



# PLANNING AND ZONING COMMISSION JUNE 11, 2024

June 11, 2024 at 5:30 PM

Wolfforth City Hall - 302 Main Street Wolfforth, TX

## AGENDA

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### CALL MEETING TO ORDER

### ROLL CALL AND ESTABLISH A QUORUM

### CITIZEN ENGAGEMENT

This is an opportunity for the public to address the Planning and Zoning Commission regarding an item on the agenda, except public hearings that are included on the agenda. Comments related to public hearings will be heard when the specific hearing begins. Citizen comments are limited to three (3) minutes per speaker, unless the speaker requires the assistance of a translator, in which case the speaker is limited to six (6) minutes, in accordance with applicable law. Each speaker shall approach the designated speaker location, complete the citizen engagement sign in sheet and state his/her name and city of residence before speaking. Speakers shall address the Planning and Zoning Commission with civility that is conducive to appropriate public discussion. Speakers can address only the Planning and Zoning Commission and not individual city officials or employees. The public cannot speak from the gallery but only from the designated speaker location.

### ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider and take appropriate action on minutes of the Planning and Zoning Commission meeting from May 14, 2024.
2. Consider and take appropriate action on discussion of new platting process.
3. Consider and take appropriate action on final plat for Harvest Phase 9 Lots 1114-1229 and 1233-1241.
4. Consider and take appropriate action on a discussion to create a new zoning use category.

### ADJOURN

In accordance with the Americans with Disability Act any person with a disability requiring reasonable accommodation to participate in this meeting should call the City Secretary at 806-855-4120 or send written request to P.O. Box 36 Wolfforth Texas 79382 at least 48 hours in advance of the meeting date.

Certification

I, the undersigned authority do hereby certify that the Notice of Meeting was posted at City Hall of the City of Wolfforth, Texas was posted on June 7, 2024 at 5:00 p.m.

/s/ Tara Tomlinson, Director of Development Services



# PLANNING AND ZONING COMMISSION MEETING MAY 14, 2024

May 14, 2024 at 5:30 PM

Wolfforth City Hall - 302 Main Street Wolfforth, TX

## MINUTES

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### CALL MEETING TO ORDER

Kyle Reeves called the meeting to order at 5:30.

### ROLL CALL AND ESTABLISH A QUORUM

### CITIZEN ENGAGEMENT

This is an opportunity for the public to address the Planning and Zoning Commission regarding an item on the agenda, except public hearings that are included on the agenda. Comments related to public hearings will be heard when the specific hearing begins. Citizen comments are limited to three (3) minutes per speaker, unless the speaker requires the assistance of a translator, in which case the speaker is limited to six (6) minutes, in accordance with applicable law. Each speaker shall approach the designated speaker location, complete the citizen engagement sign in sheet and state his/her name and city of residence before speaking. Speakers shall address the Planning and Zoning Commission with civility that is conducive to appropriate public discussion. Speakers can address only the Planning and Zoning Commission and not individual city officials or employees. The public cannot speak from the gallery but only from the designated speaker location.

No one participated in citizen engagement.

### ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider and take appropriate action on the minutes of the Planning and Zoning Commission meeting from April 9, 2024.

Motion made by Rebekah Peer, second by Russell Dabbs to approve the minutes from April 9, 2024. Motion carried unanimously.

2. Consider and take appropriate action on discussion of amendment to the Wolfforth Code of Ordinances, Article 14.04.018 Landscaping Standards.

Staff presented on changes to Landscaping Standards. After discussion, suggested revisions included:

\*Section (d) Irrigation- add the word "Only" before "non-aerial" in the second sentence.

\*Section (e) Plant material required- remove item (8)

- 3. PUBLIC HEARING: Consider and take appropriate action on an amendment to the Wolfforth Code of Ordinances, Article 14.04.018 Landscaping Standards.

Kyle Reeves opened the public hearing at 6:10 pm and after no comments were presented, closed the hearing at 6:10 pm.

- 4. Consider and take appropriate action on ordinance that will amend the Wolfforth Code of Ordinances, Article 14.04.018 Landscaping Standards.

Motion by Rebekah Peer, second by Russell Dabbs to recommend approval of Article 14.04.018 Landscaping Standards with revisions to City Council. Motion carried unanimously.

**ADJOURN**

Motion by Charlotte McDonald, second by Rebekah Peer to adjourn the meeting at 6:12 pm. Motion carried unanimously.

In accordance with the Americans with Disability Act any person with a disability requiring reasonable accommodation to participate in this meeting should call the City Secretary at 806-855-4120 or send written request to P.O. Box 36 Wolfforth Texas 79382 at least 48 hours in advance of the meeting date.

**Certification**

I, the undersigned authority do hereby certify that the Notice of Meeting was posted at City Hall of the City of Wolfforth, Texas was posted on May 10, 2024 at 5:00 p.m.

\_\_\_\_\_  
Kyle Reeves, Chair of Planning and Zoning Board

**ATTEST:**

\_\_\_\_\_  
Tara Tomlinson, Director of Development Services



## AGENDA ITEM COMMENTARY

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<b>MEETING NAME:</b>	Planning and Zoning Commission
<b>MEETING DATE:</b>	June 11, 2024
<b>ITEM TITLE:</b>	Consider and take appropriate action on discussion of new platting process.
<b>STAFF INITIATOR:</b>	Tara Tomlinson, Director of Development Services

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### BACKGROUND:

Back in April, the City Council approved the revisions to the Subdivision Regulations Ordinance. In the new ordinance, the Planning and Zoning Commission has become a part of the platting process to ensure the best interests of the City were represented. Attached is a platting handbook that you will find information on the platting process, our current subdivision ordinance, and some checklists of what our third-party contractors look at when reviewing a plat.

Our contractors (Engineers, SafeBuilt, Utility Companies) will look at:

\*All specifics: street width, lot sizes, drainage plans, easement locations, appropriate statements on the plat etc.

Your input will be valuable to determine:

\*Does this conform to the vision of the city?

\*Looking at the bigger picture: does a set of houses back-up to a major road? Do they require sidewalks? Does the street layout make sense?

### EXHIBITS:

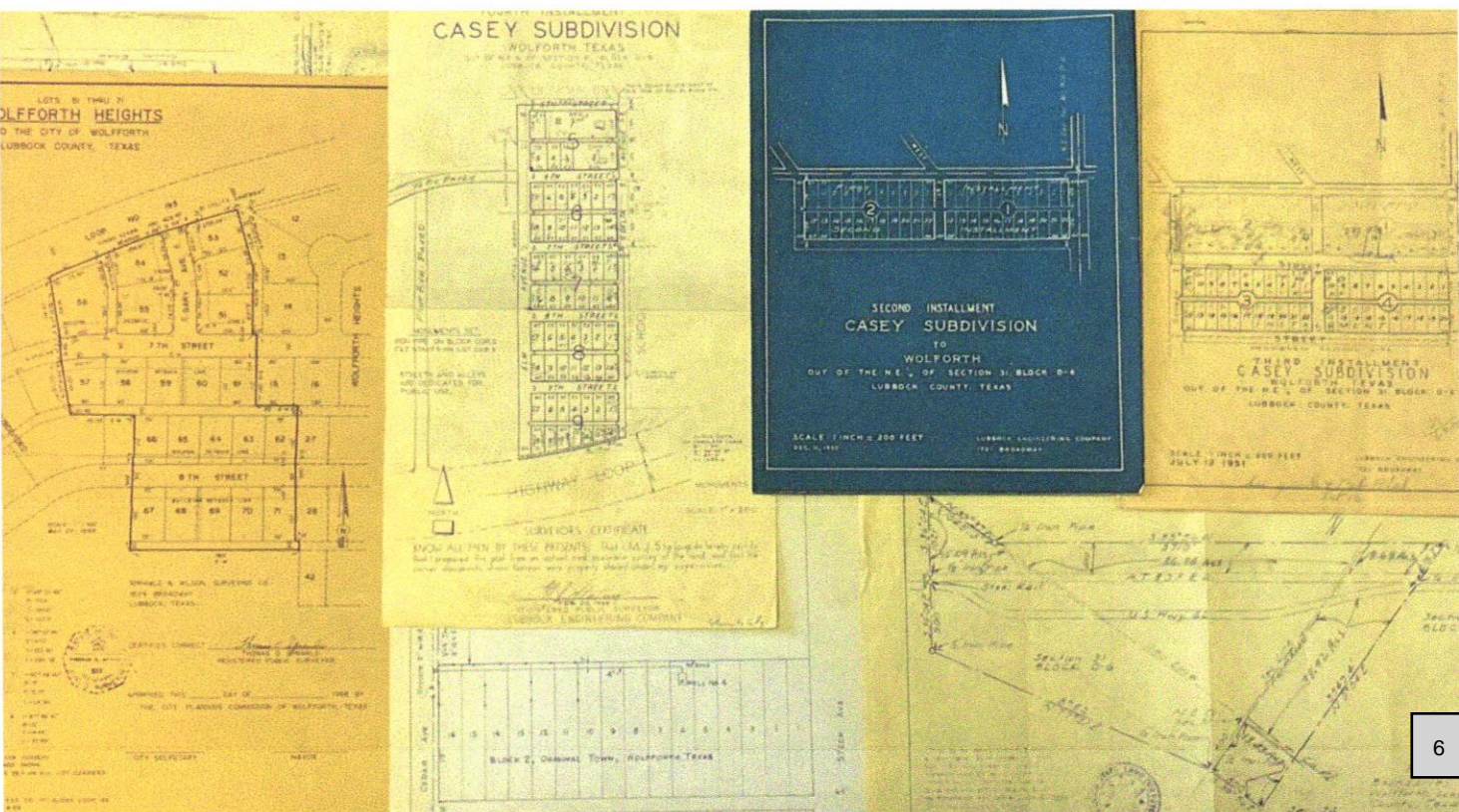
1. Platting Resource Handbook

### COMMITTEE ACTION/STAFF RECOMMENDATION:

No action required.



# City of Wolfforth **PLATTING RESOURCES**



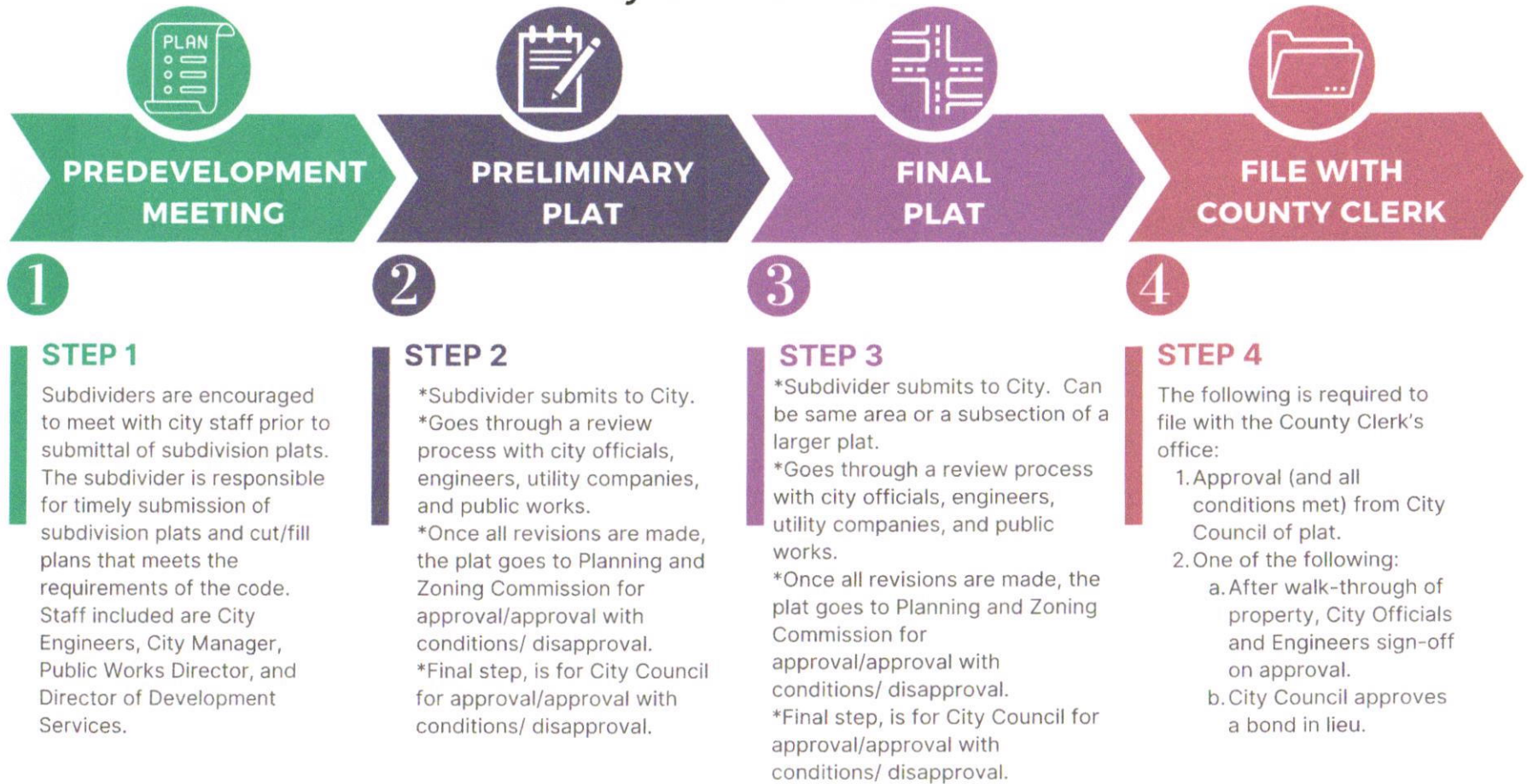
City of Wolfforth

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- 04** PDD Lot Details
- 05** Plat Checklists

# Platting Process

## City of Wolfforth



 Plats are sent to TCEQ for approval.

**INFRASTRUCTURE WILL BE CONSTRUCTED DURING THIS PERIOD.**





## Roles and Responsibilities

City Engineer	Director of Development Services	Planning and Zoning Commission	City Council
Communicate comments with developer and director on preliminary plat.	Coordinate comments from utilities, Lubbock 911, City Engineer, TxDOT, Fire/EMS, and Public Works.	Approve, Approve with Conditions, or Disapprove preliminary plat based on ordinances.	Approve, Approve with Conditions, or Disapprove preliminary plat based on ordinances and P&Z recommendations.
Determines if all estimates for engineering fees are correct.	Present Preliminary Plat to P&Z and City Council based on suggestions and comments.	Based on comments, approve, approve with conditions, or disapprove final plat.	Based on comments, approve, approve with conditions, or disapprove final plat based on ordinances and P&Z recommendations.
Review final plat for approval. Provide comments or approval to director.	Coordinate with developers on comments and progress of plat. Collect all engineering, application, and SWPPP fees (if applicable).		
Inspect with Public Works and City Inspectors that all 10.10 requirements have been met. (All three sign off on improvements)	Present Final Plat to P&Z and City Council based on approval from City Engineer, Public Works, and other city entities.		*By taking no action, the plat has 30 days for action to be taken or automatically approved.
	Gather approval from City Engineer, Public Works, City Inspector, and Fire Chief that all infrastructure is complete.		

## Planning and Zoning/City Council Decisions

Approval	Approval with Conditions	Disapproval
<ul style="list-style-type: none"> <li>• Follows all ordinances</li> <li>• All requirements are met</li> </ul>	<ul style="list-style-type: none"> <li>• TCEQ Approval needed</li> <li>• All 10.10 Improvements must be completed</li> <li>• SWPPP Submitted and fees paid</li> <li>• Can be modifications needed based on ordinance</li> </ul>	<ul style="list-style-type: none"> <li>• Identify the ordinance that the plat violates</li> <li>• Can be resubmitted after violation is addressed</li> </ul>

Sec 10.05.007(b) states “When the requirements of this chapter for a final plat have been met and all plat fees, filing fees, engineering fees, and all costs of required improvements detailed in article 10.10 of this chapter have made, the final plat will be recorded at the count courthouse.”

**ARTICLE 10.01**  
**ANNEXATION PETITION PROCEDURES**

**§ 10.01.001. Petition in writing.**

The owner or owners of any land or territory shall petition in writing to the City Council of the city requesting the annexation of such land or territory, describing the same by metes and bounds, said petition to be duly acknowledged as required for deeds by each and every person or corporation having an interest in said land.

(Ordinance 106 adopted 7/28/80)

**§ 10.01.002. Certificate of ownership required.**

The owner or owners of such land or territory sought to be incorporated into the city shall provide for the City Council a certificate of ownership designed by a duly licensed attorney or other acceptable written evidence of ownership, showing the ownership of the land to be in every person or corporation requesting annexation.

(Ordinance 106 adopted 7/28/80)

**§ 10.01.003. Petitioner responsible for cost of ordinance.**

Every person or corporation whose petition for annexation is granted shall cause to be prepared a proper ordinance at the petitioner's sole cost and expense.

(Ordinance 106 adopted 7/28/80)

**§ 10.01.004. Petitioner responsible for attorney's fees.**

Every person or corporation whose petition for annexation is granted shall pay the full cost of attorney's fees, if any, incurred by the city relating to the review of any annexation ordinance and attorney's fees, and other expense, if any, relating to the resolution of differences or problems, if any, connected with annexation of land into the city.

(Ordinance 106 adopted 7/28/80)

**§ 10.01.005. Petitioner responsible for cost of filing.**

The person, persons or corporation whose petition for annexation is approved shall pay all cost of filing a certified copy of such ordinance in the office of the county clerk and shall pay all costs incurred by the city for publications.

(Ordinance 106 adopted 7/28/80)

## ARTICLE 10.02 GENERAL PROVISIONS

### § 10.02.001. Definition.

For the purpose of this chapter, the following phrases, words, and their derivatives shall be construed as defined in this section. All other words shall have their usual meaning. Whenever a public official is referred to by only the title of his office, such reference shall be construed as if followed by the words “of the city or designee,” unless the context indicates otherwise:

Alley. The word “alley” shall mean any public street or easement, having no official name, which is designed primarily for installation of and access to public utilities and services. The alley shall extend only secondary access to the abutting property unless paved for rear access.

Alley cut-off. A triangular tract of land formed at the intersection of two (2) alleys which provides for vehicle turn movements.

Block face. A tract of land having continuous common street frontage and located on one side of a street between intersecting streets.

Building setback. Building lines (front, rear, and side) are lines located horizontally a minimum distance from and parallel to the corresponding (front, rear, or side) lot line. No portion of a building shall extend over such lines unless provided in chapter 14 (zoning) of this code.

City engineer. A city employee with that position title, who may delegate certain tasks and responsibilities in this chapter to other city staff. In the event the city does not have an employee to fill the position of City Engineer, the Director of Development Services will be responsible to assign projects and tasks under this chapter to an engineer(s) then under contract with the city.

City Park. An area, which may include a playa lake, defined by the parks department as an area providing for open space and associated recreational activities. Dedication of a public park must be accepted by the City Council, and dedicated by warranty deed.

Common ownership. The collective ownership of a property by two or more persons. The property is not held in any one person’s name in particular, but in the names of all the persons.

Comprehensive land use plan. A plan for the long-range development of the city as authorized by the Texas Local Government Code, title 7, chapter 213, as amended.

Cut and fill plan. A plan, requiring approval of the City Council, that indicates excavation and embankment representing the physical changes being made with a playa lake modification, or if outside a playa lake area, excavation and embankment that will affect surface drainage.

Dedication deed or dedicatory certificate. A deed that designates property, usually within a subdivision, with a particular legal description. It also designates the boundaries of land reserved for public use, such as streets or alleys, is signed by the owner(s) and primary lienholder(s) of the property being platted, and identifies easements for particular purposes such as utilities. A plat accompanies and illustrates the legal description and right-of-way dedications from the dedication deed.

Developer. A person who causes land to be divided into a subdivision; for this chapter same as subdivider.

Director of Development Services. The head of the planning, zoning, and community development departments, who has decision-making responsibilities for portions of this chapter.

Drainage design manual. The manual adopted and approved by the city council that establishes requirements for drainage plans, drainage analyses, drainage design, and construction in newly developing or redeveloping areas.

Easement. An easement is the right of the public or an authorized entity or entities to use the land owned by another for a specific purpose.

Engineer. A professional engineer registered or licensed in the state with specialty in civil engineering qualified to perform any engineering work necessary for approval of a plat and design and construction of subdivision improvements.

Excavation plan. A plan, requiring approval of the City Council, for any cuts that resemble a mining operation or create a pit. Any cut exceeding six (6) feet in depth shall be submitted to the city engineer, who shall determine if an excavation plan is required.

Extraterritorial jurisdiction (ETJ). The unincorporated area, not part of any other city, which is contiguous to the corporate limits of any city as defined in the Texas Local Government Code, title 2, chapter 42, as amended.

Flood insurance rate map (FIRM). An official map of a community on which the federal emergency management agency has delineated both the areas of special flood hazard areas and other flood areas and the risk premium zones applicable to the community.

Good state of repair. A structure that has been determined to be structurally sound and in working order and is in a condition not requiring significant repair.

Lake area. That part of any stormwater lake area within the corporate limits or in the extraterritorial jurisdiction of the city, the perimeter of which has been established by the city engineer at substantially the predicted peak water elevation. The lake area can either reside in its natural state or be modified through a cut and fill plan.

Lot, double frontage. A lot with frontage on two parallel streets, with vehicular access normally restricted to only one of the streets.

Lot or tract. A parcel of land under single or common ownership having access to a street or public access easement that has access to a street. Such parcel of land is designated as a separate and distinct lot or tract and is identified in a duly approved subdivision plat of record.

Master drainage plan. That plan adopted and approved by the City Council that establishes an estimated peak water surface elevation for playa lakes and rates of overflow between lakes for certain areas studied within the corporate limits of the city and certain areas within the city's extraterritorial jurisdiction.

Minor Plat. A map or drawing of all or a portion of a subdivision prepared according to the city subdivision regulations by a registered professional land surveyor, that is five (5) acres or less with 4 or less lots and does not include the dedication of a public right-of-way. An amended plat should be considered. Can be approved by the City Manager or their designee.

Parkway. That part of the public street right-of-way between the private property line and the back of curb, edge of strip street pavement, or edge of any improved and maintained street surface.

Planning and zoning commission. The City Council appointed commission that advises the City Council regarding zone changes and other matters that affect the growth and development of the community.

Plat, final. A map or drawing of all or a portion of a subdivision prepared according to the city subdivision regulations by a registered professional surveyor, approved by the City Council or other authority and filed in the county clerk's office as a legal designation. Final plat includes a replat.

Plat, preliminary. The conceptual design, presented as a drawing, for a proposed subdivision which serves as a working instrument for review and approval or denial by the City Council. Required changes are noted within the acceptance or rejection of the plat by the city council. Each preliminary plat shall contain all contiguous property under single or common ownership and include topographic information.

Playa or playa lake. Any of several naturally occurring broad, shallow, roughly circular depressions of varying sizes and depths that serve as natural detention basins for stormwater flows within the city or its extraterritorial jurisdiction (ETJ). (See lake area.)

Predicted peak water elevation. The 100-year or 500-year water surface elevation of a lake as determined by procedures outlined in the drainage criteria manual.

Public works engineering design standards and specifications. The design standards and construction specifications issued by the public works engineering department for water, sewer, storm sewer, and street paving improvements.

Replat. A final plat which relocates lot boundaries of existing platted lots, meeting the same requirements as a plat.

Shall, may. The word “shall” shall be deemed as mandatory; the word “may” shall be deemed as permissive.

Stormwater detention basin. An area dedicated for the primary use of stormwater impoundment. Undeveloped open space activities may also exist. Stormwater detention basins may be under public or private ownership.

Street. A dedicated public way primarily used for vehicular or pedestrian traffic as access to abutting properties or for other public uses such as allowed utility facilities. Cross-sections of the different types of streets are found in the public works engineering design standards and specifications.

Street access. Each platted lot or tract within the city shall front on a public street or, when approved by the city council, may front onto a public access easement or private street that has access to a public street.

Street, centerline offset. Distance between the centerlines of streets intersecting a common street.

Street, collector. Collector streets are those which transfer traffic from residential streets to thoroughfare streets (C-1 on thoroughfare plan).

Street, expressway. See “street, freeway.”

Street, freeway. A major divided highway designed for high-speed travel, having few or no intersections and frontage roads with limited access to the main lanes (F on the thoroughfare plan). Also referred to as “expressway” in some portions of this code.

Street, industrial. Industrial streets are those which provide for safe and efficient travel of heavy industrial traffic from industrial areas to the major traffic system of thoroughfares and highways, including the principal entrance streets and streets for circulation in the industrial areas (I on the thoroughfare plan).

Street, private. A privately owned access easement, platted as a separate lot, that is not maintained by the city or any other public entity, that may or may not be open to the public, but provides access for emergency vehicles.

Street, residential. Residential streets are those which are used primarily for access to the abutting properties, generally within residential areas (R-1 on thoroughfare plan).

Street, thoroughfare streets or highways. Thoroughfare streets are the major streets of the city traffic system. The thoroughfare is used primarily for fast and/or heavy traffic moving in large volumes at moderate speed on long intercity or intracity trips (T-1 or T-2 on the thoroughfare plan).

Subdivider. A person who causes land to be divided into a subdivision, for this chapter same as developer.

Subdivision. The division of a tract of land within the corporate limits, or within the extraterritorial jurisdiction of the city, into two (2) or more parts for the purpose of laying out any division of any tract of land or any addition to the city, or for laying out suburban lots or building lots or any lots and streets, alleys, or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent to the streets, alleys, and parks. The term “resubdivision” and “addition” shall be included within this definition.

Surveyor. A registered professional land surveyor licensed to perform land surveying in the state.

Thoroughfare plan. A general plan adopted by ordinance by the city council for the public roads, streets, and highways within the corporate limits or in the extraterritorial jurisdiction of the city that designates the type and width of major streets.

(Ordinance 564 adopted 4/5/21)

#### **§ 10.02.002. Title, statement of policy and requirement to plat.**

- (a) Title. This chapter shall be known as and may be cited as “subdivision regulations.”
- (b) Statement of policy. Texas law allows cities to coordinate the platting, replatting and conversion of raw land into subdivisions, including streets, alleys, and development parcels. This process, also known as platting, has long-range impact on the development of the city. These regulations are formulated to serve the needs of all

public and private interests within the city and surrounding areas. Citizens are entitled to live in a city with healthy and safe development patterns. The development sector should be free to create that environment in a positive business atmosphere and accept the public responsibility of his or her profession. The following regulations include not only protection for the subdivider's needs, but also the wants and needs of city citizens in the future.

- (c) Requirement to plat. The owner or owners of a tract of land within the corporate limits or in the extraterritorial jurisdiction of the city who divides the land in two or more parts must have a plat of the subdivision prepared in accordance with the Texas Local Government Code, title 7, chapter 212.004, as amended. Plats within the extraterritorial jurisdiction of the city will also come under the authority, review, and approval of the Lubbock County Commissioners Court.

(Ordinance 564 adopted 4/5/21)

**§ 10.02.003. Enforcement.**

- (a) The Director of Development Services shall administer and enforce this chapter unless such duties are otherwise delegated by the City Manager.
- (b) Any person, landowner, building owner, or occupant of any land within the corporate limits or in the extraterritorial jurisdiction of the city who shall violate any of the provisions of this chapter, or shall fail to comply with any of the provisions of this chapter, or who shall violate any statement or plan approved hereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed five hundred dollars (\$500.00). Each day such violation is committed or is permitted to continue shall constitute a separate offense. In addition to this remedy, the director of planning and community development may institute on behalf of the city any appropriate action or proceeding to prevent any violation of this chapter.

(Ordinance 564 adopted 4/5/21)

**ARTICLE 10.03**  
**PLAT PROCEDURES**

**§ 10.03.001. Development coordination.**

- (a) Subdividers are required to meet with city staff prior to submittal of subdivision plats and cut and fill plans. A meeting with the county public works director is suggested for extraterritorial jurisdiction plats, as county development standards may differ from the city standards in this chapter.
- (b) The Director of Development Services shall receive plats, cut and fill plans, communicate staff comments and direct subdividers to specific departments when questions exist.
- (c) City staff shall work with any subdivider to provide appropriate recommendations and advice for the preparation of subdivision plats.
- (d) The subdivider shall coordinate with the city engineer concerning drainage issues.
- (e) The subdivider shall bear responsibility for timely submission of subdivision plats or cut and fill plans which meet all requirements of this code. Submittal of required materials well in advance of deadlines will allow sufficient time for recommendations by staff to be considered by the subdivider.
- (f) Because all plats within the city and the city's extraterritorial jurisdiction become a part of total development, the subdivider should consider not only the area within the plat, but also the conditions of the abutting property and the interest of adjacent property owners.
- (g) Areas within the corporate limits or in the extraterritorial jurisdiction of the city subject to flood conditions, as established by the City Engineer pursuant to the city's drainage design manual and master drainage plan or the flood insurance study of the city prepared by the Federal Emergency Management Agency (FEMA), shall not be considered for final plat until provisions for drainage are made and/or cut and fill plans have been approved by the city council.

(Ordinance 564 adopted 4/5/21)

**§ 10.03.002. Requirements for building permit.**

- (a) Generally, building permits will be issued only on whole lots and tracts illustrated on recorded subdivision plats unless an exception is provided by city council policy or by this code.
- (b) A building permit shall not be issued on a platted lot or tract, or any portion authorized under the procedure in subsections (b) and (c), until such time as water and sanitary sewer service has been installed and is operational as determined by the City Engineer or an exception is allowed by section 10.10.004(b) and the platted lot or tract is made accessible by way of completed streets and alleys.

(Ordinance 564 adopted 4/5/21)



**ARTICLE 10.04**  
**PRELIMINARY PLAT**

**§ 10.04.001. Procedures for submittal and review.**

- (a) The preliminary plat, including a preliminary drainage plan and map prepared in accordance with this code and the drainage design manual, shall be prepared by a surveyor or engineer and shall be presented to the planning department in compliance with stated schedules and filing deadlines issued from the City Council.
- (b) Two (2) copies of the preliminary plat and an electronic portable document format (.pdf) file shall be submitted to the Director of Development Services together with an application and processing fee. A nonrefundable application fee for reviewing a preliminary plat shall be set annually in the city's fee schedule. A fee for the administrative costs of processing the application shall be required with the application and shall be paid to the Director of Development Services at the time the application is submitted.
  - (1) Preliminary plats shall be deemed filed when the City receives all the documents and other information required by the City in its development list.
- (c) Preliminary plats shall not be placed on the City Council agenda for consideration unless the plat and other required documents are received by the Director of Development Services before the stated filing deadline and meet the following requirements:
  - (1) The following notice shall be printed on the face of each preliminary plat submitted: "Preliminary plat - for inspection purposes only and in no way official or approved for recording purposes."
  - (2) Plat sheet sizes will be a minimum of eleven (11) by seventeen (17) inches to accommodate the following minimum map scales, however, one dimension of the plat sheet may not exceed thirty-six (36) inches:
    - (A) One acre or less - Plat shall be submitted with a scale of one (1) inch per fifty (50) feet.
    - (B) 1.01 acres to 160 acres - Plat shall be submitted with a scale of one (1) inch per one hundred (100) feet.
    - (C) More than 160 acres - Plat may be submitted with a scale of one (1) inch per one hundred (100) feet or one (1) inch per two hundred (200) feet.
    - (D) Alternate plat scales may be approved by the Director of Development Services.
  - (3) All unsubdivided contiguous land under single or common ownership shall be included in the preliminary plat.
  - (4) Scale, north arrow, date, exact acreage, and other pertinent data.
  - (5) Property owner's name, address, and telephone number.
  - (6) Accurate one-foot interval contours according to NAD83/NAVD88 datum or subsequent established United States Geodetic Survey data adopted by the city. The face of the preliminary plat must indicate the source, datum, and date of creation for the contour data.
  - (7) Boundary lines, bearings, and distances sufficient to locate the exact area proposed for subdivision.
  - (8) The name and location of all adjoining subdivisions shall be drawn to the same scale and shown in dashed lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets and alleys and other features that may influence the layout and development of the proposed subdivision. Adjacent unplatted land shall show property lines and owners of record. If the adjacent land has a current approved preliminary plat, it shall be shown on the proposed preliminary plat.
  - (9) The location and width of all streets, alleys, public and private easements, and right-of-way existing or proposed within the subdivision limits, along with the proposed names of streets. A restriction

prohibiting the fencing of any easement shall be stated on the face of the plat, unless otherwise provided by this code or approved by the affected user of the easement.

- (10) The location of proposed closures of existing streets, alleys, easements, and rights-of-way.
  - (11) The known location of all existing property lines within the area proposed for subdivision.
  - (12) Proposed arrangement of lots. All lots shall be numbered consecutively from one to the total number of lots in the subdivision. Tracts, if any, shall be lettered in alphabetical order.
  - (13) The title of the proposed subdivision, the name of the owner with sufficient data to show ownership and the name of the person platting the tract. The proposed title shall not conflict with any previous subdivision name.
  - (14) Lake areas, if any, shall conform to the requirements of articles 10.07 and 10.08 of this chapter.
  - (15) Sites proposed for stormwater drainage and impoundment easements, parks or other property owned by the city or any other governmental entity shall contain no blanket or specific utility easement until approved by the city engineer or authorized representative of other governmental entities.
  - (16) A preliminary drainage plan and map that meets the requirements of the drainage design manual of the city.
  - (17) Delay of water, sewer, or paving may be requested, subject to the requirements of this code.
  - (18) The location of all existing water wells on the property.
- (d) Following staff review of the preliminary plat and other material submitted for conformity with these regulations, negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, the Planning and Zoning Commission shall, within thirty (30) days after a complete plat is filed in accordance with subsection (b)(1) of this section, shall recommend approval, approval with conditions, or disapproval a plat to the City Council.
  - (e) Following Planning and Zoning Commission review of the preliminary plat and other material submitted for conformity with these regulations, negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, the City Council shall, within thirty (30) days after a complete plat is filed in accordance with subsection (b)(1) of this section, shall approve, approve with conditions, or disapprove a plat.
  - (f) The City Council shall express its decision in writing and include such action in the commission minutes. In granting conditional approval, the City Council shall include the conditions, if any, of such approval in its decision. If the City Council does not approve a plat, it shall express its disapproval and shall include its reasons for not approving the plat in its decision.
  - (g) The City Council has the authority to require a corrected or amended preliminary plat subsequent to the first approval. For each proposed plat or reapproval, the City Council shall receive staff recommendation as to the need for a corrected preliminary plat. When a corrected or amended plat is required by the council, review will follow the procedures set forth in this section.
- (Ordinance 564 adopted 4/5/21; Ordinance 574 adopted 8/30/21)

#### **§ 10.04.002. Procedures for plat renewal.**

- (a) Preliminary plats, including portions of any preliminary plat not having been filed as a final plat, require annual renewal (one year from approval date) to continue as an approved preliminary plat. Before the time for renewal, the Director of Development Services will review the preliminary plat and notify the subdivider of options for renewal.
- (b) Review by the Director of Development Services may determine that existing conditions and the preliminary plat are compatible, requiring no formal action by the City Council. With such determination, the subdivider

may choose to renew the preliminary plat or allow it to expire.

If the subdivider indicates a desire to renew the plat for another year and pays the plat renewal fee, the plat shall continue under the original stated conditions until the next annual review.

- (1) If the subdivider chooses not to renew the plat, or does not respond to the notification by the Director of Development Services, the preliminary plat will expire.
- (c) Should the Director of Development Services determine that conditions have changed to the extent that the preliminary plat requires revision, automatic renewal shall be denied.
- (1) Notification of denial shall be sent to the subdivider specifying the following:
    - (A) Reasons why the plat renewal was denied.
    - (B) Valid previous conditions and additional recommendations for amendment or correction.
    - (C) The applicable fees, filing deadline, and meeting date of the City Council when the review shall occur should the applicant choose to renew the plat.
  - (2) If the subdivider chooses to renew the plat, review will follow the procedures set forth in section 10.04.001, including review by the City Council.
  - (3) If the subdivider chooses not to renew the plat, or does not respond to the notification by the Director of Development Services, the preliminary plat will expire.
- (d) A nonrefundable application fee for automatic renewal of a plat or review of a plat that has been denied automatic renewal shall be set annually in the city's fee schedule. A fee for the administrative costs of processing the application shall be required with the application and shall be paid to the Director of Development Services at the time the application is submitted. If such fee is not received, the preliminary plat will expire.

(Ordinance 564 adopted 4/5/21)

**ARTICLE 10.05**  
**FINAL PLATS**

**§ 10.05.001. Procedures for submittal and review of final plats.**

- (a) The final plat shall conform to the approved preliminary plat, and may constitute only a portion of the approved preliminary plat provided that such portions conform to all requirements of these regulations. The final plat shall contain right-of-way dedication for all internal and perimeter streets and alleys within the portion proposed for final plat as shown on the approved preliminary plat.
- (b) Any streets, alleys, or easements dedicated to the public within the proposed final plat boundaries that are proposed for closure must be closed by ordinance before the final plat can be recorded. These closures shall not be indicated on the final plat. The procedure for right-of-way closure is as follows:
  - (1) Application for closure.
  - (2) Preparation of final plat or replat and indicating closed right-of-way.
  - (3) Council approval of closure.
  - (4) File closure ordinance.
  - (5) Final plat recorded.
- (c) Within three hundred sixty-five (365) days after approval of the preliminary plat, a final plat shall be prepared as specified in this chapter and submitted to the planning department; otherwise, such preliminary plat approval shall become null and void, unless renewal has been granted according to the procedures set forth in section 10.04.002.
- (d) Following staff review of the final plat and other material submitted for conformity with these regulations, negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, the Planning and Zoning Commission shall, within thirty (30) days after a complete plat is filed in accordance with subsection (b)(1) of this section, shall recommend approval, approval with conditions, or disapproval a plat to the City Council.
- (e) Final plats shall be deemed filed when the City receives all the documents and other information required by the City in its development list.
- (f) Final plats shall be deemed filed when the City receives all the documents and other information required by the City in its development list.
- ~~(f)~~(g)Plats shall not be distributed for review unless the plat and other required documents are received by the Director of Development Services and such documents meet the requirements of this article. Required submittals are as follows:
  - (1) Two (2) paper copies and an electronic portable document format (.pdf) file of the final plat. The following statement shall be printed on the face of each final plat submitted for review: "Final plat - for inspection purposes only and in no way official or approved for recording. Release date: (insert date of release)."
  - (2) One (1) copy and an electronic portable document format (.pdf) file of the final drainage analysis and plan, if required.
  - (3) One (1) copy and an electronic portable document format (.pdf) file of the cut and fill plan, if required.
  - (4) Any supplementary materials required for approval.
- ~~(g)~~(h) A nonrefundable application fee for reviewing a final plat shall be set annually in the city's fee schedule. A fee for the administrative costs of processing the application shall be required with the application and shall

be paid to the Director of Development Services at the time the application is submitted.  
(Ordinance 564 adopted 4/5/21)

**§ 10.05.002. Engineering procedures for final plats.**

- (a) The proponent of a final plat shall secure the services of an engineer to perform the engineering work necessary for public facilities. The engineer shall prepare plans, specifications, and estimates for water, sewer, street, and drainage improvements. The city will perform testing and inspection of the improvements during construction. An engineer shall also prepare any necessary cut and fill plans.
  - (a) Engineering shall be in accordance with the provisions of this code. Upon payment of review fees established in the city's fee schedule, the City Engineer shall review plans, specifications, and estimates prepared by the proponent's engineer in a timely manner.
  - (b) The City Engineer shall express written approval or disapproval of such plans, specifications, or estimates and shall state the conditions, if any, of such approval or disapproval.
  - (c) No final plat shall contain a utility easement within any stormwater drainage and impoundment easements, city park, or other city property without prior written approval of the city engineer.
  - (d) Fees for testing and inspection of required improvements, as established in the city's fee schedule, until such time as all public facilities are accepted by the City Engineer.
  - (e) Prior to recording of a final plat, the subdivider shall have caused the construction of the public improvements required in article 10.10 to the satisfaction of the City Engineer, or shall obtain a performance bond in lieu of required improvements in accordance with the provisions of section 10.10.009.
- (Ordinance 564 adopted 4/5/21)

**§ 10.05.003. Final plat survey and control.**

- (a) The survey for a final plat shall be prepared only by a surveyor.
  - (b) The final plat dimensional control shall be in units of U.S. survey feet to the nearest one-hundredth of a foot. Directional control shall be shown as bearings to the nearest arc second. The description of the methodology used and the source, datum, and date of creation of the relevant points must be included on the face of the plat. Control for a final plat shall be established by one of the following methods:
    - (1) The final plat may be tied by survey to adjacent section corners and lines; or
    - (2) When the approved subdivision abuts or is adjacent to an existing recorded plat of the city, the final plat may be tied by survey to such existing plat.
  - (c) The final plat shall include horizontal coordinates on at least two of the boundary corners relative to the Texas Coordinate System of 1983, North Central Zone datum as described in Texas Natural Resources Code, title 2, chapter 21, as amended, or subsequently established United States Geodetic Survey data adopted by the city.
- (Ordinance 564 adopted 4/5/21)

**§ 10.05.004. Final plat requirements.**

- (a) To initiate the final plat approval process, two (2) reproducible copies on high-quality bond paper and an electronic portable document format (.pdf) file of the final plat shall be submitted to the Director of Development Services. One (1) additional copy must be submitted for plats in the extraterritorial jurisdiction. If necessary, the plat may be on several sheets, with a cover sheet containing an index showing the entire subdivision. One (1) electronic dwg or shp file drawn to scale and geolocated in NAD83 Texas State Planes, North Central Zone, US Survey Foot submitted to the Director of Development Services.
- (b) Plat sheet sizes will be between eleven (11) by seventeen (17) inches and twenty-four (24) inches by thirty-six (36) inches to accommodate the following minimum map scales:

- (1) One acre or less - Plat shall be submitted with a scale of one (1) inch per fifty (50) feet.
  - (2) More than one acre - Plat shall be submitted with a scale of one (1) inch per one hundred (100) feet.
  - (c) If changed circumstances exist, the Director of Development Services may require the submission of an updated final plat document prior to filing.
  - (d) The final plat shall incorporate all preliminary plat information and conditions approved by the City Council and shall clearly illustrate the following:
    - (1) The plat boundary and the exact acreage included in that boundary.
    - (2) Title or name of the plat. If a lot or tract is replatted, all land in the original lot(s) or tract(s) must be replatted in order to retain the original plat name. A replat cannot "orphan" a part of a lot.
    - (3) The map scale, horizontal datum, north arrow and date.
    - (4) Reference by name to recorded plats of adjacent and abutting properties.
    - (5) Boundary lines of all lots, tracts, and parcels with accurate dimensions, bearings, radii, chord distances, and central angles of all curve segments, for all total curves.
    - (6) Numbers and letters to identify each lot or tract.
      - (A) Lots shall be numbered consecutively from one to the total number of lots in the subdivision. Tracts shall be lettered in alphabetical order. Such designation will be continuous in the order that final plats of portions of a preliminary plat are recorded with the county clerk.
      - (B) Replatted lots will be designated alphanumerically (e.g. Lot 1-A), and further subdivision will alternate numbers and letters (e.g. Lot 1-A-1, lot 1-A-1-A). The same alternating method will be used for tracts (e.g. Tract A-1, tract A-1-A, tract A-1-A-1).
    - (7) All street and alley rights-of-way and easements will be shown on the plat and the purpose and restrictions of use of such easement indicated.
      - (A) Accurate location, dimensions, bearings, radii, chord distances, and central angles of all curve segments, for all total curves, shall be provided to readily establish location of rights-of-way and easements. Location of points of intersection and points of tangency of street intersections other than right angle intersections shall be indicated.
      - (B) A key of abbreviations for easement types shall be included on the plat.
      - (C) Legal references shall be provided for all previous dedications and easements.
    - (8) Name of each street and width of streets, alleys, and other right-of-way.
    - (9) All platted lots and tracts shall provide for collection of garbage consistent with article 6.02 of this code unless alternatives are approved by the city council.
    - (10) All plats must show locations for centralized mail receiving areas.
- (Ordinance 564 adopted 4/5/21; Ordinance 574 adopted 8/30/21)

**§ 10.05.005. Required notices on final plats.**

- (a) The following surveyor's certificate shall be placed on every final plat and signed by the surveyor prior to submission to the planning department:

KNOW ALL MEN BY THESE PRESENTS:

That I, \_\_\_\_\_, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments and/or other control shown thereon were properly placed under my personal

supervision, in accordance with the subdivision regulations of the city.

- (b) The following certificate of approval by the city council shall be placed on every final plat and signed prior to recording of the plat documents at the courthouse:

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by the city council of the city.

APPROVED

\_\_\_\_\_  
Mayor

ATTEST

\_\_\_\_\_  
Secretary

- (c) The following notices shall be stated on the face of every plat:

- (1) "Heavy lines indicate plat limits."
- (2) "All streets, alleys, and easements within plat limits are herein dedicated unless noted otherwise."
- (3) "No building permit shall be issued on any survey certificate that is not in accordance with an approved final plat unless exception is provided by the city council policy or by the city code of ordinances."
- (4) "All utility service shall be in accordance with the underground utilities policy statement by the city council of the city and the provisions of section 15.08.095 of the city code of ordinances."
- (5) "Any relocation or revision of existing facilities shall be at the subdivider's expense. Compensation shall be made prior to the recording of this final plat."
- (6) "All existing or proposed utility services to and on tracts indicated by this plat shall be contained in the public right-of-way and public or private utility easements. Utility service installation requested at a future date and not within an easement indicated by this plat, shall be within a proper utility easement granted by the owner of said property by separate recorded instrument prior to the provision of such service. Such easements shall be at the expense of the entity requesting such installation."
- (7) "All easements herein granted shall entitle the city or the utility company using such easements to the right to remove, repair or replace any lines, pipes, conduits, or poles within such easements as may be determined by the city or utility company without the city or utility company being responsible or liable for the replacement of improvements, paving, or surfacing of the easement necessitated by such repair, removal, or replacement. Easements designated or intended for vehicular passage (utility and emergency) or pedestrian access shall not be fenced or otherwise obstructed."
- (8) "Any easements or rights-of-way shown as 'to be dedicated by separate instrument' are shown on the plat for information purposes only. This plat does not dedicate said easements."
- (9) "Minimum floor elevations shall conform to the requirements of the city drainage design manual and section 3.09.020 of the city code of ordinances."

- (d) The following notices shall be stated on the face of the plat when they apply to that particular plat:

- (1) Any notices required in section 10.05.006 for lake or flood hazard areas.
- (2) "Blanket solid waste collection easement as required for service [within the plat limits or insert specific lot or tract designation] is herein granted."
- (3) "Blanket [insert 'underground' if applicable] utility easement as required for service [within the plat limits or insert specific lot or tract designation] is herein granted to [insert name of public, private or

franchise utility or certificated service provider of telecommunications].”

