shall be borne by the property owner.
2. Landowners are permitted to plant trees, shrubs, groundcover, or ornamental grasses within the non-paved right-of-way.
3. Shrubs, groundcover, and ornamental grasses within the right-of-way shall not exceed 24" in height and shall not encroach on any paved street, drive, sidewalk, or other area designed for pedestrians or vehicles.
4. Trees within the right-of-way shall not have any limbs or branches at a height of less than 8' from the ground. Trees shall not have any limbs or branches at a height of less than 14' from the ground above any portion of the street.
5. In connection with shrubbery, trees, or ornamental trees in the public right-of-way, it shall be unlawful for any tree, shrub, or plant within any right-of-way area, including within the intersection visibility triangle, to interfere with the vehicular traffic on any adjacent or any intersecting street, obscure the view of persons lawfully operating motor vehicles on any adjacent or intersecting streets or interfere with or obstruct the accessibility or passage by pedestrians on public sidewalks. No tree, shrub, or ornamental grass shall interfere with the free passage of vehicles, obscure the view of motor vehicle operators, interfere with or obstruct the view of any traffic-control device or street sign, cause or create a traffic hazard, interfere with or obstruct the accessibility or passage of pedestrians on public sidewalks.
6. For purposes of this section, the term "intersection visibility triangle" means a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two property lines 25 feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersection of the curblines.
7. Species of trees permitted in right-of-way or public easement. The following species of trees will be permitted to be planted, grown or maintained in the public right-of-way or public easement:

Crape Myrtle	Texas Ash	Sweetgum
Golden Rain Tree	Bur Oak	Lace Bark Elm
Yaupon	Shumard Oak	Durand Oak

Redbud	Live Oak	Chinese Pistache
Texas Red Oak	Cedar Elm	Mexican Plum

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- (g) Enforcement and penalties. Any person who intentionally, knowingly, or recklessly fails to comply with any of the provisions or requirements of this chapter shall be fined in accordance with the general penalty provision in [section 1-7](#) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(b) Landscaping standards for one- and two-family dwellings.

- (1) All one- and two-family dwellings shall have installed not less than 14 locally adapted shrubs and two two-inch caliper locally adaptable large trees to be located within the front yard. All lawns shall be hydromulched or block sodded covering 100 percent of the front and side yards. Such required landscaping shall be in a thriving condition at the time of final inspection of the main structure.
- (2) Right-of-way.
  - a. Landowners are encouraged to install and maintain turf grass native to the North Texas region in non-paved publicly owned street right-of-ways abutting their land; provided, however:
    1. Removal of landscaping. The city may at any time remove or require the landowner to remove any landscaping located within any right-of-way or public easement for the purpose of public safety, access to utilities, and to perform any public improvements within said right-of-way or public easement. Costs associated with the replacement of landscape within the right-of-way or public easement, other than turf grass, which was removed by the City or on behalf of the City shall be borne by the property owner.
    2. Landowners are ~~prohibited from planting shrubbery, trees, or ornamental trees in publicly owned right-of-way areas. This prohibition shall not apply to shrubbery, trees and ornamental trees already in place in the public right-of-way prior to the passage of this chapter. This prohibition shall also not apply to permanent structures authorized by the zoning ordinance or to traffic control, signs and signals, street signs, or utility poles placed within the right-of-way area by duly authorized personnel.~~ permitted to plant trees, shrubs, groundcover, or ornamental grasses within the non-paved right-of-way.
    3. Shrubs, groundcover, and ornamental grasses within the right-of-way shall not exceed 24" in height and shall not encroach on any paved street, drive, sidewalk, or other area designed for pedestrians or vehicles.
    4. Trees within the right-of-way shall not have any limbs or branches at a height of less than 8' from the ground. Tree shall not have any limbs or branches at a height of less than 14' from the ground above any portion of the street or as otherwise provided in this Code.
    35. In connection with shrubbery, trees, or ornamental trees ~~already in place~~ in the public right-of-way ~~areas prior to the passage of this chapter~~, it shall be unlawful ~~to maintain, or permit or cause to be maintained~~ for any tree, shrub, or plant within any right-of-way area, including within the intersection visibility triangle, ~~which would~~ interfere with the vehicular traffic on any adjacent or any intersecting street, obscure the view of persons lawfully operating motor vehicles on any adjacent or intersecting streets or interfere with or obstruct the accessibility or passage by pedestrians on public sidewalks. ~~Tree limbs or branches on trees or ornamental trees (regardless of whether such existed in the public right-of-way prior to the passage of this chapter) shall be no less than 14 feet in height above any portion of a street, or eight feet in height above any portion of a sidewalk so as not to~~ No tree, shrub, or ornamental grass shall interfere with the free passage of vehicles, obscure the view of motor vehicle operators, interfere with or obstruct the ~~ability to view of~~ any traffic-control device or street sign, cause or create a traffic hazard, interfere with or obstruct the accessibility or passage of pedestrians on public sidewalks.
    46. For purposes of this section, the term "intersection visibility triangle" means a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two property lines 25 feet from the street corner intersection of the property

lines (or that point of intersection of the property lines extended) and intersection of the curblines.

7. Species of trees permitted in right-of-way or public easement. The following species of trees will be permitted to be planted, grown or maintained in the public right-of-way or public easement:

<u>Crape Myrtle</u>	<u>Texas Ash</u>	<u>Sweetgum</u>
<u>Golden Rain Tree</u>	<u>Bur Oak</u>	<u>Lace Bark Elm</u>
<u>Yaupon</u>	<u>Shumard Oak</u>	<u>Durand Oak</u>
<u>Redbud</u>	<u>Live Oak</u>	<u>Chinese Pistache</u>
<u>Texas Red Oak</u>	<u>Cedar Elm</u>	<u>Mexican Plum</u>

\*\*\*\*\*

(g) Enforcement and penalties. Any person who intentionally, knowingly, or recklessly fails to comply with any of the provisions or requirements of this chapter shall be fined in accordance with the general penalty provision in section 1-7 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.