- (4) “Public pedestrian access easement is herein granted for persons traversing along the public parkway and needing to enter onto private property for the purpose of crossing a driveway. The easement is limited to those portions of the as-constructed driveways and walks which may extend outside public right-of-way onto private property and are constructed for the continuance of the accessible routes across the back of the driveway. This easement applies to existing and any future drive entrances as constructed.”
- (5) Plats in the city’s extraterritorial jurisdiction shall include a certificate of approval by the County Commissioner’s court that shall be placed on every final plat and signed prior to recording of the plat documents at the courthouse.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by the Commissioner’s Court of the  
COUNTY OF LUBBOCK, TEXAS

APPROVED

\_\_\_\_\_  
COUNTY JUDGE

ATTEST

\_\_\_\_\_  
COUNTY CLERK

(Ordinance 564 adopted 4/5/21)

**§ 10.05.006. Required notices for final plats containing lake or flood risk areas.**

- (a) When any portion of a proposed plat contains a lake or other flood risk area identified on the federal emergency management agency flood hazard maps, the following notice shall be printed on the face of the final plat:

“Either all or a portion of this surveyed property lies within a ‘special flood hazard boundary.’ These boundaries are established by the federal emergency management agency, not this surveyor. Flood hazard maps are on file at city hall, Wolfforth, Texas and are open for public inspection.”

- (b) If any portion of a lake area is included in a proposed final plat, such areas shall be designated as a stormwater drainage and impoundment easement.

(Ordinance 564 adopted 4/5/21)

**§ 10.05.007. Documents required prior to recording a final plat.**

- (a) In addition to the final plat document, certain documents shall be provided before a final plat can be recorded. While some documents are required for all plats, others are only required when the circumstances and conditions of the plat require them. The Director of Development Services will notify the subdivider of the required documents. Descriptions of certain documents that may be required before a final plat can be recorded are as follows:

- (1) A dedication deed or dedicatory certificate executed by all persons, firms or corporations owning an interest in the property subdivided and platted and acknowledged in the manner prescribed by the laws of the state for conveyances of real property shall be submitted for each final plat. Two (2) true copies shall be furnished with the original. The dedication deed shall include the following information:
  - (A) The spouses of any married party executing such dedication deed shall join with their spouses therein unless satisfactory proof be provided showing that the property to be subdivided is the sole



and separate property of the spouse signing such deed and that such property does not constitute any portion of such party's homestead, in which case the instrument of dedication shall state the fact that the property subdivided and platted does not constitute a part of such party's homestead and positively designates and identifies such party's actual homestead.

- (B) Lienholder shall execute a subordination agreement subordinating their liens or enter into the dedication or granting, if any, of all public streets, alleys, parks, public easements, and any other public areas shown on the plat of such subdivision as being set aside for public uses and purposes.
- (C) The dedication deed shall, in addition to the above requirements, contain the following:
  - (i) An accurate description of the tract of land subdivided.
  - (ii) A statement and express representation that the parties joining in such dedication deed are the sole owners of such tract of land.
  - (iii) An express dedication, if any, to the public for public use forever of any streets, alleys, rights-of-way, stormwater drainage and impoundment easements, parks, public easements or other public places shown on the plat.
  - (iv) A positive reference and identification of the plat of such subdivision by the name of such subdivision, date of plat, and name of surveyor preparing the plat.
- (2) A certificate of ownership statement prepared by a qualified attorney or title insurance company licensed to do business in the state shall be submitted with each final plat certifying that the title to the property has been examined and naming all owners and lienholders of said tract of land.
- (3) A current tax certificate from the Lubbock Central Appraisal District is required with each final plat showing that all taxes have been paid on the tract to be subdivided and that no delinquent taxes exist against the property. In addition to a current tax certificate, a letter signed by the Lubbock Central Appraisal District may be required during specific times of the year, stating that current year taxes have not been calculated.
- (4) As-built plans or drawings bearing the seal of an engineer of any required water, sewer, paving, and drainage improvements as approved by the City Engineer and constructed in conformance with chapters 13 and 15 of this code, or a bond in lieu of required improvements in accordance with the provisions of section 10.10.009.
- (5) If required, a final drainage plan and analysis that meets the requirements of the drainage criteria manual and master drainage plan and has been approved by the City Engineer.
- (6) If required, as-built cut and fill plan prepared by the subdivider's engineer or surveyor, or a bond in lieu of required improvements in accordance with the provisions of section 10.10.009.
- (7) Such other ordinances, protective covenants, certificates, affidavits, endorsements, dedications, and closures and abandonments as may be required for the enforcement of these regulations shall be provided as a separate instrument to be recorded with the plat. Other plat associated documents, such as subdivision deed restrictions, may be recorded with the plat if the subdivider chooses.
- (b) When the requirements of this chapter for a final plat have been met and all plat fees, filing fees, engineering fees, and all costs of required improvements detailed in article 10.10 of this chapter have been paid, the final plat will be recorded at the county courthouse. The developer shall be responsible for both the filing of, and the fees associated with the submission of the final plat to the county clerk's office. All original filed documents must be returned to the City of Wolfforth's development department prior to building permit issuance.

(Ordinance 564 adopted 4/5/21; Ordinance 574 adopted 8/30/21)

**§ 10.05.008. Short form final plats and replats (minor plat).**

(a) Purpose. The provision of adequate data concerning land use, utility requirements, traffic impact, streets, easements and dedications is vital to ensure the continued health, safety and welfare of the city's residents. Recognizing that the significance of this data is reduced for the small-scale projects that are most heavily impacted by the burden of producing this data, the city allows alternate procedures for minor subdivisions or replats, lot splits, and the platting of existing development and of land proposed for site development where public improvements are not required.

(1) Applicants for minor plats creating no more than four new lots may follow the procedure set forth below provided that the proposed subdivision meets all of the following criteria:

- a. The subdivision has been determined to meets all the requirements of the short form final plat.
- b. The subdivision has existing access to a public street and no new dedications are required.
- c. Each of the lots is contiguous with at least one of the other lots in the subdivision for a distance of at least 50 feet.
- d. The City Engineer has determined that no off-site improvements to the city's infrastructure are required.
- e. The City Engineer has determined that no off-site drainage improvements are required.

(2) The Director of Development Services may require the standard final plat procedures outlined in this chapter, if city staff determines that the plat is inconsistent with any element of the master plan, any established city ordinances, codes provisions or policies, or if in the judgement of the Director it is in the best interest of the City to follow standard plat procedures.

(b) Format. The format of the short form final plat shall correspond with the format for final plats as required by this chapter.

(c) Content. The content of the short form final plat shall correspond with the content for final plats as required by this chapter except that:

- (1) Construction plans shall be required if any on-site improvements are required for development of the property.
- (2) The city may permit omission of any informational requirements that are determined by the city to place an excessive burden on the applicant, including, but not limited to contours, centerlines of existing watercourses, etc.

(d) Procedure. The procedure for review and approval of a short form final plat shall follow the procedure for final plats, except that:

- (1) The short form final plat may be submitted without approval of a preliminary plat or construction plans provided city staff determines it to be in compliance with the city's master plan and all other regulatory requirements of the city. The plat, prepared by a surveyor and engineer if required, and bearing their seals shall be submitted to the Director of Development Services for approval before recordation of the plat.
- (2) Legible prints, as indicated on the application form shall be submitted at least 30 days prior to the next regularly scheduled meeting of the council along with the following:
  - a. Completed application forms and the payment of all required fees.
  - b. Two copies of the deed restrictions or covenants, if such documents are to be used. These shall be filed for record in conjunction with the filing of the plat

- c. A current tax certificate from the Lubbock Central Appraisal District showing that all taxes have been paid on the tract to be subdivided and that no delinquent taxes exist against the property. In addition to a current tax certificate, a letter signed by the Lubbock Central Appraisal District may be required during specific times of the year, stating that current year taxes have not been calculated.
  - d. Notification materials as required herein.
  - e. A petition requesting annexation, if applicable.
  - f. Any attendant documents needed to supplement the information provided on the plat.
- (e) Notification. Notification procedures for a short form final plat shall be the same as those identified for the preliminary plat.
- (f) Approval. Director of Development Services may approve minor subdivisions without the necessity of submitting the application for consideration by the city Planning and Zoning Commission or requiring the developer to obtain approval of a preliminary plat. If the Director of Development Services determines he/she cannot or does not desire to approve a subdivision that qualifies as a minor subdivision, the application shall be forwarded to the planning and zoning commission for consideration at the next available meeting after proper notice. A subdivision may be considered a minor subdivision if:
- (1) For an amended plat as described by V.T.C.A., Local Government Code § 212.016;
    - a. The plat or replat consists of four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or
- (g) Revision. The revision process of a short form final plat shall be the same as the revision process described for a final plat.
- (h) Recordation. The recordation procedures of a short form final plat shall be the same as the procedures for a final plat.
- (i) Responsibility. Notwithstanding the approval of any short form final plat by the commission, council or director, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this chapter shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any plat submitted.

**ARTICLE 10.06**  
**PLAT DESIGN STANDARDS**

**§ 10.06.001. Street standards.**

- (a) Streets serve several major functions, including traffic and pedestrian movement and drainage. The subdivider shall consider the impact of any proposed development on each of these functions:
- (1) The arrangement, character, extent, width, grade, and location of all streets shall conform to the thoroughfare plan and other master plans of the city. The proposed streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
  - (2) Where such is not shown on the thoroughfare plan, the arrangement of streets in a subdivision shall either:
    - (A) Provide for the continuation of appropriate projection of existing principal streets in surrounding areas; or
    - (B) Conform to a plan for a neighborhood approved or adopted by the City Council to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
  - (3) The subdivider shall assume responsibility for providing a plan which continues all thoroughfare and collector streets in accordance with the current thoroughfare plan and provides for residential streets in accordance with this chapter. The proposal shall provide continuity of the street names in accordance with chapter 15 of this code and shall consider all existing and potential development adjacent to and abutting the proposed plat.
  - (4) Where a subdivision abuts or contains an existing or proposed thoroughfare or greater street, residential lots shall not use such thoroughfare or greater street as primary access unless approved by the City Council. When the City Council deems such situations inadvisable, the commission may require marginal access streets, reverse frontage, lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. When double frontage lots occur, the plat shall indicate that the lesser designated street frontage involved will provide primary access to the lots in question.
  - (5) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the city council may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate uses of the intervening land. Such distances shall also be determined with due regard for the requirements of approach and future grade separations.
  - (6) Street design with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided and considered by the city council only when specific circumstances dictate a need for less offset.
  - (7) Street intersections shall be as near to right angles as possible and four-way intersections of residential streets shall be avoided unless recommended by the City Engineer for drainage purposes.
  - (8) At each street intersection, the right-of-way line at each block corner shall have a fifteen (15) foot by fifteen (15) foot angled cut-off at street intersections. Any collector or thoroughfare designated street intersecting another thoroughfare or freeway designated street shall have a thirty (30) foot by thirty (30) foot angled cut-off at the street intersections.
  - (9) Right-of-way widths, as well as the curb and gutter and pavement design criteria for streets, shall be in accordance with the city public works engineering design standards and specifications and the thoroughfare plan.

- (A) R-1 designated streets are allowed throughout residential subdivisions or may be utilized as collector streets in conjunction with R-1A streets. As a “sub-collector,” R-1 streets collect traffic from lower traffic volume R-1A streets and connect with collector or thoroughfare designated streets.
- (B) Collector (C-1) or thoroughfare (T-1, T-2) designated streets shall be required at locations as shown on the thoroughfare plan. Should factors such as topographic problems or a special subdivision design dictate an alternate collector street location, exceptions to collector street locations may be possible through design submittal by the subdivider and review and approval by staff and city council during the plat approval process.
- (C) Industrial (I) designated streets shall be required in areas having industrial or manufacturing zoning classifications.
- (D) If the City Engineer determines that a proposed development contains unique circumstances that cannot be accommodated by the standard street widths in this chapter, such as boulevards and one-way streets, an alternative design may be considered by the staff and city council during the plat review process.
- (10) The dedication of half-streets shall be allowed only where essential to the reasonable development of the subdivision, with approval of the City Council as provided in section 15.06.004, and where the City Council finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to an unsubdivided tract, the other half of the street shall be dedicated when the adjacent tract is platted.
- (11) Half-width paving shall only be allowed when approved by the City Council. The subdivider shall obtain a working easement from the adjacent landowner for installation of the half-street paving improvements. Approval by the City Council shall be required for half-width paving where full width dedication exists.
- (12) Dead-end streets are discouraged, but may be platted where the city council deems acceptable and where the land adjoins property not subdivided, in which case the streets shall be carried to the boundaries thereof. Barricades and signage will be required for dead-end streets, and such cost will be borne by the subdivider.
- (13) Cul-de-sac streets shall not be longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having an outside right-of-way diameter of at least one hundred (100) feet (minimum diameter of eighty-six (86) feet for R-1 designated streets). Cul-de-sac streets shall be measured from the midpoint of the closest intersection to the center of the cul-de-sac radius.
- (14) In consideration of the drainage function of streets, when cul-de-sac or dead-end streets abut undeveloped property, the subdivider shall be responsible for obtaining drainage easements onto or through abutting property sufficient to ensure drainage of the proposed development. If needed for drainage, the cul-de-sac shall have a minimum twenty (20) foot drainage easement to the adjacent street, alley or property line, though greater width may be required if the drainage plan for the subdivision indicates the need. Such easements shall be included within the limits of the adjacent lots and the maintenance of these easements is the responsibility of the property owner.
- (15) Cul-de-sac streets, whether containing a drainage easement or not, shall be platted with a pedestrian access easement, a minimum of four (4) feet in width, from the cul-de-sac to the abutting street. A fence shall not block such access. A subdivider can refer to chapter 14 (zoning) of this code for fence height specifications. Pedestrian access is not required to connect a cul-de-sac to an alley. Sidewalks are required under chapter 15 of this code and shall be constructed and maintained. Installation of sidewalks is not a requirement prior to final plat, but is required with the permit for construction of improvements on an individual platted lot or tract.
- (16) Islands or medians shall be allowed in public streets only when approved by the City Council. Prior to City Council consideration, the subdivider and/or their engineer shall be required to submit special design and construction details of the pavement structure to the City Engineer for any streets adjacent to any

proposed landscaped islands or medians with irrigation systems. As a standard, concrete pavement shall be the minimum pavement structure considered for streets adjacent to irrigated islands or medians. Islands and medians shall be platted as separate lots or tracts and shall remain under private ownership and maintenance unless otherwise approved by the City Council.

(17) Private streets and common areas shall be platted as separate lots or tracts and shall remain under private ownership and maintenance unless otherwise approved by the City Council.

(18) Private streets and common areas shall be platted as separate lots or tracts and shall remain under private ownership and maintenance unless otherwise approved by the City Council.

(Ordinance 564 adopted 4/5/21)

#### **§ 10.06.002. Alley standards.**

- (a) General alley provisions. Alleys will generally not be required in residential areas. In areas where alleys are not specifically required, the inclusion of alleys shall be at the discretion of the Developer, but where alleys are provided, they must comply with paved alley standards.
- (b) Paved access alleys. In cases where rear access is proposed, plans must be provided for the primary and secondary access functions being combined on the alley.
- (c) Commercial access alleys. Service alleys shall be required for non-residential zones. Within commercial areas, requirements for alleys shall be based on intended use and potential for service access.
- (d) When alleys are proposed, the developer shall comply with the following standards:
  - (1) In residential districts, alleys shall be provided parallel or approximately parallel to the frontage of all streets.
  - (2) The width of the alley shall not be less than twenty feet (20'), with a minimum paved width of ten feet (10') with a concrete paving standard.
  - (3) Where two (2) alleys intersect and where an alley intersects a public street, a cut-off of not less than ten (10) feet along each right-of-way line from the normal intersection of those right-of-way lines shall be provided.
  - (4) Where an alley has a direction change of fifteen (15) degrees or greater, a cut-off of not less than ten (10) feet by ten (10) feet along the inside right-of-way line from the angle point shall be provided and paved.
  - (5) Dead-end alleys shall be avoided where possible. In cases where a dead-end alley is unavoidable, such alleys, shall be provided with turnaround facilities at the dead end as determined by the City Council.
  - (6) Alleys shall be arranged to assure proper drainage.

#### **§ 10.06.003. Block standards.**

- (a) The lengths, widths, and shapes of blocks shall be determined with due regard to:
  - (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - (2) Needs for convenient access, circulation, control, and safety of street traffic. In areas where residential streets intersect, four-way intersections shall be avoided.
  - (3) Limitations and opportunities of topography. Not only shall conditions within the proposed plat be considered, but also the topography of adjacent and abutting properties, whether platted or unplatted.

- (b) Block length and depth shall relate directly to conditions, opportunities, and constraints for creating the greatest benefit to traffic circulation, safety, drainage, and zoning.

(Ordinance 564 adopted 4/5/21)

**§ 10.06.004. Lot standards.**

- (a) The lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and lot dimensions shall conform to the requirements of the zoning ordinance.
- (b) Each lot shall front upon a public street or, when approved by the City Council, the lots may front onto an access easement that has access to a public street.
- (c) Double frontage residential lots shall be avoided, except where essential to provide separation of residential development from thoroughfares or to overcome specific disadvantages of topography and orientation. The street frontage providing primary access to any double frontage residential lot shall be the lesser designation of the two (2) streets involved.
- (d) Side lot lines shall be substantially at right angles or radial to street lines.
- (e) Where the area is divided into larger lots than for normal urban building sites and, in the opinion of the City Council, any or all of the tracts are susceptible of being resubdivided, the original subdivision shall be such that the alignment of future street and utility dedication shall conform to the general street layout in the surrounding area.

(Ordinance 564 adopted 4/5/21)

**§ 10.06.005. Standards for drainage improvements and playa lake cut and fills.**

- (a) Drainage improvements shall be constructed with concrete or other materials approved by the City Engineer and in conformance with the plans and specifications prepared by the subdivider's engineer and approved by the City Engineer.
- (b) Drainage easements and improvements constructed within the easements shall be at the width, slope, and cross-section determined by the drainage plan and analysis approved with the final plat.
- (c) Playa lake cut and fill plans and the excavation and embankment operations shall comply with the drainage criteria manual unless alternatives to those requirements are approved by the City Engineer.

(Ordinance 564 adopted 4/5/21)

**ARTICLE 10.07**  
**PLAYA LAKES DEVELOPMENT AND OWNERSHIP**

**§ 10.07.001. Ownership policy.**

Playa lakes are an essential element of drainage systems both in and adjacent to the city. When critical amounts of development have occurred within any particular watershed, the public may benefit from owning the property as part of the overall drainage system. Proposals for such ownership shall include a determination by the city council that a substantial benefit shall accrue to the public. No lake areas will be accepted in relatively undeveloped areas unless circumstances exist which merit an exception.  
(Ordinance 564 adopted 4/5/21)

**§ 10.07.002. Dedication methods.**

- (a) At a minimum, all land area below the predicted peak water elevation of a lake as determined by procedures outlined in the drainage design manual and this article shall be dedicated to facilitate stormwater drainage.
- (b) The subdivider shall dedicate or deed to the city, as applicable, the lake land in one of the following ways:
  - (1) The lake area may be dedicated as a stormwater drainage and impoundment easement, subject to approval by the City Council, and shall meet the requirements set forth by the drainage design manual and this article.
  - (2) The lake area may be deeded by general warranty deed to the city as public property for a stormwater detention basin, subject to approval by the City Council, after review and recommendation by the city engineer, and shall meet the requirements set forth by the drainage design manual and this article.
  - (3) The lake area and additional adjacent property may be deeded by general warranty deed to the city as a city park, subject to approval by the City Council, after review and recommendation by the City Engineer. The lake area shall meet the requirements set forth by the drainage design manual and this article.
- (c) In order for the city to accept ownership of dedicated or deeded stormwater detention basin or park, the following requirements must be met:
  - (1) Over 90% of the subdivided land must be built-out and completed.
  - (2) The City Engineer has certified that all stormwater detention basin or park standards have been met.
  - (3) The City Engineer has approved all material used for cut and fill.
  - (4) A system of funding maintenance and operation should be arranged prior to acceptance. This can be in the form of a PID, HOA, etc.

(Ordinance 564 adopted 4/5/21)



**§ 10.07.003. Standards.**

- (a) The following standards shall be met prior to the recording of a final plat that includes a stormwater drainage and impoundment easement:
- (1) Any portion of a lake area included in a proposed final plat shall be dedicated as a stormwater drainage and impoundment easement prior to or with the recording of the final plat.
  - (2) The easement area shall be in conformance with the approved cut and fill plan and the requirements of the drainage criteria manual.
  - (3) A bond in lieu of completing a required cut and fill or other improvements may be allowed prior to the recording of the final plat. A refund of any bond shall not be made until such time as all required improvements have been completed and appear to be operating effectively. A timeframe for execution of improvements shall be specified in a bond agreement with the city. If the improvements are not made within the specified timeframe, the city shall collect the bond.
- (b) The following standards shall be met prior to the final conveyance of a stormwater detention basin by general warranty deed to the city:
- (1) The requirements for minimum development standards for stormwater drainage and impoundment easements as set forth in subsection (a) of this section are in place and are operating effectively.
  - (2) The lake basin shall be graded in accordance with this code and the drainage design manual. Any playa lake requested for city acceptance which has side slopes that exceed the maximum slopes allowed by this code and the drainage design manual shall be considered on a case-by-case basis by the city engineer. The owner or developer of a lake area with excessive side slopes may be required to reshape the cut and/ or fill slopes of the lake prior to acceptance.
  - (3) The owner or developer shall submit an erosion control plan and install erosion control measures as approved by the city engineer and pay all required MS4 fees as established by the city's fee schedule. Prior to submission of the erosion control plan, the owner/developer and the City Engineer shall perform an initial inspection of the subject property. The erosion control plan shall include:
    - (A) A complete description of the lake area proposed for conveyance.
    - (B) A complete description of the problem areas or areas of concern as discussed and noted with the field inspection made by the owner/developer and the City Engineer.
    - (C) A complete description of any necessary and/or proposed improvements to be made to the subject property. This includes any designs, plans, and specifications for materials and construction of the improvements.
    - (D) A complete description of the dates of all previous cut and fill operations of the lake, the predicted peak water elevation of the lake as determined by procedures outlined in the drainage criteria manual, an estimated normal pool elevation of the lake, and other information regarding any previous erosion control measures that have been constructed by the owner/developer.
    - (E) Date of expected completion of the proposed improvements.

- (4) Some requirements for the erosion control plan may not be required if the lake is in its natural state and has not been modified through a cut and fill operation. In proper locations, opportunities for preserving and maintaining the natural habitat shall be considered.
- (5) The owner/developer shall be required to sample the water in any playa lake proposed for city ownership. Composite samples shall be taken as described below, and analyzed by a certified laboratory, and the samples shall be collected and tested as follows:
  - (A) Composite samples may be collected manually. Equal volume aliquots shall be collected at the time of sampling and then composited in the laboratory or the aliquot volume may be collected and composited in the field.
  - (B) Sampling duration: Samples shall be collected within twelve (12) hours of a storm event.
  - (C) A minimum of four (4) aliquots, being at least one (1) aliquot from each quadrant of the playa lake, shall be collected for the composite sample.
  - (D) Analysis and collection of samples shall be performed in accordance with the methods specified in 40 CFR part 136. Where an approved method in part 136 does not exist, then a method approved by the city engineer shall be used.
  - (E) Tests shall be conducted on the parameters required by the Texas Commission on Environmental Quality's Texas Pollutant Discharge Elimination System permit (TPDES).
  - (F) Additional testing may be mandated by federal or state regulatory agencies or the city council.
  - (G) Once completed, a summary of the test results shall be furnished to the city engineer for review. If there appears to be a significant water quality problem, based on analysis, the city engineer may require that the problem be corrected, to the best of the owner/developer's ability, before the city assumes ownership of the lake area as public property. If the lake bottom is dry then a composite soil sample, as directed by the City Engineer, shall be analyzed under the same parameters
- (6) The owner/developer shall make the City Engineer aware of any privately constructed facilities (i.e. buildings, parking lots, pumps, aeration devices, etc.) existing within the lake area.
  - (A) The city engineer will review the existing facilities to determine if they may be allowed to remain in the lake area. Any facility determined to be of no benefit to the city shall be removed by the owner/developer prior to conveyance of the property.
  - (B) Any existing facility that remains in place in order to serve adjacent private property may require a maintenance agreement to be established whereby the private property owner shall continue to maintain the existing facility within the lake area.
- (7) The subdivider, upon the completion of the requirements and standards of this article, may request acceptance of a stormwater detention basin as city property. After review and recommendation by the City Engineer, the City Council may choose to accept the property.
- (8) A bond in lieu of completing a required cut and fill or other improvements may be allowed prior to the recording of the final plat. A refund of any bond shall not be made until such time

as all required improvements have been completed and appear to be operating effectively.

- (c) If a playa lake falls within an area where the need for park property is indicated on the parks master plan or by the park and recreation board, the owner/developer may negotiate for the acceptance of the lake property as a city park. The owner/developer shall coordinate with the City Engineer on any issue pertaining to park development. The following standards shall be met prior to the final conveyance of property as a city park:
- (1) The requirements for minimum development standards for stormwater drainage and impoundment easements and stormwater detention basins (subsections (a) and (b) of this section) are in place and operating effectively or properly secured.
  - (2) All park improvements, as agreed upon by the subdivider and the city, shall be installed or properly secured.
  - (3) Property deeded to the city as a park shall meet the minimum requirements for areas located above the high-water elevation of a playa lake as set forth by the parks master plan or negotiated with the City Council.
  - (4) Required improvements within the proposed park area shall be negotiated and approved by the City Engineer and the City Council.
  - (5) Any irrigation system, approved by the City Engineer, shall be installed by the owner/developer prior to any vegetative cover being placed around the lake area.
  - (6) Any variances to the requirements and standards required for the dedication of park property shall be approved in writing by the City Council.
  - (7) Upon completion of the requirements and standards of this article, the owner/developer may request acceptance of the proposed park area as city property. After review and recommendation by the City Engineer, the City Council may choose to accept the property.
  - (8) A bond in lieu of completing a required cut and fill or other improvements may be allowed prior to the recording of the final plat. A refund of any bond shall not be made until such time as all required improvements have been completed and appear to be operating effectively. A timeframe for execution of improvements shall be specified in a bond agreement with the city. If the improvements are not made within the specified timeframe, the city shall collect the bond.

**§ 10.07.004. Development requirements.**

- (a) Development of all lake areas shall conform to all requirements of the drainage design manual, including the following:
- (1) Improvements within or adjacent to such lake areas shall be in accordance with this chapter and in compliance with the drainage design manual and master drainage plan of the city.
  - (2) Lake areas shall be designated on plats as a “stormwater drainage and impoundment easement” regardless of an ownership proposal or determination. The lake area shall be designated as a separate lot or tract on the final plat.
  - (3) If the ownership of the lake area has been determined by the time of recording the final plat, the appropriate designation shall be placed on the face of the final plat if the lake area is to be dedicated as a “public stormwater detention basin” or “public park.”

- (4) No final plat for any lot or tract under single or common ownership with a lake area that is adjacent to or within a lake area or on a bordering street may be recorded until such lake area has been granted as a stormwater drainage and impoundment easement.
- (b) The conveyance of lake areas for stormwater detention basins shall not prohibit the use of such areas for public activities such as parks or open space not inconsistent with stormwater drainage and impoundment. Areas retained under private ownership are not required to be available for access or use by the public. Uses such as parking lots or golf courses, though not prohibited within the final development of the lake area, should be seriously evaluated by the subdivider, since these uses could be inundated by stormwater for long periods of time during and after rainfall events.
- (Ordinance 564 adopted 4/5/21)

**§ 10.07.005. Notifying public of intent for lake area.**

- (a) Any preliminary plat submitted that includes a lake area shall state the intention of the future use of such lake area.
- (b) A statement on the face of both the preliminary and final plats will clearly indicate the proposed use of the lake area as one of the following:
- (1) A privately owned property with a dedicated stormwater drainage and impoundment easement;
  - (2) A privately owned and maintained park area; or
  - (3) The conveyance of the property to the city as a stormwater detention basin or as a park. The city council must approve of either of these conveyances.
- (c) At the beginning of any construction activity on the site, such as a lake cut and fill or development improvements, signs shall be installed around the perimeter of the lake area stating the future use of the property. The size, location, and number of signs shall be determined by the city engineer on a case-by-case basis.
- (Ordinance 564 adopted 4/5/21)

**ARTICLE 10.08**  
**PLAYA LAKES CUT AND FILL**

**§ 10.08.001. Procedures.**

- (a) In the interest of the health, safety, and welfare of the residents of the city, playa lake modifications and dedication requirements for lake areas necessary for flood control and preservation of natural drainage shall be as follows:
- (1) Subdividers wishing to modify lake areas must submit a cut and fill plan prepared by an engineer according to the procedures detailed below and obtain City Council approval for such plan before beginning any modifications.
    - (A) The subdivider shall submit three (3) copies and an electronic portable document format (.pdf) file of a cut and fill plan meeting the requirements of this article to the planning department.
    - (B) A nonrefundable application fee for reviewing a cut and fill plan shall be set annually in the city's fee schedule. A fee for the administrative costs of reviewing the cut and fill plan shall be required with the application and paid to the Director of Development Services at the time the application is submitted.
    - (C) The cut and fill plan shall be distributed to the city staff by the Director of Development Services, and staff will submit conditions for City Council consideration.
    - (D) The subdivider may contest any staff recommendations at the City Council hearing. The council shall consider both the staff recommendations and the subdivider requests in making a final determination. The City Council shall act on the cut and fill plan as submitted or amended within thirty (30) days.
    - (E) Should the City Council deem necessary, the subdivider shall resubmit a corrected cut and fill plan as required by this section that reflects all required changes before the cut and fill plan approval process is complete.
    - (F) The action of the City Council shall be noted and attached to two (2) copies of the cut and fill plan. One set shall be sent to the person who submitted the cut and fill plan, one set shall be provided to the City Engineer, and the other set shall be filed by the planning department.
  - (2) The cut and fill plan shall comply with the following and shall clearly illustrate any specific requirements:
    - (A) Submit plan sheets at a scale of one (1) inch to one hundred (100) feet horizontal scale. Sheet sizes shall be between eleven (11) by seventeen (17) and twenty-four (24) inches by thirty-six (36) inches unless otherwise approved by the city engineer. If necessary, the plan may be on several sheets, with a cover sheet containing an index showing the entire subdivision.
    - (B) Be titled "cut and fill plan-(subdivision name and lots or tracts)," providing the proper name corresponding to the final plat it is accompanying.
    - (C) Include the names of the subdivider and the person or firm preparing the plan.

- (D) Include the comment “This document is released for review purposes only, under the authority of (insert preparing engineer’s name) and in no way official or approved. Release date: (insert date of release).”
  - (E) Include the statements as listed in section 10.08.002(a)(1)–(9) of this article on the face of the cut and fill plan.
  - (F) Clearly depict the existing one-foot interval contours and the proposed one-foot internal contours and cross-sections on NAVD88 datum unless otherwise approved by the city engineer.
  - (G) Indicate in the notes the benchmarks used to establish vertical control for the plan.
  - (H) Include cross-sections at a horizontal and vertical scale that clearly demonstrate the existing land and the proposed results of the cut and fill operation.
  - (I) Clearly demonstrate with the contours and cross-sections that the borrow slopes and fill slopes conform to the requirements of the drainage criteria manual.
  - (J) Clearly indicate in the notes and on the contours the predicted peak water elevation or overflow elevation of the lake.
  - (K) Indicate the acreage of the lake area prior to the cut and fill operation and the acreage and percent of total reclamation upon completion of the proposed activity. If prior cut and fill operations have been performed in the lake, the acreage of the lake area in its natural state shall also be listed as well as the percent of prior reclamation.
  - (L) Indicate the volume, in cubic yards, of the total proposed excavation, the volume of embankment material to be placed both below and above the predicted peak water elevation of the lake, and the net volume increase of holding capacity of the playa lake due to the cut and fill operation. All earthwork volumes shall be calculated as “in-place” cubic yards.
  - (M) Include adequate notes and legends to clearly depict the differences between existing and proposed conditions with this cut and fill operation.
- (3) Any approved cut and fill plan shall remain in force for three (3) years or until such time as the plan is submitted for amendment by the subdivider.
- (Ordinance 564 adopted 4/5/21)

**§ 10.08.002. Requirements and verification.**

- (a) All fill activity shall be subject to the following requirements that shall be stated on the face of the cut and fill plan:
  - (1) Testing shall be performed by a commercial testing laboratory in accordance with American Society for Testing Materials (ASTM) standards.
  - (2) All fill materials shall be compacted to ninety-five (95) percent standard proctor density in accordance with ASTM D-698.
  - (3) Field densities shall be determined in accordance with ASTM D-2922 (nuclear density method).
  - (4) Four (4) field densities shall be taken per acre of fill material, and densities shall be taken for

each six- inch compacted depth, or portion thereof, of succeeding depths of fill material. Each area of fill material less than one-half acre shall have a minimum of two (2) field densities for each six-inch depth, and areas of fill material between one-half acre and one (1) acre shall have a minimum of three (3) field densities for each six-inch depth.

- (5) Each lift shall have a maximum compacted depth of six (6) inches.
  - (6) The field densities shall be taken in such a manner as to be a representative sampling of the six-inch depths. The location of the tests shall be proportionately spaced to represent approximate equal areas of each acre being tested. Testing shall not occur at the same location in succeeding depths, so a representative sampling of the total fill may be obtained.
  - (7) The location of the field density tests shall be indicated upon a map to become a part of the certified as-built cut and fill plan.
  - (8) Copies of all test results with location maps shall be furnished to the City Engineer with the certified as-built cut and fill plan.
  - (9) Fill material with a plasticity index (PI) of greater than twenty (20) will not be allowed in any public right-of-way. The substandard material shall be discarded at a location above the predicted peak water elevation of the playa lake, and select fill material shall be imported to the site for placement within the public right-of-way.
- (b) The top of the slope of any excavation shall be a minimum of ten (10) feet from any adjacent property line or existing or anticipated street or alley right-of-way line unless otherwise approved in the cut and fill plan.
  - (c) Upon completion of any cut and/or fill activity as approved by the City Council under this chapter, as-built certified drawings shall be provided by an engineer and shall be filed with the City Engineer for review prior to recording of the final plat. Upon approval of the City Engineer, the cut and/or fill activity and the as-built certified drawings may be allowed to be completed after the recording of the final plat if the subdivider provides a bond in lieu of completing these improvements in accordance with the provisions of section 10.10.009.

(Ordinance 564 adopted 4/5/21)

**ARTICLE 10.09**  
**EXCAVATIONS AND FILLS OUTSIDE OF LAKE AREAS**

**§ 10.09.001. Procedures.**

- (a) The approval of the City Council shall be secured before any excavations as defined below are made, or any fills are made which will affect public drainage. Excepted from this requirement are those excavations and fills made in the course of construction, such as foundations, basements, or subfloors which are authorized by a building permit, normal site fill for lots in new subdivisions, or utility excavations and installations.
- (b) The procedure for obtaining City Council approval for an excavation plan or a fill plan is the same as section 10.08.001.
- (c) As-built excavation or fill plans shall be required in conformance with section 10.08.002(c). (Ordinance 564 adopted 4/5/21)

**§ 10.09.002. Excavations outside of lake areas.**

- (a) An excavation plan shall be required for consideration by the city council for any cuts that resemble a mining operation or create a pit. Any cut exceeding six (6) feet in depth shall be submitted to the city engineer for determination of the requirement for an excavation plan.
- (b) The city council, when considering such plans, shall evaluate the plan with the safety of the public and the protection of adjacent properties as paramount in their deliberation. The city council shall, among other items, consider the following issues:
  - (1) Slopes of the excavation walls.
  - (2) Necessity of perimeter security, such as fencing, around the excavation site.
  - (3) Distance from the edge of the excavation to adjacent properties or structures.
  - (4) Access points to the excavation sites and their impacts to the excavation site and adjacent property. (Ordinance 564 adopted 4/5/21)

**§ 10.09.003. Fills outside of lake areas.**

- (a) Proposals for any fill outside of lake areas that could affect the normal flow of public drainage, including but not limited to berms, dams or terraces, shall be submitted to the city engineer for determination of whether a fill plan must be prepared.
- (b) Cut/fill plans shall be submitted to the City Engineer. After the cut/fill plans have been reviewed, the City Engineer may make a recommendation to the City Council for final approval under the procedure detailed in section 10.08.001.
- (c) In reviewing fill plans, the City Council shall, among other items, consider the following issues:
  - (1) The overall drainage pattern of the area.
  - (2) The impact the fill may have on adjacent properties or structures.
- (d) Any fill operation requiring a fill plan shall conform to the requirements of section 10.08.001 and section 10.08.002.



**ARTICLE 10.10**  
**IMPROVEMENTS REQUIRED PRIOR TO ACCEPTANCE OF FINAL PLAT**

**§ 10.10.001. Improvements required.**

Improvements listed in this article are required for recording of final plats inside the corporate limits of the city. Subdividers should consult with the County Public Works Director concerning requirements for plats in the city's extraterritorial jurisdiction.

(Ordinance 564 adopted 4/5/21)

**§ 10.10.002. Monuments.**

- (a) Monuments shall consist of pipes or rods of magnetic quality of a minimum length of twelve (12) inches and shall be placed at all block corner and control points.
- (b) Control points are any property corner of any tract, parcel or lot which is not square or rectangular. (Ordinance 564 adopted 4/5/21)

**§ 10.10.003. Streets.**

- (a) Grading, drainage, and drainage structures necessary to the proper use and draining of streets, highways, and ways, and for public safety shall be in accordance with this code.
- (b) All streets and paved access alleys within or abutting the proposed subdivision shall be paved to the width specified on the plat and constructed in compliance with City of Lubbock minimum design standards and specifications as appended in appendix C of this code under the supervision of the city engineer.
- (c) Improvements to off-site streets will be constructed as required by the traffic impact analysis and in accordance with the provisions of this code.
- (d) Preliminary grades shall be established for all streets and alleys prior to actual utility installation to prevent damage to buried utilities.
- (e) All underground utility lines required in a street, alley, or easement shall be installed prior to the installation of sub-base, base, or surface of the street.
- (f) The subdivider is responsible for the coordination of installation of utilities within streets, alleys, and easements and the submittal of as-built drawings of the utilities installed within their subdivision at the time the as-built drawings of the paving improvements are submitted.
- (g) The City Council, upon request of the subdivider, may consider the delay of the required paving improvements.
  - (1) The subdivider shall submit the request and receive authorization of the requested delay prior to the recording of the final plat.
  - (2) The City Council shall only consider approval of a delay in unusual circumstances, such as the platting of an isolated lot or tract in an area that is currently unpaved. Financial hardship shall not be a consideration for the approval of a delay of the paving improvements.

(Ordinance 564 adopted 4/5/21; Ordinance 2023-010 adopted 5/1/2023)

**§ 10.10.004. Water and sewer.**

- (a) Water and sewer mains shall be installed to serve all lots within the proposed subdivision under the provisions of chapter 13 of this code and shall be constructed in compliance with the City of Lubbock Minimum Design Standards and Specifications as appended in appendix C of this code under the supervision of the City Engineer.
- (b) Installation of water and sewer shall not be required when the city council finds that water and sewer is not available and cannot be made available in the immediate future. In such cases, a delay of services should be requested by the subdivider when the final plat is submitted.
- (c) A building permit shall not be issued on a platted lot or tract, or any portion authorized under the procedure in section 10.03.002(b), until such time as water and sanitary sewer service has been installed and is operational as determined by the City Engineer or an exception is allowed under the provisions of this section.
- (d) The location of the water meter and meter can for water service shall be placed within 10 feet of the side property line and 1 foot from the rear property line. The sewer stub service line shall be placed at the centerline of the lot (+-) 5 feet.

**§ 10.10.005. Street lighting.**

- (a) Streetlights shall be a minimum of 2.5 ft. back from curb face and have 250W EQ LED luminaries.
- (b) The subdivider shall provide a street lighting plan to the city for review along with engineering documents.
- (c) The subdivider shall be responsible for the purchase and installation of street lights in the proposed subdivision prior to installation of lighting. Street lighting shall be installed and operational prior to the issuance of a Certificate of Occupancy, unless the subdivider has provided evidence of an agreement with the utility provider and any delay is due to the utility provider. Evidence of agreement is subject to the acceptance of the city.

(Ordinance 564 adopted 4/5/21)

**§ 10.10.006. Street name signs.**

- (a) Street name signs for streets shall be provided at all street intersections within or abutting the proposed plat. Street name sign locations will be reviewed by the engineering department. Street name signs will be paid and installed by the subdivider.
- (b) The subdivider shall bear all costs associated with the purchase and installation of street name signs.
- (c) Street name signs shall be installed prior to the issuance of a Certificate of Occupancy, unless the subdivider has provided evidence of an agreement with the ~~utility~~ sign provider and any delay is that of the provider, not the subdivider. Evidence of agreement is subject to the acceptance of the city.

(Ordinance 564 adopted 4/5/21)

**§ 10.10.007. Other traffic signs and traffic-control devices.**

- (a) The city engineer will specify any other required signs and traffic-control devices, including but not limited to road closure signs and barricades, stop signs, no parking signs, and one-way signs, as part of plat review. Such signs and devices shall be of a style approved by the city and shall be placed in accordance with the state manual on uniform traffic-control devices (TMUTCD).
- (b) Required devices will be paid for and installed by the subdivider.
- (c) Other traffic signs and traffic-control devices shall be installed and operational prior to the issuance of a Certificate of Occupancy, unless the subdivider has provided evidence of an agreement demonstrating a commitment to provide the required devices, and further demonstration that any delay is due to the provider of the required devices and not the subdivider. Evidence of agreement is subject to the acceptance of the city.

(Ordinance 564 adopted 4/5/21)

**§ 10.10.008. Drainage improvements.**

All drainage improvements, including playa lake cut and fills and excavations or fills outside of lake areas, shall be completed in accordance with article 10.08 and article 10.09 of this chapter and section 10.06.005.

(Ordinance 564 adopted 4/5/21)

**§ 10.10.009. Performance bond in lieu of required improvements.**

- (a) In the event of lack of completion of the required improvements, with the intention of initiating the recording of the final plat, the subdivider may request the submission of a bond in lieu of the completion of paving, drainage, and cut and fill activity. Required paving, drainage, and cut and fill activity can be no less than 75% complete as determined by the city engineer in order for this provision to apply. At the sole discretion of the City Council, the city may allow the submission of a performance bond in lieu of completion of requested infrastructure.
- (b) In the circumstance of the Parade of Homes or any other similar event in nature, the 75% completion may be waived by City Council approval.
- (c) A performance bond issued by a licensed surety company in the state to the City for the purpose of ensuring the construction of the roads and all other infrastructure to be dedicated to the city in said subdivision is required. Said bond shall be in effect until the city has accepted the infrastructure that is subject to the bond. The bond shall be in a form acceptable to the City Attorney. The bond shall be in an amount equal to or greater than the estimated cost needed to complete the construction of the required improvement.
- (d) The bond shall be accompanied with a copy of the construction contract for the required paving, or drainage improvements and planned cut and fill activity or an estimate provided by the subdivider's engineer that is approved by the City Engineer. The City Engineer shall have the authority to require a different bond amount if there is a question or disagreement about the cost necessary to complete the construction of the required improvements. The City Engineer shall utilize any data deemed relevant as the basis for requiring a different bond amount.
- (e) As a condition of a performance bond, the owner of an approved and accepted subdivision shall

execute and complete construction of all infrastructure subject to the bond or substitute collateral in accordance with the specifications herein in no more than one year from the date of approval of the final plat. The performance bond shall remain in full force and effect until all of the subject infrastructure in such approved and accepted subdivision have been completed to the satisfaction of the city engineer.

- (f) If the owner fails or refuses to correct the defects called to his attention in writing by the City Engineer and the bond is unenforceable, the owner shall complete the unfinished improvements at their cost and expense as common law obligation of the bond.  
(Ordinance 564 adopted 4/5/21)

**§ 10.10.010. Withholding improvements and permits until approved.**

- (a) The city shall withhold all city improvements, including the furnishing of sewerage facilities and water service, from all additions which have not been recorded and improvements provided as required by this chapter.
- (b) No permits shall be issued by the building official on any piece of property unless water and sewer service is operational as determined by the City Engineer. Further, no permit shall be issued on any parcel other than an original or a resubdivided lot in a duly approved and recorded subdivision, unless an exception has been made under section 10.03.002(b) and until such time as the platted lot or tract is made accessible by way of an all- weather surface. The City Engineer shall have the authority, after reviewing the progress of construction and other relevant matters, to release a portion of the subdivision for building permits.
- (c) Improvements and permits shall not be withheld when the city council finds one of the following situations to exist:
- (1) Where improvements are necessary to comply with other ordinances of the city which carry a penalty for failure to comply.
  - (2) Where leased property lies on railroad right-of-way and such property is adequately served by streets and utility easements.

(Ordinance 564 adopted 4/5/21)

**§ 10.10.011. Maintenance bond.**

- (a) The owner/developer must file a maintenance bond at the time any infrastructure in the subdivision is presented for dedication to the city. The condition of the maintenance bond shall be that the owner or developer shall guarantee to maintain, to the satisfaction of the city, all of the streets, alleys, and all other infrastructure to be dedicated to the city shown on the accepted and approved subdivision plat, in a good state of repair for a period of one year following the acceptance of such infrastructure by the city. Bonds shall be in an amount equal to 15 percent of the cost of construction for the approved infrastructure.
- (b) The maintenance bond shall commence on the date the roads or other infrastructure shown on the subdivision plat are accepted by the city and shall remain in full force and effect for a period of one year thereafter. The city will make periodic inspections of approved and accepted roads and other infrastructure, as possible, during the period of liability covered by the maintenance bond. In the event any of such roads or other infrastructure are not being maintained in a good state of repair, the owner will be so advised in writing and if, after reasonable time, the owner/developer fails or refuses to maintain the roads, they shall be maintained at the cost and expense of the

owner/developer.

- (c) If the owner fails or refuses to correct the defects called to his attention in writing by the City Engineer and the bond is unenforceable, the owner shall complete the unfinished improvements at their cost and expense as a contractual obligation of the bond.

(Ordinance 564 adopted 4/5/21)

**§ 10.10.012. Traffic impact analysis.**

- (a) A traffic impact analysis (TIA) shall be submitted with a preliminary plan, final plat or replat when the subdivision or addition or amendment to an existing subdivision will generate one hundred (100) or more vehicle trips, inbound or outbound, during the peak hour. The analysis shall be performed for the most intense use permitted in the existing or proposed zoning district. A scoping meeting is required.
- (b) The TIA shall be prepared in accordance with the recommended guidelines for traffic impact studies as issued by the Institute of Transportation of Engineers.
- (c) The final plat or replat shall be prepared in conformance with the TIA and the preliminary plat.
- (d) The developer must have a city-approved TIA prior to the approval of the final plat or replat.
- (e) Off-site improvements. If off-site improvements are required in the TIA, the improvements shall be installed and constructed in accordance with all applicable city codes and ordinances prior to the approval of the final plat.
- (f) Signage and striping. If off-site signage and/or striping are required in the TIA, the signage and/or striping shall conform to all applicable city codes and ordinances.
- (g) Signalization. If off-site signalization is required in the TIA, the signalization shall be installed with all applicable city codes and ordinances.
- (h) Preliminary plat, final plat and replat TIA. The TIA submitted with a preliminary plat, final plat or a replat shall include any revisions to the TIA required for changes in the proposed development of the plat since the submission of the last TIA.

(Ordinance 2023-010 adopted 5/1/2023)

## ARTICLE 10.11 VARIANCES

### § 10.11.001. General regulations.

- (a) Where the City Council finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured. However, such variance shall not have the effect of nullifying the intent and purpose of these regulations.
- (b) The City Council shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
  - (1) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property.
  - (2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
  - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience or financial loss, if the strict compliance with these regulations is carried out.
  - (4) Any variance does not violate any other city ordinance. (Ordinance 564 adopted 4/5/21)

### § 10.11.002. Conditions.

In approving variances, the City Council may require such conditions as will, in its judgment, substantially secure the objective of the standards or requirements of this chapter.  
(Ordinance 564 adopted 4/5/21)

### § 10.11.003. Procedures.

- (a) A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed with the planning department prior to consideration by the City Council.
- (b) This procedure shall also apply to any request for variance related to an existing approved plat.
- (c) The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner and include clear reference to the portion of this chapter creating the hardship.  
(Ordinance 564 adopted 4/5/21)

**ARTICLE 10.12**  
**REPLATS**

**§ 10.12.001. General regulations.**

- (a) The owner of property who wishes to revise a subdivision plat which has been previously filed for record must make an application of the proposed revised plat to the City Council. The replat of the subdivision shall meet all approval requirements for and follow the same procedure as a final plat under article 10.05. If a lot is replatted, all lots will retain the original name of the plat.
- (b) A replat may not amend or remove any covenants or restrictions.
- (c) Each person who wishes to replat a subdivision under this chapter must submit to the city a fee as determined by the city's Master Fee Schedule for each replat application.  
(Ordinance 588 adopted 2/7/22)

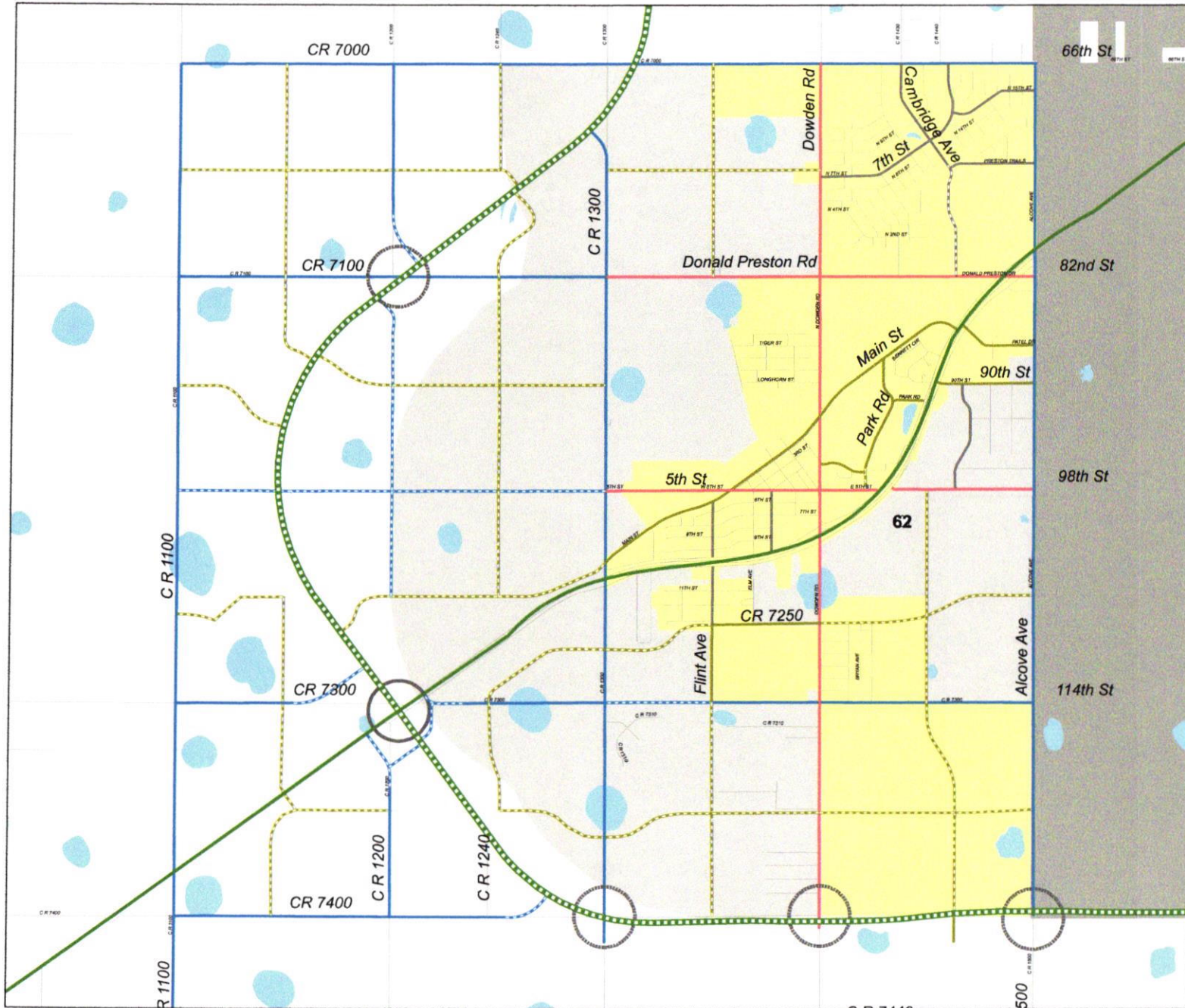
**§ 10.12.002. Additional requirements for certain replats.**

- (a) A replat without vacation of the preceding plat must conform to the requirements of this section if:
  - (1) During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
  - (2) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
- (b) If a proposed replat described by subsection (a) requires a variance or exception, the City Council must hold a public hearing.
- (c) Notice of the hearing required under subsection (b) shall be given before the 15th day before the date of the hearing by:
  - (1) Publication in an official newspaper or a newspaper of general circulation in the county in which the municipality is located; and
  - (2) By written notice, with a copy of subsection (d) attached, forwarded by the municipal authority responsible for approving plats to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.
- (d) Subject to the exception in subsection (f), if the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, to be approved, the affirmative vote of at least three-fourths of the members present of the City Council. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the City Council prior to the close of the public hearing.

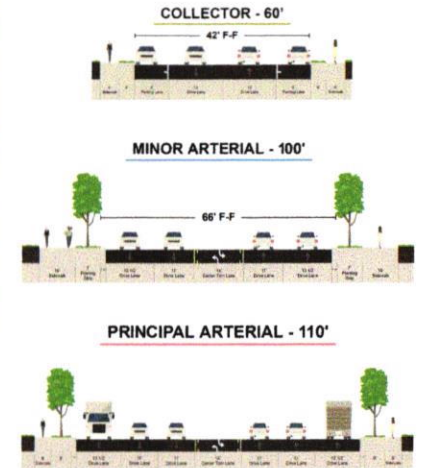
- (e) In computing the percentage of land area under subsection (c), the area of streets and alleys shall be included.
- (f) Compliance with subsections (d) and (e) is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.
- (g) If a proposed replat described by subsection (a) does not require a variance or exception, the municipality shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent county tax roll. This subsection does not apply to a proposed replat if the City Council holds a public hearing and gives notice of the hearing in the manner provided by subsection (c).
- (h) The notice of a replat approval required by subsection (g) must include:
  - (1) The zoning designation of the property after the replat; and
  - (2) A telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

(Ordinance 588 adopted 2/7/22)





**Wolforth Master Thoroughfare Plan**



- Legend**
- Loop 88 Alignment
  - Freeway
  - Proposed Interchange
  - Proposed Grade Separation
  - Existing Principal Arterial
  - Existing Minor Arterial
  - Existing Collector
  - Existing Residential Collector
  - Proposed Principal Arterial
  - Proposed Minor Arterial
  - Proposed Collector
  - Proposed Residential Collector
  - Wolforth City Limits
  - Wolforth ETJ
  - Lubbock City Limits
  - Lakes

2021 City of Wolforth  
Comprehensive Plan Update

Adopted by City Council on April 5th, 2021



	<b>RH-Row House District</b>	<b>R1- Single Family Dwelling District</b>
<b>Per Ordinance</b>	<b>Minimum Lot: 2860 Sq Ft</b> <b>Lot Width: 26 ft</b> <b>Minimum Front Yard: 20 ft</b> <b>No Side Yard Minimum</b> <b>Corner Lot: 5 ft</b> <b>Minimum Rear Yard: 15 ft</b> <b>Maximum Height: 40 ft (3 stories)</b>	<b>Minimum Lot: 6000 Sq Ft</b> <b>Lot Width: 50 ft</b> <b>Minimum Front Yard: 20 ft</b> <b>Minimum Side Yard: 5 ft</b> <b>Minimum Rear Yard: 15 ft</b> <b>Maximum Height: 35 ft (2 ½ stories)</b>

**Harvest PDD-**

<b>Type</b>	<b>Square Footage</b>	<b>Front Lot Width</b>	<b>Front Setback</b>	<b>Side Setback</b>	<b>Back Setback</b>
Cottage	3600 Sq Ft	50 ft	20 ft	5 ft	5 ft
Duplex	6000 Sq Ft	60 ft	20 ft	5 ft	5 ft
Single-Family	5000 Sq Ft	45 ft	20 ft	5 ft	5 ft
Reserve Product	6000 Sq Ft	50 ft	20 ft	5 ft	5 ft

**Overlook PDD-**

<b>Type</b>	<b>Square Footage</b>	<b>Front Lot Width</b>	<b>Front Setback</b>	<b>Side Setback</b>	<b>Back Setback</b>
Row Home (single story)	2800 Sq Ft	26 ft	5 ft Garage- 15 ft	0 ft Between Lot- 10 ft	5 ft
Row Home (2 Story)	2800 Sq Ft	26 ft	5 ft Garage- 15 ft	0 ft Between Lot- 10 ft	15 ft
Single-Family	5000 Sq Ft	50 ft	20 ft	5 ft	15 ft

**Preston Trails PDD-**

<b>Type</b>	<b>Square Footage</b>	<b>Front Lot Width</b>	<b>Front Setback</b>	<b>Side Setback</b>	<b>Back Setback</b>
Duplex	6600 Sq Ft	60 ft	20 ft	5 ft	5 ft
Single Family	6000 Sq Ft	50 ft	20 ft	5 ft	15 ft

**Overlook West PDD-**

<b>Type</b>	<b>Square Footage</b>	<b>Front Lot Width</b>	<b>Front Setback</b>	<b>Side Setback</b>	<b>Back Setback</b>
Single Family	4500 Sq Ft	45 ft	20 ft	5 ft	15 ft



## Final Plat Submission Checklist

I certify that all items checked have been provided. I understand that not providing all of this information, as well as submitting drainage and construction plans at or immediately after the date of this submittal, may result in an incomplete application and delay the consideration and scheduling of my project for approval.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### Submission Requirements:

- Final plat document (.pdf) a minimum of 11" x 17", but not to exceed 36" on any side.
- Final drainage analysis & plan (.pdf), if required.
- Cut & fill plan (.pdf), if required.
- Processing fee.
- Any supplementary materials required for approval.

### Document Requirements:

- Must conform to the approved preliminary plat, and may constitute only a portion of the preliminary plat.
- Shall contain right-of-way dedication for all internal and perimeter streets and alleys within the portion proposed for final plat as shown on the approved preliminary plat.
- The final plat dimensional control shall be in units of U.S. survey feet to the nearest one-hundredth of a foot. Directional control shall be shown as bearings to the nearest arc second. The description of the methodology used and the source, datum, and date of creation of the relevant points must be included on the face of the plat.
- Control for a final plat shall be established by one of the following methods. (1) The final plat may be tied by survey to adjacent section corners and lines; or (2) When the approved subdivision abuts or is adjacent to an existing recorded plat of the city, the final plat may be tied by survey to such existing plat.
- The final plat shall include horizontal coordinates on at least two of the boundary corners relative to the Texas Coordinate System of 1983, North Central Zone datum as described in Texas Natural Resources Code, Title 2, Chapter 21, as amended, or subsequently established United States Geodetic Survey data adopted by the city.
- Notice stating, "Final Plat for Review, Do Not Record"
- Drawn to the following scale: 1"=50' for <1 acre; 1"=100' for >1 acre.
- The incorporation of all preliminary plat information and conditions approved by the City Council

- The plat boundary and the exact acreage included in that boundary.
- Title or name of the plat. If a lot or tract is replatted, all land in the original lot(s) or tract(s) must be replatted in order to retain the original plat name. A replat cannot “orphan” a part of a lot.
- The map scale, horizontal datum, north arrow and date.
- Reference by name to recorded plats of adjacent and abutting properties.
- Boundary lines of all lots, tracts, and parcels with accurate dimensions, bearings, radii, chord distances, and central angles of all curve segments, for all total curves.
- Numbers and letters to identify each lot or tract.
- Lots shall be numbered consecutively from one to the total number of lots in the subdivision. Tracts shall be lettered in alphabetical order. Such designation will be continuous in the order that final plats of portions of a preliminary plat are recorded with the county clerk.
- Replatted lots will be designated alphanumerically (e.g. Lot 1-A), and further subdivision will alternate numbers and letters (e.g. Lot 1-A-1, Lot 1-A-1-A). The same alternating method will be used for tracts (e.g. Tract A-1, Tract A-1-A, Tract A-1-A-1)
- All street and alley rights-of-way and easements will be shown on the plat and the purpose and restrictions of use of such easement indicated.
- Accurate location, dimensions, bearings, radii, chord distances, and central angles of all curve segments, for all total curves, shall be provided to readily establish location of rights-of-way and easements. Location of points of intersection and points of tangency of street intersections other than right angle intersections shall be indicated.
- A key of abbreviations for easement types shall be included on the plat.
- Legal references shall be provided for all previous dedications and easements.
- Name of each street and width of streets, alleys, and other right-of-way.
- All platted lots and tracts shall provide for collection of garbage consistent with article 6.02 of this code unless alternatives are approved by the city council.
- All irrigation wells on the property must be dedicated to the city.
- All plats must show locations for centralized mail receiving areas.
- The following surveyor's certificate shall be placed on every final plat and signed by the surveyor prior to submission to the planning department:

KNOW ALL MEN BY THESE PRESENTS:

That I, \_\_\_\_\_, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments and/or other control shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Wolfforth, Texas

\_\_\_\_\_

- The following certificate of approval by the City Council shall be placed on every final plat and signed prior to recording of the plat documents at the courthouse:

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
by the City Council of the City of Wolfforth, Texas.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Secretary

- The following notices shall be stated on the face of every plat:

- (1) "Heavy lines indicate plat limits."
- (2) "All streets, alleys, and easements within plat limits are herein dedicated unless noted otherwise."
- (3) "No building permit shall be issued on any survey certificate that is not in accordance with an approved final plat unless exception is provided by the City Council or by the Wolfforth Code of Ordinances."
- (4) "All utility service shall be in accordance with the Underground Utilities Policy Statement by the City Council of the City of Wolfforth, Texas and the provision of section 36.09.095 of the Wolfforth Code of Ordinances"
- (5) "Any relocation or revision of existing facilities shall be at the subdivider's expense. Compensation shall be made prior to the recording of this final plat."
- (6) "All existing or proposed utility services to and on tracts indicated by this plat shall be contained in the public right-of-way and public or private utility easements. Utility service installation requested at a future date and not within an easement indicated by this plat, shall be within a proper utility easement granted by the owner of said property by separate recorded instrument prior to the provision of such service. Such easements shall be at the expense of the entity requesting such installation."
- (7) "All easements herein granted shall entitle the city or the utility company using such easements to the right to remove, repair or replace any lines, pipes, conduits, or poles within such easements as may be determined by the city or utility company without the city or utility company being responsible or liable for the replacement of improvements, paving, or surfacing of the easement necessitated by such repair, removal, or replacement."

Easements designated or intended for vehicular passage (utility and emergency) or pedestrian access shall not be fenced or otherwise obstructed.”

(8) “Any easements or rights-of-way shown as ‘to be dedicated by separate instrument’ are shown on the plat for information purposes only. This plat does not dedicate said easements.”

(9) “Minimum floor elevations shall conform to the requirements of the Wolfforth Drainage Design Manual and section 3.09.020 of the Wolfforth Code of Ordinances.”

The following notices shall be stated on the face of the plat when they apply to that particular plat:

(1) Any notices required in section 10.05.006 for lake or flood hazard areas.

(2) “Blanket solid waste collection easement as required for service [within the plat limits or insert specific lot or tract designation] is herein granted.”

(3) “Blanket [insert ‘underground’ if applicable] utility easement as required for service [within the plat limits or insert specific lot or tract designation] is herein granted to [insert name of public, private or franchise utility or certificated service provider of telecommunications].”

(4) “Public pedestrian access easement is herein granted for persons traversing along the public parkway and needing to enter onto private property for the purpose of crossing a driveway. The easement is limited to those portions of the as-constructed driveways and walks which may extend outside public right-of-way onto private property and are constructed for the continuance of the accessible routes across the back of the driveway. This easement applies to existing and any future drive entrances as constructed.”

(5) Plats in the city's extraterritorial jurisdiction shall include a certificate of approval by the county commissioner's court that shall be placed on every final plat and signed prior to recording of the plat documents at the courthouse.

APPROVED this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_, by

The Commissioners Court of the COUNTY OF LUBBOCK, TEXAS

APPROVED

\_\_\_\_\_  
COUNTY JUDGE

ATTEST

\_\_\_\_\_  
COUNTY CLERK

### Platting Checklist

PROJECT INFORMATION		
Requirements	Allowed per Ordinance	Provided/Comment
<b>Minimum Lot Area</b>	6,000 square feet- <i>Unless listed in PDD (separate document)</i> Zoning Ordinance – Sec 501, 1	
<b>Plat scale</b>	<1 acre – 1” per 50’ >1 acre – 1” per 100’	
<b>Acreage</b>	Exact acreage shown on plat	
<b>Horizontal Coordinates</b>	At least two of the boundary corners relative to the Texas Coordinate System of 1983, North Central Zone datum as described in the Texas Natural Resource Code, title 2, chapter 21, as amended, or subsequently established USDS data adopted by the City	
<b>Adjoining Subdivisions</b>	Reference by name adjoining subdivisions showing to scale in dashed lines properties adjacent to the plat boundary.  Show existing streets, alleys, and other features that may influence the layout of the proposal.	
<b>Streets, alley, easements, and ROWs</b>	Conform to thoroughfare plan or PD? All street names and widths shown.  No direct residential access to a Major Thoroughfare. Alternative approvals from Council required.  Do lots back-up to a road? Sidewalk provided?	
	Dead end streets only at adjoining property not subdivided, where deemed acceptable.	
	Alleys shall be a width of 20 feet.	
	Over 30 lots with one point of access may require secondary access.	
	Are Easements Shown?	
<b>Plat Graphics</b>	Boundary lines of all lots, tracts, parcels, streets, easements, and alleys with accurate dimensions,	



	bearings, radii, chord distances, and central angles of all curve segments for all total curves.	
	The final plat dimensional control shall be in units of U.S. survey feet to the nearest one-hundredth of a foot. Directional control shall be shown as bearings to the nearest arcsecond. The description of the methodology used and the source, datum, and date of creation of the relevant points must be included on the face of the plat.	
	Location of points of intersection and points of tangency of street intersections other than right angle intersections shall be indicated.	
<b>Lots numbers</b>	Lots numbered consecutively from one to the total number of lots. Tracts are lettered in alphabetical order.	
<b>Replatted lot requirements</b>	Replatted lots will be designated alphanumerically (e.g. Lot 1-A), and further subdivision will alternate numbers and letters (e.g. Lot 1-A-1, lot 1-A-1-A). The same alternating method will be used for tracts (e.g. Tract A-1, tract A-1-A, tract A-1-A-1).	
<b>Title Block</b>	Title block with proposed subdivision, owner name (Property Owner's name, address, and telephone number). Replats must retain the original name. No "orphan" areas.	
<b>Lake Areas</b>	Playa Lakes being dedicated as stormwater drainage and impoundment easement? <b>Sec 10.07.</b>	



## AGENDA ITEM COMMENTARY

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<b>MEETING NAME:</b>	Planning and Zoning Commission
<b>MEETING DATE:</b>	June 11, 2024
<b>ITEM TITLE:</b>	Consider and take appropriate action on final plat for Harvest Phase 9 Lots 1114-1229 and 1233-1241.
<b>STAFF INITIATOR:</b>	Tara Tomlinson, Director of Development Services

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### BACKGROUND:

The attached plat has been reviewed by staff and third parties and meets the City's ordinances for approval with the attached conditions to address. Subdivision plans have been approved by Texas Commission on Environmental Quality on April 8, 2024. Per City of WolfForth's Code of Ordinances, approval by Planning and Zoning Commission shows that the plat meets all ordinances. Public infrastructure will be accepted by City Engineer at another date.

### EXHIBITS:

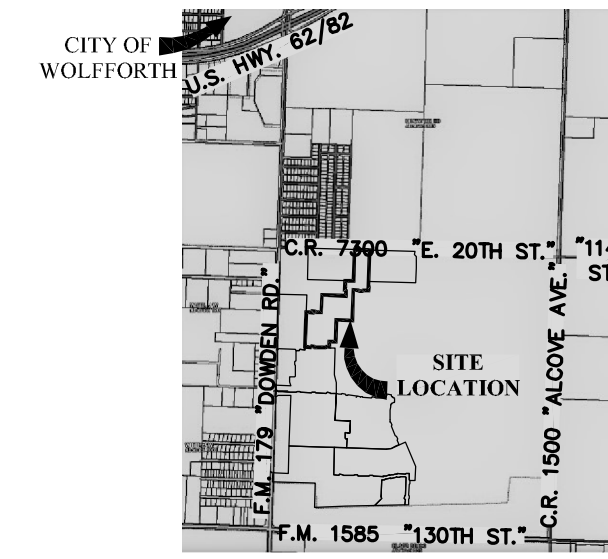
1. Harvest Phase 9 Lots 1114-1229 and 1233-1241 Final Plat
2. TCEQ Approval Letter

### COMMITTEE ACTION/STAFF RECOMMENDATION:

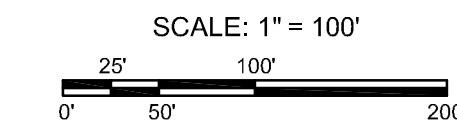
Staff advises review of Harvest Phase 9 plat and recommends approval to City Council.

# HARVEST,

LOTS 1114 THROUGH 1229 AND  
LOTS 1233 THROUGH 1241,  
AN ADDITION TO THE CITY OF WOLFFORTH,  
LUBBOCK COUNTY, TEXAS



VICINITY MAP  
NOT TO SCALE



NOTES:

- HEAVY LINES INDICATE PLAT LIMITS.
- ALL STREETS, ALLEYS, AND EASEMENTS WITHIN PLAT LIMITS ARE HEREIN DEDICATED, UNLESS NOTED OTHERWISE.
- NO BUILDING PERMIT SHALL BE ISSUED ON ANY SURVEY CERTIFICATE THAT IS NOT IN ACCORDANCE WITH AN APPROVED FINAL PLAT UNLESS AN EXCEPTION IS PROVIDED BY THE CITY COUNCIL POLICY OR BY THE CITY OF WOLFFORTH CODE OF ORDINANCES.
- ALL UTILITY SERVICE SHALL BE IN ACCORDANCE WITH THE "UNDERGROUND UTILITIES POLICY" STATEMENT BY THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS AND THE PROVISIONS OF SECTION 15.08.095 OF THE CITY OF WOLFFORTH CODE OF ORDINANCES.
- ANY RELOCATION OR REVISION OF EXISTING FACILITIES SHALL BE THE SUBDIVIDER'S EXPENSE. COMPENSATION SHALL BE MADE PRIOR TO RECORDING OF THIS FINAL PLAT.
- ALL EXISTING OR PROPOSED UTILITY SERVICES TO AND ON TRACTS INDICATED BY THIS PLAT SHALL BE CONTAINED IN THE PUBLIC RIGHT-OF-WAY AND PUBLIC OR PRIVATE UTILITY EASEMENTS. UTILITY SERVICE INSTALLATION REQUESTED AT A FUTURE DATE AND NOT WITHIN AN EASEMENT INDICATED BY THIS PLAT, SHALL BE WITHIN A PROPER UTILITY EASEMENT GRANTED BY THE OWNER OF SAID PROPERTY BY SEPARATE RECORDED INSTRUMENT PRIOR TO THE PROVISION OF SUCH SERVICE. SUCH EASEMENTS SHALL BE AT THE EXPENSE OF THE ENTITY REQUESTING SUCH INSTALLATION.
- ALL EASEMENTS HEREIN GRANTED SHALL ENTITLE THE CITY OR THE UTILITY COMPANY USING SUCH EASEMENTS TO THE RIGHT TO REMOVE, REPAIR OR REPLACE ANY LINES, PIPES, CONDUITS, OR POLES WITHIN SUCH EASEMENTS AS MAY BE DETERMINED BY THE CITY OR UTILITY COMPANY WITHOUT THE CITY OR UTILITY COMPANY BEING RESPONSIBLE OR LIABLE FOR THE REPLACEMENT OF IMPROVEMENTS, PAVING OR SURFACING OF THE EASEMENT NECESSITATED BY SUCH REPAIR, REMOVAL, OR REPLACEMENT. EASEMENTS DESIGNATED OR INTENDED FOR VEHICULAR PASSAGE (UTILITY AND EMERGENCY) OR PEDESTRIAN ACCESS SHALL NOT BE FENCED OR OTHERWISE OBSTRUCTED.
- ANY EASEMENTS OR RIGHTS-OF-WAY SHOWN AS "BY SEPARATE INSTRUMENT" ARE SHOWN ON THE PLAT FOR INFORMATION PURPOSES ONLY. THIS PLAT DOES NOT DEDICATE SAID EASEMENTS.
- MINIMUM FLOOR ELEVATIONS SHALL CONFORM TO THE REQUIREMENTS OF THE CITY DRAINAGE DESIGN MANUAL AND SECTION 3.09.020 OF THE CITY OF WOLFFORTH CODE OF ORDINANCES.
- UNDERGROUND UTILITY EASEMENTS, ALONG RIGHT-OF-WAY LINES, SHALL ALLOW FOR NECESSARY SURFACE APPURTENANCES. ALL SURFACE APPURTENANCES SHALL BE LOCATED AT THE SIDE LOT LINE SO AS NOT TO INHIBIT PEDESTRIAN AND/OR VEHICULAR ACCESS.

CGFN = COUNTY CLERK'S FILE NUMBER  
 P# = COUNTY CLERK'S PLAT AND DEDICATION NUMBER  
 R-O-W = RIGHT-OF-WAY  
 UUE = UNDERGROUND UTILITY EASEMENT (SEE NOTE 10)  
 DRE = DRAINAGE EASEMENT  
 WLE = WATER LINE EASEMENT  
 DUE = DRAINAGE AND UNDERGROUND UTILITY EASEMENT

ALL CORNERS MONUMENTED WITH 1/2" IRON ROD WITH CAP MARKED "AMD ENGINEERING", UNLESS OTHERWISE SPECIFIED. BEARINGS AND COORDINATES SHOWN HEREON ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE, AS DETERMINED BY A POINT OF ORIGIN LOCATED AT NORTHING: 7,240,468.23 AND EASTING: 899,510.33. THE CONVERGENCE ANGLE TO TRUE NORTH IS (-)01° 54' 45.29" AND THE COMBINED SCALE FACTOR IS 0.99974597. DISTANCES AS SHOWN HEREON ARE AT SURFACE, IN U.S. SURVEY FEET. THE PLAT LIMITS OF HARVEST, LOTS 1114 THROUGH 1229 AND LOTS 1233 THROUGH 1241 CONTAINS 19.387 ACRES OF LAND. DESCRIPTION OF THESE PLAT LIMITS ARE ON A SEPARATE DOCUMENT, OF SAME DATE HEREWITH.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS.

APPROVED:

MAYOR

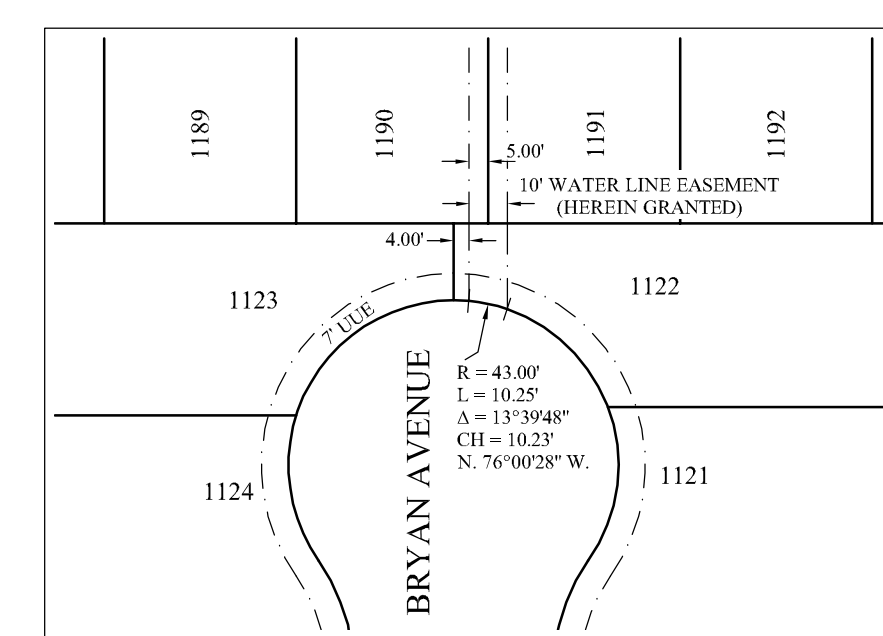
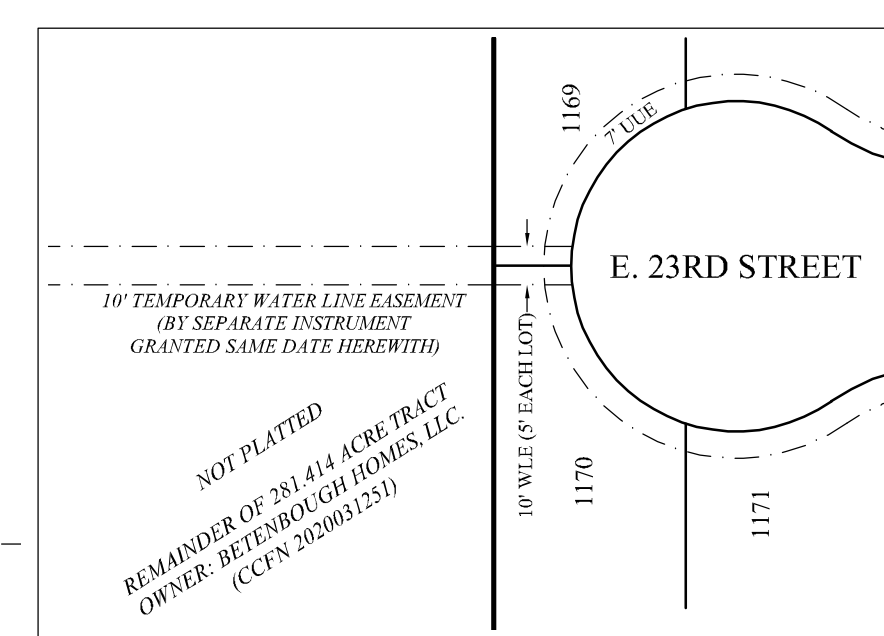
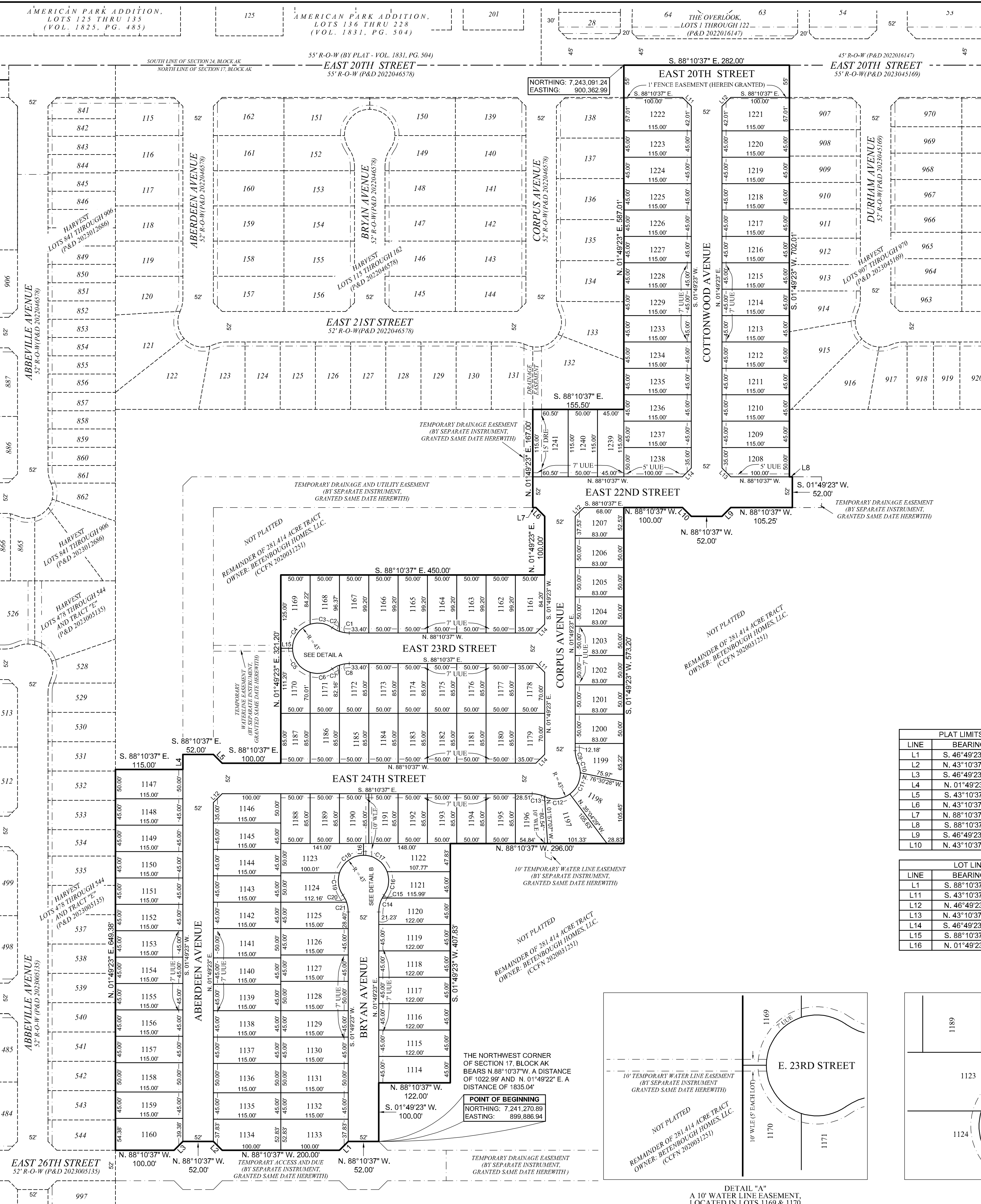
ATTEST:

CITY SECRETARY

LINE	BEARING	DISTANCE
L1	S. 46°48'23" W.	21.21'
L2	N. 43°10'37" W.	21.21'
L3	S. 46°49'23" E.	25.45'
L4	N. 01°49'23" E.	21.21'
L5	S. 43°10'37" E.	21.21'
L6	N. 43°10'37" W.	21.21'
L7	N. 88°10'37" W.	5.50'
L8	S. 88°10'37" E.	5.25'
L9	S. 46°49'23" W.	21.21'
L10	N. 43°10'37" W.	21.21'

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	50.00'	16.92'	19°23'26"	16.84'	N. 78°28'53" W.
C2	50.00'	13.79'	15°48'12"	13.75'	N. 60°53'04" W.
C3	43.00'	39.62'	52°47'29"	38.23'	N. 79°22'42" W.
C4	43.00'	54.13'	72°07'54"	50.63'	S. 38°09'36" E.
C5	43.00'	54.54'	72°40'26"	50.96'	S. 34°14'33" E.
C6	43.00'	39.62'	52°47'29"	38.23'	N. 83°01'29" E.
C7	50.00'	13.79'	15°48'12"	13.75'	N. 64°31'51" E.
C8	50.00'	16.92'	19°23'26"	16.84'	N. 82°07'40" E.
C9	50.00'	21.70'	24°52'15"	21.53'	S. 10°36'44" E.
C10	43.00'	17.23'	22°67'21"	17.11'	S. 11°34'12" E.
C11	43.00'	42.16'	56°10'13"	40.49'	S. 27°59'35" W.
C12	43.00'	45.49'	60°36'57"	43.40'	S. 86°23'10" W.
C13	50.00'	21.70'	24°52'15"	21.53'	N. 75°44'29" W.
C14	50.00'	24.77'	28°23'14"	24.52'	N. 16°01'00" E.
C15	50.00'	5.94'	6°48'25"	5.94'	N. 33°36'50" E.
C16	43.00'	41.92'	55°51'13"	40.28'	N. 09°05'26" E.
C17	43.00'	52.04'	69°20'26"	48.92'	N. 53°30'24" W.
C18	43.00'	54.34'	72°24'10"	50.79'	S. 55°37'19" W.
C19	43.00'	39.62'	52°47'29"	38.23'	S. 06°58'31" E.
C20	50.00'	13.79'	15°48'12"	13.75'	S. 25°28'09" E.
C21	50.00'	16.92'	19°23'26"	16.84'	S. 07°52'20" E.

LINE	BEARING	DISTANCE
L1	S. 88°10'37" E.	5.25'
L11	S. 43°10'37" E.	21.21'
L12	N. 46°49'23" E.	21.21'
L13	N. 43°10'37" W.	21.21'
L14	S. 46°49'23" W.	21.21'
L15	S. 88°10'37" E.	20.00'
L16	N. 01°49'23" E.	20.00'



**FINAL FOR REVIEW,  
DO NOT RECORD**  
 5/17/24 @ 2:30 PM

KNOW ALL MEN BY THESE PRESENTS, THAT I, LONDON MERRITT, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACCURATE AND COMPLETE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS AND/OR OTHER SURVEY MONUMENTS WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF LUBBOCK, TEXAS.

REGISTERED PROFESSIONAL LAND SURVEYOR #6466  
 LUBBOCK, TEXAS  
 SURVEYED APRIL 24, 2023

SECTION 17, BLOCK AK, H.E. & W.T. RR. CO. SURVEY, ABST. NO. 266

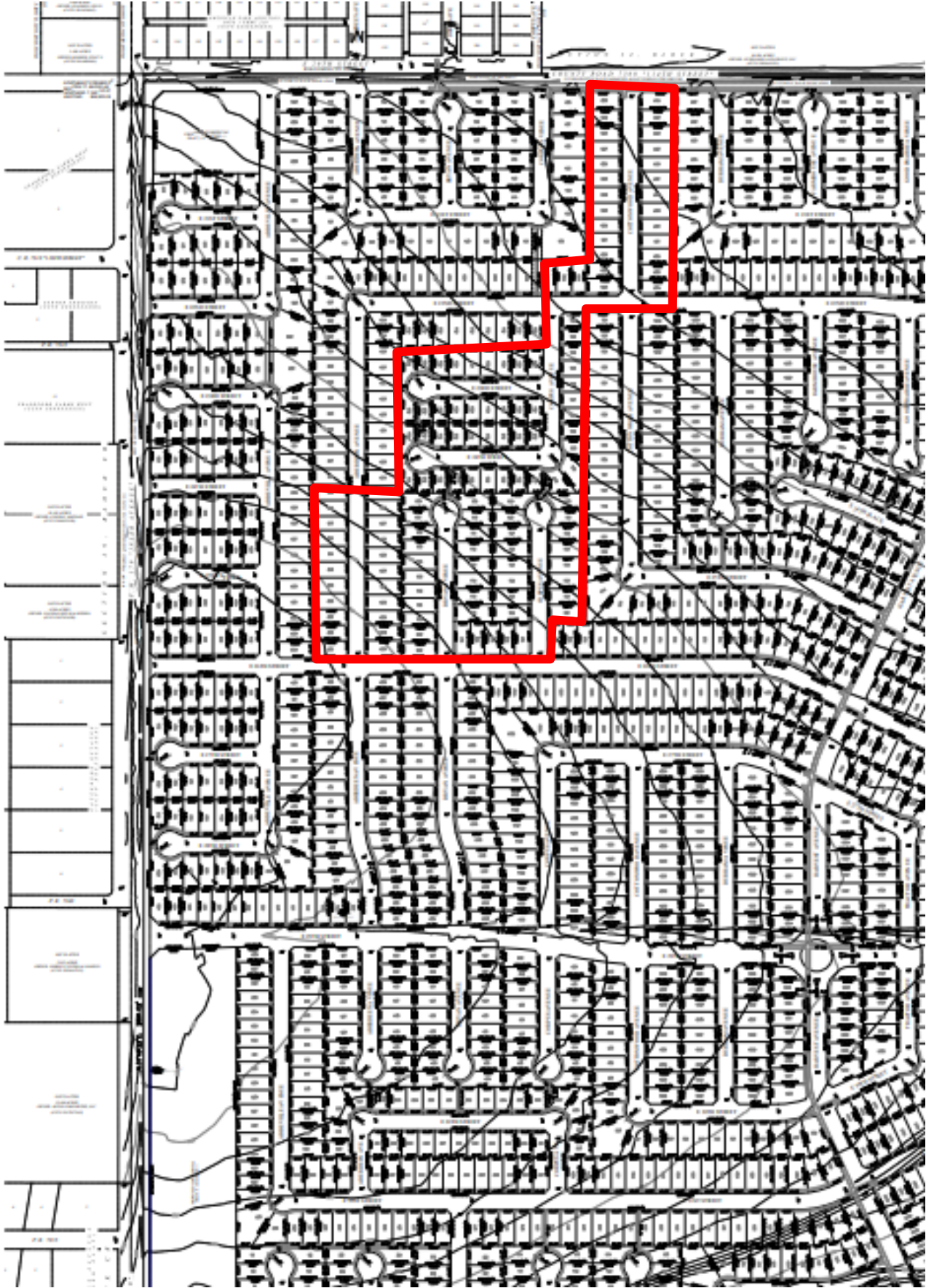
**AMD**  
 CIVIL ENGINEERING  
 LAND SURVEYING

AMD Engineering, LLC Phone: 806-771-5976  
 6515 68th Street, Suite 300 Fax: 806-771-7625  
 Lubbock, TX 79424 TBPELS Reg. # 10178500

Accuracy - Efficiency - Integrity

PROPERTY OWNER: BETENBOUGH HOMES, LLC.  
 ADDRESS: 6305 82ND STREET, LUBBOCK, TEXAS 79424  
 PHONE: 806-797-9494 HFM  
 JOB NUMBER: 220386 © 2024 ALL RIGHTS RESERVE

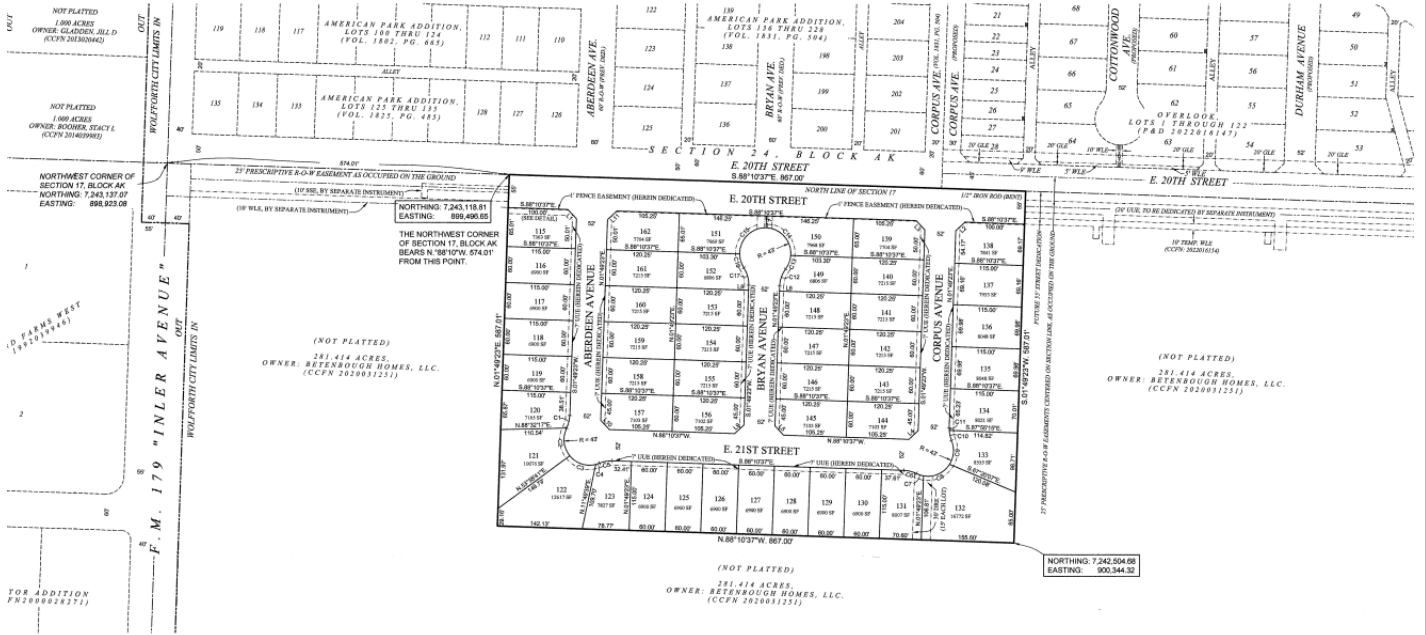
Overview of Platted Area (Preliminary Plat)



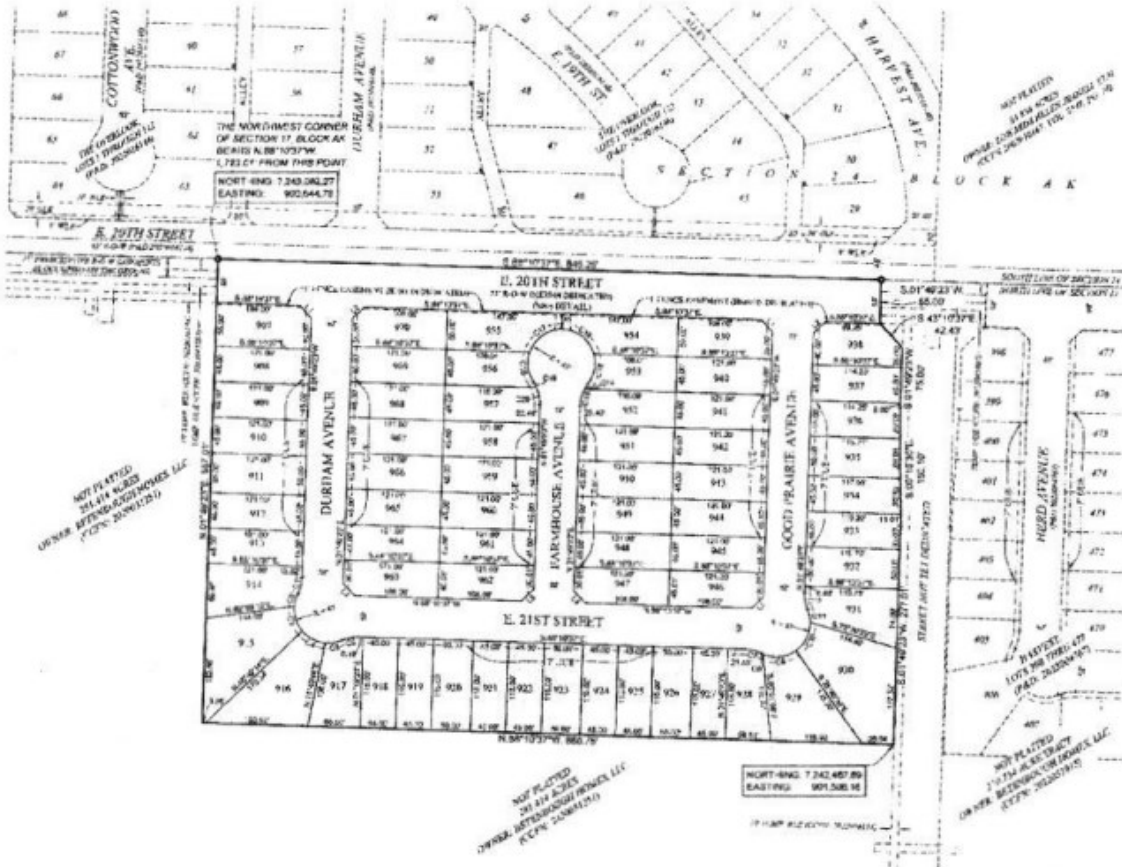
Overview of Platted Area (Map)



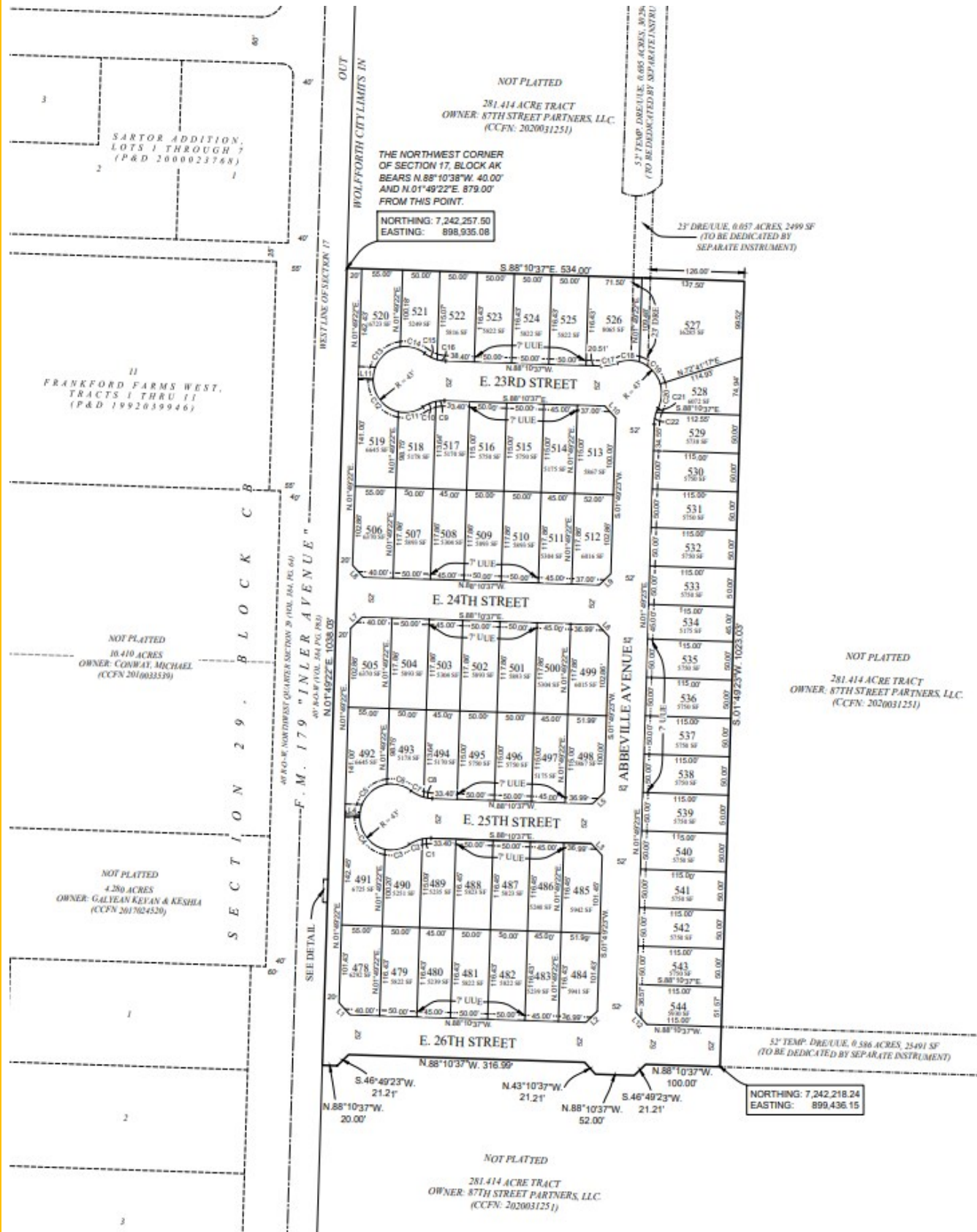
# Harvest Investment 1 Plat



# Harvest Investment 4 Plat



# Harvest Investment 2 Plat



# Harvest Investment 3 Plat











Jon Niermann, *Chairman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



PWS\_1520005\_CO\_20240408\_Plan Ltr

Item # 3.

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 8, 2024

Jimmy D. McDaniel, P.E.  
AMD Engineering, LLC  
6515 68th Street, Suite 300  
Lubbock, TX 79424

Re: City of Wolfforth - Public Water System ID No. 1520005  
Proposed Harvest Lots 1114-1229 & 1233-1241  
Engineer Contact Telephone: (806) 771-5976  
Plan Review Log No. P-02092024-063  
Lubbock County, Texas

CN600645725 RN101387447

Dear Mr. McDaniel:

On February 9, 2024, the Texas Commission on Environmental Quality (TCEQ) received planning material with your letter dated February 9, 2024 for the proposed Harvest Lots 1114-1229. Based on our review of the information submitted, the project generally meets the minimum requirements of Title 30 Texas Administrative Code (30 TAC) Chapter 290 - Rules and Regulations for Public Water Systems and is **conditionally approved for construction** if the project plans and specifications meet the following requirement(s):

1. The use of pipes and pipe fittings that contain more than 0.25% lead or solders and flux that contains more than 0.2% lead is prohibited as required in 30 TAC §290.44(b)(1).
2. Per 30 TAC §290.44(a)(2), please ensure that all plastic pipes for use in public water systems must also bear the NSF International Seal of Approval (NSF-pw).
3. Dechlorination of disinfecting water shall be in strict accordance with current American Water Works Association (AWWA) Standard C655.
4. Samples shall be collected for microbiological analysis to check the effectiveness of the disinfection procedure which shall be repeated if contamination persists. A minimum of one sample for each 1,000 feet of completed waterline will be required or at the next available sampling point beyond 1,000 feet as designated by the design engineer as required in 30 TAC §290.44(f)(3).

The submittal consisted of 7 sheets of engineering drawings and technical specifications. The approved project consists of:

- 3,199 linear feet (lf) of 8-inch AWWA C900 dimension ration (DR)-18 polyvinyl chloride (PVC) pipe;
- 1,459 lf of 6-inch AWWA C900 DR-18 PVC pipe; and
- All associated fittings, valves, fire-hydrants, and appurtenances.

This approval is for the construction of the above listed items only. Any wastewater components contained in this design were not considered. The authorization provided in this letter does not relieve a Public Water System from the need to comply with other applicable state and federal regulations.

This project may have approved the construction of facilities that may require either the creation of or update to an Emergency Preparedness Plan (EPP). Information on EPPs is available at the following website:

[https://www.tceq.texas.gov/drinkingwater/homeland\\_security/disasterprep/epp](https://www.tceq.texas.gov/drinkingwater/homeland_security/disasterprep/epp)

If you have additional questions about EPPs, please contact the Emergency Preparedness and Response Section at 512-239-4691 or [PDWEPP@tceq.texas.gov](mailto:PDWEPP@tceq.texas.gov)

The City of Wolfforth public water supply system provides water treatment.

The project is located northeast of the intersection of Farm to Market (FM)-179 and 130<sup>th</sup> street, in Wolfforth, Lubbock County, Texas.

An appointed engineer must notify the TCEQ's Region 2 Office in Lubbock by email at [R2PWS@TCEO.Texas.gov](mailto:R2PWS@TCEO.Texas.gov) when construction will start. Please keep in mind that upon completion of the water works project, the engineer or owner will notify the commission's Water Supply Division, in writing, as to its completion and attest to the fact that the completed work is substantially in accordance with the plans and change orders on file with the commission as required in 30 TAC §290.39(h)(3). This notification may be sent to [PTRS@tceq.texas.gov](mailto:PTRS@tceq.texas.gov).

Please refer to the Plan Review Team's Log No. **P-02092024-063** in all correspondence for this project.

Please complete a copy of the most current Public Water System Plan Review Submittal form for any future submittals to TCEQ. Every blank on the form must be completed to minimize any delays in the review of your project. The document is available on TCEQ's website at the address shown below. You can also download the most current plan submittal checklists and forms from the same address.

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

For future reference, you can review part of the Plan Review Team's database to see if we have received your project. This is available on TCEQ's website at the following address:

<https://www.tceq.texas.gov/drinkingwater/planrev.html/#status>

Jimmy D. McDaniel, P.E.  
Page 3  
March 8, 2024

You can download the latest revision of 30 TAC Chapter 290 - [Rules and Regulations for Public Water Systems](#) from this site.

If you have any questions concerning this letter or need further assistance, please contact Mr. Ruben Meza, P.E., at (512) 239-2546 or by email at [ruben.meza@tceq.texas.gov](mailto:ruben.meza@tceq.texas.gov) or by correspondence at the following address:

Plan Review Team, MC-159  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Sincerely,



Ruben Meza, P.E.  
Plan Review Team  
Plan and Technical Review Section  
Water Supply Division  
Texas Commission on Environmental Quality



Craig A. Stowell, P.E., Team Leader  
Plan Review Team  
Plan and Technical Review Section  
Water Supply Division  
Texas Commission on Environmental Quality

CAS/RM/av

cc: City of Wolfforth, Attn: The Honorable Charles Addington, Mayor, P.O. Box 36,  
Wolfforth, TX 79382-0036



Jimmy D. McDaniel, P.E.

Page 4

March 8, 2024

Item # 3.

bcc: TCEQ Central Records PWS File 1520005 (P-02092024-063/City of Wolfforth)  
TCEQ Region No. 2 Office - Lubbock





# AGENDA ITEM COMMENTARY

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<b>MEETING NAME:</b>	Planning and Zoning Commission
<b>MEETING DATE:</b>	June 11, 2024
<b>ITEM TITLE:</b>	Consider and take appropriate action on a discussion to create a new zoning use category.
<b>STAFF INITIATOR:</b>	Tara Tomlinson, Director of Development Services

---

**BACKGROUND:**

On April 15, 2024 the City Council adopted Ordinance 2024-011, an updated Land Use Plan for the City of Wolfforth. Within this plan, the property north and west of Patterson Park is labeled “Old Town Mixed Use”. The property is currently zoned part commercial and part multi-family. City staff would like to discuss what Old Town Mixed Use would look like as a zoning category and determine the next steps.

**EXHIBITS:**

1. Land Use Plan
2. Map of Property
3. Examples of similar zones from other cities

**COMMITTEE ACTION/STAFF RECOMMENDATION:**

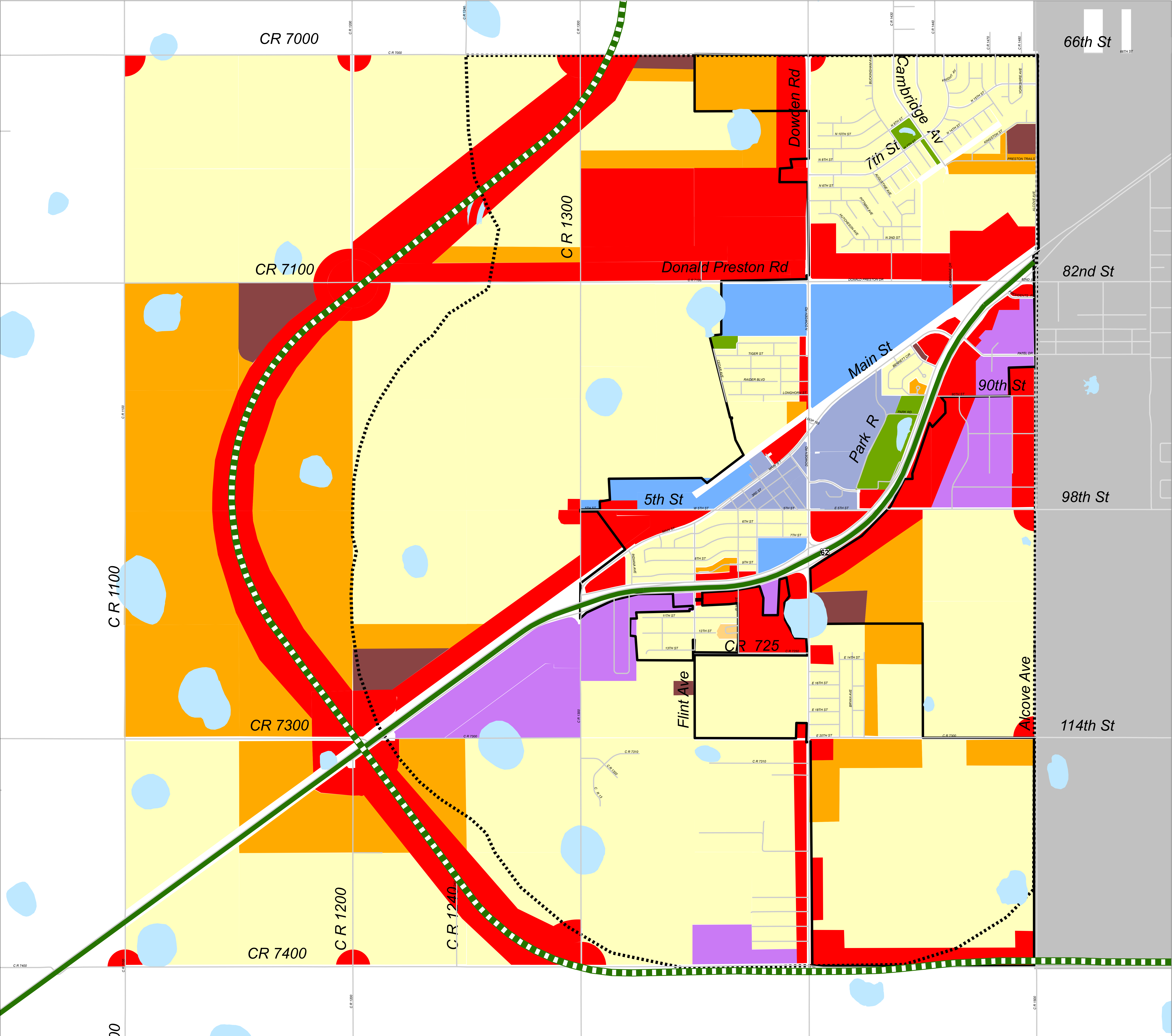
Discuss possibilities and guide staff on next steps.



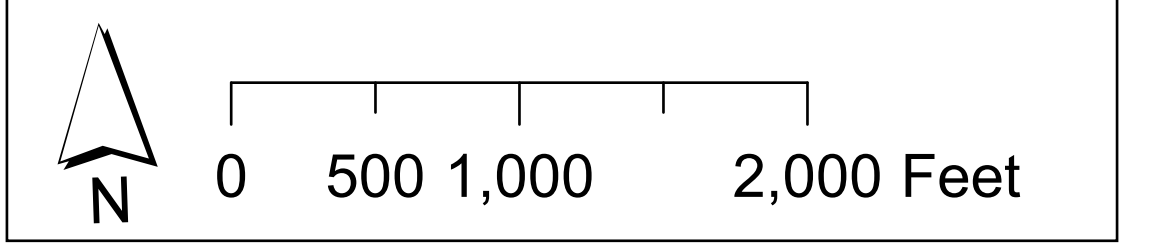
# Wolfforth Future Land Use Plan

## Legend

- Loop 88
- Low Density Residential
- Manufactured Home
- Medium Density Residential
- High Density Residential
- Commercial
- Old Town Mixed Use
- Special Study
- Park/Open Space
- Public/Semi-Public
- Industrial
- Wolfforth City Limits
- Wolfforth ETJ
- Lakes
- Lubbock City Limits



2021 City of Wolfforth  
Comprehensive Plan Update



Adopted by City Council on April 5th, 2021  
Revised April 10, 2024





# Mixed Use Zoning

## *A Planners' Guide*



Prepared by the  
**Metropolitan Area Planning Council**  
with support from  
**The Minuteman Advisory Group on Interlocal Coordination and  
the Commonwealth's Priority Development Fund**

## Mixed Use Zoning: A Planners' Guide

This basic guide to mixed use zoning presents the fundamentals you need to plan a mixed use bylaw:

- What is mixed use?
- What are the benefits to your community? To developers?
- What is the best process to plan mixed use zoning?
- What issues should you consider in designing a bylaw?
- How can you educate the public and address citizen concerns?

This guide is based primarily on the experiences of five suburban communities currently preparing bylaws with assistance from the Metropolitan Area Planning Council (MAPC), supported by grants from the state's Priority Development Fund. MAPC also investigated the mixed use experiences of other communities in the region and elsewhere in the state. Preparation of this guide, a companion guide and technical appendix for citizens, and many of the public education materials used to shape the bylaws and educate the public were developed with additional funding from the MAGIC subregion.<sup>1</sup>

### What is Mixed Use?

Traditional zoning was developed during a time when factories and many commercial uses were noisy, smelly, and/or hazardous to the public. To protect public health and residential property values, early zoning focused on separating different uses and buffering them from each other to minimize nuisances.

Today, much commercial development is environmentally benign, and there are often advantages to locating different uses in close proximity. Mixed use concentrated development, preferably near transit, is seen as a key "smart growth" tool to reduce auto dependence and preserve green space and natural resources. Thus many communities are turning to "mixed use," which generally refers to a deliberate mix of housing, civic uses, and commercial uses, including retail, restaurants, and offices.

*Mixed use itself is not a new idea. Housing above stores was common in village centers before the advent of zoning, as this 1865 photograph of Harvard Square, Cambridge, shows.*



<sup>1</sup> MAGIC – the Minuteman Advisory Group on Interlocal Coordination – is a subregion of the Metropolitan Area Planning Council (MAPC). MAGIC consists of officials from Acton, Bedford, Bolton, Boxborough, Carlisle, Concord, Hudson, Lexington, Lincoln, Littleton, Maynard, and Stow.

Mixing uses, however, works best when it grows out of a thoughtful plan that emphasizes the connectivity and links among the uses. Results may be haphazard when communities simply enable multiple uses without providing guidance about the mix of uses and how they are spatially related.

To achieve well-planned mixed use development, most of the bylaws described in this guide are “overlay” districts. This means that the underlying zoning remains in place. Developers may choose to develop according to the underlying zoning or, alternatively, according to the mixed use provisions. The overlay encourages coordinated, cohesive development among lots or through lot consolidation. The overlay approach is especially useful when the community wants to promote a unified approach in an area where there are two or more underlying districts.



If the community wants to encourage mixed use, the overlay should be structured to be attractive to developers and the requirements should not be onerous. The municipality typically retains control through the special permit process and can turn down any development not to its liking.

### **What are the Benefits of Mixed Use Development?**

Different communities choose mixed use for different reasons. Some see it as an excellent way to incorporate a mix of housing types on a small scale while enhancing traditional town character. Others see it primarily as a vehicle for revitalizing struggling areas and spurring economic development. Still others use it to create or enhance village centers. Listed below are some of the many benefits of mixed use development:

- Spurs revitalization
- Encourages high quality design by providing both greater flexibility and more control
- Preserves and enhances traditional village centers
- Promotes a village-style mix of retail, restaurants, offices, civic uses, and multi-family housing
- Provides more housing opportunities and choices
- May increase affordable housing opportunities
- Enhances an area’s unique identity and development potential (e.g., village centers, locations near bike paths, or “gateway” areas that announce a community’s strengths)
- Promotes pedestrian & bicycle travel
- Reduces auto dependency, roadway congestion, and air pollution by co-locating multiple destinations
- Promotes a sense of community
- Promotes a sense of place
- Encourages economic investment

- Promotes efficient use of land and infrastructure
- Guides development toward established areas, protecting outlying rural areas and environmentally sensitive resources
- Enhances vitality
- Improves a municipality's Commonwealth Capital score
- Embodies "Smart Growth"
- Increases revenues

Although mixed use is especially applicable near public transportation, it has advantages for other areas as well. Benefits include the preservation of undeveloped or environmentally sensitive land elsewhere in the community, opportunities for more or different housing, bicycle and pedestrian-friendly destinations, and an enhanced sense of place or sense of community.

In developing a bylaw, communities should select the advantages that best apply and structure the provisions to accomplish these goals.

### **What is the Best Process to Plan Mixed Use Zoning?**

In the communities we studied closely, mixed use was recommended in local Master Plans, Comprehensive Plans, Community Development Plans, or other studies. The plans themselves were the product of substantial public participation, involving the buy-in of local officials, planners, developers, property and business owners, and other interested citizens. The towns then officially adopted the plans. Thus they began with some community expression of a will to move forward with mixed use as one of a number of strategies to improve future development.

Going from concept to location-specific plans is often a challenge, evoking fears and strong emotions. It is wise to keep people involved in the process as the bylaw evolves and get their input into both the overall concept and the details. Participation by potential developers and existing property owners is especially important in shaping the bylaw.

One way to engage the community is to do a Visual Preference Poll to show examples of mixed use and gather citizen feedback on what they like and don't like. To do this, we compiled a Powerpoint presentation showing examples of mixed use in the region. We asked residents to vote for those they would like to see in the areas being considered for mixed use in their community. We then went back through the presentation and asked them to identify the features they liked and the features they did not like. Some of the examples appear in this guide. A sample Visual Preference Poll is also available on CD-ROM for use in your community.

The Visual Preference Poll is useful in gathering input about building heights, massing, materials, style, pedestrian amenities, signage, and other close-in features. It does not readily gauge the larger context, the mix of uses, the relationship among different structures and uses, multi-building landscaping and design features that create connectivity and pedestrian flow, or parking areas relative to multiple locations.

### Mixed Use in Practice



New Mixed Use in Canton

The five communities we worked closely with are Bedford, Millis, Southborough, Stoughton, and Stow, all suburban and some quite small. We also reviewed the experiences of other communities, most notably Canton, where a mixed use bylaw passed and a new development, with housing, retail, and offices, was built near the Canton Center Rail station.

Specific areas in each town were chosen for a variety of reasons. Some, like Depot Park in Bedford, already had some improvements but also had ripe revitalization potential.



Bedford's Depot Park Improvements



Bedford Opportunities

Others, like the Lower Village area in Stow, are places where housing and a mix of uses would create more of a village atmosphere and improve the "gateway" potential of this main route into town.

In most cases, the vision is to create a vibrant and attractive village-style area with a lively mix of housing, retail, restaurants, offices, and other compatible uses.



Stow Lower Village



←←Vision for the Village Center at the former South Weymouth Naval Air Station



Although the Visual Preference Poll is useful in shaping certain aspects of the bylaws, especially the design standards, you will need to supplement it with additional discussion of a range of issues, many of which are presented below.

**It is critical that these issues be aired fully and resolved in advance of consideration on the floor of Town Meeting or before Town or City councils.**

## **What Should You Consider in Drafting a Bylaw?**

### **Using an Overlay District vs. Changing Underlying Zoning**

An “overlay” district is a zoning district that is superimposed over one or more existing districts in order to impose additional restrictions, permit additional uses, or implement density bonuses or incentive zoning to achieve community goals.<sup>2</sup> In the case of mixed use zoning, it is used to allow added uses and to provide incentives to achieve local goals. Thus developers can develop either according to the underlying zoning or according to more flexible mixed use provisions.

The overlay, as we have noted, encourages coordinated, cohesive development across lots or through lot consolidation. Rather than allowing piecemeal development, it encourages a sense of place over a larger area. The overlay allows the community to enable and require a mix of uses and to control their features. Changing the underlying zoning to allow a mix by right would only enable the mix but would not require it nor would it control it via the special permit process. The overlay concept is especially useful where the desired mixed use area crosses zoning district boundaries or includes only a piece of a district or where the community wishes to protect commercial or industrial uses in parts of a district.

### **Selecting the Permit-Granting Authority**

Mixed use proposals should be reviewed and authorized by a board with substantial planning expertise and the ability to act with relative speed. The longer and less predictable the approval process, the less likely it is that developers will choose the mixed use route. Most of the communities in our study selected the Planning Board as the most appropriate review and approval body. The Planning Board generally has more design and development negotiation experience than the Zoning Board of Appeals. The Planning Board process is substantially less cumbersome, more expeditious, and more consistent and predictable than Town Meeting. In some communities, however, the Zoning Board traditionally grants special permit and residents may be more comfortable with that arrangement. In this guide, we simply refer to the permit-granting authority as “the board.”

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<sup>2</sup> Mark Bobrowski, *Handbook of Massachusetts Land Use and Planning Law*, 1993, p. 480.

## Balancing Incentives and Requirements

To encourage developers to use the mixed use option, the bylaw needs to include incentives and provide for community control while avoiding excessively burdensome requirements. It is easy for local boards to be carried away by utopian visions of the ideal development, but if the bylaw raises too many hurdles it will never be used.

The choice of incentives and requirements should be based on the community's goals and the purpose of the bylaw. A town that is primarily trying to promote revitalization, for example, may have less stringent housing requirements than one where affordable housing is a primary goal. Thus the proposed Bedford bylaw, geared toward revitalization, requires 10 percent affordable housing in developments of eight units or more while Southborough, where affordable housing is a key goal, is considering 20 percent in developments of four units or more.<sup>3</sup>

The choice of incentives should also consider what is most likely to appeal to developers in the areas under consideration. Communities may choose from a number of potential incentives, such as:

- The ability to build certain kinds of housing (e.g., multi-family or small units) where it is not otherwise allowed
- More flexible design standards
- Less open space where flexibility produces better design
- Less parking, provided that adequate parking is achieved through such alternatives as shared parking arrangements; higher reliance on public transportation, bicycling, or walking; or transportation demand management techniques
- Streamlined permitting

In balancing incentives and requirements, it is important to remember that the community retains control through the special permit process. The special permit ensures high quality design. The board may always say no or negotiate more desirable design.

## Setting the Tone and Establishing the Scope

Mixed use is intended as an improvement over traditional, segregated-use zoning. It often derives from a positive vision of a more desirable community. The bylaw should help set this tone, emphasizing what the developer can do while limiting prohibitions. Sometimes even a prohibition can be affirmatively phrased; “up to” 40,000 square feet sounds more affirmative than “no more than” 40,000 square feet.

The bylaw should spell out its purposes, goals, and benefits and may include positive performance criteria and design standards. The bylaws in our study rely heavily on these components to set the tone and to give the board the tools to support good design.

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<sup>3</sup> Most of the bylaws referred to in this guide are still works in progress and have not yet been adopted. Provisions could change radically or be rejected totally.

Application procedure requirements and document submission information should go at the end of the bylaw, appearing after the reader is engaged by the mixed use concept. In general, those bylaw provisions that mirror other local bylaws should simply refer to the applicable sections without repeating the details.

### **Selecting the Areas and Boundaries**

Our study communities selected for mixed use those areas where

- Run-down properties were prime candidates for redevelopment;
- Existing zoning limited creativity; and/or
- Village-style development would improve community character.

Some of the most underutilized or unattractive sites are currently zoned for industrial uses. Communities are faced with a challenge in dealing with these sites. On the one hand, the properties could be much more attractive as village-style mixed use development. On the other hand, industrial property is a limited but necessary resource, and there is some reluctance to give it up. These competing factors will play themselves out in the selection of areas and their boundaries.



Establishing boundaries for mixed use districts is very site-specific. In general, boundaries should be selected to protect desirable existing uses and properties and to ensure smooth transitions to surrounding areas.

Some communities, such as Southborough, chose to start small with the hope of potentially expanding later. Other communities, such as Stow, selected larger areas, incorporating “A” and “B” subareas to ensure a gradual transition to and from the neighboring residential areas.

As with the other issues outlined here, the choice should be based on substantial input from local officials, property owners, developers, abutters, and other citizens.

### **Achieving Good Design**

Many of these elements of good design apply to all development, and it is beyond our scope to discuss them all here. However, certain aspects seem especially relevant to mixed use and thus are included here.

### ***Variations in Approach***

There are two basic ways communities can regulate the design of new development, whether mixed use or single use. One is to set specific density standards such as units per

acre, floor area ratio, or percent lot coverage limits. The other is to establish more general design criteria and performance standards and use the special permit process to negotiate the outcomes. In this latter approach, parking and water and sewer infrastructure, along with design elements such as connectivity, walkability, and architectural features, are used to guide development.

In the case of mixed use, several of our study communities have opted to omit specific density standards in the belief that greater flexibility will lead to better design. This approach seems in keeping with the vision of mixed use as more flexible, innovative, and context-sensitive than traditional zoning. The approach is open to debate. Some believe that density itself is seldom the problem; bad design is. Others say that citizens need more assurance that development will not be too dense and developers prefer clearer rules. Knowledge of your community's predilections will help you gauge which approach is most appropriate. A compromise might be to limit density but allow it to go higher under certain circumstances or to cap the total number of units over a given number of years.

### ***Design Features in a Mixed Use Setting***

*Balanced mix of uses:* To be successful, a mixed use district should include a balanced and vibrant mix of compatible uses, with first floor street-front uses generally reserved for retail, restaurant, and in some cases office uses. The proposed bylaws in our study communities encourage this mix by regulating first-floor street front uses and by incorporating a goals and performance criterion that considers a development's mix and its impact on the existing mix. Thus they allow residential uses on first floors of buildings or parts of buildings only where they are behind those with street frontage or where the permit-granting authority deems these uses not to have an adverse impact. These bylaws also allow uses to be commingled in a single structure or located in separate structures on site.

Other communities set limitations on the percentage of certain uses relative to other uses. For example, Canton allows one housing unit for every 2,000 square feet of buildable lot area and also allows for 3,000 square feet of commercial development for each 10,000 square feet of land area. Bedford limits the floor area ratio (FAR) of each of the various possible uses within its existing Industrial Mixed Use Overlay district.

*Connectivity of uses:* Traditional bylaws tend to emphasize buffering and protecting one use from others. Successful mixed use, by contrast, encourages links among uses. It encourages people to walk from one use to another and to enjoy and socialize in an attractive outdoor setting. Many design features promote this ambience. They include the layout and orientation of buildings; the network of sidewalks and pathways; the location of parking relative to structures and walkways; and the amount and placement of green space, landscaping, benches, and other amenities.

The bylaw should authorize the board to consider these factors in approving permits. Specifics may include requirements for parking to be behind or next to buildings rather

than in front. The community may wish to adopt separate design guidelines to provide more information and positive examples to developers.

*Active street frontage:* In addition to the first-floor street-front use provisions mentioned earlier, communities influence street frontage through setbacks and other yard dimensions. Thus our study area bylaws allow a zero minimum front yard depth in some areas, set a maximum front yard depth, and prohibit front yard parking.

*Compactness:* The walkability of a mixed use development depends on the proximity of structures. Thus some bylaws set dimensional requirements that allow a zero side-yard width and a zero rear yard depth except where the property abuts a residential district.

*Compatibility with town character and historic or traditional context:* Although the bylaw should authorize the board to consider compatibility in awarding permits, the elements of such compatibility are generally no different in a mixed use setting than in any other new development. Hence, whatever guidance applies to other new development can simply be incorporated by reference in the mixed use bylaw.

A few caveats apply, however. If the community wants to encourage creative design rather than strict adherence to historic styles, the bylaw should stress “compatibility” rather than words like “consistency,” “conformity,” or “compliance.” If the proposed mixed use area has special historic importance, it would be wise to acknowledge and affirm it in the bylaw to ensure people that their heritage will be respected and that local historic preservation rules will apply.



*Good bicycle and pedestrian access:* One of the key benefits of mixed use is its emphasis on walking and bicycling to reduce auto dependence. Mixed use bylaws can promote walking and bicycling by including bicycle parking and storage facilities, creating a network of walkways among uses, minimizing curb cuts, and requiring that automobile parking be in back.

The Depot Park area of Bedford, one of the proposed study bylaws, is especially geared toward cyclists and pedestrians. It is located at the terminus of the Minuteman Bikeway and already has a bicycle repair shop as well as a vintage railroad station, freight house, and passenger car recalling the park’s historic role in rail transportation. The town envisions complementing and capitalizing on these features with small-scale restaurants, housing, and fitness or health-related uses.

*Reduced parking:* Under certain circumstances, mixed use districts may set aside less parking than in traditional, single use settings. Reductions could occur near public transportation, where uses are clearly at different times and can share the same spaces, or

where there is a strong program to manage transportation demand. For the town to allow such reductions, the public would need to be assured that the resulting parking is adequate to meet the need.

### **Determining Appropriate Uses**

The mixed use bylaw should allow housing, including multi-family, as well as retail, restaurants, offices, and civic uses. Other uses may include housing for the elderly, personal services shops, child care facilities, recreation, and municipal uses. Although the use categories in the underlying district must be allowed, subcategories may be disallowed. Our study areas exclude those subcategories that are not conducive to their village-style vision (e.g., drive-through establishments, storage trailers, and adult entertainment).

### **Incorporating Housing**

One of the main reasons to allow mixed use is to promote a greater variety of housing choice, including smaller units, more multi-family, and perhaps more rental than is typical in new suburban development. The bylaw should spell out the type of housing that is allowed, may regulate unit size or numbers of bedrooms, and may require some affordable units. If the community chooses to require some affordable units, it will need to specify the threshold number of units, the percentage of affordable units, target income eligibility levels, and other provisions similar to other affordable housing or inclusionary zoning bylaws. If the community already has detailed housing provisions, it may simply incorporate them by reference. Stow, for example, has an existing bylaw governing the inclusion of affordable units, and most of its elements are applicable to mixed use.

As mentioned earlier, the extent of the affordability requirements depends on the community's overall goals and the balance of incentives and requirements needed to achieve those goals.

### **How can you Educate the Public and Address Citizen Concerns?**

Drafting a bylaw and adopting a bylaw are two different things, as any active citizen can attest. To get a bylaw successfully through the local legislative process requires an educated public and supportive interest groups and stakeholders. Zoning bylaws are notoriously complex. Bringing a complex proposal to the floor of Town Meeting without first "doing your homework" is a recipe for failure.

Outlined below are some of the key strategies, many of them mentioned elsewhere in this guide, in achieving strong public support.

- Base the proposal on an existing, approved plan, such as a Comprehensive or Master Plan, a Community Development Plan, a Housing Strategy, or a similar study developed with substantial public participation.
- Involve the public and stakeholders early in the process and seek their input in developing the bylaw. Stakeholders include local officials, developers, the

- business community, abutters, environmental and other advocacy groups, property owners, and citizens at large.
- Address public concerns. Fears about density, property values, and changes in community character are common. Proponents of mixed use can address these issues by presenting documentation to dispel myths and/or by including protections within the bylaw itself.
  - Ask interest groups, especially those with competing interests, to speak out publicly and to take an active role in outreach.
  - Allow plenty of time to build understanding and support.
  - Engage the local media. Mixed use examples with graphics lend themselves to feature articles and cable presentations.
  - Use visuals of existing “success stories” and of opportunity areas in your community. Powerpoint presentations are an excellent way to tell the story. They can be shown to Town Meeting as well as to local groups such as the Chamber of Commerce.

### **For More Information**

Proposed bylaws for the communities in this study are available from MAPC. Two other documents are also available: *Mixed Use Zoning: A Citizens' Guide*, designed to educate the public and promote mixed use; and a *Technical Appendix*, designed for citizens to use in reviewing a proposed bylaw.

## Section 28A. HGT Historic Grapevine Township District

**PURPOSE:** The HGT Historic Grapevine Township District is established to accommodate limited commercial and residential uses in the historically significant original town of Grapevine area which is bounded approximately by Northwest Highway, Ball Street, Cotton Belt Rail Road, Austin and Wood Street. The Master Plan designates portions of the Original Town of Grapevine as a special planning area to preserve the historical integrity and encourage a mixture of uses that reflect the spirit of the original township. The HGT District acknowledges the changing development trends and needs of this significant area while preserving its' historic character. The limited commercial uses in the Historic Grapevine Township District are intended to allow the mixture of single family residential uses with limitations of compatible non-residential uses permitted as a conditional use.

**USES GENERALLY:** In a HGT Historic Grapevine Township District no land shall be used and no building shall be erected for or converted to any use other than as hereinafter provided.

- A. **PERMITTED USES:** The following uses shall be permitted as principal uses. All permitted uses listed shall be within a completely enclosed building or structure.
1. Single Family Residential.
  2. Churches
- B. **SECONDARY USES:** The following uses shall be permitted as secondary uses in a HGT Historic Grapevine Township District provided that none shall be a source of income to the owner or user of the principal structure.
1. Off-street parking in conjunction with any permitted use in this district. The off-street parking areas shall be separated from said lot by a blind fence or wall at least six (6) feet high. The blind fence requirement may be waived by City Council after receiving a recommendation from the Historic Preservation Commission.
  2. Signs advertising uses on the premises, in accordance with Section 60 of this Ordinance. \*(Note: changes to Section 60 allow only ground signs)\*
  3. Mechanical and electrical equipment, including air conditioning units, shall be designed, installed and operated to minimize noise impact on surrounding property. All such equipment shall be screened from public view.
  4. Outdoor refuse storage areas shall be landscaped and screened in accordance with Section 50.B.3. Outdoor refuse storage areas shall not be located between the front of the building and any right-of-way.



5. Living quarters in conjunction with uses permitted in Section 28A.A. and 28A.C.
- C. **CONDITIONAL USES:** The following uses may be permitted provided the building or structures approved with the conditional use permit are (1) historic building, defined by the National Register of Historic Places and/or the Historic Preservation Commission as a “contributing” building or structure to the historic district, or (2) new or rehabilitated building that has been approved by the Historic Preservation Commission as compatible with the historic district. These compatible buildings would not be contributing to the National Register district (because they are not “historic”) but they will be visually compatible with the neighborhood, provided they meet the provisions of, and a Conditional Use Permit is issued pursuant to, Section 48 of the Ordinance.
1. Bed and Breakfast facility.
  2. Wine tasting facility with alcoholic beverage sales with on-premise and off-premise consumption provided a special permit is issued in accordance with Section 42.B. of the ordinance. All alcoholic beverage sales shall be consistent with the Texas Alcoholic Beverage Code.
  3. Any use allowed within this district with outdoor speakers.
- D. **LIMITATION OF USES:**
1. All activities of permitted uses except automobile parking lots, shall be conducted entirely within a completely enclosed building.
  2. The hours of operation for all uses provided for in Section 28A.C., with the exception of Section 28A.C.1., shall be limited to between the hours of 7:00 a.m. to 7:00 p.m.
- E. **PLAN REQUIREMENTS:** No application for a building permit for construction or alteration of a principal or secondary building or exterior alteration to a principal or secondary building shall be approved unless:
1. A Plat meeting all requirements of the City of Grapevine has been approved by the City Council and recorded in the official records of Tarrant County.
  2. A Concept Plan meeting the requirements of Section 45 with a recommendation from the Historic Preservation Commission. The Commission may require additional criteria to ensure the historic integrity of the area. A floor plan indicating the maximum occupancy shall be required in conjunction with the concept plan.
  3. A Site Plan meeting the requirements of Section 47 has been approved.

Such Site Plan shall be approved by the Historic Preservation Commission. The Commission may require additional criteria to ensure the historic integrity of the area. A floor plan indicating the maximum occupancy shall be required in conjunction with the site plan. Building permit requests for alteration to a principal or secondary structure with no addition to the structure, requirements of Section 47.E.1.b.3. (14), (16) - (19) and (21) - (23) shall not be required.

4. A Landscape Plan is required of the required front yard setback, unless already in existence, except for single family residences.

F. DENSITY REQUIREMENTS: The following bulk and intensity of use requirements shall apply.

1. LOT SIZE - Subdividing an existing lot into two or more lots is not permitted except for the purpose of correcting the Tarrant Appraisal District maps on tracts that were noted as part of lots or tracts, or tracts that are unplatted. Any lot or tract platted shall be a minimum of seventy five hundred (7500) square feet except that a lot having less than herein required which was an official "lot of record" prior to the adoption of this ordinance may be used for permitted use or conditional use in the HGT District. No lot existing at the time of passage of this ordinance shall be reduced in area below seventy five hundred (7500) square feet.
2. MAXIMUM DISTRICT SIZE - None required.
3. MINIMUM OPEN SPACE - The established front yard as determined by the existing structure or by adjacent development.
4. MAXIMUM BUILDING COVERAGE - None required.
5. MAXIMUM IMPERVIOUS SURFACE - None required.

G. AREA REGULATIONS: The following minimum standards shall be required:

1. LOT WIDTH - Every lot shall have a minimum width of twenty (20) feet.
2. LOT DEPTH - None required.
3. FRONT YARD - Every lot shall have a front yard setback as established by the existing building or by the adjacent development and shall be utilized as a landscaped setback area. Front yards shall not be used for any building, structure, fence, wall or storage area, except that signs may be permitted in this area. Front yards shall be landscaped with grass, shrubbery, vines or trees, and no part shall be paved or surfaced except for minimum access, driveways, and sidewalks in accordance with Section 53 of this Ordinance.

4. SIDE YARDS - Every lot shall have two (2) side yards each of which shall not be less than six (6) feet in width. For lots which are currently developed, the minimum side yard requirement will be equivalent to the side yard which is already established.
5. REAR YARD - None required.
6. DISTANCE BETWEEN BUILDINGS - None required.

H. BUFFER AREA REGULATIONS:

1. BUFFER AND SCREENING REQUIREMENTS: Whenever a HGT District abuts a residential district, a wall, fence, or berm at least six (6) feet in height, shall be erected to effectively screen the HGT District from the residential area. The wall, fence or berm requirement may be waived by City Council after receiving a recommendation from the Historic Preservation Commission.
2. ADDITIONAL SCREENING, FENCING AND LANDSCAPING: The Planning and Zoning Commission may recommend, and the City Council may require, additional buffering, screening, fencing and landscaping requirements on any zone change, conditional use or special use case or concept plan in addition to or in lieu of buffering, screening, fencing, or landscaping requirements set out specifically in each use district when the nature and character of surrounding or adjacent property dictate a need to require such methods in order to protect such property, and to further provide protection for the general health, welfare, and morals of the community in general.

I. HEIGHT:

1. No principal structure shall be erected or altered to a height exceeding two (2) stories or thirty-five (35) feet.
2. No secondary structure shall be erected or altered to a height exceeding fifteen (15) feet.

J. LANDSCAPING REQUIREMENTS: The established front yard as determined by the existing development or by adjacent development shall be landscaped.

K. OFF-STREET PARKING AND LOADING: Due to the development nature of the HGT District, it is recognized that conventional off-street parking, loading, and development standards required by Section 56, 57, and 58 of the Appendix D Zoning Ordinance for individual lots may be difficult to provide. Any new uses proposed in the HGT District may present a plan for a parking lot the Planning and Zoning Commission; and the Planning and Zoning Commission may establish

different amounts and methods established in off-street parking to be provided for this District.

- L. MASONRY REQUIREMENTS: None required.
- M. DESIGN REQUIREMENTS: The following design requirements shall apply in the HGT District:
  - 1. No outdoor storage, except for refuse disposal, shall be permitted. Refuse disposal areas shall be landscaped or screened from view.
  - 2. Mechanical and electrical equipment, including air conditioning units, shall be designed, installed and operated to minimize noise impact on surrounding property. All such equipment shall be screened from public view.
  - 3. Lighting shall be designed to reflect away from any adjacent residential area.
  - 4. Driveways in the HGT District for both residential and non-residential uses shall be developed in accordance with the residential drive requirements of Chapter 20, Article III, Sidewalks and Driveways, of the Grapevine Code of Ordinances.

PART II - CODE OF ORDINANCES  
 CHAPTER 12 - CITY OF ROANOKE, TEXAS, COMPREHENSIVE ZONING ORDINANCE  
 ARTICLE III. - ZONING DISTRICTS  
 DIVISION 15. OAK STREET CORRIDOR ZONING DISTRICT

## *DIVISION 15. OAK STREET CORRIDOR ZONING DISTRICT<sup>1</sup>*

### **Sec. 12.490. Applicability.**

- (a) *Generally.* The standards, guidelines and other regulations of the Oak Street Corridor Zoning District (the District) applies to the shaded parcels/lots along Oak Street, Lamar Street, Pine Street, and Hwy 377 as delineated on the Oak Street Regulating Plan (Oak Street Plan), attached as Exhibit C to the Ordinance adopting the District, which is hereby established and incorporated herein by reference.
- (b) *Oak Street Regulating Plan.* The Oak Street Plan establishes the character zones, build-to lines, build-to zones, parking setbacks, height maximums, and upper floor recess requirements for the District. The Oak Street Plan also establishes lot and block standards for subdivision within the District. Accordingly, to the extent standards established herein are in conflict with provisions of Chapter 9 of the Code of Ordinances, as amended, the standards herein shall control.
- (1) *Character Zones Established.* The Oak Street Regulating Plan establishes four (4) character zones:
- (A) *Oak Street Zone*—The Oak Street Zone is intended to preserve, enhance, and reestablish the historic character of Oak Street between Byron Nelson, Parrish Ave and Hwy 377.
  - (B) *Neighborhood Transition Zone*—The Neighborhood Transition Zone along the cross streets intersecting Oak Street is intended to encourage a dense residential neighborhood to support the revitalization of the Oak Street Zone and provide for appropriate transitions between the historic residential district and commercial uses along Oak Street.
  - (C) *Hwy 377 Zone*—The Hwy 377 Zone is intended to provide appropriate development opportunities to take advantage of the highway road access while providing appropriate transitions to pedestrian-oriented development along Oak Street.
  - (D) *Civic/Mixed Use Zone*—The Civic/Mixed Use Zone is intended to provide for new retail, office, civic, and residential uses at the southern end of Oak Street between Morningside and Parrish Ave.
- (2) *Note about measuring build-to lines, zones, and parking setbacks:* Due to the public improvements planned for different streets within the Oak Street Zoning District including the realignment of travel lanes, addition of on-street parking, the future right-of-way lines and corresponding property lines are subject to change based on the approved Streetscape Plan. The future edge of pavement as shown in the Regulating Plan shall be the basis for establishing the build-to zones, lines and parking setback lines along any street in the Oak Street Zoning District that requires public street improvements. If the existing street does not require any public improvements, the build-to zone, line and parking setback lines shall all be measured from the property/R-O-W line along that street frontage. The City Manager or designee may revise the build-to lines, zones, and parking setbacks to accommodate required streetscape improvements based upon a Council approved Streetscape Plan and survey.

<sup>1</sup>Editor's note(s)—Ord. No. 2012-129, § 2(Exh. A), adopted Dec. 11, 2012, amended Div. 15 in its entirety to read as herein set out. Former Div. 15, §§ 12.490—12.500, derived from Ord. No. 2009-100, § 2(Exh. A), 2-10-09; Ord. No. 2011-120, § 2, 9-27-2011.

- (c) *Non-conforming Uses and Substantial Modification/Destruction.*
- (1) Non-conforming uses shall be governed by article II, division 2 of this chapter.
  - (2) Regardless of transfer of ownership, but otherwise subject to section 12.490(c)(1), existing buildings that do not conform to the provisions of this District may continue in use as they are until the building is reconstructed or substantially modified such that the collective reconstructions or modifications within any five-year period are valued at more than a total of fifty percent (50%) of the total property (land and improvements) assessment value in the most recent official city tax rolls.
- (d) *Applicability of Other City Ordinances.* The development standards of article VII of this chapter shall not apply to the Oak Street Zoning District except as specifically referenced herein. Development standards not addressed in this section shall be governed by the City of Roanoke Code of Ordinances including any Special Development Controls and Site Plan Requirements to the extent they are not in conflict with the intent or text of the Oak Street Zoning District.
- (Ord. No. 2012-129, § 2(Exh. A), adopted 12/11/2012)

### **Sec. 12.491. Community Intent and Public Improvements.**

The Oak Street Zoning District is a downtown neighborhood anchored by a new Mixed Use/Civic anchor to the south and many successful businesses with their roots in the enduring qualities of Roanoke—its small town ambience and proud heritage. In order to grow and sustain downtown, the following is hereby established:

- (1) *Walkability.* In order to facilitate walkability and livability, Oak Street and intersecting streets within the District shall provide accessible sidewalks with "street" trees; cross-sections as delineated on the Oak Street Regulating Plan, incorporated herein by reference, are established to facilitate an integrated set of transportation choices—driving, walking and cycling, as well as to form public places bounded by building façades creating a sense of "outdoor rooms" or enclosure along the street or within building courtyards opening to the street.
- (2) *Public Improvements.* The public improvements within City right-of-way necessary to facilitate walkability, as delineated on the Oak Street Plan, shall be designed and constructed by the City or other public entities when funding becomes available; accordingly, new design and construction of private buildings and improvements within the district shall conform to and be complementary with those public improvements.
- (3) *Architecture.* Architectural standards herein (e.g., "windows generally shall be oriented vertically") are functional in nature, not stylistic. Similarly, the building types depicted herein are to establish functional architectural results (e.g., definition between building stories), not a particular taste. Accordingly, architectural style and elements (e.g., Victorian, arts and crafts, color palettes, etc.), except for building materials, shall be determined through privately enforced covenants, conditions and restrictions (CC&Rs). Section 12.498 establishes the architectural standards. Section 12.499 sets forth the basic building types.
- (4) *Historic Preservation.* In addition, architectural design standards are established to promote the historic preservation of significant buildings on the National Register of Historic Places. Any change of use within a building identified as significant on the National Register that results in any exterior changes to the façade shall be reviewed as a Site Plan. Standards in section 12.498 shall apply for all Site Plan reviews of historically significant structures.

(Ord. No. 2012-129, § 2(Exh. A), adopted 12/11/2012)

## Sec. 12.492. Schedule of Uses.

Due to the emphasis on urban form over land uses in the Oak Street District, general use categories have been identified by areas. Uses not listed in the following schedule, but are substantially similar, may be permitted upon the approval of the City Manager or his or her designee, subject to appeal to the City Council.

Table 1 — Schedule of Uses				
Land Use	Oak Street Zone	Neighborhood Transition Zone	Hwy 377 Zone	Civic/Mixed Use Zone
<b>Commercial Uses (Office &amp; Retail Uses)</b>				
• Retail Sales or Service with no drive through facility (includes alcohol sales). Excluded from this category are retail sales and services establishments geared towards the automobile, including gasoline service stations.	P	SUP (permitted only at corner sites on the ground floor)	P	P
• Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services, with no drive through facility	P	SUP (permitted only at corner sites on the ground floor)	P	P
• Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, etc.	P	P for existing structures SUP for new construction	P	P
• Food Service Uses such as full-service restaurants, cafeterias, and snack bars with no drive through facilities including cafe seating within a public or private sidewalk area with no obstruction of pedestrian circulation	P	SUP (permitted only at corner sites on the ground floor)	P	P
• Retail tobacco store	SUP	SUP	NP	NP
<b>Arts, Entertainment, and Recreation Uses</b>				
• Art galleries	P	SUP (permitted only at corner sites on the ground floor)	P	P
• Art, antique, furniture or electronics studio (retail, repair or fabrication; excludes auto electronics sales or service)	P	SUP (permitted only at corner sites on the ground floor)	P	P

• Theater, cinema, dance, or music establishment	P	NP	P	P
• Museums and other special purpose recreational institutions	P	NP	P	P
• Fitness, recreational sports, gym, or athletic club	P	SUP (permitted only at corner sites on the ground floor)	P	P
• Parks, greens, plazas, squares, and playgrounds	P	P	P	P
• Amusement, commercial (indoor)	P	NP	P	P
• Amusement, commercial (outdoor)	SUP	NP	SUP	SUP
<b>Educational, Public Administration, Health Care and Other Institutional Uses</b>				
• Business associations and professional membership organizations	P	SUP (permitted only at corner sites on the ground floor)	P	P
• Schools, libraries, and community halls	P	NP	P	P
• Civic uses(City Hall, Courthouse, and other public offices and functions)	P	NP	P	P
• Social and fraternal organizations	P	SUP	P	P
• Social services and philanthropic organizations	P	NP	P	P
• Religious Institutions	P	P	P	P
<b>Residential Uses</b>				
• Home Occupations	SUP	P	SUP	SUP
• Live/Work units	SUP	SUP	SUP	NA
• Residential Apartments and/or condominiums	NP (SUP for upper floors)	NP	SUP	NP (SUP for upper floors)
• Upper floor residential uses	SUP	SUP	SUP	SUP
• Single-family residential attached dwelling unit (Townhomes)	NP	NP SUP—On Morningside Drive	NP	SUP
• Single-family residential detached dwelling unit	NP	P	NP	NP
<b>Other Uses</b>				
• Model homes for sales and promotion**	NA	P	NP	NA



• Any use with on- and off-premise alcohol sales as less than 50% of its gross sales revenue	A	A/C (in conjunction with corner commercial uses only)	A	A
• Any use with on- and off-premise alcohol sales as more than 50% of its gross sales revenue	SUP	SUP/C (in conjunction with corner commercial uses only)	SUP	SUP
• Full-service hotels	P	NP	P	P
• Bed and breakfast establishments	P	SUP	NP	NP
• Outdoor Storage	NP	NP	NP	NP
• Outdoor Display (within 10 feet of front façade of building only; merchandise must be brought indoors after closing)	P	P	P	P
• Parking, surface	P	A	P	P
• Parking, structured	P	P	P	P
• Sales from kiosks	P	NP	P	P
• Any permitted use with a drive through facility	NP	NP	SUP	SUP
• Farmer's Market	P	NP	P	P
• Veterinary clinic (no outdoor facilities for overnight storage of animals)	P	NP	P	P

P = Permitted by right  
NP = Not Permitted  
P/C = Permitted with conditions  
A = Permitted Accessory Use  
NA = Not applicable  
SUP = Permitted with a Specific Use Permit

Residential density and non-residential floor-to-area ratios are governed by height of buildings, setback lines and parking requirements. All allowed uses are permitted on any floor of a building unless specifically prohibited herein.

- (a) *Accessory building uses.* The massing and use of accessory buildings shall comply with those standards in the SF-7, article III, division 6 of this chapter or SFA, article III, division 7 of this chapter.
- (b) *Prohibited uses.* Uses not specifically enumerated in the District, but are substantially similar, may be permitted upon the approval of the City Manager or his or her designee, subject to appeal to the City Council. All other uses shall be prohibited including but not limited to vehicular services/repair, wholesale, industrial, heavy manufacturing, drive-thru services and warehousing.

(Ord. No. 2012-129, § 2(Exh. A), adopted 12/11/2012; Ord. No. 2013-111, § 2, adopted 8/13/2013; Ord. No. 2014-113, § 2, adopted 6/10/2014; Ord. No. 2016-101, § 2, adopted 1/12/2016; Ord. No. 2016-103, § 2, adopted 2/9/2016; Ord. No. 2018-108, § 3, adopted 4/10/18; Ord. No. 2018-133, § 2, adopted 10/23/18; Ord. No. 2020-116, § 2, adopted 9/22/2020; Ord. No. 2021-101, § 2, 2/9/2021; Ord. No. 2021-108, § 2, adopted 4/13/2021)

**Sec. 12.493. Development Standards.**

The following table shall establish the development standards for the three (3) [four (4)] different zones in the Oak Street Zoning district.

Table 2 — Development Standards				
<b>Zone</b>	<b>Oak Street Zone</b>	<b>Neighborhood Transition Zone</b>	<b>Hwy 377 Zone</b>	<b>Civic/Mixed Use Zone</b>
<b>Standard</b>				
1. Build to zones and setbacks	Build-to zones and setbacks shall be established in the Oak Street Regulating Plan			
	<ul style="list-style-type: none"> <li>Corner lots shall be built to the build-to-zone for a minimum of 35' from the corner along each street front.</li> </ul>	<ul style="list-style-type: none"> <li>Corner lots shall be built to the build-to-zone for a minimum of 25' from the corner along each street front.</li> </ul>		<ul style="list-style-type: none"> <li>Corner lots shall be built to the build-to-zone for a minimum of 35' from the corner along each street front along Oak Street and 25' from the corner along all other streets with a build-to-zone designation in the Regulating Plan.</li> </ul>
2. Building Height	Shall be as established in the Oak Street Regulating Plan			
a. First floor height	Min. 15 feet clear	Min. 15 feet clear for live/work units only; 10 feet min. for residential uses	Min. 15 feet clear	Min. 15 feet clear for mixed use/commercial and live/work buildings; 10 feet clear min. for residential uses
b. Upper floor height	10 feet clear (min.)	10 feet clear (min.)	10 feet clear (min.)	10 feet clear (min.)
3. Buildable Area	A maximum of 100% of the lot area may be covered by building footprint.	A maximum of 75% of the lot area may be covered by building footprint.	A maximum of 80% of the lot area may be covered by building footprint.	A maximum of 100% of the lot area may be covered by building footprint.
4. Building Frontage required	<ul style="list-style-type: none"> <li>Min. of 70% of the building façade along Oak and Lamar Streets</li> </ul>	<ul style="list-style-type: none"> <li>Min. of 50% of the building façade along Pine and Lamar Streets</li> </ul>	<ul style="list-style-type: none"> <li>A minimum of 50% of the building shall be built to the build-</li> </ul>	<ul style="list-style-type: none"> <li>Min. of 70% of the building façade along Oak Street, any Public</li> </ul>

	<p>shall be built within the built-to-zone.</p> <ul style="list-style-type: none"> <li>• Min. of 30% of the building façades along all other streets shall be built to the built-to-zone.</li> </ul>	<p>shall be built within the built-to-zone.</p> <ul style="list-style-type: none"> <li>• Min. of 25% of the building façades on all other streets shall be built to the built-to-zone.</li> </ul>	<p>to zone along Hwy 377.</p> <ul style="list-style-type: none"> <li>• There shall be no minimum building frontage requirement along all other streets.</li> </ul>	<p>Open Space, Civic Space and along any frontage designated with a built-to-zone in the Regulating Plan shall be built within the built-to-zone.</p> <ul style="list-style-type: none"> <li>• There shall be no minimum building frontage requirement along all other streets or alley frontages.</li> </ul>
<p>5. Encroachments over sidewalks or public R-O-W</p>	<p>No more than 4' horizontal encroachment over the sidewalk/R.O.W. with min. vertical clearance over the sidewalk of 8'</p>	<p>Not permitted</p>	<ul style="list-style-type: none"> <li>• Permitted within the setback and subject to TxDOT standards.</li> <li>• Where arcades or colonnades are used, align with first floor height.</li> <li>• For signs, canopies or awnings minimum 8 feet clear.</li> </ul>	<ul style="list-style-type: none"> <li>• Permitted to the curb line.</li> <li>• Where arcades or colonnades are used, align with first floor height.</li> <li>• For signs, canopies or awnings minimum 8 feet clear.</li> </ul>
<p>6. Encroachments into setback area or yards</p>	<p>No more than 50% of the required yard or setback</p>	<p>No more than 50% of the required yard or setback</p>	<p>No more than 50% of the required yard or setback</p>	<p>No more than 50% of the required yard or setback</p>
<p>7. Streetscape Standards</p> <p>a. Sidewalks<sup>β</sup></p> <p>b. Parkway</p> <p>c. Street trees<sup>#</sup></p>	<p>NA</p>	<ul style="list-style-type: none"> <li>• Min. 6' wide</li> <li>• Min. 6' wide</li> <li>• Required at 50' on center along all public street frontages (excluding alleys) (min. 3" caliper tree measured at 6' above ground level)</li> </ul>	<ul style="list-style-type: none"> <li>• Min. 6' wide</li> <li>• Min. 6' wide</li> <li>• NA</li> </ul>	<ul style="list-style-type: none"> <li>• Min. 6' wide</li> <li>• Min. 6' wide</li> <li>• Required at 50' on center along all public street frontages (excluding alleys) (min. 3" caliper tree measured at 6' above ground level)</li> </ul>

8. Lot and Block Standards				
a. Block perimeter	<ul style="list-style-type: none"> <li>• Min. 1,200'; max. 1,600'</li> <li>• Min. 20'; max.</li> </ul>	<ul style="list-style-type: none"> <li>• Min. 1,200'; max. 1,600'</li> <li>• Min. 20'; max.</li> </ul>	<ul style="list-style-type: none"> <li>• Min. 1,200'; max. 1,600'</li> <li>• Min. 20'; max.</li> </ul>	<ul style="list-style-type: none"> <li>• Min. 1,200'; max. 2,000'</li> <li>• Min. 20'; max.</li> </ul>
b. Lot width	400'	400'	400'	400'
c. Lot depth	• NA	• NA	• NA	• NA

<sup>β</sup> Where no sidewalks abutting the subject property exist, the applicant has the option of paying a fee in lieu of constructing the required 6' wide sidewalk. The fee shall be based upon the average per sq. ft. cost of a 6" thick concrete sidewalk at the time of development application and shall be established by the City Manager or designee subject to City Council approval on an annual basis.

<sup>#</sup> The applicant has the option of paying a fee in lieu of the street tree requirement. The fee shall be based on the average cost per caliper of a native canopy tree and shall be established by the City Manager or designee subject to City Council approval. In addition, the City Manager or designee may create a recommended tree palette for street trees, subject to City Council approval.

(Ord. No. 2012-129, § 2(Exh. A), adopted 12/11/2012)

**Sec. 12.494. Parking.**

(a) *All Zones.* Parking shall only be located behind the parking setback line as established in the Oak Street Regulating Plan Exhibit C. In addition, the number of off-street parking spaces required shall be established in this section:

(1) *Off-Street Parking.*

(A) For any parking lot permitted along the side of buildings on lots adjacent to Oak Street, it shall be no wider than sixty-five feet (65'), and a street-screen shall be provided such that the side of the parking bays closest to the street shall be screened by a wall or landscaped wrought iron fence three feet (3') in height.

(B) When a streetscape improvement program is implemented, existing non-conforming off-street parking spaces within the public right-of-way will be replaced if feasible in terms of design; if particular spaces cannot be replaced, adjacent and area on-street parking spaces will be used as off-street parking credits to replace the loss of the non-conforming off-street parking spaces in order to achieve conformance with off-street parking requirements of this District.

(2) *Entertainment, Retail, Restaurant, Civic, Service, and Office Uses (all non-residential uses).* The number of off-street parking spaces required shall be one (1) space per three hundred fifty (350) square feet of gross floor area.

(3) *Residential.* A minimum of one (1) off-street parking space shall be required for each residential unit.

(4) *Lodging.* One (1) space per lodging room.

(5) *Shared Parking.* Off-street parking requirements for any and all uses permitted in the District may be waived subject to a shared parking agreement or a coordinated parking plan approved by the City Manager or his or her designee, subject to appeal to the City Council.

(6) *Parking Lot Design.* Parking lot and space design is subject to sections 12.700(a) and 12.703(a) through (e) of this chapter, unless the City Manager or his or her designee approves an alternative design and/or paving material, subject to appeal to the City Council.

(Ord. No. 2012-129, § 2(Exh. A), adopted 12/11/2012)

### **Sec. 12.495. Screening.**

- (a) All buildings shall be designed such that no mechanical equipment (HVAC, etc.), except vents or stacks, is visible from the public right-of-way or open space, whether the equipment is located on the ground, exterior walls or the roof.
- (b) For uses on lots adjacent to Oak Street, loading and service areas shall be located at the rear of buildings utilizing the alley.
- (c) Any frontage along all streets (except alleys) not defined by a building at the BTZ shall be defined by a four-foot high street screen, furthermore service areas shall be defined by a street screen that is at least as high as the service equipment being screened. The street screen shall be of either the same building material as the principal structure on the lot or masonry or a living screen composed of shrubs planted to be opaque at maturity. The required street screen shall be located at the property line or within the BTZ along the corresponding frontage.

(Ord. No. 2012-129, § 2(Exh. A), adopted 12/11/2012)

### **Sec. 12.496. Landscaping.**

New landscaping or substantial reconfiguration of existing landscaping in the District shall comply as follows:

- (1) To ensure regional compatibility and reduce excessive vehicular emissions, all proposed plant materials should be grown/propagated and delivered from a nursery source located within a two-hundred-mile radius to the site.
- (2) All efforts should be made to preserve existing plant materials that are in a desirable condition. Existing trees six inches (6") in diameter at breast-height or greater in height that are removed shall be replaced at an inch per inch ratio. Such replacement may be on site or in the street right of way as a street tree.
- (3) All proposed plant materials should conform to the American Standard for Nursery Stock, *ANSI Z60.1-1990*. The use of annuals is strongly discouraged. Seasonal bed color should be achieved through the use of either native or well adapted xeriphytic perennials. The use of St. Augustine turf grass shall not be permitted.
- (4) Pedestrian safety shall be considered in the location of planting beds and plant material locations.
- (5) Shade trees shall be a minimum of three inches (3") in caliper and ten feet (10') in height.
- (6) Ornamental trees should be a minimum two inches (2") in caliper and six feet (6') to eight feet (8') in height.
- (7) Container grown trees are preferred to ball and burlap and should have been in their current container for at least six (6) months prior to planting. Ball and burlap trees should not be loose in their balls and should have been cured for a minimum of one (1) year prior to planting. Curing time begins once the tree has been dug. Deciduous species should be planted while in dormancy.
- (8) All bed-areas should be treated with a four inch (4") cover of shredded hardwood mulch that is consistent in appearance with previous landscape installations. Bed areas shall be defined by the "shovel cut" technique; steel or plastic edging shall not be permitted.

- (9) Sod shall be the preferred method of turf installation. Sod shall be laid end-to-end during the growing season, while staggering each layer. Sod shall be rolled prior to the initial irrigation.
- (10) Even with the preferred pallet of native and well-adapted plant species, irrigation should be provided for, at a minimum, the first growing season following installation. The primary function of the irrigation system is as a means of establishing new tree, shrub, and bed (perennial) plantings.
- (11) The use of municipally-provided potable water for landscape irrigation is discouraged. All efforts should be made to incorporate the use of captured rainwater, ground water and/or recycled site water for all irrigation needs.
- (12) In areas where the use of municipally-provided potable water is the only feasible option, temporary above-ground irrigation should be installed for all tree, shrub, and bed plantings. Temporary irrigation should be actively maintained and routinely evaluated, and modifications should be made to ensure adequate coverage. All above ground irrigation components should be removed no later than one (1) year after installation. Permanent in-ground irrigation should be provided for all turf areas regardless of the water source.
- (13) "High efficiency" equipment shall be used for all required irrigation components.
- (14) Drip irrigation is encouraged for all non-turf irrigation areas zones.
- (15) Irrigation delivery systems shall be designed in such a manner that water does not run off or over spray onto adjacent pavement, sidewalks, structures or other non-landscaped areas. Irrigated areas adjacent to structures should not spray within eighteen inches (18") of the structural foundation.

(Ord. No. 2012-129, § 2(Exh. A), adopted 12/11/2012)

**Sec. 12.497. Signage.**

For conforming uses and new signs for non-conforming uses, the standards in Table 3 shall apply and sign permits may be approved administratively unless specifically noted in this section. An applicant has the option to establish unique sign standards including size, color, type, design, and location based upon specific performance criteria. Such sign standards shall be reviewed by staff and is subject to approval of the City Council.

**Table 3 - Sign Standards**

<i>Character Zone</i>	<i>Oak St. Core/Civic/Mixed Use Zone</i>	<i>Trans. Zone</i>	<i>Hwy 377</i>	<i>Standard</i>
<b>Sign Type</b>				
(1) Building Signs	P	P	P	<ul style="list-style-type: none"> <li>• For all commercial uses fronting on Hwy 377: One sign per tenant space; area not to exceed 50 sq. ft. on the façade with the highway frontage.</li> <li>• For all other commercial uses (retail, office, and restaurant): One sign per tenant space; area not to exceed 32 sq. ft. along each public street frontage.</li> <li>• Second floor commercial uses may also be permitted one second floor wall sign per tenant space per public street</li> </ul>

				<p>frontage; area not to exceed 32 sq. ft. on the second floor façade along that public street.</p> <ul style="list-style-type: none"> <li>• Live-work and home occupations: One sign limited to an area of 12 sq. ft. max.</li> <li>• May encroach a maximum of 12" onto a sidewalk while maintaining a vertical clearance of 7' from the finished sidewalk.</li> <li>• Wall signs may be internally or externally lit.</li> </ul>
(2) Monument Signs	<p>NP (Oak Street) P (Civic/Mixed Use along Hwy 377 frontage only)</p>	P	P	<p>NT Zone: One monument sign per lot regardless of street frontage limited to a maximum of 30 sq. ft. per sign face and 5' in height.</p> <p>Hwy 377 Zone and Civic/Mixed Use Zone: One monument sign per lot per street frontage (no more than 2 per lot separated by at least 300 feet) limited to a maximum of 50 sq. ft. per sign face and 6' in height.</p>
(3) Window Signs	P	P	P	<p>Limited to 10% of the window area. The following shall be exempt from this limitation:</p> <ul style="list-style-type: none"> <li>• Addresses, closed/open signs, hours of operation, credit card logos, real estate signs, and now hiring signs.</li> <li>• Mannequins and storefront displays of merchandise sold.</li> <li>• Interior directory signage identifying shopping aisles and merchandise display areas.</li> </ul>
(4) Blade Signs	P	P	P	<ul style="list-style-type: none"> <li>• Shall be permitted for all non-residential uses.</li> <li>• 6 sq. ft. maximum per sign face.</li> <li>• May encroach a maximum of 2' onto a sidewalk.</li> <li>• Blade signs may be attached to the building or hung under the soffit of an arcade or under a canopy/awning while maintaining a vertical clearance of 7' from the finished sidewalk.</li> <li>• In Hwy 377, permitted if building is built to the minimum setback line.</li> </ul>
(5) For Sale/For Lease Signs	P	P	P	Same as Sign Ordinance

(6) Address Signs	P	P	P	Is required to be a building sign located near the principal entrance to the building
(7) Temporary Construction Signs	P	P	P	1 freestanding sign per lot during construction only; limited to 32 sq. ft.
(8) Banners	P	P	P	Same as Sign Ordinance
(9) Sandwich Board Signs	P	P	P	<ul style="list-style-type: none"> <li>• Permitted only for retail, service, or restaurant uses.</li> <li>• Limited to 8 sq. ft. per storefront.</li> <li>• Sign may not exceed 2 feet in width or 4 feet in height.</li> <li>• A minimum of 4 feet of sidewalk shall remain clear.</li> <li>• Chalkboards may be used for daily changing of messages. Readerboards (electronic and non-electronic) shall be prohibited.</li> <li>• Sign shall be removed every day after the business is closed.</li> </ul>
(10) Light Pole Banners	P	P	P	<ul style="list-style-type: none"> <li>• 8 sq. ft. per sign face.</li> <li>• Limited to one per light pole.</li> <li>• All light pole banners shall be approved by the appropriate utility company prior to consideration by Sign Control Board.</li> <li>• Light pole banners shall be limited to publicize community-wide events, holiday celebrations, public art, and other city sponsored events.</li> </ul>
(11) Directory Signs	P	P	P	<ul style="list-style-type: none"> <li>• Shall be allowed for all multi-tenant buildings only.</li> <li>• One directory sign per multi-tenant building limited to 10 sq. ft. in area.</li> <li>• Design of the sign shall be integral to the façade on which the sign is to be affixed.</li> </ul>
(12) Neon Signs	P	NP	NP	<ul style="list-style-type: none"> <li>• Shall be limited to no more than 50% of the permitted window or building sign area and in lieu of the same.</li> <li>• Shall be permitted for restaurants, entertainment uses, and retail shopfronts.</li> </ul>

(Ord. No. 2012-129, § 2(Exh. A), adopted 12/11/2012)



## Sec. 12.498. Architectural Standards and Design Guidelines.

Oak Street has an historic existing character that shall be preserved by rehabilitation of existing significant buildings. In addition, new and infill construction in the district shall reflect the character of the district during its historic period of significance.

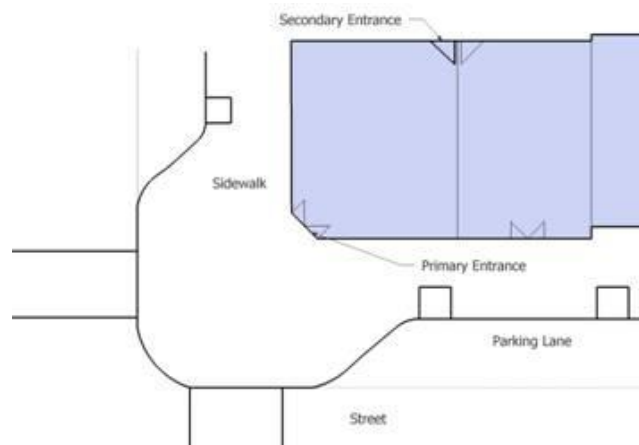
The key design principles establish essential goals for development in the Oak Street district to ensure the preservation, sustainability, and visual quality of this unique environment. Buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scaled spaces. The key design principles are:

- New buildings/building façades shall utilize building elements and details to achieve compatibility with existing buildings in the Oak Street district.
- Compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity.
- Building façades must include appropriate architectural details and ornament to create variety and interest.
- Buildings shall be built to, or close to, the sidewalk to define and enhance the pedestrian environment. The Oak Street Regulating Plan shall establish the build-to line and zones within which new buildings shall be constructed.
- Open space(s) shall be incorporated to provide usable public areas integral to the downtown environment.

(a) The following design standards and guidelines shall provide property owners, developers, city staff, and decision makers adequate design guidance for new and existing commercial and mixed use buildings.

(1) *Location on the Street.*

(A) Buildings shall be oriented toward the major street front with the primary entrance located on that street. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access.



*Image showing desired primary and secondary entrances to buildings in Downtown Roanoke.*

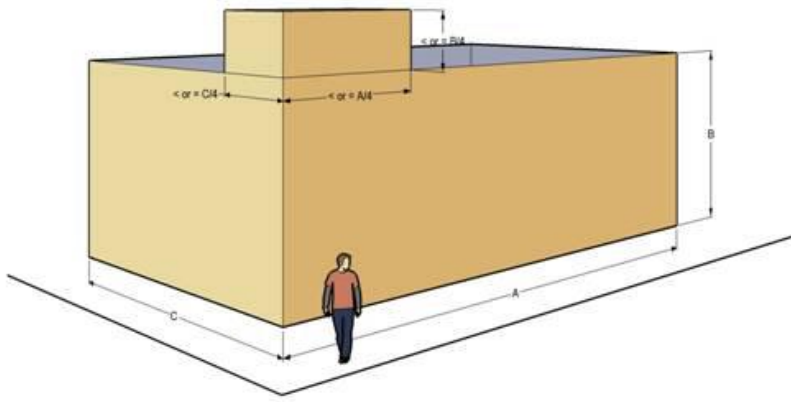


Image showing desired massing of corner buildings within the Oak Street Core Zone.

(2) Pedestrian-Friendly Building Massing and Scale.

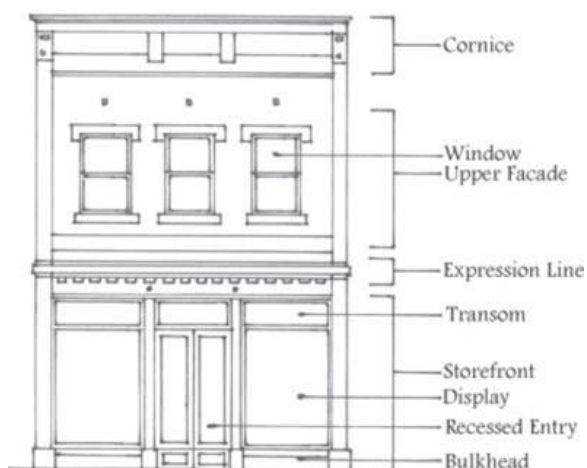
- (A) A building's massing shall serve to define entry points and help orient pedestrians.
- (B) Buildings and/or façades shall emphasize and frame or terminate important vistas.
- (C) Non-residential and mixed use buildings in Oak Street and Civic/Mixed Use Zones, to the extent practicable, shall maintain a twenty-five feet (25') to thirty-five feet (35') building façade widths or multiples thereof.
- (D) Variations in the rhythms within individual building façades shall be achieved within any block of building façades with architectural elements such as bays, columns, doors, windows, etc.
- (E) Breaks in the predominant rhythm may also be used to reinforce changes in massing and important elements such as building entrances, terminated vistas, or corner sites.
- (F) Porches, stoops, eaves, awnings, blade signs, arcades, colonnades and balconies should be used along commercial storefronts and they may protrude beyond the setback line provided that they do not inhibit pedestrian movement within the public right-of-way. Balconies shall have external bottom supports.

<p><i>Variations in building rhythm using architectural features.</i></p>	
<p><i>Building massing used to emphasize entrances.</i></p>	

<p>Allowed encroachments into the setback line.</p>	
<p>Retail buildings with balconies and architectural details that add interest along the streetscape.</p>	

(3) *Architectural Elements and Storefronts.*

- (A) Architectural elements shall be designed to the appropriate scale and proportions of the selected architectural style. For example, building designs based on an Art Deco style shall utilize architectural elements of a scale and proportion characteristic of that style.
- (B) An expression line or equivalent architectural element shall delineate divisions between floors of all buildings, and a cornice shall delineate the tops of façades that do not utilize a pitched roof. For retail storefronts, a transom, display window area and bulkhead at the base shall be utilized.



- (C) Building entrances may be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades, and others as appropriate. All building elements should be compatible with the architectural style, materials,

colors, and details of the building as a whole. Entrances to upper level uses may be defined and integrated into the design of the overall building façade.

- (D) *Roofs.* Flat roofs enclosed by parapets or sloped roofs shall be used to screen rooftop mechanical equipment. Mansard roofs and flat membrane-type roofs that are visible are prohibited.
- (E) *Doors and Windows.* Generally, windows shall be oriented vertically, and bay windows shall have external bottom supports. Dormer windows shall also be vertically proportioned and slightly shorter than the windows below in order to provide clear views of merchandise and perceived connections.
- (F) *Transparency Required.* For all new Mixed Use and Commercial construction and renovation, the street-level floor in the Oak Street Core Zone and the Civic/Mixed Use Zone shall have transparent storefront windows covering no less than fifty percent (50%) of the façade area. Each floor of all building façades facing a street or plaza shall contain transparent windows covering at least fifteen percent (15%) of the façade area.
- (G) Ground floor retail building plate heights generally shall be at least fifteen feet (15') in height.
- (H) *Storefronts.* Retailers located at the street level shall primarily use storefronts to orient and advertise merchandise to customers. Retail buildings shall provide street-level pedestrian-oriented uses at the ground floor level. Storefronts on façade treatments that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.

<p><i>Retail storefronts with transparent windows.</i></p>	
<p><i>Vertically oriented windows with emphasis on corners and entrances.</i></p>	

- (I) *Design of Structured Parking Facilities:*
  - a. All frontages of parking structures located on Oak Street shall not have parking uses on the ground floor to a minimum depth of thirty feet (30') along the Oak Street frontage.
  - b. The amount of Oak Street frontage devoted to a parking structure shall be minimized by placing the shortest dimension(s) along the Oak Street edge(s).
  - c. Parking structure façades on Oak Street shall be designed with both vertical (façade rhythm of twenty feet (20') to thirty feet (30')) and horizontal (aligning with horizontal elements along the block) articulation.
  - d. Where above ground structured parking is located at the perimeter of a building with frontage along Oak Street; it shall be screened in such a way that cars on all parking levels are completely hidden from view from all adjacent public streets. Parking garage ramps

shall not be visible from any public street. Unless site conditions do not allow or if an alternative design achieves the screening requirements, ramps shall not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.

- e. When parking structures are located at corners, corner architectural elements shall be incorporated such as corner entrance, signage and glazing.
- f. Parking structures and adjacent sidewalks shall be designed so pedestrians are clearly visible to entering and exiting automobiles.







Images showing appropriate design of structured parking facilities.

(4) *Building Materials.*

- (A) At least eighty percent (80%) of the street facing (except alleys) façades of all new buildings (excluding doors and windows) shall be finished in one (1) or more of the following materials:
    - Masonry (brick, stone, cast stone, rock, marble, granite, glass block and/or tile);
    - Cementitious-fiber clapboard (not sheet) with at least a fifty-year warranty;
    - Split face concrete block or poured-in-place concrete;
    - Up to twenty percent (20%) wood or exterior insulating finishing system (EIFS) as an accent only;
    - Roofing materials (visible from any public right-of-way): copper, factory finished painted metal, slate, synthetic slate, terra cotta, cement tile, glass fiber shingles or similar materials.
  - (B) Side façades and rear façades shall be of finished quality and of the same color and materials that blend with the front of the building. Rear façades may be painted tilt-wall or painted block matching the same color of the rest of the building if the rear façade faces an alley or is not viewable from a public street or right-of-way.
- (b) The following design standards and guidelines shall provide property owners, developers, city staff, and decision makers adequate design guidance for new and existing residential building types (including residential buildings converted to retail or office uses):
- (1) *Location on the Street.*
    - (A) All primary entrances shall address the primary street unless configured as a courtyard building.
    - (B) Garages generally shall be located on alleys at the rear of residential buildings; pull-through garages are allowed if the garage door is set back behind the rear façade of the main structure. If front-loaded garages are utilized on single-family residential lots, the garages shall be no greater than twelve feet (12') wide, and set back at least ten feet (10') measured from the face of the main structure closest to the garage or rotated ninety (90) degrees with windows on the wall facing the street. All garage doors shall be divided into single bays separated by at least an

eighteen inch (18') column. Front-loaded garages on residential lots less than fifty feet (50') wide shall not be allowed. Town homes and courtyard apartments shall utilize rear-loaded garages.

<p><i>Residential townhomes with primary entrances to the street.</i></p>	
<p><i>Live-work units with bay windows.</i></p>	
<p><i>Existing residential buildings converted to accommodate commercial uses.</i></p>	
	

(2) *Pedestrian-Friendly Building Massing and Scale.*

- (A) On residential buildings, at least one (1) of the following shall be utilized: porches, stoops, bay windows, balconies, masonry clad chimneys, attached pergolas or colonnades. Those architectural elements may encroach beyond the setback line.
- (B) The base of a building shall be delineated by a change in color, water mark or different material for at least the first eighteen inches (18") of the façade, or where feasible, the grade of the slab or first floor elevation shall be elevated at least eighteen inches (18") above the grade of the sidewalk.

(3) *Architectural Elements.*

- (A) Residential buildings shall have relatively flat fronts and simple roofs with most building wing articulations set at the rear of the structure. Window projections, stoops, porches, balconies, and similar extensions are exempt from this standard.

- (B) Gable roofs, if provided, shall have a minimum pitch of 5/12. When hipped roofs are used, the minimum pitch shall be 6/12. Other roof types shall be appropriate to the architectural style of the building. Mansard roofs shall be prohibited.
- (C) Architectural embellishments that add visual interest to the roofs, such as dormers and masonry chimneys may be provided.



(4) *Building Materials.*

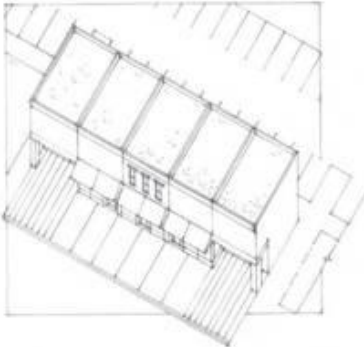
- (A) The following shall be permitted finishes for street fronting façades of all residential buildings and live/work units:
  - (i) Cementitious-fiber clapboard (not sheet) with at least a fifty-year warranty;
  - (ii) Masonry (brick; stone; man-made stone and stucco utilizing a three-step process).
- (B) The following shall be allowed up to twenty-five percent (25%) as an accent material:
  - (i) Wood;
  - (ii) Exterior insulating finishing system (EIFS) or similar material over a cementitious base, rock, glass block and tile.
- (C) Side and rear façades shall be of finished quality and of the same color and materials that blend with the front of the building.
- (D) Roofing materials (visible from any public right-of-way): copper, factory finished painted metal, slate, synthetic slate, terra cotta, cement tile, glass fiber shingles.
- (E) An enclosed garage or carport shall be designed and constructed of the same material as the primary [structure].

(Ord. No. 2012-129, § 2(Exh. A), adopted 12/11/2012)

**Sec. 12.499. Building Types.**

In addition to single-family dwellings and town homes on Lamar Street, the following establishes the prototypical building types for the District:

**2 Story Commercial**  
**(Oak Street Core Zone, Hwy 377 Zone, Civic/Mixed Use Zone, and corner commercial uses in the Neighborhood Transition Zone)**



**3 Story Mixed Use**  
**(Oak Street Core Zone, Civic/Mixed Use Zone, and Hwy 377 Zone)**

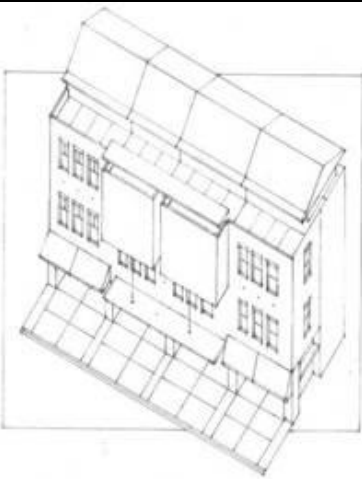


**4 Story Mixed Use**  
**(Oak Street Core Zone, Civic/Mixed Use Zone, and Hwy 377 Zone)**





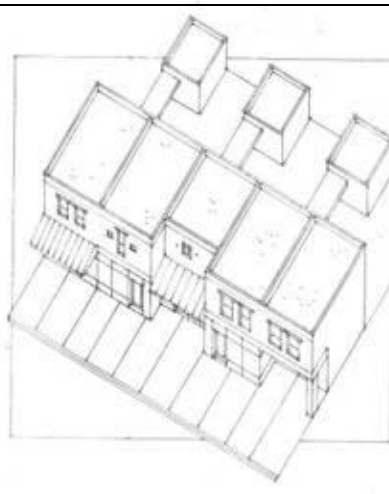
**5 Story Mixed Use  
(Civic/Mixed Use Zone)**



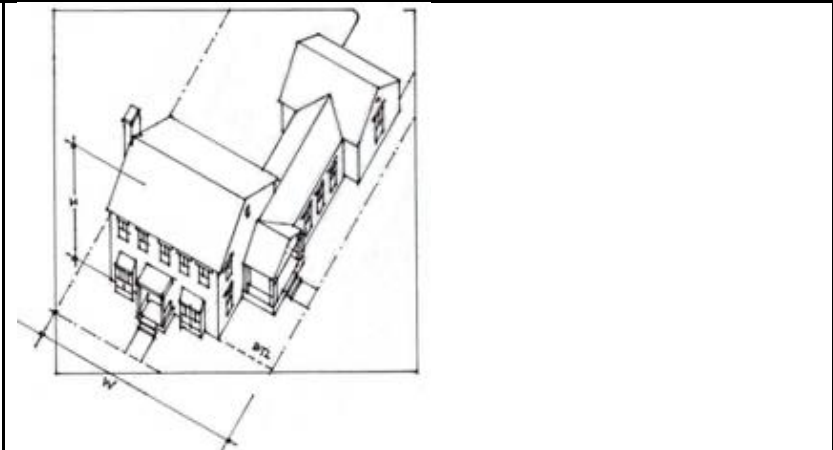
**2 Story Live-Work with pitched roof and garages optional  
(Oak Street Core Zone,  
Civic/Mixed Use, and  
Neighborhood Transition Zone)**



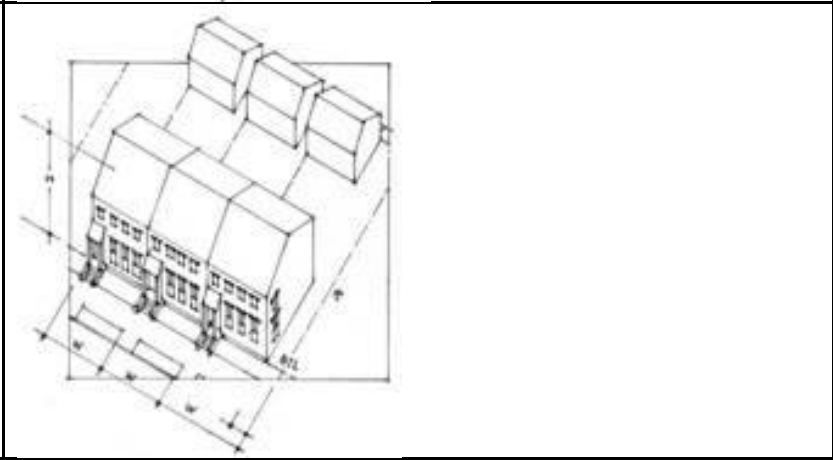
**2 Story Live-Work with Flat Roof and garages optional  
(Oak Street Core Zone,  
Civic/Mixed Use, and  
Neighborhood Transition Zone)**



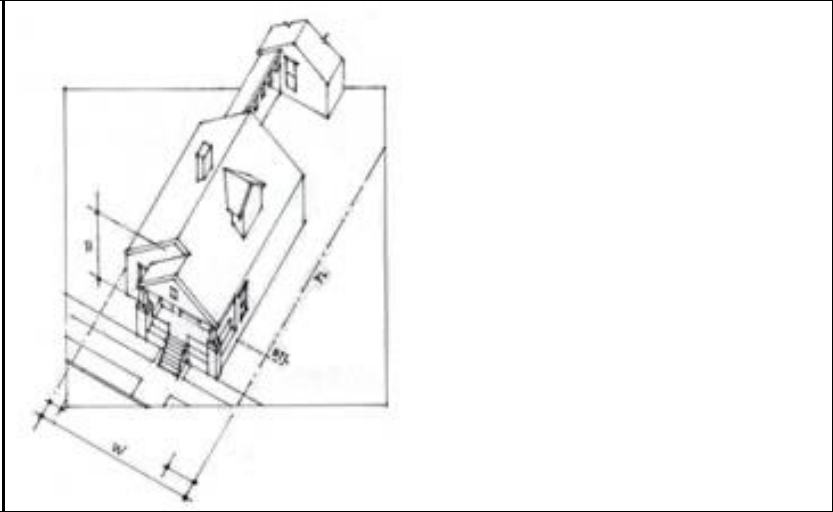
**2 Story Multi-unit house  
(Neighborhood Transition Zone)**



**2 Story Townhouse  
(Neighborhood Transition Zone)**



**1-2 Story detached house  
(Neighborhood Transition Zone)**



(Ord. No. 2012-129, § 2(Exh. A), adopted 12/11/2012)

**Sec. 12.500. Definitions.**

*Alley* means the right of way for vehicles and pedestrians within a block that provides access to the rear of buildings, vehicle parking, utility meters, and service areas. An easement for public access is required if the alley is a private right-of-way.

*Awning/Canopy* means an awning is a cantilevered, projected or suspended cover over the sidewalk portion of any public street. Awnings may also be roof-like coverings, usually of canvas or metal and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain. Awnings shall have a minimum clear height of eight feet (8') from the finished sidewalk in front of it.

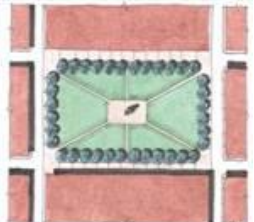
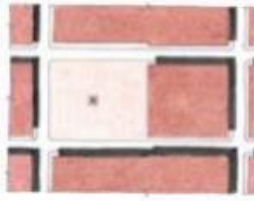
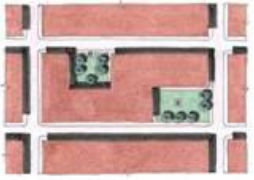
*Block* is an increment of land comprised of lots, alleys, and tracts circumscribed by streets.

*Build-to Line* or *Build-to Zone* shall be the line or area within which the principal building's front façade shall be built.

*Building Permit* means an official document or certificate issued by the City of Roanoke authorizing erection, construction, renovation, maintenance, or any other specified activity on any building, structure or land, or on any installations or facilities therein. The term "building permit" shall include but not be limited to building permits, electrical permits, mechanical permits, and plumbing permits.

*Certificate of Occupancy* means an official certificate issued by the City through the Administrative Official which indicates conformance with building, zoning and health and safety regulations and authorizes legal use and occupancy of the premises for which it is issued.

*Civic Space* means publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, pocket parks, playgrounds, etc. They may be privately or publicly owned. For all residential uses, privately accessible open spaces such as courtyards, porches, and balconies may also be considered as civic space for the purposes of this ordinance.

<p><i>Square</i> means a civic/open space available for unstructured recreation and civic purposes. A square is spatially defined by buildings. Its landscape shall consist of landscaping, hardscaping, water features, pathways, and pedestrian amenities arranged in formal and informal patterns. Squares shall be located at the intersection of important streets.</p>	
<p><i>Plaza</i> means a primarily hardscaped civic/open space with formal landscaping, available for civic purposes and commercial activities. A plaza shall be spatially defined by buildings.</p>	
<p><i>Playground</i> means a civic/open space designed and equipped for children's recreation. A playground shall be fenced and may include an open shelter. Playgrounds shall be located within residential areas and may be placed within a block as illustrated. They may be included in other open spaces.</p>	

*Colonnade* or *Arcade* is a roofed or built structure, extending beyond the ground floor front façade of a building and over the sidewalk or civic space. A colonnade or arcade shall be open to the street except for

supporting columns, piers, or arches. Residential or office units may occupy the space over the colonnade or arcade.

*Common Lot Line* means a lot line shared by more than one (1) lot shall be a common lot line.

*Corner Site/Lot* shall be one that has more than one (1) intersecting street frontages (with the exception of alleys).


*Interior Site/Lot* shall be one that has only one (1) public street frontage (with the exception of alleys).

*Live-Work Unit* means a live-work unit is a dwelling unit that is also used for work purposes, provided that the "work" component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level. The "live" component may be located on the street level (behind the work component) or any other level of the building.



*Parking Setback Line* means the line behind which ground floor surface parking may be located on any lot in the Oak Street District. The parking setback line shall be established in the regulating plan by frontage type.

*Regulating Plan* means a plan for adoption of zoning and a conceptual plan that establishes the location of frontages, streetscape standards, and other development standards within such frontages, subject to changes within such plan pursuant to the terms of this ordinance.

<p><i>Sign, Blade</i> means an attached sign oriented perpendicular to the face of the building which projects (vertically or horizontally) more than twelve inches (12') beyond the surface of the building to which it is affixed or supported.</p>		
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<p><i>Sign, Directory</i> means a permanent on-site attached wall sign providing direction to or identifying the buildings/suites in the development/building.</p>	
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<p><i>Sign, Light Pole Banner</i> means a banner sign attached to a light/utility pole along a public street or within a public park.</p>	
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<p><i>Sign, Sandwich Board.</i> A portable sign consisting of two panels of equal size, which are hinged at the top and/or a single panel placed on the ground or pavement so as to be self-supporting.</p>	
<p><i>Stoop.</i> A small porch or set of steps at the front entrance of a house.</p>	

(Ord. No. 2012-129, § 2(Exh. A), adopted 12/11/2012)

EXHIBIT B  
Legal Description

<b>PROPERTY ID</b>	<b>PROPERTY ADDRESS</b>	<b>LEGAL DESCRIPTION</b>
278643	211 S OAK ST	O T ROANOKE BLK 4 LOT 1R
158513		O T ROANOKE BLK 5 LOT 16
68878	313 S WALNUT	A0923A MEP & PRR, TR 96, .23 ACRES, OLD DCAD TR #33
271438	300 MAIN	O T ROANOKE BLK 7 LOT 1R
77857	208 OAK	O T ROANOKE BLK 3 LOT 4,5(W1/2)
116847	408 N PINE ST	O T ROANOKE BLK 23 LOT 7A
240031	304 LAMAR ST	FANNING ADDN LOT 1
71865	OAK ST	O T ROANOKE BLK 12 LOT 19,20,21(S22.5' OF N95.5')
525114	115 N OAK ST	TORTILLA FLATS ESTATE BLK 12 LOT 19R
68589	US 377	A0603A D. HOOVER, TR 17, .69 ACRES, OLD DCAD TR 9A
68591		A0603A D. HOOVER, TR 16, .2 ACRES
70176	301 MORNINGSIDE ST	MORNINGSIDE ADDN (ROANOKE) BLK 1 LOT 4
71558	OAK ST	O T ROANOKE BLK 6 LOT 7
526201	301 BOWIE ST	NELSON ADDN BLK 7 LOT 4R
71546		O T ROANOKE BLK 6 LOT 4,5,6 (E 60')
68517	MORNINGSIDE ST	A0603A D. HOOVER, TR 36, 2.95 ACRES, OLD DCAD TR 9D
71967		O T ROANOKE BLK 14 LOT 10
71773	112 OAK ST	O T ROANOKE BLK 11 LOT 16,17

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(Supp. No. 41)

71979	206 OAK ST	O T ROANOKE BLK 14 LOT 6-8
268311	300 TRAVIS ST	O T ROANOKE BLK 18 LOT 7R
72622	500 US 377 & HOUSTON	O T ROANOKE BLK 28 LOT 2 & 3
72535	405 N PINE ST	O T ROANOKE BLK 22 LOT 10R
71754		O T ROANOKE BLK 11 LOT 12,13
71960	209 OAK ST	O T ROANOKE BLK 13 LOT 1,2,3(S50' OF N71' OF EACH)
71862	OAK ST	O T ROANOKE BLK 12 LOT 19,20,21(S23' OF N73')
68601	309 S WALNUT	A0603A D. HOOVER, TR 29, .35 ACRES, OLD DCAD TR 10B
71949	215 OAK ST	O T ROANOKE BLK 13 LOT 16,17,18 (S 1/3)
116848	412 N PINE ST	O T ROANOKE BLK 23 LOT 7B
72512	408 N OAK ST	O T ROANOKE BLK 22 LOT 7(N30'),8(S40')
72388	209 TRAVIS ST	O T ROANOKE BLK 22 LOT 1
71731	207 MAIN ST	O T ROANOKE BLK 11 LOT 1-3
72001	214 N PINE	O T ROANOKE BLK 15 LOT 7 (S40) & 8(S40 OF W1/2)
68868	WALNUT ST	A0923A MEP & PRR, TR 94, .22 ACRES, OLD DCAD TR #31A
72302	301 N OAK ST	O T ROANOKE BLK 20 LOT 1,2,3 (S 90')
72399	205 TRAVIS ST	O T ROANOKE BLK 22 LOT 2,3
72531	206 DENTON	O T ROANOKE BLK 22 LOT 11(E25' OF N70'),12(N70')
71403	201 PINE ST	O T ROANOKE BLK 3 LOT 13,14,15
71858	MAIN ST	O T ROANOKE BLK 12 LOT 3(W2'),4,5,6
163028	300-324 US 377	O T ROANOKE BLK 20 LOT 7 ACRES 0.0803
71703	303 MAIN	O T ROANOKE BLK 10 LOT 4-6 (E1/2)
71865	OAK ST	O T ROANOKE BLK 12 LOT 19,20,21(S22.5' OF N95.5')
68554	300 LAMAR	A0603A D. HOOVER, TR 26, .5 ACRES
68881	309 S WALNUT	A0923A MEP & PRR, TR 95, .24 ACRES, OLD DCAD TR #33A
76769		O T ROANOKE BLK 11 LOT 4-6(N40')
151182		A0603A D. HOOVER, TR 28, .01 ACRES
152055		A0923A MEP & PRR, TR 92, .11 ACRES, PER NEW MAP
71571	206 MAIN ST	O T ROANOKE BLK 6 LOT 19-21
115481	1431 ROANOKE RD	MORNINGSIDE ADDN (ROANOKE) BLK 1 LOT 3
122539	205 RUSK ST	O T ROANOKE BLK 14 LOT 4,5(E30')
72625	HOUSTON & BYRON NELSON	O T ROANOKE BLK 29 LOT 2 & 3
202803	OAK ST	O T ROANOKE BLK 19 LOT 8R
207973		O T ROANOKE BLK 30 LOT 20' ALLEY(E OF LOT 3)
71815	104 N OAK ST	O T ROANOKE BLK 11 LOT 8R
69747		BRAND & BOWEN'S BLK 27 LOT 10
71439	201 OAK	O T ROANOKE BLK 4 LOT 13R
72555	301 TRAVIS	O T ROANOKE BLK 23 LOT 5 & 6(EXCEPT N14')
71393	200 OAK ST	O T ROANOKE BLK 3 LOT 11,12
191327	US 377	A0603A D. HOOVER, TR 19,20A, .6158 ACRES
71541	203 BOWIE	O T ROANOKE BLK 6 LOT 3 (S 1/2)
70181	213 MORNINGSIDE ST	MORNINGSIDE ADDN (ROANOKE) BLK 1 LOT 7
149173		BRAND & BOWEN'S BLK 27 LOT 9
76686		O T ROANOKE BLK 19 LOT 4

72242	301 N PINE ST	O T ROANOKE BLK 19 LOT 1
72622	500 US 377 & HOUSTON	O T ROANOKE BLK 28 LOT 2 & 3
69853		BRAND & BOWEN'S BLK 31 LOT 1
158514		O T ROANOKE BLK 6 LOT 8
268313	302 BOWIE ST	O T ROANOKE BLK 2 LOT 7R
72525	204 DENTON DR	O T ROANOKE BLK 22 LOT 10(N 1/2),11(W 1/2 OF N 1/2)
71509		O T ROANOKE BLK 5 LOT 15
71376	204 S OAK ST	O T ROANOKE BLK 3 LOT 7,8,9,10
68563	200 LAMAR ST	A0603A D. HOOVER, TR 23, 1.25 ACRES, OLD DCAD TR 14
69847	PINE ST	BRAND & BOWEN'S BLK 31 LOT 2
75753	OAK ST	BRAND & BOWEN'S BLK 29 LOT 1
69844	207 HOUSTON ST	BRAND & BOWEN'S BLK 30 LOT 4
163032	300-324 US 377	O T ROANOKE BLK 20 LOT 10 ACRES 0.0803
68547	302 LAMAR DR	A0603A D. HOOVER, TR 27, .39 ACRES, OLD DCAD TR 11
71880	OAK ST	O T ROANOKE BLK 12 LOT 19,20,21(S21.5' EACH)
185071	SH 114	O T ROANOKE BLK 30 LOT 3 ACRES 0.194
71885	OAK ST	O T ROANOKE BLK 12 LOT 19,20,21(N22.5' OF S44')
70157		MORNINGSIDE ADDN (ROANOKE) BLK 1 LOT 1
72310	300-324 US 377	O T ROANOKE BLK 20 LOT 4
71421	210 S US 377	O T ROANOKE BLK 4 LOT 4,5,6
71750	MAIN ST/OAK	O T ROANOKE BLK 11 LOT 7(ALL),8(S15')
71740	205 MAIN ST	O T ROANOKE BLK 11 LOT 4-6 (S 100')
158533		O T ROANOKE BLK 14 LOT 11
71532	111 S PINE ST	O T ROANOKE BLK 6 LOT 1R
158537		O T ROANOKE BLK 15 LOT 4
71988	210 N PINE	O T ROANOKE BLK 15 LOT 5,6
72626	104 HOUSTON ST	O T ROANOKE BLK 28 LOT 4
291769	208 N US 377	O T ROANOKE BLK 13 LOT 10R
71593		O T ROANOKE BLK 7 LOT 4-8 (E 70')
71524	101 S OAK ST	O T ROANOKE BLK 5 LOT 17,18,19,20,21
70179	211 MORNINGSIDE	MORNINGSIDE ADDN (ROANOKE) BLK 1 LOT 6
149175	SH 114	BRAND & BOWEN'S BLK 29 LOT 4(ALL),5(S1/2)
71503	US 377	O T ROANOKE BLK 5 LOT 10(N1/2),11,12,13,14
71880	OAK ST	O T ROANOKE BLK 12 LOT 19,20,21(S21.5' EACH)
158526		O T ROANOKE BLK 11 LOT 15
72553	303 TRAVIS	O T ROANOKE BLK 23 LOT 3,4
72286	309 N PINE ST	O T ROANOKE BLK 19 LOT 10R
69849	605 N PINE ST	BRAND & BOWEN'S BLK 30 LOT 6
69839	SH 114	BRAND & BOWEN'S BLK 29 LOT 3
71885	OAK ST	O T ROANOKE BLK 12 LOT 19,20,21(N22.5' OF S44')
72340	401 N OAK ST	O T ROANOKE BLK 21 LOT 1(S1/2),2(E22' OF S1/2)
72602	500 N PINE ST	O T ROANOKE BLK 26 LOT 2 (S 75')
220147	110 S US 377 & BOWIE ST	O T ROANOKE BLK 5 LOT 4R
230834	326 N US 377	O T ROANOKE BLK 20 LOT 11R

202919		BRAND & BOWEN'S BLK 27 LOT 1R
72591	206 SH 114	O T ROANOKE BLK 30 LOT 4
291771	US 377	O T ROANOKE BLK 13 LOT 11R
72594	SH 114	O T ROANOKE BLK 31 LOT 3
71906	OAK ST	O T ROANOKE BLK 13 LOT 1,2(S 25' EACH)
70178	209 MORNINGSIDE	MORNINGSIDE ADDN (ROANOKE) BLK 1 LOT 5
273052	216 LAMAR ST	FANNING ADDN BLK 2 LOT 1
149177		BRAND & BOWEN'S BLK 31 LOT 3
71964		O T ROANOKE BLK 14 LOT 1
71782	114 OAK ST	O T ROANOKE BLK 11 LOT 18
71885	OAK ST	O T ROANOKE BLK 12 LOT 19,20,21(N22.5' OF S44')
273053	220 LAMAR ST	FANNING ADDN BLK 2 LOT 2
76769		O T ROANOKE BLK 11 LOT 4-6(N40')
72612	508 N PINE ST	O T ROANOKE BLK 26 LOT 3 (S 1/2)
163026	300-324 US 377	O T ROANOKE BLK 20 LOT 5 ACRES 0.0803
73360	OAK THE CLUSTER ST	BRAND & BOWEN'S BLK 27 LOT 4,5,6
72625	HOUSTON & BYRON NELSON	O T ROANOKE BLK 29 LOT 2 & 3
71443	111 S OAK	O T ROANOKE BLK 5 LOT 1,2,3
71386	205 LAMAR ST	O T ROANOKE BLK 3 LOT 5(E1/2),6
71910		O T ROANOKE BLK 13 LOT 3 (S 46.8')
71740	205 MAIN ST	O T ROANOKE BLK 11 LOT 4-6 (S 100')
72376	409 N OAK ST	O T ROANOKE BLK 21 LOT 10,11,12
72628	505 N OAK	O T ROANOKE BLK 28 LOT 1(N78' OF E68')
163029	300-324 US 377	O T ROANOKE BLK 20 LOT 8 ACRES 0.0803
70175		MORNINGSIDE ADDN (ROANOKE) BLK 1 LOT 2
71271	109 N OAK ST	O T ROANOKE BLK 12 LOT 1,2,3(N23.6')
72331	309 N OAK ST	O T ROANOKE BLK 20 LOT 16R
72382	405 N OAK ST	O T ROANOKE BLK 21 LOT 1,2,3 (N 70')
72516	412 N OAK	O T ROANOKE BLK 22 LOT 9 & 8 (N 10')
72618	105 DENTON	O T ROANOKE BLK 28 LOT 1(W72')
71721	314 RUSK	O T ROANOKE BLK 10 LOT 7-9 (E 1/2)
71975	205 RUSK	O T ROANOKE BLK 14 LOT 3
72005	322 AUSTIN ST	O T ROANOKE BLK 15 LOT 7 (N100) & 8 (N100 W1/2)
158534		O T ROANOKE BLK 14 LOT 12
72080	303 AUSTIN ST	O T ROANOKE BLK 18 LOT 4
72134		O T ROANOKE BLK 18 LOT 5
71983	212 OAK ST	O T ROANOKE BLK 14 LOT 9
164532	OAK ST	O T ROANOKE BLK 12 LOT 19,20,21(S25' OF N50')
158539	301 AUSTIN	O T ROANOKE BLK 18 LOT 6
72266	704 OAK ST	O T ROANOKE BLK 19 LOT 5
76769		O T ROANOKE BLK 11 LOT 4-6(N40')
163031	300-324 US 377	O T ROANOKE BLK 20 LOT 9 ACRES 0.0803
69842	OAK ST	BRAND & BOWEN'S BLK 30 LOT 2(N1/2),3
72558	302 DENTON ST	O T ROANOKE BLK 23 LOT 8
268312	300 BOWIE ST	O T ROANOKE BLK 2 LOT 6R
71299	101 N OAK	O T ROANOKE BLK 12 LOT 1,2(S25' EACH)
72364	101 TRAVIS ST	O T ROANOKE BLK 21 LOT 4R



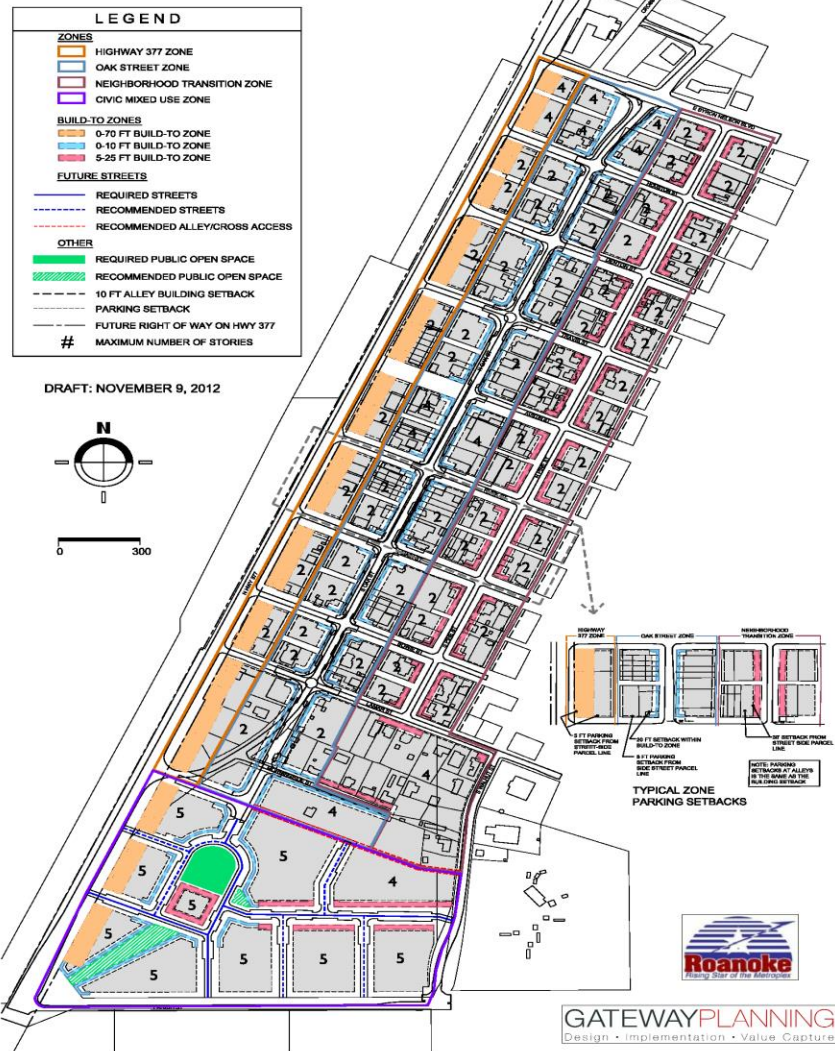
71718		O T ROANOKE BLK 10 LOT 7-9 (W 1/2)
72321	305 N OAK	O T ROANOKE BLK 20 LOT 1,2,3 (N 50')
72502	404 N OAK ST	O T ROANOKE BLK 22 LOT 6 & 7 (S 19.5')
152733	501 N OAK ST	O T ROANOKE BLK 28
523496		O T ROANOKE BLK 12 LOT 7R
240044	306 LAMAR	FANNING ADDN LOT 2
68586	US 377	A0603A D. HOOVER, TR 18, .0562 ACRES, OLD DCAD TR 15B
68488	330 S WALNUT	A0603A D. HOOVER, TR 30, .07 ACRES, OLD DCAD TR 10
71363	301 LAMAR ST	O T ROANOKE BLK 2 LOT 9,10
71601	302 MAIN ST	O T ROANOKE BLK 7 LOT 11-15 (E 50')
71951	213 OAK ST	O T ROANOKE BLK 13 LOT 16,17,18 (N 2/3)
71915	205 OAK ST	O T ROANOKE BLK 13 LOT 1,2(N43.5' OF S68.5' OF EACH) 3(N22' OF S68.5')
163027	300-324 US 377	O T ROANOKE BLK 20 LOT 6 ACRES 0.0803
71431	204 S US 377	O T ROANOKE BLK 4 LOT 7,8,9,10,11,12
72606	504 PINE	O T ROANOKE BLK 26 LOT 2 (N 65')
148835	PINE & ALLEY	O T ROANOKE BLK 23 LOT 5,6(N14')
69841	203 HOUSTON	BRAND & BOWEN'S BLK 30 LOT 1(ALL),2(S1/2)
73359	509 N PINE ST	BRAND & BOWEN'S BLK 27 LOT 11,12(S50'EA)
71770		O T ROANOKE BLK 11 LOT 14
149176		BRAND & BOWEN'S BLK 30 LOT 5
69748	PINE ST	BRAND & BOWEN'S BLK 27 LOT 11,12(N90'EA)
71862	OAK ST	O T ROANOKE BLK 12 LOT 19,20,21(S23' OF N73')
164532	OAK ST	O T ROANOKE BLK 12 LOT 19,20,21(S25' OF N50')
71550	201 BOWIE ST	O T ROANOKE BLK 6 LOT 4-6 (W 80')
71880	OAK ST	O T ROANOKE BLK 12 LOT 19,20,21(S21.5' EACH)
71803	204 RUSK ST	O T ROANOKE BLK 11 LOT 19
76767		BRAND & BOWEN'S BLK 27 LOT 7
68566	US 377 & LAMAR ST	A0603A D. HOOVER, TR 20, .0803 ACRES, OLD DCAD TR 15A,15A(1)
163037	328 US 377 & TRAVIS	O T ROANOKE BLK 20 LOT 11(E PT)
158515		O T ROANOKE BLK 6 LOT 9
71970	200 N OAK ST	O T ROANOKE BLK 14 LOT 4,5(W110')
71537	107 PINE	O T ROANOKE BLK 6 LOT 1-3 (N 65')
71960	209 OAK ST	O T ROANOKE BLK 13 LOT 1,2,3(S50' OF N71' OF EACH)
149174	OAK ST	BRAND & BOWEN'S BLK 29 LOT 2
123800	304 DENTON DR	O T ROANOKE BLK 23 LOT 9
149171		BRAND & BOWEN'S BLK 27 LOT 8
71809	RUSK	O T ROANOKE BLK 11 LOT 20,21
72293	305 N PINE ST	O T ROANOKE BLK 19 LOT 10-12 (S 70')
71372	213 PINE ST	O T ROANOKE BLK 3 LOT 1,2,3
71955		O T ROANOKE BLK 13 LOT 1-3 (N 23.7')
164532	OAK ST	O T ROANOKE BLK 12 LOT 19,20,21(S25' OF N50')
72272	308 N OAK ST	O T ROANOKE BLK 19 LOT 6R
71895	112 N US 377	O T ROANOKE BLK 12 LOT 15R

158532		O T ROANOKE BLK 14 LOT 2
71298	105 N OAK ST	O T ROANOKE BLK 12 LOT 1,2(CTR 91.3') 3(SE 116.4')
71918	204 N US 377	O T ROANOKE BLK 13 LOT 4-9
72250	205 AUSTIN ST	O T ROANOKE BLK 19 LOT 2,3
72009	PINE	O T ROANOKE BLK 15 LOT 9 & 8 (E 1/2)
72614	512 N PINE ST	O T ROANOKE BLK 26 LOT 3 (N 1/2)
523334		O T ROANOKE BLK 6 LOT 10R
220148	US 377	O T ROANOKE BLK 5 LOT 5R
71713	301 MAIN ST	O T ROANOKE BLK 10 LOT 5A
526202	PINE ST	NELSON ADDN BLK 7 LOT 9R
191327	US 377	A0603A D. HOOVER, TR 19,20A, .6158 ACRES
68596	301 S OAK ST	GILLILAND ADDN BLK 1 LOT 1
68594		A0603A D. HOOVER, TR 17A, .11 ACRES, OLD DCAD TR 9A(1)
526993	401 S WALNUT ST	CHANDLER-CHASE ESTATES BLK 1 LOT 1
68599	307 S OAK ST	A0603A D. HOOVER, TR 22, .28 ACRES, OLD DCAD TR 15C
526994	WALNUT ST	CHANDLER-CHASE ESTATES BLK 1 LOT 2
72404	203 TRAVIS	O T ROANOKE BLK 22 LOT 4,5 (IMPROVEMENT ONLY)
72492	800 OAK	O T ROANOKE BLK 22 LOT 4R
68545		A0603A D. HOOVER, TR 35, 22.809 ACRES, OLD DCAD TR 9
232193	420 N US 377	O T ROANOKE BLK 21 LOT 7-R (NON-EXEMPT PORTION)
152056		A0923A MEP & PRR, TR 99, .24 ACRES, PER NEW MAP
151181	313 S WALNUT STREET	

(Ord. No. 2012-129, § 2(Exh. B), adopted 12/11/2012)

EXHIBIT C  
"Oak Street Regulating Plan"

### EXHIBIT C: REVISED OAK STREET REGULATING PLAN DOWNTOWN ROANOKE



(Ord. No. 2012-129, § 2(Exh. C), adopted 12/11/2012)

### Sec. 12.501. Live Outdoor Music.

*Live Outdoor Music.* Within the Oak Street Zone, Highway 377 Zone, and the Civic/Mixed Use Zone, live outdoor music will be permissible during peak hours (defined as Monday through Friday after 6:00 p.m., and Saturday, Sunday, and holidays after 11:00 a.m.), not to be performed after 1:00 a.m. the following day. Music performances are not to exceed ninety-five decibels (95 dB) at a distance of one hundred (100) meters.

(Ord. No. 2016-124, § 2, adopted 9/20/2016)

### Secs. 12.502—12.599. Reserved.

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### 2.6.6 Heritage Crossing District (HCD).

- a) *Introduction.* This section provides the regulatory tools for new development and redevelopment consistent with the community vision for the Heritage Crossing area.
- 1) *Purpose and intent.* The purpose of the Heritage Crossing District is to implement the vision previously outlined in the adopted Downtown Development and Heritage Crossing Redevelopment districts. It facilitates pedestrian oriented, mixed-use, urban infill redevelopment, providing shopping, employment, housing, and business and personal services. The Heritage Crossing District supports economic development, a sustainable tax base, and job creation/retention by:
- a. Providing a streamlined and simplified city approval process;
  - b. Establishing adjacency predictability in the built environment;
  - c. Offering flexibility to changing market conditions;
  - d. Reducing risk to private investment/development;
  - e. Synchronizing private investment/development with public capital investment policies; and
  - f. Calibrating zoning regulations with a vision for redevelopment within the Heritage Crossing District.
- 2) *Goals.* The goals of the Heritage Crossing District are to
- a. Promote a more functional and attractive community through the use of recognized urban design principles; and
  - b. Allow property owners flexibility in land use, while prescribing a higher level of detail in building design and form.
- 3) *Relationship the Irving Comprehensive Plan.* The Heritage Crossing District seeks to implement the recommendations of the 2016 Irving Comprehensive Plan relative to Heritage Crossing, including: "Continue to enhance Irving's existing signature centers including: Heritage District." The Heritage Crossing District specifically implements the following recommendations:
- a. Make downtown more visible to visitors and residents through entranceways, wayfinding signage and public art;
  - b. Capitalize on the location of the TRE station;
  - c. Create pedestrian connections throughout the Heritage District;
  - d. Ensure development throughout the Heritage District is compatible with existing design and supports the neighborhood as a whole;
  - e. Design retail space as a focal point of activity, offering interesting shops, quality restaurants, and essential services in attractive buildings and settings;
  - f. Ensure new office developments fit into the style and character already established by the community and neighborhood; and

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- g. Develop well-designed multifamily projects and outdoor spaces that contribute to a visually pleasing environment that supports Irving's local character and promotes social interaction and pride among its residents.
- b) *Components of this section.*
- 1) *The Regulating Plan.* The Heritage Crossing District regulating plan ("Regulating Plan") (Attachment 1 included with this section) is hereby adopted as the official zoning map for the Plan Area. Within any area subject to the approved Regulating Plan, this Heritage Crossing District becomes the exclusive and mandatory regulation unless modified by SP-1, SP-2 or any other more specific plan. It shall establish the following development standards for all properties within the Plan Area:
- a. Establishment of Character Zones. The Plan Area is divided into different "character zones". Each character zone is intended to create a distinct urban form based on the illustrative vision for different sections within the Plan Area. Each character zone shall establish use and building form standards including standards for building height, width, location, functional design, and parking. The Regulating Plan classifies all lots within the Plan Area into one of the following three (3) character zones:
1. Transit Mixed-Use (TMU) - The Transit Mixed-Use Zone creates opportunities for local small scale, in-line retail and restaurant, and medium-scale urban residential (apartments, townhouses, multi-unit homes, live-work) development. This zone takes advantage of the proximity to the Trinity Railway Express by creating shared parking opportunities and focusing on urban residential, without mandating ground floor retail.
  2. Corridor Mixed-Use (CMU) - The Corridor Mixed-Use Zone creates a vibrant, mixed-use area that leverages Irving Boulevard/Second Street as "context sensitive streets" supporting multimodal traffic, linking other regional destinations, and promoting economic development. The Corridor Mixed-Use area will serve as the primary neighborhood for commercial activity in the local community.
  3. Neighborhood Mixed-Use (NMU) - The Neighborhood Mixed-Use Zone is intended to provide for a range of small scale residential uses (single-family, low-density apartments, live-work, townhomes, multi-unit homes, etc.) in low intensity development at key locations. It also provides for a mix of home occupation, low-impact office and neighborhood services within the zone.
- b. Building frontage standards. Buildings along Main Street, Irving Boulevard, and 2nd Street within the Corridor Mixed-Use Zone and west of Britain Street shall be designed to balance pedestrian-oriented building design standards while accommodating service, utility, and parking functions. Specific development applications apply within the Corridor Mixed-Use Zone requirements.
- 2) *Development standards.* The Heritage Crossing District text portion of this section 2.6.6 enumerates the development standards with text and graphics for character zones, frontage, building form, landscape and building design.
- c) *Administration.*

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- 1) *Applicability.*
  - a. The uses and buildings on all properties within the Heritage Crossing District shall conform exclusively to this section 2.6.6 unless otherwise specifically referenced herein.
  - b. Where in conflict, numerical metrics shall take precedence over graphic metrics.
- 2) *Development review process.*
  - a. Administrative modifications to the Heritage Crossing District. The director or the director's designee may approve administrative modifications to standards in this section per the criteria set in Table 1 below. A site plan shall be required for administrative review of proposed modifications.

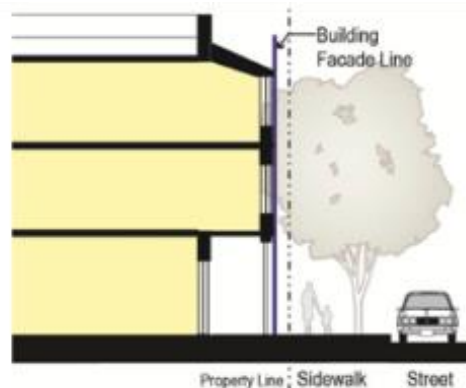
**Table 1. Administrative Modifications Table**

Code Standard	Extent of Administrative Modification Permitted	Criteria
<b>a. Building Form and Development Standards</b>		
1. Build to zones/setbacks	No more than a 20% change in the maximum or minimum setback applicable or 5 feet whichever is greater.	Changes to the build-to-zones and setbacks may only occur when they are caused by one or more of the following: i. Need to accommodate existing buildings and structures on the lot that meet the overall intent and vision for redevelopment in the Plan Area; or ii. Need to accommodate other required modes of transportation (transit, bike, pedestrian), storm water drainage, water quality, or low impact development (LID) elements on the site; or iii. Need to accommodate overhead or underground utilities and/or easements; or iv. Need to preserve existing heritage trees on the property, per h) 1) Heritage Tree Preservation of this Section. This modification is not mandatory for tree preservation, but for the allowance for preservation; or v. Need to provide public amenities along the sidewalk (outdoor dining/seating, larger sidewalk, or other similar public amenities).
2. Required Parking Spaces	Reduction in the number of required parking spaces	Reduction in the number of parking spaces shall be based on one or more of the following: i. A shared parking plan for parking within 300 feet of the subject property; or ii. A parking study for the uses proposed on the site; or iii. A combination of the above.
<b>b. Other</b>		
1. Any other numerical standard in this section	A modification up to 10% (increase or decrease)	i. A modification of a numerical standard is needed to accommodate existing conditions.

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		ii. The proposed development still meets the intent of the section.
2. Phased Developments	Deferment of building frontage standards	i. Phased developments may defer building frontage requirements as long as they meet the build-to-zone and parking setback requirements.

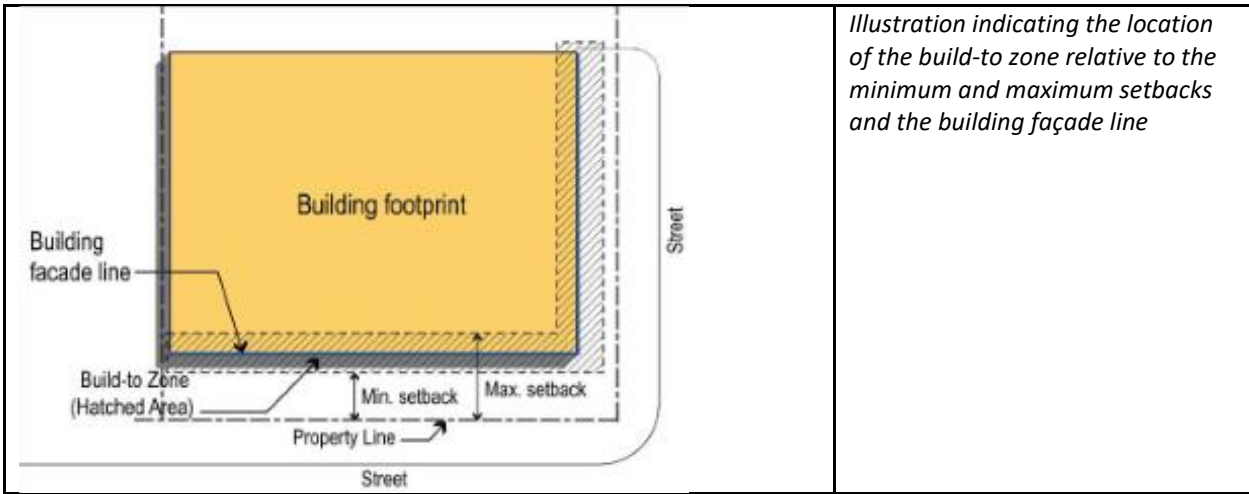
- 3) *Nonconforming uses.* Nonconforming uses shall meet the standards in Chapter 7, Nonconformities of this ordinance.
- 4) *Nonconforming structures and sites.* For the purposes of this section, a "nonconforming structure or site" means a structure or site that does not meet the current standards addressed in this section. A nonconforming structure or site may be altered or enlarged, provided that such alteration or enlargement neither creates any new nonconformity nor increases the degree of the existing nonconformity of all or any part of such structure or site. 2.6.6(i) provides examples of acceptable additions to nonconforming structures in the Heritage Crossing District.
- d) *Definitions.* Many terms used in this section are defined in Chapter 9 of this ordinance. Definitions are only included in this section if not defined in the Irving Land Development Code, or if the definition for this section differs from the Irving Land Development Code. In case of a conflict between the definitions under this section and Chapter 9, the definitions in this section shall supersede.
  - 1) *Administrative modification* shall mean a requested modification to Heritage Crossing District standards that complies with the administrative modifications provisions of section 2.6.6(c)(2) - Administration. The director shall have the authority to administratively approve a request for an administrative modification in conformance with subsection (c)(2).
  - 2) *Arcade* shall mean a portion of the main façade of the building that is at or near the property line and a colonnade supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and the arcade may be one or two stories. The ground floor area within the arcade may be conditioned or non-conditioned space. Any habitable arcade space within the public right-of-way shall require legal permission from the city prior to construction.



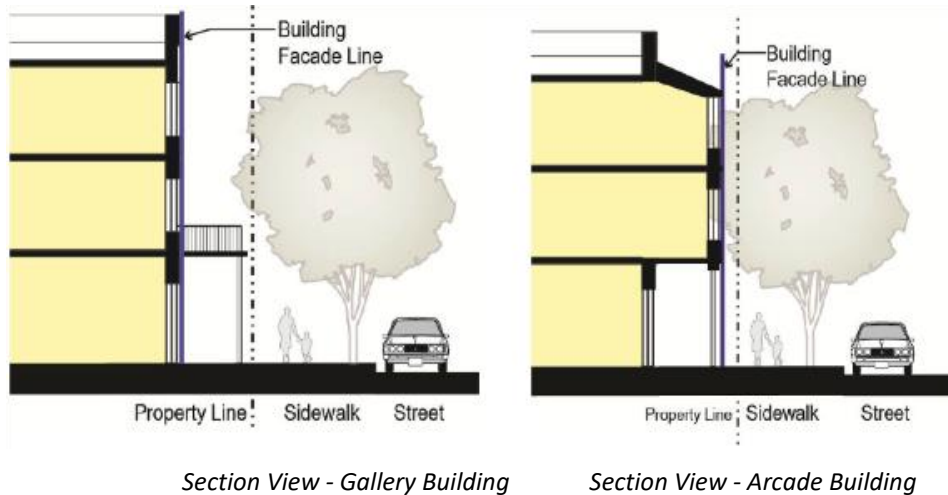
Images of arcade buildings

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- 3) *Bed and breakfast* shall mean a dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations in not more than eight (8) rooms for transient guests for compensation.
- 4) *Build-to Zone (or "BTZ")* shall mean the area between the minimum and maximum front setbacks from the property line. The principal building façade line shall be located within this area

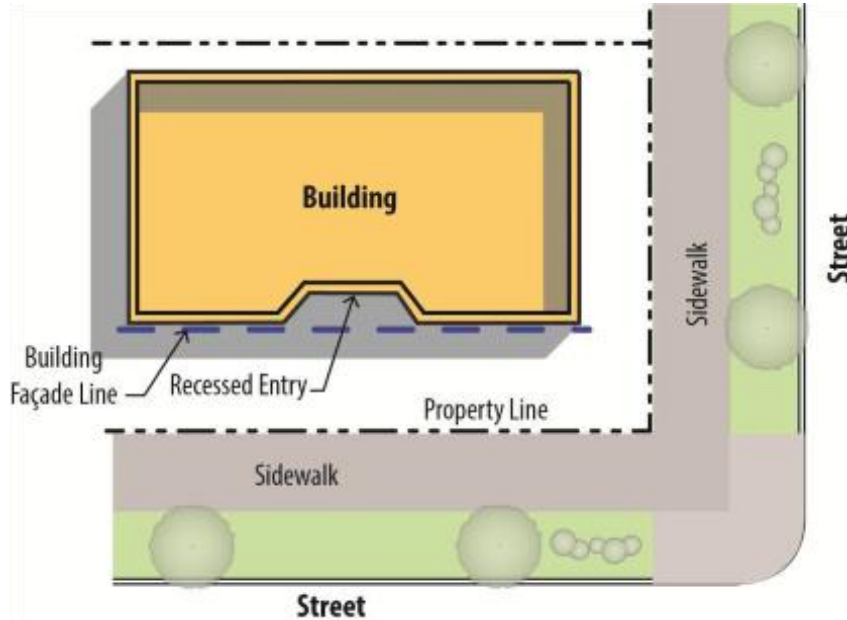


- 5) *Building form and site development standards* shall mean the standards established for each character zone including but not limited to building placement, building height, parking, service access, and other functional design standards.
- 6) *Building façade line* shall mean the location of the vertical plane of a building nearest a street frontage.





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Building Façade Line Illustrations

- 7) *Building frontage* shall mean the percentage of a building's façade line that is required to be located within the Build-To Zone as a proportion of the lot's width along the fronting public street. Required driveways, stairs to access entrances, parks, plazas, squares, improved forecourts, and pedestrian breezeway frontages shall count towards the required building frontage.

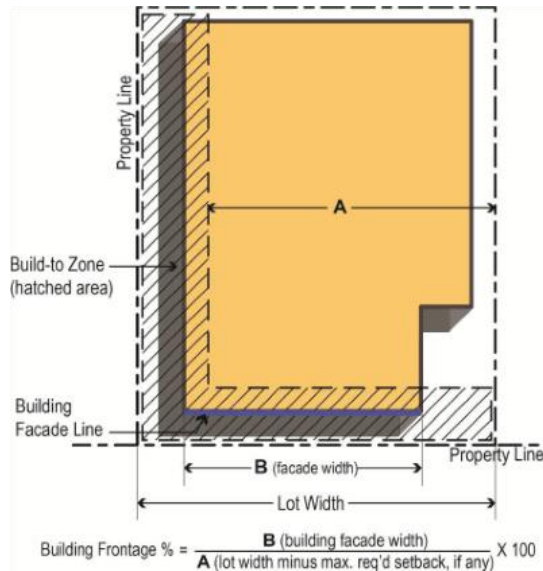
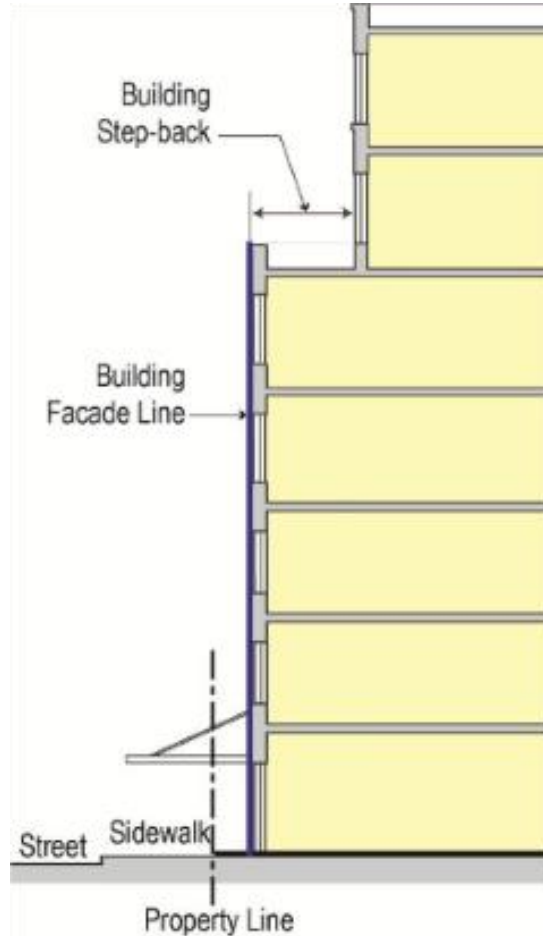


Image showing building frontage calculation

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- 8) *Building step-back* shall mean the setting back of the building façade line away from the street at a specific floor or height.



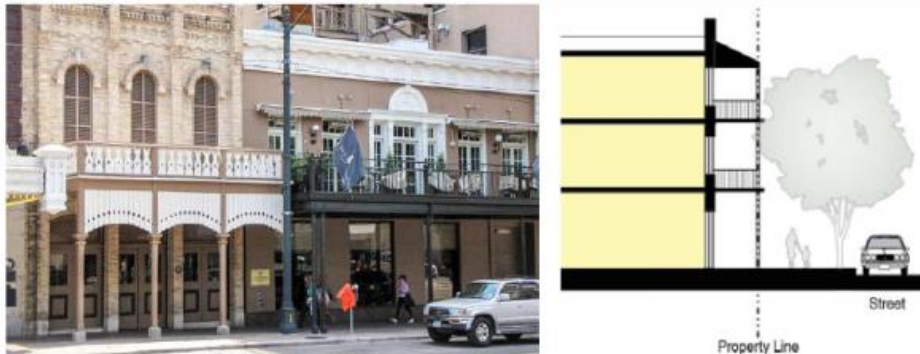
*Illustration of a building step-back*

- 9) *Character Zone* shall mean an area within the Heritage Crossing District that is intended to preserve and/or create an urban form that is distinct from other areas within the plan area. Character zones are identified in the regulating plan.
- 10) *Commercial use or mixed-use building* shall mean a building in which at least the ground floor of the building is built to commercial-ready standards and any of the floors are occupied by non-residential or residential uses.
- 11) *Commercial ready* shall mean a ground floor space constructed with appropriate building orientation, entrance and window treatment and floor-to-ceiling height in order to accommodate ground floor retail/commercial uses (including but not limited to commercial, retail, restaurant, entertainment, and lobbies for civic, hotel, or multi-family uses). Standards for commercial-ready frontage are in this section 2.6.6(g)(3). Prior to the issuance of a certificate of occupancy for a retail/commercial use in a commercial-ready space, the space must comply with all building and

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construction codes for commercial uses. The intent of commercial-ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

- 12) *Complete street* shall mean a street that not only accommodates various modes of transportation such as automobiles, transit, bikes, and pedestrians, but also establishes a design context that is conducive for redevelopment along the street.
- 13) *Director* shall be the Planning and Community Development director or the director's designee.
- 14) *Encroachments* shall mean any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public right-of-way, or above a height limit.
- 15) *Façade area* shall mean the surface area of a building's elevation (including all floors) not counting minor indentations fronting a particular street. Ground floor façade area is the surface area of a building's ground floor elevation not counting minor indentations fronting a particular street. Upper floor façade area is the surface area of a building's upper floor elevations not counting minor indentations fronting a particular street.
- 16) *Gallery* shall mean a roofed promenade or canopy, especially one extending along the wall of a building and supported by arches or columns on the outer side. The gallery space is unenclosed (non-conditioned) space and may be two (2) or more stories tall. Any habitable gallery space within the public right-of-way shall require legal permission from the city prior to construction.



*Images of Galleries*

- 17) *Heritage Crossing District* shall mean the zoning designation intended to implement the vision outlined in the previous Downtown Development and Heritage Crossing Redevelopment districts. It facilitates pedestrian oriented, mixed-use, urban infill redevelopment, providing shopping, employment, housing, and business and personal services.
- 18) *Heritage crossing regulating plan* shall mean the regulating plan shall be reflected on the official zoning map of the city and in Attachment 1 of this section. The regulating plan graphically depicts development standards including character zones, street designations, and special requirement(s) applicable to properties within the Heritage Crossing District.
- 19) *Heritage tree* shall mean any Post Oak tree(s), Blackjack Oak tree(s), or any tree(s) that is 24"-caliper or greater.

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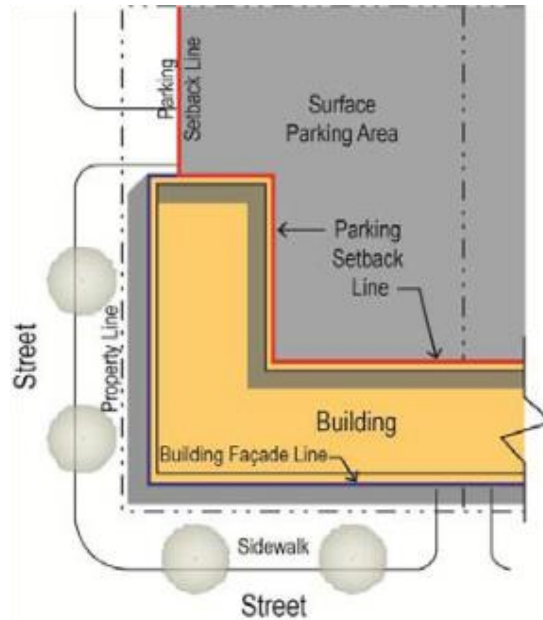
- 20) *Live-work unit* shall mean a dwelling unit that is also used for work purposes, provided that the "work" component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level. The "live" component may be located on the street level (behind the work component) or any other level of the building. Live-work Unit is distinguished from a home occupation otherwise defined by the Irving Land Development Code, as amended, in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises, and customers may be served on site.
- 21) *Multi-unit home* shall mean a multi-unit residential building (two (2) to four (4) units) that is designed to appear as a large single-family home from the exterior, but functions as a multi-unit building on the interior. Multi-unit homes have one main front door for the building, but may also have side and rear entries. Parking (as defined in this section) is accessed from an alley or a driveway leading to the rear of the lot. Parking may not face a public right-of-way.



*Images of multi-unit homes*

- 22) *Numerical standard* shall mean any standard that has a numerical limit (minimums and maximums) or value as established within both the text and graphic standards of the Heritage Crossing District.
- 23) *Parking setback line* shall mean the distance that any surface parking lot is to be set back from either the principal building façade line or property line along any street frontage (depending on the specific standard in the character zone). Surface parking may be located anywhere behind the parking setback line on the property.

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*Illustration of a parking setback line*

- 24) *Primary entrance* shall mean the main entrance located along the front of a building facing a street or sidewalk that provides access from the public sidewalk to the building. It is different from a secondary entrance which may be located at the side or rear of a building providing private-controlled access into the building from a sidewalk, parking or service area.
- 25) *Public space* shall mean publicly-accessible open space in the form of parks, courtyards, forecourts, plazas, greens, playgrounds, squares, etc.
- 26) *Residential use building* shall mean a building that is built to accommodate only residential uses on all floors of the building such as a detached single-family home, attached single-family home (i.e. townhome), two- or three-family home (i.e. duplex, triplex), multiple family (four (4) or more), apartment building (under single ownership or under multiple owners within a condominium regime).
- 27) *Service-related uses* shall mean parking access, garbage/trash collection, utility meters and equipment, loading/unloading areas, and similar uses which support the principal use on a lot.
- 28) *Street screen* shall mean a freestanding wall, living fence, or combination fence built along the frontage line or in line with the building façade along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.
- e) *Schedule of permitted uses.*
- 1) *Applicability.* Due to the emphasis on urban form over land uses in the Heritage Crossing District, general use categories have been identified by character zone (Table 2).

**Table 2. Heritage Crossing District Land Use Table**

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P = Permitted      — = Prohibited P/AC = Permitted with Additional Criteria      CUP = Permitted by Conditional Use Permit Only				
Uses	Character Zones			Additional Criteria
	Transit Mixed-Use (TMU)	Corridor Mixed-Use (CMU)	Neighborhood Mixed-Use (NMU)	
<b>a. Residential Uses</b>				
1. Duplex	—	P	P	
2. Multi-family residential (greater than 8 units)	P/AC	P/AC	—	Ground Floors along Main Street and Irving Boulevard shall be built to Commercial Ready Standards.
3. Multi-unit home (2 to 4 units)	—	P/AC	P/AC	i. Building shall be designed to appear as one home with one front door. ii. Additional doors may be used on the side and rear to meet required access. iii. Parking shall be located in the rear of the lot and shall be accessed from an alley or by a driveway leading to the rear.
4. Multi-unit residential (5 to 8 units)	P/AC	P/AC	—	
5. Single-family residential (Detached)	—	P/AC	P	Allowed adjacent to 6th Street or South of 6th Street and South of 2nd Street.
6. Townhouse	P/AC	P	P	Used for transition from existing single-family detached areas.
<b>b. Commercial uses</b>				

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1. Admin and business offices	P	P	P	
2. Art gallery	P	P	P	
3. Art workshop	P	P	P	
4. Bed & breakfast	—	P	P	
5. Business or trade school	P	P	—	
6. Commercial off-street parking as a primary use	CUP	CUP	—	New surface parking lots shall be permitted as an interim use of property if they are part of a phased development or providing public parking pending area development.
7. Construction sales and services office (not to include equipment or materials storage yard)	P	P	—	
8. Financial services/depository	P	P	—	
9. Food preparation/catering	P	P	—	
10. Funeral services	P/AC	P/AC	P/AC	<p>i. Pick-up and drop-off lanes, storage of vehicles, service areas, and drive through facilities shall NOT have direct frontage along Main Street, Irving Boulevard or 2nd Street.</p> <p>ii. All such areas along other streets shall be screened with a required street screen (see subsection (h)(2) of</p>

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				this section for landscape screening standards).
11. General retail sales	P	P	—	
12. Grocery store	P	P	—	
13. Hotel/motel	P	P	—	
14. Commercial amusement - Indoor	P	P	—	
15. Commercial amusement - Outdoor	P	P	—	
16. Laundromat/dry cleaning	P	P	—	
17. Medical offices - greater than 3,000 SF (including wellness clinics)	P	P	—	
18. Medical offices — 3,000 SF or less (including wellness clinics)	P	P	P	
19. Pawn shop services	P	P	—	
20. Printing and publishing	P	P	—	
21. Professional office	P	P	P	
22. Restaurant	P	P	P	
23. Vehicle rentals	CUP	CUP	—	i. Drive through lanes, service bays, and/or gas station canopies shall meet the design standards in section (g), Building Design Standards of this code. ii. Outdoor storage of vehicles or other products sold shall NOT have direct frontage along pedestrian frontages. Outdoor
24. Vehicle Repair Services	CUP	CUP P/AC (east of Britain only)		
25. Vehicle sales	CUP	CUP P/AC (east of Britain only)		
26. Vehicle washing (of any type)	CUP	CUP P/AC (east of Britain only)	—	



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				storage of vehicles and/or other products sold shall be screened with a required street screen along General Streets (see subsection (h)(2) of this section for standards).
27. Veterinary services	P	P	—	
28. Any use with a drive through window or drive up service (including banks and financial institutions; pharmacy; dry cleaning and pressing shop; funeral homes and mortuaries; retail store; restaurant)	P/AC	P/AC	—	i. Drive through or drive-up facilities shall meet the design standards in section (g)(4) of this code.
29. Event Center/Rental Hall	P	P	—	CUP required when within 500 feet of an R Single Family District, measured property line to property line and/or the total square footage of the space is greater than 2,000.
30. Theater/Concert Hall	P	P		
31. Farmers' Market	P	P	—	An office or pavilion with permanent public restroom facilities shall be constructed.
<b>c. Civic uses</b>				
1. Assisted living	P	P	—	
2. Club or lodge	P	P	P	
3. College or University facilities	P	P	P	

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4. Communication service facilities	P	P	P	
5. Counseling services	P	P	P	
6. Day care services	P/AC	P/AC	P/AC	Drive through, driveway, stacking, loading and parking plan subject to site plan approval.
7. Governmental uses	P	P	P	
8. Hospital services	P	P	—	
9. Local utility service	P/AC	P/AC	P/AC	i. Outdoor storage of fleet vehicles, service areas, utility boxes and equipment shall NOT be permitted located along Main Street, Irving Boulevard or 2nd Street. ii. All such areas along other streets shall be screened with a required street screen (at least as high as the equipment being screened) (see subsection (g) of this section for standards).
10. Maintenance & service facilities	P/AC	P/AC (east of Britain only)	—	
11. Major utility facilities	P/AC	P/AC (east of Britain only)	—	
12. Museum, art gallery and related cultural services	P	P	P	
13. Park & recreation services	P	P	P	
14. Postal facilities	P	P	P	
15. Private education/charter school	P/AC	P/AC	P/AC	Drop off and loading study required in site plan process

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16. Public education	P/AC	P/AC	P/AC	Drop off and loading study required in site plan process
17. Community garden	P	P	P	
18. Railroad facilities	P	—	—	
19. Religious assembly	P	P	P	
20. Telecommunication tower	P/AC	P/AC	P/AC	Subject to Sec. 3.9 and located on top of a building or architectural component only
21. Transportation terminal	P	P	—	
<b>d. Industrial Uses</b>				
1. Manufacturing	CUP	CUP	—	
2. Warehousing	CUP	CUP	—	
3. Outside Storage	CUP	CUP	—	
4. Construction sales and services office with equipment or materials storage yard	CUP	CUP	—	
<b>e. Other uses</b>				
1. Sexually-oriented businesses	—	—	—	
2. Non-depository financial institutions	—	—	—	

f) *Building form and site development standards.*

- 1) All parcels within the Heritage Crossing District are assigned to one (1) of three (3) character zones:
  - a. Transit Mixed-Use (TMU)
  - b. Corridor Mixed-Use (CMU)
  - c. Neighborhood Mixed-Use (NMU)
- 2) In addition to standards that apply to all character zones, building form and site development standards applicable to each character zone are described below in subsections (f)(10), (f)(11), and (f)(12).

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- 3) The images and graphics in the first subsection of each character zone standards are provided for illustrative purposes only. Refer to the standards in the following subsections for the specific building form and site development standards.
- 4) The graphics used to illustrate the building form and development standards in each character zone are not intended to indicate exact conditions within each character zone. Rather, illustrations are conceptual and standards are to be applied based on the specific frontage types designated along the subject property or site. For example, a specific site may not have frontages along all streets as indicated in the illustrations and only the standards applicable to designated building frontages on the property should be used. In addition, the illustrations may depict other site elements to establish context and only the standards regulated by the specific subsection shall apply. For example, the building placement graphics may depict sidewalks for context purposes only and the graphic should only be used to establish standards for building placement on the site. Building form graphics in this section are NOT TO SCALE .
- 5) Parking and service access.
  - a. Location of parking (both structured and surface) shall be per the character zone specific building form standards found in subsections (f)(10), (f)(11), and (f)(12).
  - b. Minimum required off-street parking spaces shall be provided per Table 3.

Table 3. Parking Ratios				
Character Zone	TMU	CMU	NMU	Additional Criteria
<i>Min. Off-Street Vehicular Parking Requirement</i>				
All Non-Residential uses and ground floor Commercial-Ready spaces	1 space per 500 sq.ft. of building area	1 space per 300 sq.ft. of building area	1 space per 350 sq.ft. of building area	1. Off-site parking may be provided per sec. 4.4.3. 2. Landscaping within surface parking lots shall meet standards in the Irving Land Development Code. 3. A shared parking plan or alternative parking plan may be approved by the director as an administrative modification. 4. On-street parking located along the subject block on any public street adjacent to the property may be
Multi-Unit Residential (5 to 8 units) and Multi-Family Residential (greater than 8 units)	1 space per dwelling unit	1 spaces per dwelling unit	1.5 spaces per dwelling unit	

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				counted towards the required off street parking. 5. No off-street parking required for retail, restaurant, or office uses on Main Street between Rock Island and Third Street.
Lodging	0.5 space per lodging room			
Single-Family Residential, Townhouse, Multi-Unit Home (2 to 4 units)	2 space per dwelling unit	2 space per dwelling unit	2 spaces per dwelling unit	
<i>Min. Bicycle Parking Requirement (in Addition to Vehicular Parking)</i>				
All uses	1 space required for every 10 provided automobile spaces (Minimum of two)	1 space required for every 10 provided automobile spaces (Minimum of two)	not required	Location of bicycle parking: For retail and commercial ready buildings, 25% of all provided bicycle parking shall be located within 50 feet of a primary building entrance. Location shall be accessible from a public sidewalk.

c. Driveway and service access.

1. Along Main Street, Irving Boulevard and 2nd Street: driveway spacing shall be limited to one (1) driveway per each block face or per two hundred (200) feet of block face for blocks greater than four hundred (400) feet in length, including any existing alleys.
2. Shared driveways, joint use easements or joint access easements shall be required for adjoining properties when driveway and service access is off of Main Street, Irving Boulevard or 2nd Street.
3. Service and loading/unloading areas shall be screened per standards in subsection (g)(4).

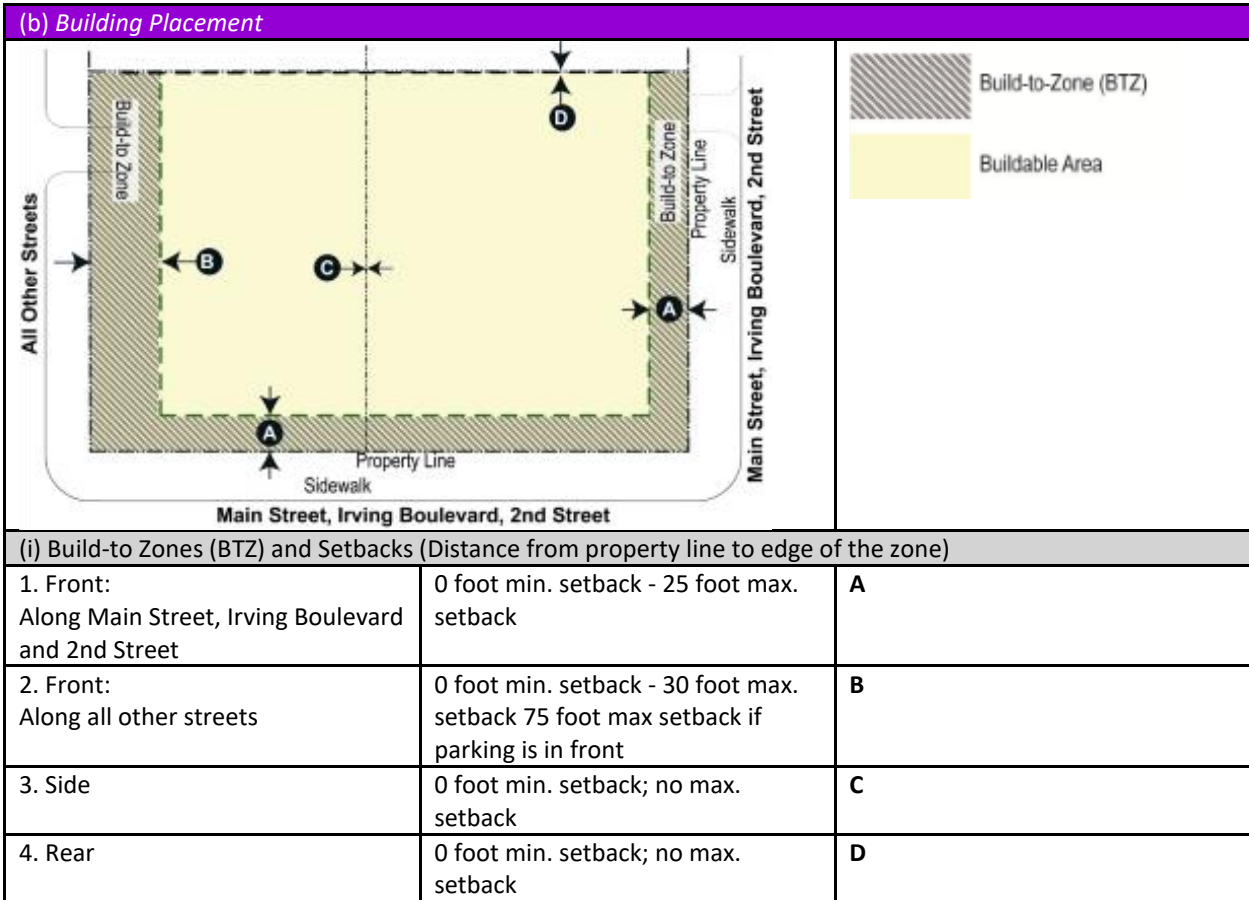
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4. Front-loaded garages on residential lots less than forty (40) feet wide shall not be allowed. Townhomes shall utilize garages with access from alleys.
  5. The director may administratively grant exceptions to the provisions of this section in cases where the director determines meeting the provisions of this section are impractical or represent an unreasonable hardship.
- 6) *Street screen requirements.* Any lot frontage along Main Street, Irving Boulevard and 2nd Street with surface parking shall be defined by a Street Screen. This required Street Screen shall be located at the street edge of the Build-to Zone. Refer to the subsection (h) landscape standards in this section for other specifications.
- 7) *Measuring heights.*
- a. Chimneys, vents, elevators, stair enclosures, cupolas, domes, steeples, screened HVAC equipment, other mechanical enclosures, tanks, solar energy systems, and similar elements are exempt from the height limit. Mechanical and utility equipment shall be set back from the façade line in order to minimize visibility from the street.
  - b. Internal building height shall be measured from finished floor to the bottom of the structural members of the ceiling.
  - c. Floor-to-floor heights shall not apply to parking structures, government, educational, or religious buildings.
- 8) *Encroachments and overhangs.*
- a. Encroachments into public right-of-way by canopies, awnings, temporary barriers or patio dining shall require legal permission of the city and shall meet the following criteria.
    1. Maximum of fifty (50) percent of the depth of the sidewalk or ten (10) feet (whichever is less).
    2. Minimum vertical clearance from the finished sidewalk shall be eight (8) feet.
    3. In no case shall an encroachment be located over an on-street parking or travel lane.
    4. Outdoor dining may also be placed on the sidewalk as long as ADA required clear space is maintained.
  - b. Overhangs within required setbacks: Canopies, awnings, galleries, and balconies may be within any required setback areas per standards established in each character zone as long as the vertical clearance is a minimum of eight (8) feet from the finished sidewalk elevation.
- 9) *Phased developments.* Due to the infill nature of development within the Heritage Crossing District, certain building form and site development standards may be deferred for phased development projects meeting the following criteria:
- a. Submission of a site plan that illustrates how development and any related private improvements will be phased over time. Each phase of the site plan shall independently comply with all applicable standards of the Heritage Crossing District unless an administrative modification is granted.

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- b. Required private landscaping and open space amenities must also be phased with the building.
- 10) *Corridor Mixed-Use Zone (CMU).*
  - a. Illustrations and intent. The Corridor Mixed-Use Zone creates a vibrant, mixed-use area that leverages Irving Boulevard/Second Street as "context sensitive streets" supporting multimodal traffic, linking other regional destinations and promoting economic development. The Corridor Mixed-Use area will serve as the primary neighborhood commercial activity area for the local community.



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(c) Building Height			
	(i) Principal Building Standards		
	1. Building maximum	■ 3 stories or 45 feet (whichever is less)	<b>A</b>
	2. First floor height	■ 12 foot min. for all buildings along Main Street, Irving Boulevard and 2nd Street ■ 10 foot min. for all other streets	<b>B</b>
	3. Upper floor(s) height	■ 9 foot min.	<b>C</b>
(ii) Accessory Building Standards			
1. Accessory buildings shall meet the standards for principal building standards in the Corridor Mixed-Use Zone.			



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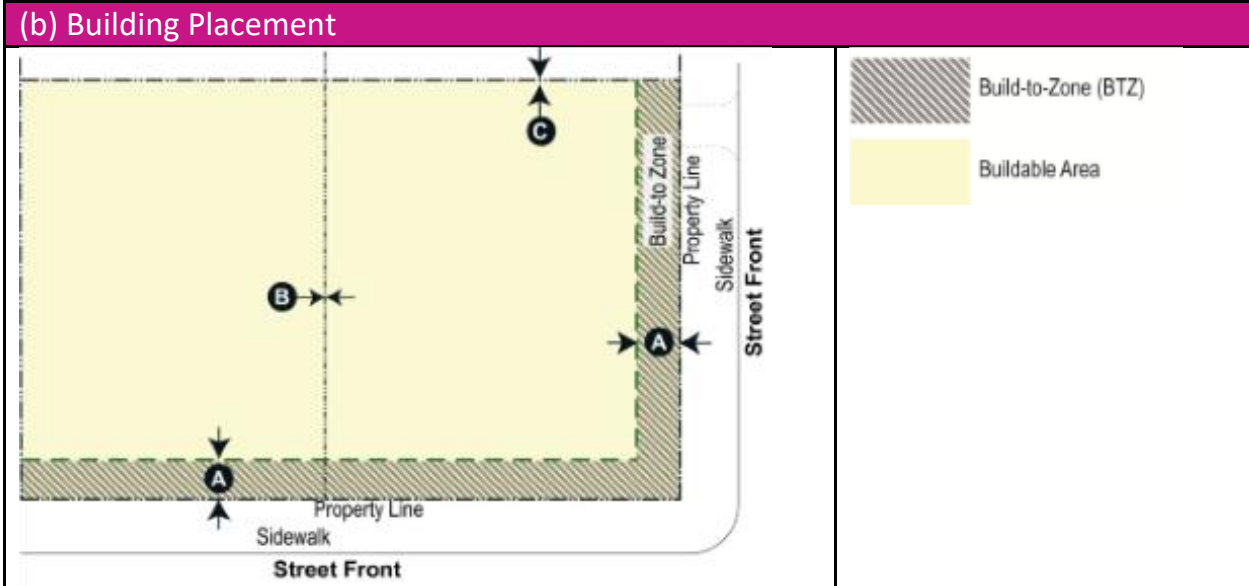
(d) Parking & Service Access		
(i) Surface Parking Setbacks (with new buildings)		
<p>The diagram illustrates the required setbacks for a building and its associated surface parking area. The building is shown in yellow, and the parking area is in grey. The property line is a dashed line. The building facade line is a solid line. The setbacks are labeled as follows: A is the setback from the building facade line to the parking setback line; B is the setback from the building facade line to the property line; C is the setback from the property line to the building facade line; and D is the setback from the property line to the building facade line. The streets shown are Main Street, Irving Boulevard, and 2nd Street. The diagram also shows 'All Other Streets' and 'Main Street, Irving Boulevard, 2nd Street'.</p>	<p>1. Main Street, Irving Blvd. and 2nd Street</p> <ul style="list-style-type: none"> <li>■ Shall be located behind the principal building along that street frontage.</li> <li>■ 3 feet behind the building façade line along that street.</li> <li>■ See subsection (h) for screening requirements.</li> </ul>	<p>A</p> <p>B</p>
	<p>2. All other streets</p> <ul style="list-style-type: none"> <li>■ Shall be located behind the principal building along that street frontage.</li> <li>■ If no building is located along the street frontage; then surface parking shall be setback a minimum of 3 feet from the property line.</li> </ul>	<p>C</p>
	<p>3. Side</p> <ul style="list-style-type: none"> <li>■ 0 foot min.</li> </ul>	<p>D</p>
	<p>4. Rear/Alley</p> <ul style="list-style-type: none"> <li>■ 0 foot min. from property line or alley edge</li> </ul>	<p>E</p>

11) *Transit Mixed-Use Zone (TMU).*

- a. Illustrations and intent. The Transit Mixed-Use Zone creates opportunities for local small scale, in-line retail and restaurant, and medium scale urban residential (apartments, townhouses, multi-unit homes, live-work) development. It also takes advantage of the

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proximity to the Trinity Railroad Express Station by creating shared parking opportunities and focusing on urban residential, without mandating ground floor retail.



**(i) Build-toZones (BTZs) and Setbacks (Distance from property line to edge of the zone)**

1. Front	5 foot min. setback - 30 foot max. setback 75 foot max setback if parking is in front	<b>A</b>
2. Side	0 foot min, no max. setback	<b>B</b>
3. Rear	0 foot min.; no max. setback	<b>C</b>

**(c) Building Height**

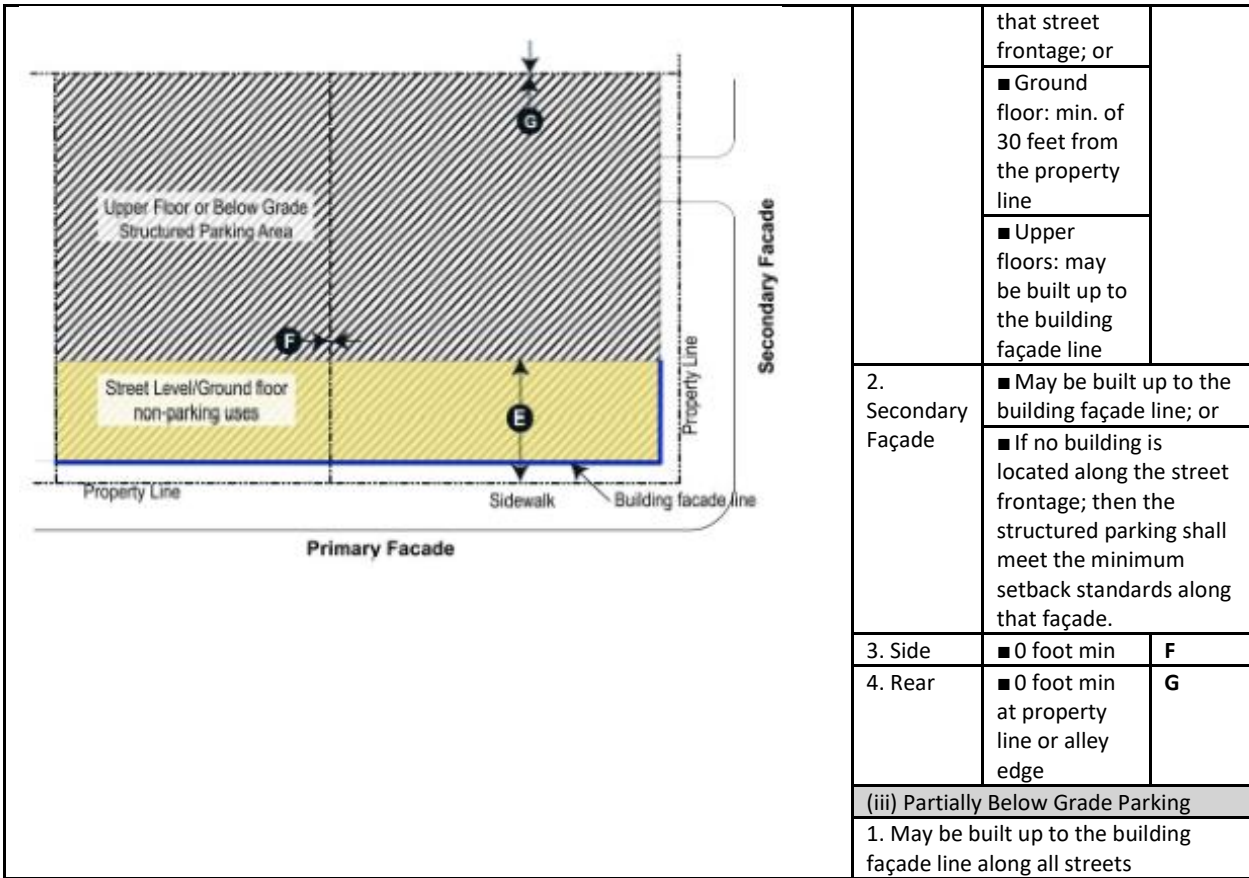
<b>(i) Principal Building Standards</b>			
1. Building maximum	■ 6 stories or 75 feet (whichever is less)	<b>A</b>	
2. First floor height	■ 12 foot min. for all buildings	<b>B</b>	

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		facing a public space. ■ 10 foot min. for all other frontages.	
	3. Upper floor(s) height	■ 9 foot min.	C
	<b>(ii) Accessory Building Standards</b>		
1. Accessory buildings shall meet the standards for principal building standards in the Transit Mixed-Use Zone.			

<b>(d) Parking &amp; Service Access</b>			
<b>(i) Surface Parking Setbacks</b>			
	1. Street Frontage	■ Shall be located behind the principal building along that street frontage.; or ■ Min. 3 feet behind the building façade line along that street ■ See subsection (h) for screening requirements.	A B
	2. Side	■ 0 foot min.	C
	3. Rear	■ 0 foot min from property line or alley edge	D
<b>(ii) Structured Parking or Below Grade Parking Setbacks</b>			
	1. Primary façade	■ Shall be located behind the principal building along	E

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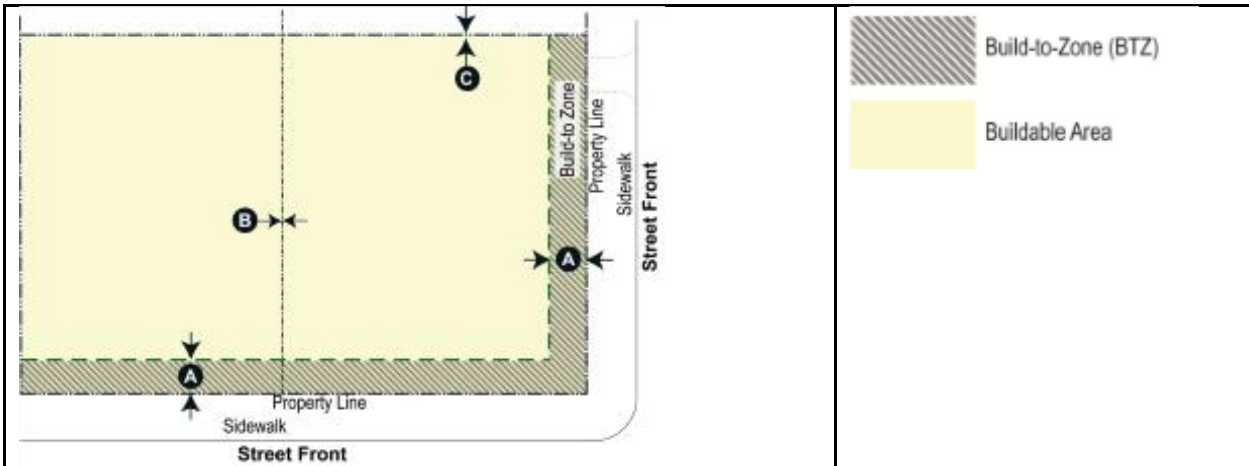


12) *Neighborhood Mixed-Use Zone (NMU).*

- a. Illustrations and intent. The Neighborhood Mixed-Use Zone is intended to provide for a range of small scale residential uses (single-family, low-density apartments, live-work, townhomes, multi-unit homes, etc.) in low intensity development at key locations. It also provides for a mix of home occupation, low-impact office and neighborhood services within the zone.

**(b) Building Placement**

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(i) Build-to Zones (BTZs) and Setbacks		
1. Front	10 foot min. setback; no max. setback	<b>A</b>
2. Side Adjacent to Single-Family detached residentially zoned lot	5 foot min. setback; no max. setback	<b>B</b>
3. Rear Adjacent to Single-Family detached residentially zoned lot	5 foot min. setback; no max. setback	<b>C</b>

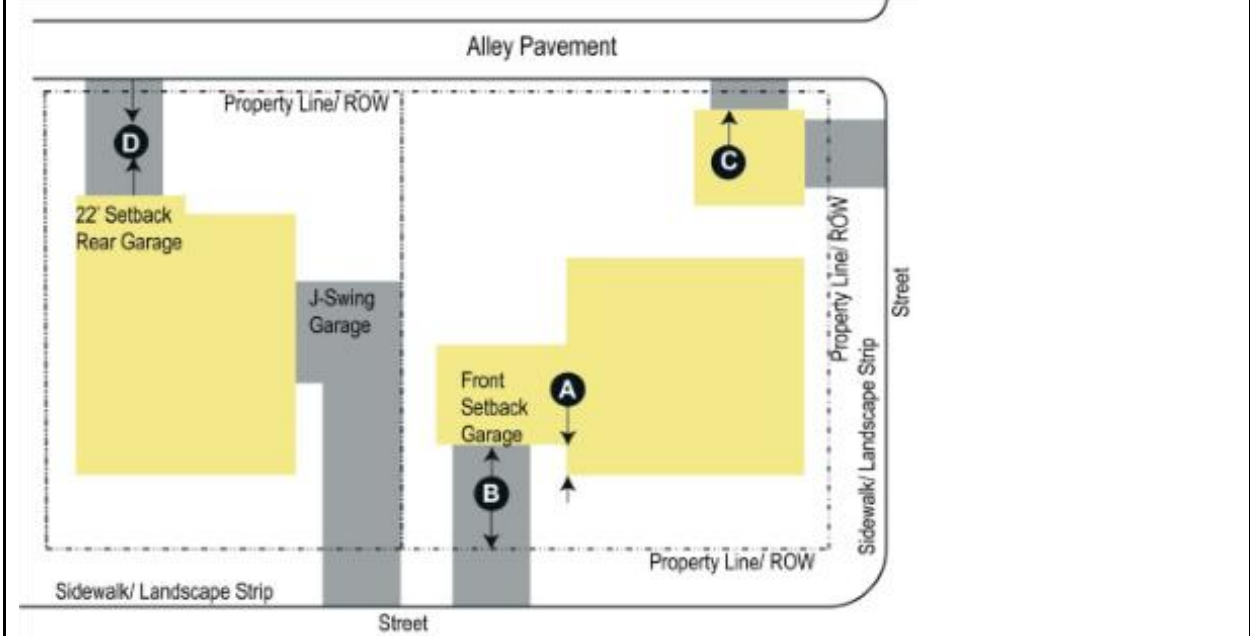
(c) Building Height			
	(i) Principal Building Standards		
	1. Building maximum	■ 3 stories or 45 feet (whichever is less)	<b>A</b>
	2. First floor height	■ 10 foot min. for all frontages	<b>B</b>
	3. Upper floor(s) height	■ 9 foot min.	<b>C</b>
(ii) Accessory Building Standards			

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(a) Shall be regulated per city standards for accessory buildings

(d) Parking & Service Access

(i) Residential Parking Setbacks



1. All Frontages	■ Shall be located behind the principal building along that street frontage; or	A
	■ Min. 3 feet behind the building façade line along that frontage; 22 foot minimum from the property line	B
2. Side / Rear	■ 5 foot max; no parking permitted on driveway, or	C
	■ 22 foot min; parking permitted on driveway	D

g) *Building design standards.*

1) *Building Orientation and Entrances for Commercial Use, Mixed-use and Multi-family Buildings.*

- a. Buildings shall be oriented towards Main Street, Irving Boulevard and 2nd Street, where the lot has frontage along those streets. If a building has no frontage along these streets, then it shall front a street or civic space.
- b. Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from parking areas or alleys.

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- c. Primary Entrance Design: Primary building entrances along pedestrian frontage shall consist of at least two of following design elements so that the main entrance is architecturally prominent and clearly visible from that street:
1. Architectural details such as arches, friezes, awnings, canopies, arcades, tile work, murals, or moldings; or
  2. Integral planters or wing walls that incorporate landscape or seating elements; or
  3. Prominent three-dimensional, vertical features such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets; or
  4. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.

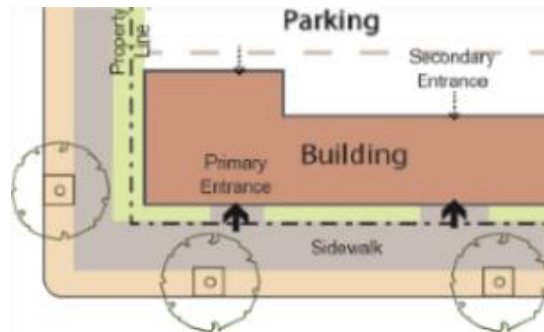


Figure showing required building orientation and location of primary entrances



Examples of Primary Entrance Designs

- 2) *Façade Composition.*
  - a. *Commercial Use, Mixed-use, and Multi-family Buildings.*
    1. Façades greater than 60 feet in length along Main Street, Irving Boulevard and 2nd Street (West of Britain) shall meet the following façade articulation standards.

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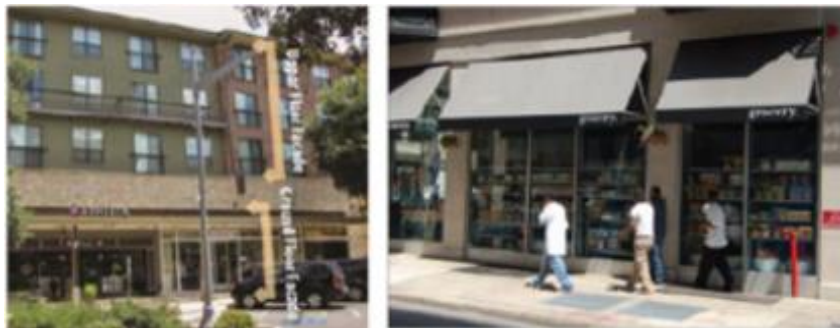
- i. Include façade modulation such that a portion of the façade steps back or extends forward with a depth of at least 24 inches; and
- ii. The distance from the inside edge of a building projection to the nearest inside edge of an adjacent projection shall not be less than 20 feet and not greater than 60 feet.



*Images showing examples of appropriate building articulation*

- 2. Façade Transparency Requirements.
  - i. All façades shall meet the minimum requirement for façade transparency (percentage of doors and windows) as established in Table 4 below. Ground floor windows and doors along Main Street, Irving Boulevard, 2nd Street façades shall have a rated visible transmittance (VT) of 0.6 or higher.

Table 4. Required minimum window requirement by use	
Use and Floor	Requirement
<b>Commercial Use or Mixed-use Buildings</b>	
Ground Floor	40% (min.)
Upper Floor(s)	20% (min)
<b>Residential Use Buildings</b>	
Ground Floor	20% (min.)
Upper Floor(s)	15% (min.)



*Images showing appropriate transparency required along pedestrian frontages*

- b. *Single-family Residential Use Buildings.*



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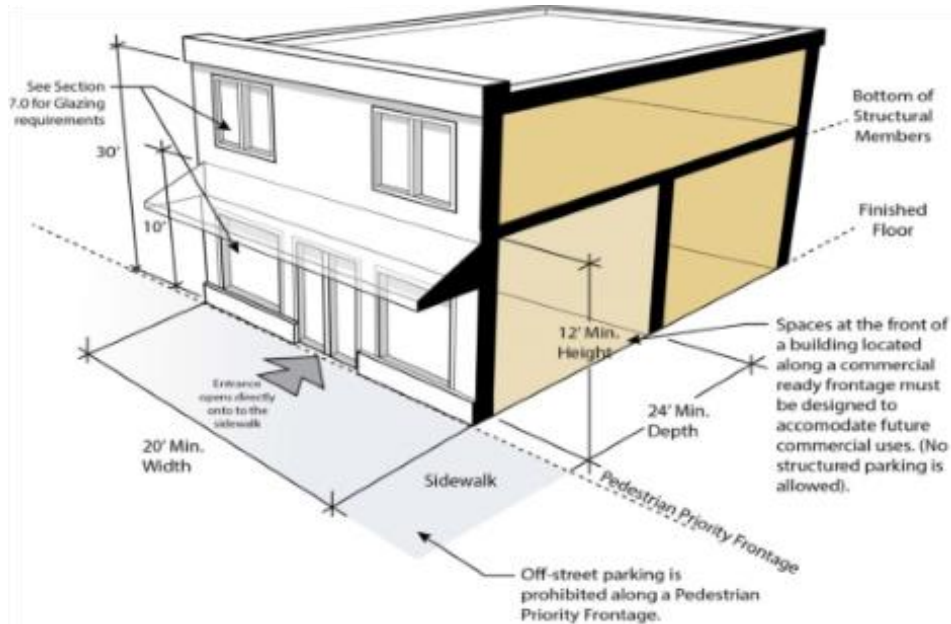
1. At least one of the following shall be added along single-family residential use building façades to add pedestrian interest along the street:
  - i. Porches;
  - ii. Stoops;
  - iii. Eaves; or
  - iv. Balconies.
2. Windows and doors. All building façades of single-family residential use buildings shall meet the transparency requirements established in Table 4.



*Residential buildings with porches, fencing, balconies, and stoops to add interest along the street.*

- 3) *Commercial-ready Standards for Commercial Use, Mixed-use and Multi-family Use Buildings.*
  - a. Ground floors of all buildings within Corridor Mixed-Use Zone along Main Street, Irving Boulevard and 2nd Street shall be built to commercial-ready standards. Such ground floor space shall be constructed to accommodate, at a minimum, commercial uses. In addition, the following standards shall apply:
    1. An entrance that opens directly onto the sidewalk according to subsection (g)(1);
    2. A height of not less than 12 feet measured from the entry level finished floor to the bottom of the structural members of the ceiling;
    3. Minimum leasable width of 20 feet wide;
    4. A front façade that meets the window glazing requirements; and
    5. Off-street surface parking shall be prohibited between the sidewalk and the building along Main Street, Irving Boulevard and 2nd Street (west of Britain).

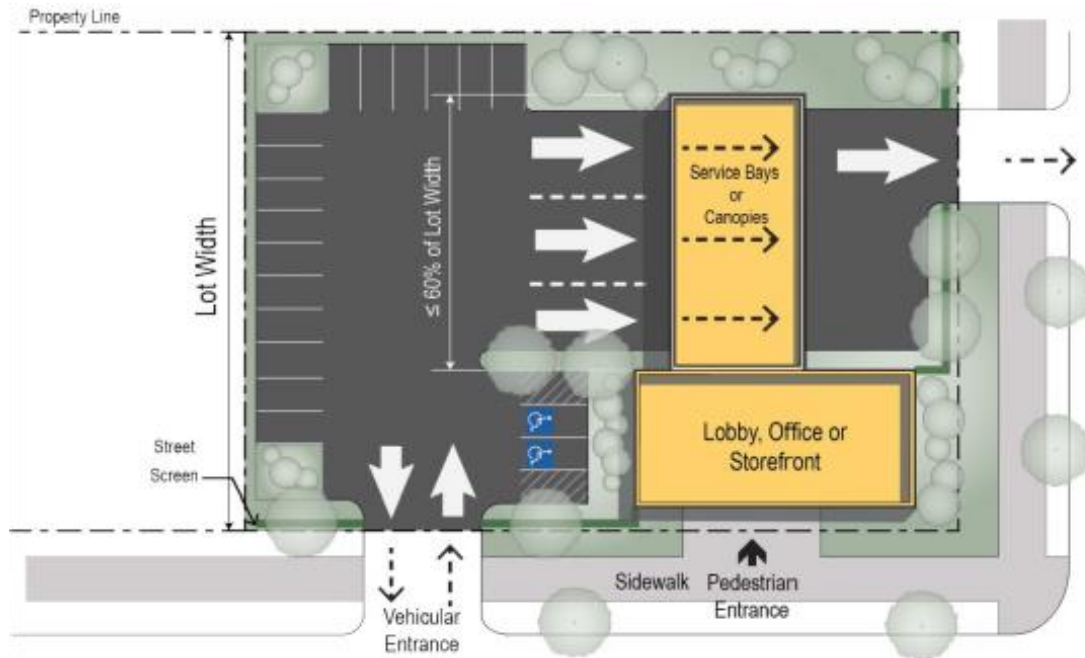
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*Illustration showing application of Commercial Ready Frontage Requirements*

- 4) *Design of Automobile Related Building and Site Elements.*
- a. Where permitted under subsection (e), Schedule of permitted uses, drive-through lanes, auto-service bays, and gas station canopies for commercial uses shall not be located with frontage along Main Street, Irving Boulevard and 2nd Street (west of Britain). Drive-through lanes may be permitted along all other streets or alleys. Drive-through lanes, auto-service bays, and gas station canopies shall be hidden behind a three (3) feet high street screen along all streets.
  - b. No more than sixty (60) percent of a lot's frontage along a street may be dedicated to drive through lanes, canopies, service bays, and other auto-related site elements. There shall be no such limitation along alleys.

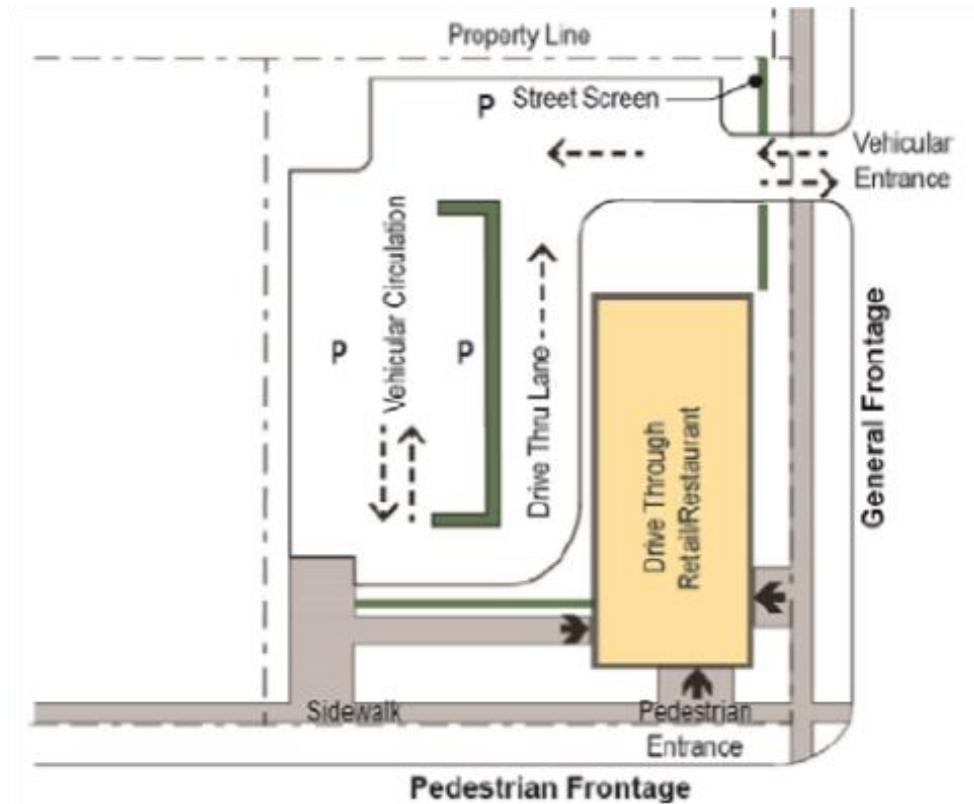
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*Image illustrating the appropriate design of auto-related site elements along streets other than Main Street, Irving Boulevard and 2nd Street (west of Britain)*

- c. Any automobile-related retail sales or service use of a site or property shall have a primary building entrance along its frontage.
- d. Drive through access may be from a street only if the lot has no access to any alley frontage.

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*Image illustrating the appropriate design of retail/restaurant drive-throughs (Corner Lot)*

- e. All off-street truck loading and unloading areas shall be screened using a street screen that is at least as tall as service equipment. The street screen shall be made up of (i) a living screen or (iii) a combination living and primary building material screen.
- 5) *Design of Parking Structures.*
- a. The amount of street frontage devoted to a parking structure shall be minimized by placing the shortest dimension(s) of the parking structure along the street edge(s).
  - b. Where above ground structured parking is located at the perimeter of a building with street frontage, it shall be screened in such a way that cars on all parking levels are appropriately screened from view. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting. Parking garage ramps shall not be visible from any street.

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*Illustrative Examples of Parking Garage Screening*

- c. Garage parking in a multi-story building shall be behind storefronts or residential units facing any street frontage in order to substantially inhibit and shield views of the garage from adjacent streets.
- d. Ground floor façade treatment (building materials, windows, and architectural detailing) shall be continued to the second floor of a parking structure along all streets.



*Images showing required façade treatment of parking garages along streets*

- e. When parking structures are located at street intersections, corner emphasizing elements (such as towers, pedestrian entrances, signage, glazing, etc.) shall be incorporated.
- f. Parking structures and adjacent sidewalks shall be designed so pedestrians and bicyclists are clearly visible (through sight distance clearance, signage, and other warning signs) to entering and exiting automobiles.

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*Images showing appropriate design of Parking Structures*

h) *Landscape Standards.*

1) *Heritage Tree Preservation.*

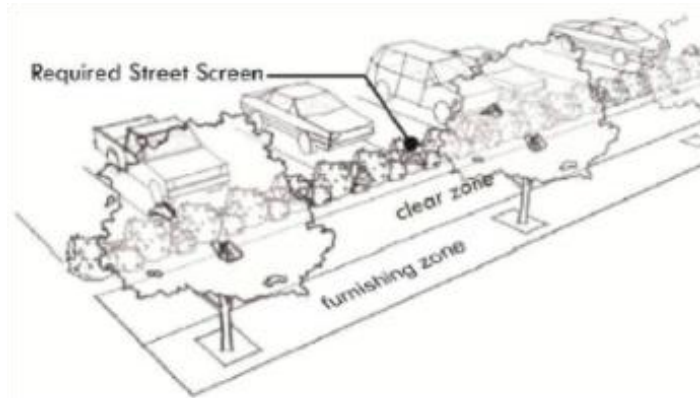
- a. Preservation of existing trees that are twenty-four (24) inch caliper or larger is a high priority and is considered essential in both new development and redevelopment. Developers will be provided a 1.5 to one (1) credit toward the landscaping requirement for new development for preservation of such trees; i.e. keeping one (1) twenty-four (24) inch caliper tree counts towards planting thirty-six (36) inches of new trees. Post Oak and Blackjack Oak trees are considered relic trees worthy of additional protection. Developers will be provided a two (2) to one (1) credit toward the landscaping requirement for new development for preservation of Post Oak and Blackjack Oak trees of at least six (6) inch caliper.
- b. Prior to development or redevelopment of any property, the developer shall prepare and submit to the city a detailed tree survey of the property indicating the location, size, and species of all existing trees six (6) inch caliper or larger measured twelve (12) inches above grade. The developer shall also provide a site plan showing the proposed development overlaying the tree survey indicating which trees are proposed to be removed and which trees will be preserved, along with a table indicating the number of trees and caliper inches proposed to be removed and proposed to be preserved.
- c. Where practical and reasonable, existing trees shall be preserved. Where it is not practical or reasonable, a tree may be removed if it is in the footprint of a new building or the driveway or parking area of the new building. Trees outside those areas shall be preserved, and if damaged during construction, or if they die within two (2) years of construction, shall be replaced in addition to the required landscaping on the site, with an equal number of caliper inches at the same location if practical or other locations within the Heritage Crossing area. If a developer attempts to preserve a tree within five (5) feet of the building, driveway or parking area, or within an easement or within five (5) feet of an easement, no credit will be given, but mitigation will not be required if the tree fails to survive.

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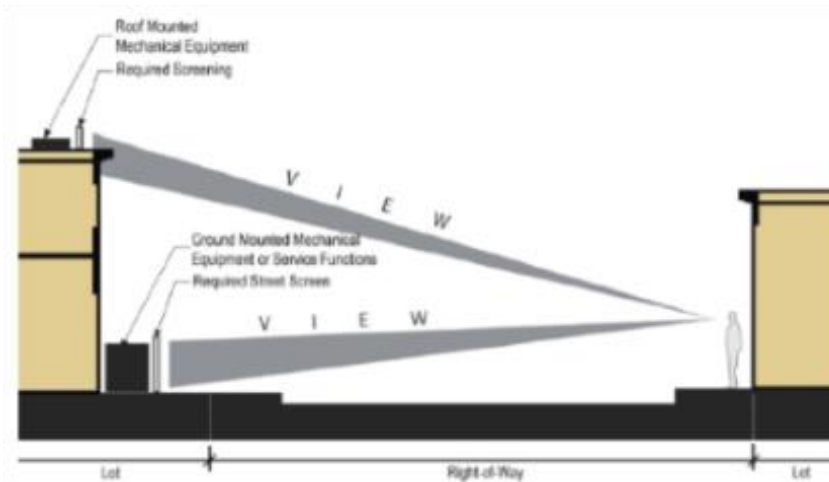
- d. An existing tree that is approved for removal shall not be removed from the property until a building permit has been issued, and development of the site is imminent as evidenced by executed construction-related contracts or other documents acceptable to the director. If a protected tree is removed contrary to the provisions of this subsection (h), the owner of the property from which the tree was removed shall make a payment into a special city account to be known as the Heritage Crossing District Tree Fund. The amount of the payment required is calculated by using the formula for appraising the value of a tree, as derived by the most recent edition of the Guide for Establishing Values of Trees and Other Plants published by the Council of Tree and Landscape Appraisers, unless another publication is designated by the Director. If more than one (1) tree is removed, the values of the trees are added when calculating the payment required. The required payment diminishes equally within each inch replaced through the following alternative approach: the owner of the property from which a tree was removed may mitigate the loss of the tree by the planting of an equal number of caliper inches of new trees with a minimum caliper of six (6) inches each at a location approved by the director within the boundaries of the Heritage Crossing District.
- 2) *Screening Standards.*
- a. Street Screen Requirements. Any frontage along Main Street, Irving Boulevard and 2nd Street (west of Britain) with surface parking at the Build-to Zone shall have a street screen that has a minimum height of three (3) feet and a maximum height of four (4) feet. Furthermore, along all streets (except alleys), service areas shall be screened in such a manner that the service area shall not be visible to a person standing on the property line on the far side of the adjoining street. Required street screens shall be of one of the following:
1. The same building material as the principal structure on the lot; or
  2. A vegetative screen composed of shrubs planted to be opaque at maturity; or
  3. A combination of the two.
- b. The required street screen shall be located at the minimum setback line along the corresponding frontage.
- c. Street screens cannot block any required sight triangles along a cross street or driveway.
- d. Street screens may include breaks to provide pedestrian access from any surface parking or service area to the public sidewalk.

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 2.6.6 Heritage Crossing District (HCD).



*Illustration showing required street screen along all frontages without a building within the BTZ*

- e. All roof mounted mechanical equipment (except solar panels) shall be screened from view of a person standing on the property line on the far side of the adjoining street. The screening material used shall be the same as the primary exterior building material used.

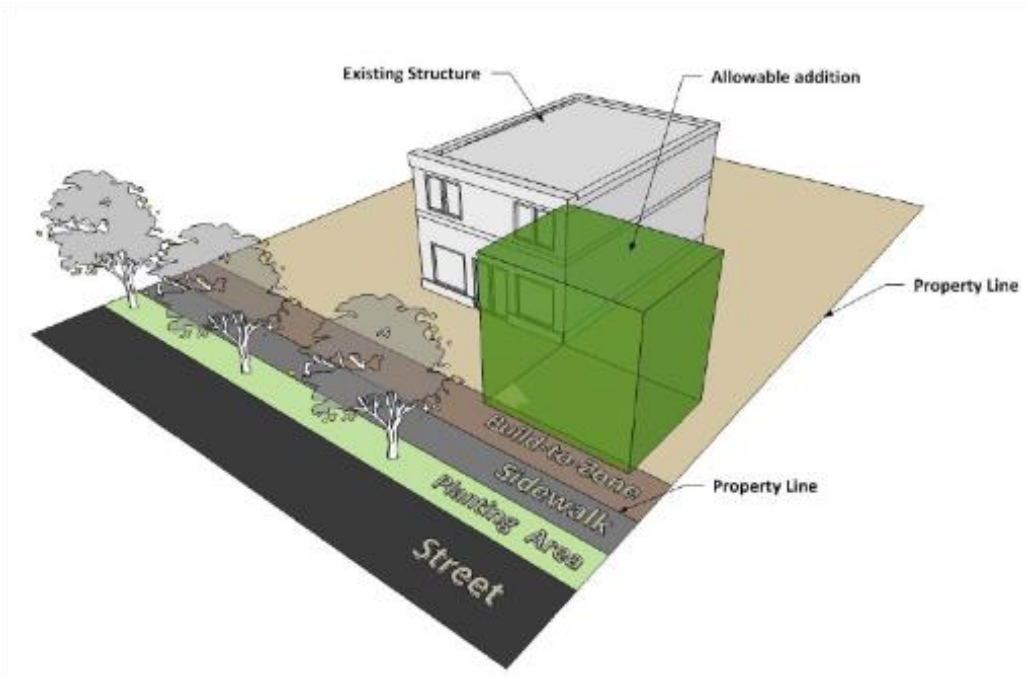
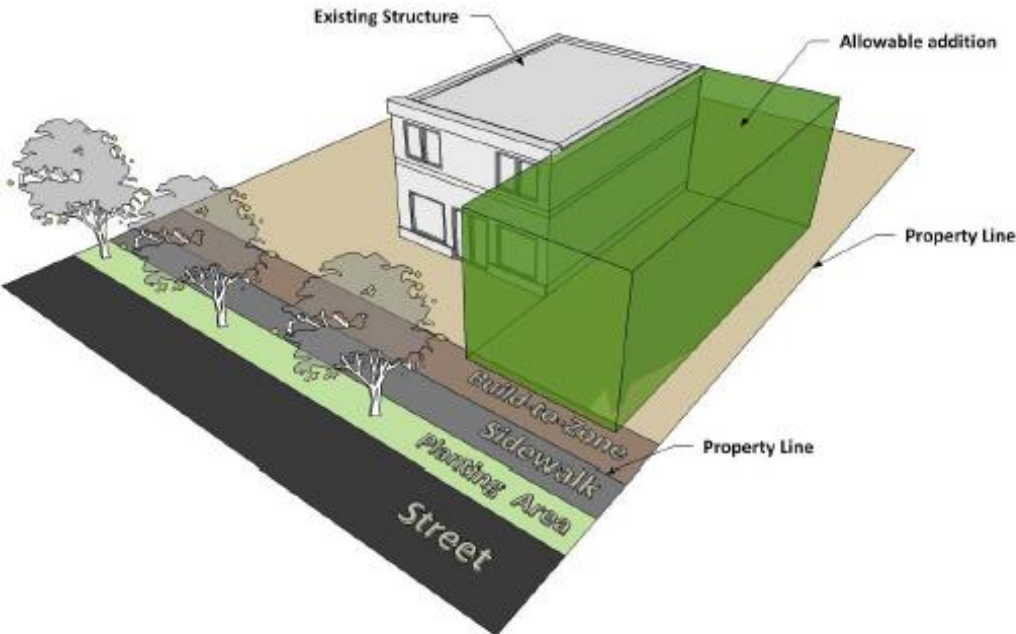


*Illustration showing required screening of roof and ground mounted equipment*

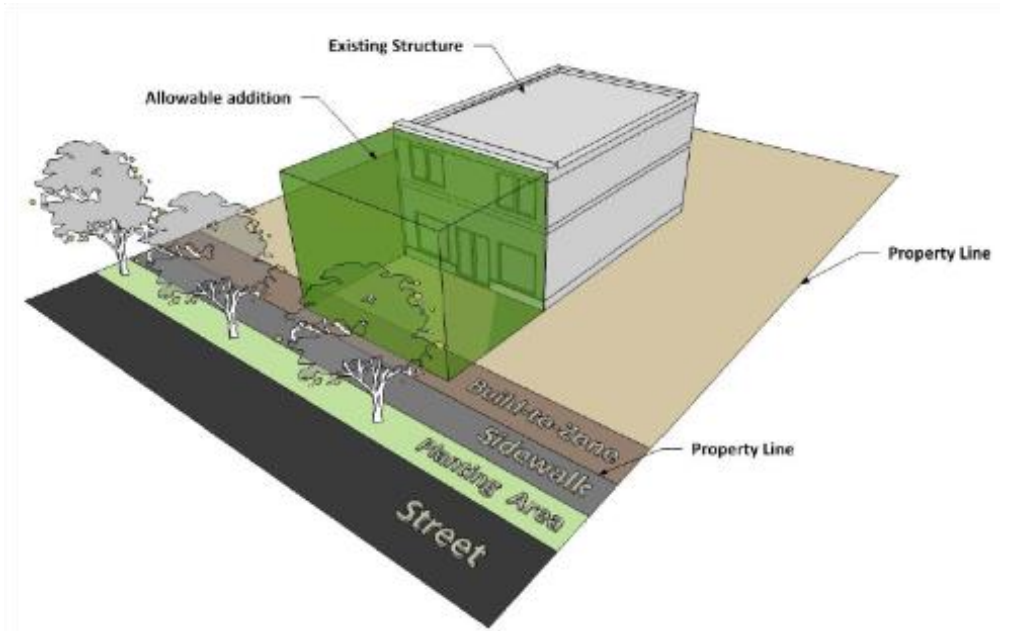
- i) *Changes to Nonconforming Structures.*
  - 1) The following illustrations shall provide guidance to property owners on the allowed and prohibited modifications to existing nonconforming structures and sites within the Heritage Crossing District.
    - a. *Allowable additions.* The following illustrations show potential allowable additions to nonconforming structures and sites. Additions shall meet the build-to-zone standards of the character zone they are located in.



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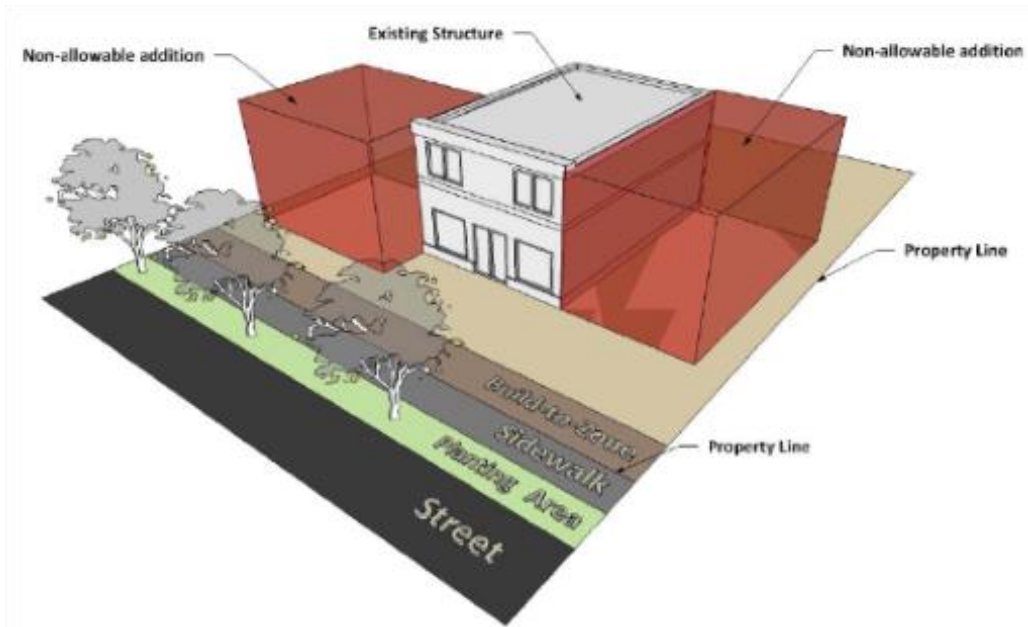


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- b. *Non-allowable additions.* The following illustrations show potential non-allowable additions to nonconforming structures and sites since the additions do not comply with the build-to zone standards of the character zone.

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(Ord. No. 2023-10760, § 11, 6-8-23; Ord. No. 2023-10829, § 10, 12-7-23)

**Section 8.17 TC - Town Center**

1. *General Purpose and Description.*

- a. The Town Center district is intended to serve as a mixed use community retail center. Mutually supportive office, civic, cultural, entertainment, and residential uses are planned to enhance the viability of this mixed use community retail center. Multiple, complementary uses may be mixed vertically within the same building and/or may be mixed horizontally in multiple buildings. The form of development is compact with tightly grouped buildings arranged around a connected street and sidewalk network that serves vehicle, pedestrian, and bicycle transportation. Building architecture reflects a distinct look and identity. Open space, street trees, street lighting, benches, and other amenities create a human scale environment. The standards of this district are unique to the Town Center district.
- b. The Master Plan for Town Center is a conceptual layout of buildings, streets, buffers, landscaping, and open space within the Town Center district (see Figure 1 within this section.) Building locations, sizes, orientations, and other features as shown on the Master Plan are intended to be illustrative rather than a mandatory development plan. The exact location and precise boundaries for various developments are established by the standards of this district and identified through the site plan review process required as part of this district.
- c. All requirements of this Code are applicable to Town Center district unless otherwise specifically noted in this section.

2. *Permitted Uses in Town Center.*

- a. The following use charts specify those uses permitted in the Town Center district.
- b. Uses in Town Center district shall be generally pedestrian oriented and encourage pedestrian traffic. Uses with drive-through lanes are discouraged in Town Center, are permitted only by Specific Use Permit. If such uses are allowed by City Council approval, the use must be mitigated with special design features during site plan review.

**TC Zoning District Use Table**

P = Permitted Uses

SUP = May Be Approved As Specific Use Permit

- = Not Permitted

Use	SUP or P
Administrative, professional or corporate office	P
Automobile electric charging station	SUP
Bakery (retail)	P
Bank, saving, loan, and credit unions, including automated teller	SUP
Bar	SUP
Brewery with retail sales on and off premise	SUP
Brewery with entertainment inside or outside	SUP
Child Care (Center) as an accessory use only	SUP
Commercial Wedding/Corporate Event Venue	SUP
Copy shop or printing shop	P
Distillery with 1,500 square-foot tasting room	SUP
Dry cleaning	SUP

Entertainment Facility (Indoor or Outdoor)	SUP
Fitness Center/Health Club (up to 3,500 square-feet)	P
Fitness Center/Health Club (greater than 3,500 square-feet)	SUP
Fuel Pumps/Sales*	SUP*
Grocery store or food market	SUP
Hotel	SUP
Kennels, Grooming Only	P
Kennels (Indoor Pens Only)	SUP
Liquor Store (10,000 sf or greater)	SUP
Medical/Dental Clinic or Office	SUP
Medical Spa	SUP
Mixed-Use Residential	SUP
Museum or art gallery	P
Offices, City, County, State, and Other Governmental	SUP
Optical store, optician or optometrist	SUP
Pharmacist or drug store	SUP
Private club	SUP
Private park	P
Public parking garage (associated with building)	P
Religious institution	P
Residential Single Family Dwelling: Townhome/Patio Home	PD
Restaurant, café, cafeteria	P
Restaurant with Drive-thru/Drive-in	SUP
Retail uses and services wholly enclosed within a building	P
Sale of Used Goods	SUP
Seasonal Sales	SUP
Spa	SUP
Studio, art or photography	P
Temporary field construction office	P
Tutoring Center	P
Utility structures (Private or Franchised)	SUP
Utility structures (public)	P
Veterinarian Clinic	P
Winery with retail sales (either on or off premise)	SUP
* See supplemental regulations for Fuel Pumps/Sales in this district (below)	

3. *Design Review Required for Town Center.* All development within the Town Center district shall be subject to design review as part of the site plan review process. A site plan as outlined in this Code shall be submitted for each use in Town Center. The Development Review Committee may also require any other reasonable and pertinent information necessary for design review. Design review is required in this district to ensure that development within the district is in conformance with design guidelines for the Town Center and that:
- a. The proposed development is architecturally compatible with other development in the surrounding areas.
  - b. The proposed development is within the character of the Town Center concept as a community focal point with quality development having a pedestrian orientation, suitable amenities, and an overall design theme.

4. *Design Standards for Town Center.*

a. *Street Network, Building Siting and Massing.* The layout of public streets and private drives, and building location, design, and orientation, should generally conform to the approved Master Plan. The following standards shall be used to evaluate the conformance of site development to the intent of the Master Plan:

- 1) Town Center Lane shall be extended north of Keller Parkway and shall terminate in a circle, loop, or some other monumental configuration and design similar to the southern terminus of Town Center Lane at Bear Creek Parkway. A public street or private drive aisle shall connect the northern terminus of Town Center Lane to Rufe Snow Drive.
- 2) Public streets, private drives, and sidewalks shall be designed to form an interconnected street system that serves pedestrians and cyclists as well as vehicular transportation.
- 3) Site layout shall reinforce street edges and create pedestrian scaled open spaces.
- 4) Buildings shall be sited perpendicular and parallel to streets.
- 5) Building fronts and entries shall be articulated and be oriented toward streets, and shall be arranged to create courtyards and other human scale spaces.
- 6) Where possible, buildings shall be arranged to provide views and access to open spaces.
- 7) Off-street surface parking should be located behind or to the sides of buildings where possible. Large parking lots in front of buildings, along the street frontage, are prohibited. Buildings fronting streets are allowed to have only two rows of parking and one driving lane.

b. *Building Height, Building Area, and Setback Requirements.*

- 1) Unless otherwise stated, the building height in the Town Center district shall be two (2) stories, not to exceed thirty-five (35) feet. Restaurant uses, kiosks and fuel pump canopies may be single-story in height by right. Hotel uses in the Town Center South sub-district only may be five (5) stories in height by right. Single-story building heights and three (3) to five (5) story building heights may be approved by Specific Use Permit. Maximum height shall be five (5) stories or sixty feet (60'). If a single story building is proposed the building façade shall either be a minimum height of twenty feet (20') or shall reflect a two-story design to provide for compatibility with other buildings in the area. Single-Family Attached Dwelling (Townhouse) and Patio Home uses shall meet the maximum heights as per the Design Standards within this section.
- 2) Building footprints and locations should generally follow the arrangement of the Master Plan. No building footprint in Town Center shall be less than six thousand (6,000) square feet of air-conditioned space. Building footprints less than six thousand (6,000) square feet may be approved by Specific Use Permit.
- 3) Restaurants in Town Center may be one story and incorporate their own special design features in keeping with the design guidelines and spirit of Town Center.
- 4) The setbacks for non-single family residential uses in the Town Center district shall be determined based on the building and site design at the time of site plan review provided that all building and fire code requirements are met at the time of construction and proposed setbacks compliment the surrounding area .
- 5) In Town Center, the minimum setback from an adjacent single-family residential district shall be sixty feet (60'). For structures over thirty-five feet (35'), the minimum sixty-foot (60') setback shall be increased one foot (1') for each additional two feet (2') in building height above thirty-five feet.

- 6) Mixed-use Residential uses shall comply with the building height, building area, and setback requirements as non-residential uses.
- 7) Supplemental Regulations for Fuel Pumps/Sales.
- a) Fuel pumps/sales shall only be allowed as an accessory use with a grocery or food store, fifty thousand (50,000) square-feet or larger in size, and may be approved by Specific Use Permit (SUP).
  - b) Convenience stores shall not be allowed as part of the fuel pumps. Kiosks may be used in lieu of convenience stores and shall not exceed 350 square feet in building area. Kiosks larger than three hundred fifty (350) square feet may be considered as part of the site plan variance process. Kiosks shall not be required to meet the minimum building footprint of Town Center.
  - c) The design elements of the kiosk and fuel pumps columns and canopy shall be aesthetically compatible with its associated grocery or food store and the Town Center surroundings. Fuel pump canopies shall not exceed twenty-five feet (25') in height. Fuel pump canopies and kiosks shall comply with the Town Center zoning district's building material requirements (see Section 8.17 (4.d)).
  - d) The use of lighted stripes, exposed neon tubular lights or similar material on kiosks or fuel pump canopies shall not be permitted.
  - e) Fuel pumps/sales shall not exceed four (4) fueling dispensers or eight (8) fueling pumps.
  - f) All fuel pump station amenities such as lighting fixtures, trash receptacles, and other features shall be coordinated in design with the building and fuel pump canopy and compatible with the Town Center surroundings.
  - g) The outside placement of vending machines, ice machines, merchandise, and other outside storage or displays are prohibited.
  - h) Fuel pump station canopies are allowed no more than two (2) attached signs or two (2) logos not to exceed twenty-four inches (24") in height. Kiosks shall be limited to one (1) attached sign, not to exceed twenty (20) square feet in total area and thirty-six inches (36") in height.
  - i) Fuel pump stations in Town Center may utilize electronic signage for advertisement of gas prices only. The placement of electronic signage shall be limited to monument signs. Electronic signage shall be static.
- 8) Single-family residential uses may be allowed through PD.
- c. *Architectural Character.*
- 1) The architectural styles of buildings in the Town Center District shall be compatible with the buildings constructed within the district. Compatibility can be achieved through coordinated and complementary attributes such as building materials, colors, building forms, architectural detailing and amenities. This provision does not require that all developments be the same and diversity is encouraged in Town Center.
  - 2) All buildings shall have horizontal and vertical facade articulations.
  - 3) Buildings with facades longer than fifty feet (50') shall have their facades broken up into smaller areas through the use of varying façade setbacks, arcades, awnings, canopies, architectural features such as plazas, columns, or other means.



- 4) Non-single family residential buildings shall have an expression of a masonry pier or column effect at least twenty-five feet (25') on center. On the ground floor, the facade in between piers or columns shall have as much storefront glass as possible so as to enliven the facade and open it up to pedestrian involvement. Windows shall not be located higher than three feet (3') from the ground. For large uses with expansive facade areas without windows, an expression of windows with elements such as display windows or opaque windows with canopies and awnings shall be considered.
  - 5) Rooflines shall be interrupted with gables or other architectural elements to break up the building profile.
  - 6) Windows along streets shall be equally spaced with a specific rhythm and not create long areas of flat, solid spaces along streets. Varying window size and height based on the interior functions is discouraged. Windows shall be designed to reinforce a vertical appearance, not a horizontal appearance.
  - 7) If a building sides or backs to a street, public open space, or adjacent developments, the side or rear facade shall be treated in the same architectural style and material as the front facade. This includes but is not limited to the same roof treatment, building material, and window treatment. All buildings shall carry the roof treatment and facade articulation around the entire building, including the rear side.
  - 8) Sloping roof forms as a complete sloping form (pitched roof) or mansard roof shall be utilized on all buildings in Town Center. Flat roofs are allowed only based on building design as approved during the site plan review by the Development Review Committee. Roof pitch shall not be less than 4:12, but if the pitch is less than 6:12 but more than 4:12, the roof must have a projecting eave of no less than two feet (2') horizontally from the vertical wall plane. Mansard roofs shall have a pitch of not less than 1:1.
  - 9) At the intersection of the facade and roof planes, there shall be a projecting cornice element of brick or cast stone. Fibrous Cement may be allowed only with approval of the City Council.
  - 10) All non-residential buildings are required to have window head and sill details, which utilize either projecting elements or materials of a contrasting color and texture, which will highlight the window treatment.
- d. *Building Material Requirements.*
- 1) The wall surface for all buildings other than glass shall be of one hundred percent (100%) masonry material compatible with the Town Center district. Seventy percent (75%) of overall wall surfaces other than glass shall be of brick, stone, or cast stone. The remaining twenty-five percent (25%) may be stucco, fibrous cement, split-face block, or other masonry material. The use of any other wall surface material may be approved by the City Council at the time of site plan review. Stucco may be used on wall surfaces of a minimum ten feet (10') above grade level.
  - 2) Building colors shall be compatible with one another. Building colors shall generally be variations of red or earth tones with white or off-white accents and generally compatible with the character of Town Center.
  - 3) Roof material shall be standing-seam metal, stone, clay, or concrete roofing tile. Adjacent buildings shall have similar roof material to provide for compatibility among individual developments.
  - 4) The use of reflective glass is prohibited in Town Center. The use of florescent paint, florescent colors, or exterior neon tubular lights shall be prohibited. The use of lighted color bands and back-lighted plastic awnings are prohibited.

- 5) Other building material requirements of this Code shall apply to Town Center if not specifically noted otherwise.
- e. *Landscape Easements/Setbacks.* The following minimum landscape easement/setback (measured from R.O.W.) shall be required and shown on the final plat:

FM 1709/Keller Parkway	
South Side	40 feet
North Side	30 feet
Rufe Snow Drive	
South of Keller Parkway/FM 1709	30 feet
North of Keller Parkway/FM 1709	30 feet
Bear Creek Parkway	
Building	15 feet
Parking/driving Lane	30 feet
Country Brook Lane	15 feet
Keller Smithfield Road	
South of Keller Parkway (Commercial)	50 feet
South of Keller Parkway (Residential)	20 feet
North of Keller Parkway	30 feet
Town Center Lane	11 to 17 feet based on design

- f. *Landscaping Requirements Adjacent to Rights-of-Way and Within Landscaping/Sidewalk Easements.* The streetscape within Town Center District is one of the key components that establishes a basic framework for development and establish connections among different uses. Proposed improvements are located in either the right-of-way (R.O.W.) or landscape easements on either side of the road. Easements are measured from the edge of right of way. Location of trees and shrubs further than five feet from utility lines shall remain and/or comply with UDC landscaping requirements.
- 1) FM 1709/Keller Parkway shall have a single row of matched Texas Red Oaks, minimum four-inch (4") caliper, thirty feet (30') on center, planted within the landscaping easement on each side, in accordance with specifications provided by the City (see Figure 5 within this section). A single row of tree form Yaupon Hollies shall be planted adjacent to the street in addition to the single row of Oaks. A five-foot (5') concrete sidewalk shall be constructed centered between Oaks and Hollies. Pedestrian scaled light fixtures, consistent in color and design with the City approved specifications, shall be provided at a one hundred twenty-foot (120') spacing on center.
  - 2) Rufe Snow Drive and Keller-Smithfield Road shall have a single row of Red Oaks, minimum four-inch (4") caliper, thirty feet (30') on center planted within the landscaping easement on each side in accordance with specifications provided by the City (see Figure 6 within this section). Brick columns and evergreen shrubs (required along all off-street parking areas adjacent to streets) shall not be required along Rufe Snow Drive south of tributary BB12 of Big Bear Creek. A five-foot (5') concrete sidewalk shall be constructed in a location approved by the City. Pedestrian scaled light fixtures, consistent in color and design with the City approved specifications, shall be provided at a one hundred twenty-foot (120') spacing on center.
  - 3) Country Brook Lane shall have a single row of matched Elms, minimum four-inch (4") caliper, thirty feet (30') on center planted within the right of way along both sides (see Figure 7 within this section). A five-foot (5') concrete sidewalk shall be constructed in a location approved by the City. Pedestrian scaled light fixtures, consistent in color and design with the City approved specifications, shall be provided at a one hundred twenty-foot (120') spacing on center.

- 4) Bear Creek Parkway shall have a single row of matched Elms, minimum four-inch (4") caliper, thirty feet (30') on center planted within the right-of-way along both sides and the center medians (see Figure 8 within this section). A five-foot (5') concrete sidewalk shall be constructed in a location approved by the City. Pedestrian scaled light fixtures, consistent in color and design with the City approved specifications, shall be provided at a one hundred twenty-foot (120') spacing on center.
  - 5) Town Center Lane shall have a single row of Cedar Elms, minimum four-inch (4") caliper, thirty feet (30') on center planted within the landscape easement on each side in accordance with specifications provided by the City (see Figure 9 within this section). Any future extension of Town Center Lane shall be consistent in design, landscaping, and special features with the existing Town Center Lane.
- g. Parking Lot Lay Out, Landscaping, and Lighting.*
- 1) Parking for all uses shall be provided in accordance with this Code, however, smaller parking ratios may be considered at the time of site plan approval. The sharing of parking for two (2) or more uses is encouraged and may be utilized. The minimum number of parking spaces shall be determined by a study following the procedures of the Urban Land Institute or Institute of Transportation Engineers parking guidelines.
  - 2) All parking lots and drives shall be constructed of reinforced concrete. Concrete pavers, consistent with the Town Center specifications, shall be utilized at select locations such as building entry or parking lot islands.
  - 3) Concrete curbs shall be provided at the edge of all surface parking areas and around all islands.
  - 4) Twenty-five (25) square feet of landscaped area shall be provided for each surface parking space and one (1) tree shall be provided for every twelve (12) surface parking spaces. A maximum of twelve (12) surface parking spaces is permitted between trees. Large, shade providing canopy trees with a minimum three-inch (3") caliper, shall be used to meet this requirement. Required trees shall be in accordance with the list of Large Trees, provided in Section 10.02.
  - 5) Parking lot trees shall be planted in islands a minimum of ten feet (10') wide or in curbed five feet-by-five feet (5'X5') diamond cut-outs in pavement. Islands or diamond cut-outs shall be placed to offer shaded parking from the western sun whenever practicable. Additional landscaping in these islands or diamond cut-outs shall be heat tolerant and low maintenance varieties accordance with the list of Large Trees, provided in Section 10.02.
  - 6) If the proposed number of surface parking spaces for a development exceed the Code requirement by ten percent (10%), fifty (50) square feet of landscaping per each additional parking space shall be provided.
  - 7) All off-street parking areas adjacent to streets shall be screened by a solid row of evergreen shrubs, to create a three-foot (3') evergreen hedge, and brick column with stone caps, thirty feet (30') on center, in accordance with specifications provided by the City (See Figures 18 and 19 within this Section)
  - 8) A minimum five-foot (5') foundation planting shall be provided along the front and sides of all buildings and parking structures. Potted plantings may be considered around patio dining areas in lieu of foundation plantings adjacent to the patio area. Foundation planting and landscape islands with trees may also be required at the rear of the building if visible from streets, other buildings, or open spaces within Town Center.
  - 9) In the Town Center district, landscaping shall comply with the Landscaping section of this Code except that the required canopy trees for side and rear lot buffers shall be in accordance with the

list of Large Trees, provided at the end of this article. For the Town Center district, the following landscape plant materials are required in side and rear buffers that abut single-family residential zoning districts:

- a) Five (5) gallon dwarf Yaupon Holly evergreen shrubs shall be planted at five feet (5') on-center spacing adjacent to the required screening wall.
- 10) Required screening walls shall comply with Section 9.09 of this Code except as noted below. In Town Center, required screening walls must comply with all of the following:
    - a) Screening walls shall be a minimum of eight feet (8') in height.
    - b) Screening walls shall be made of pre-cast concrete with panels and columns. Panels shall be monolithic - no more than one panel between posts - with a running bond, brick pattern stamped or cast into the panel on both sides of the panel. The material and color of the panel shall be complimentary and compatible to existing screening walls.
  - 11) All landscaping and parking lot islands shall be irrigated in accordance with an approved automatic drip irrigation system. Landscaping shall be maintained in good condition.
  - 12) Landscape lighting may be used to highlight landscape elements, building entries, and other important architectural features and accent elements such as fountains and sculptures.
  - 13) Parking lot lighting fixtures shall be provided in accordance with the approved specifications for Town Center (see Figure 16 within this section). A lighting plan shall be required, illustrating proposed light fixtures and respective candle footprints to determine number of required fixtures for maximum safety and pleasant appearance. Ornamental light fixtures are required within the front yard/front parking lot. Large parking lots may utilize another type of fixture as approved by the City. The total height for parking lot lights shall not exceed twenty feet (20') unless approved at the time of site plan review. A maximum height of thirty inches (30") is allowed for light pedestals within parking lots.
  - 14) Building lighting shall be limited to decorative lighting. Standard wall pack lights shall not be used are in the Town Center district.
- h. *Driveway Locations and Turning Lanes.*
- 1) Parking lots and driveways shall connect to provide internal circulation for the development.
  - 2) A ten-foot (10') band of pavers, consistent in color and design with the approved specifications, shall be provided in crosswalks and entry drives. Pavers shall be antique red Uni-Décor pavers in a herringbone pattern with Holland Stone Soldier Course, as manufactured by or equal to Pavestone Co., Grapevine, Texas.
  - 3) Turning lanes shall comply with the general requirements contained in this Code.
- i. *Sidewalk Patios.*
- 1) *Sidewalk Patio.* The design of the interior and immediate surroundings of a sidewalk patio should adhere to the following guidelines.
    - a) The clear height from grade level to any obstruction such as an overhead canopy should be a minimum of seven feet (7').
    - b) The surface area of an outdoor patio may not exceed the interior floor area of the primary licensed establishment.
    - c) The path to the door of the primary licensed establishment shall be maintained at three feet (3').

- d) The patio shall extend to the building line when located between the primary licensed establishment and the street.
- 2) *Patio Fencing.* Fences or railings are used to delineate and contain the patio.
- a) A fence or other vertical barrier must be used to delineate the perimeter of the patio area.
- b) The width of any opening in a fence should be no greater than six and a half feet (6.5') and no less than three feet (3').
- c) The required height of a fence facing the street is three and a half feet (3.5'). Side screens may be up to seven feet (7') high above the grade. Such screens should not be entirely opaque but may be formed by structures with lattice or grillwork and climbing vines.
- d) Fences and screens should be easily removable at all times.
- e) The design, materials and colors used in the development of the patio restaurant should be of high quality finish and compatible with the streetscape.
- f) All finishes should be clean and free of any exposed screws or other fasteners. g) Perimeter fences shall not obstruct the line of sight for pedestrians and drivers.
- 3) *Awning.* Awnings can be used to provide shade and weather protection for the patio as well as visual screening from adjacent uses.
- a) Materials should be securely fastened to a frame, which is either retractable or demountable.
- b) Sheltering material should be fabricated and finished to fit the supporting structure with no loose or unsecured edges.
- c) Materials and colors should coordinate with the surrounding buildings and streetscape elements. They should generally contribute to the design theme of the street.
- d) The awning should not extend into the public sidewalk adjacent to the patio.
- e) The awning should attach to the building below the signage identifying the restaurant with a minimum height of seven feet (7').
- f) Lighting and other attachments to the awning should be securely fixed and integrated to the supporting structure.
- g) A building permit is required for awnings.
- h) Awnings shall be maintained in excellent condition at all times.
- 4) *Enclosures.* Enclosures may be used for more extensive weather protection and to extend the patio season.
- a) Enclosures must include a minimum of one continuous opening (from ground to canopy) to the outside (ie. no roll-down walls of any kind, however slide up/down doors are acceptable) that comprises at least 25% of the total perimeter of all of the patio walls.
- b) The enclosure area should be well ventilated to provide for dispersion of smoke and exchange of air.
- c) Ventilation should be directly to the exterior and may be achieved by passive means through vents in the awning and/or active fans.
- d) Cash machines should not be located within the patio area, except where enclosed within a freestanding building or kiosk.

- e) A building permit is required for the construction of an enclosure.
- 5) *Lighting.* Lighting is important to the function and appearance of a patio as well as the safety and security of the public environment.
- a) Exterior lighting should not spill into abutting private property or interfere with the public thoroughfare.
- b) Lighting should be demountable with no exposed cables or energized fixtures.
- c) Lighting design should coordinate with patio furnishings and streetscape design.
- d) Lighting should not be attached to trees or shrubs on City property; however string lighting to highlight deciduous trees within the patio area is permitted.
- e) Lighting should be used to identify the entrance to a patio.
- f) Pathways through a patio should be illuminated to ensure the safety of patrons and staff.
- 6) *Plant Materials.* Plant materials contribute to our general comfort and enjoyment of the patio experience.
- a) Planting of annuals, vines and container-grown vegetation is encouraged but should be easily removable from the site.
- b) Planters should be integral with fence and deck structures to maintain a compatible design relationship.
- c) Deciduous shade trees enhance the quality of the patio space with shade and screening.
- d) Planting should be used along with spatial separation and structures to screen a patio from adjacent vehicle parking and circulation.
- e) Planters must not obstruct the public right of way.
- 7) *Surface Treatment.* The paving of a patio surface provides durable and attractive platform for the patio, which is distinct from the public right-of-way.
- a) Paving should be durable, skid-proof and easily maintained in a clean and unobstructed condition.
- b) The minimum slope of pavement should be one percent (1%) and the maximum slope four percent (4%) within the seating area.
- c) A change in elevation may be used to define the edge of a patio, but should not create an additional barrier to movement.
- j. *Utility Placement.* All new utilities shall be placed underground. A utility plan including the location of all existing and new utility boxes shall be provided with the site plan. Utility boxes shall be located away from the rights-of-way lines and where possible at the rear of properties. All other provisions of the Private Utilities section of this Code shall be met.
- k. *Signage.* All signs or any changes, modifications, or alterations to a sign require a permit. All signs shall be externally illuminated unless noted otherwise.
- 1) *Monument Signs.*
- a) Each platted parcel may have one monument sign. A corner lot with more than six hundred feet (600') of frontage on two streets may have one additional sign. Residential uses may have two signs per frontage located at either side of the primary entry drive.

- b) The design of the monument sign, including sign shape, area, height, and length, shall be in accordance with Figure 17 within this section.
- c) Sign materials shall be as follows:
  - i. Sign Frame and Base - The exterior finish for the sign base and frame shall be brick, natural or cultured stone, cementitious stucco, or integrally- colored split face block.
  - ii. Coping and Accents - Coping and accents shall be cast stone, brick, or natural or cultured stone, or cementitious stucco. Coping and accents materials shall not be the same materials as used for the sign frame and base.
  - iii. Sign Panel/Face - The sign panel/face can be cast stone, acrylic, painted or coated aluminum, or other material commonly used for sign panel/faces. Metallic and or other highly-reflective materials and wood materials are prohibited.
  - iv. Letters/Logos - Individual letters and logos shall be pin mounted to the sign panel/face. Letters and logos may be constructed of bronze, aluminum, acrylic, or other material commonly used for sign letters and logos. If cast stone is used for the sign panel/face, letters and logos may be carved (cast) into the cast stone panel/face.
- d) Monument signs shall be externally illuminated only.

2) *Attached Building Signage.*

- a) All signs shall be placed in a uniform area on each building defined by architectural detailing. Permit drawings shall show all details associated with the sign including height, location, types of material, and method of lighting.
- b) Attached signs shall be individually mounted letters. Internally illuminated channel letters and silhouette channel lighting are allowed.
- c) Window signs are allowed in accordance with Section 9.05 of this Code. (Amended by Ord. No. 1799 on July 5, 2016)
- d) Temporary signs are allowed in accordance with Section 9.05 of this Code. (Amended by Ord. No. 1799 on July 5, 2016)
- e) Murals shall be considered on a case-by-case basis. Public murals shall be considered by the Public Arts Board for recommendation to and approved by the City Council. Private murals approval process includes a recommendation from the Planning and Zoning Commission to the City Council based on the following criteria:
  - i. Shall not include any owner identification or commercial text message; however, it may contain graphics or images that relates to the products or services offered on the premises where the mural is located.
  - ii. Murals or art representation displaying any owner identification or Commercial text message will be considered as a "flat/wall sign."
  - iii. Shall not depict nudity or obscene images and be generally acceptable for viewing by all audiences.
  - iv. Materials utilized in painting a mural shall have proven durability and shall be maintained or removed if not maintained.

- 3) *Landmark Sign.*
- a) A landmark sign is a special purpose, off-premise sign that advertises multiple businesses and tenants within the Town Center Zoning District. Businesses and tenants listed on the landmark sign cannot be on the same lot as the landmark sign.
  - b) With approval of a specific use permit, one (1) landmark sign is permitted for every five-hundred feet (500') of street frontage along both sides of Keller Parkway.
  - c) Landmark signs shall be architecturally compatible to the overall architecture of the Town Center Zoning District. Decorative roof and wall design features, such as parapets, ridges, and eaves, etc. shall be incorporated into the design to provide visual interest.
  - d) Landmark signs may be two- or four-sided, and shall comply with the following standards:
    - i. Maximum Height: Thirty-five feet (35').
    - ii. Maximum Base Dimensions: Fourteen feet (14') by fourteen feet (14').
    - iii. Maximum Sign Area Per Business/Tenant: Five feet tall (5') by ten feet (10') wide.
    - iv. The initial landmark sign shall establish the form, design, and materials for subsequent landmark signs. Subsequent landmark signs shall match the initial landmark sign.
- 4) *Sandwich Board Sign.*
- a) One (1) free-standing sandwich board sign (A-frame sign) shall be allowed per business.
  - b) The maximum width is twenty-four inches (24"), The maximum height is forty-eight inches (48").
- 5) No signage or other type of advertisement is permitted on park benches and trash receptacles.
- 6) All other signage requirements or any provisions not listed shall comply with the sign requirements (see Section 9.05 - Sign Regulations) of this Code.
- I. *Outside Storage* - Except as provided herein, all outside storage and display is prohibited in Town Center.
- 1) Orderly outside displays shall be approved, with a permit, only in association with special events in Town Center.
  - 2) Retailers may have limited seasonal displays for thirty (30) days, twice each year and shall obtain a permit for such uses.
  - 3) The outside placement of vending machines, ice machines, newspaper machines, grocery carts, merchandise, and other outside uses is prohibited. Temporary cart storage is allowed in the parking lot and shall be provided with six-inch (6") concrete curbs. Metal corrals are not allowed.
- m. *Service Areas and Loading Docks.*
- 1) All loading docks and trash collection areas shall not face a street and shall be screened in accordance with the provisions of this Code.
  - 2) Service areas, loading docks, and back doors shall not front on streets or public open spaces.
- n. *Fences and Walls.*
- 1) Wood fences are prohibited in Town Center.



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- 2) All fencing and walls shall be of brick, stone, or ornamental metal with evergreen landscaping or a combination thereof. The screening wall requirements in Town Center shall be in accordance with the provisions of this Code (see Section 9.08 - Fencing Requirements in Multi-Family and Non-Residential Uses).
  - o. *Pedestrian Circulation.* Each lot within the Town Center area shall provide its share of on-site pedestrian facilities. Where the concept plan shows connections to other properties, adequate provisions shall be made for creating a coordinated system of pedestrian ways throughout the district.
    - 1) Grade separations shall be provided where pedestrian ways cross thoroughfares or creeks.
    - 2) Facilities for bike parking shall be provided.
    - 3) Benches shall be provided at approximately one hundred-foot (100') intervals (See Figure 13).
  - p. *Street Furnishings and Lighting.* Private development within the Town Center District shall coordinate the selection and installation of street furniture, trash receptacles, ash urns, and lighting with the standards selected by the City for the public areas in order to maintain design continuity (see Figures 12-16 within this section).
5. *Variances to Design Standards.* When special conditions exist that prevent strict compliance with the regulations in Section 4, Design Standards, the City Council, upon recommendation from the Planning and Zoning Commission, may authorize a variance or deviation from these regulations. The process for requesting a variance shall be in accordance with Article Two, Section 2.08 - Procedures for Variances from the Regulations of the Code.
  6. *Illustrations.*

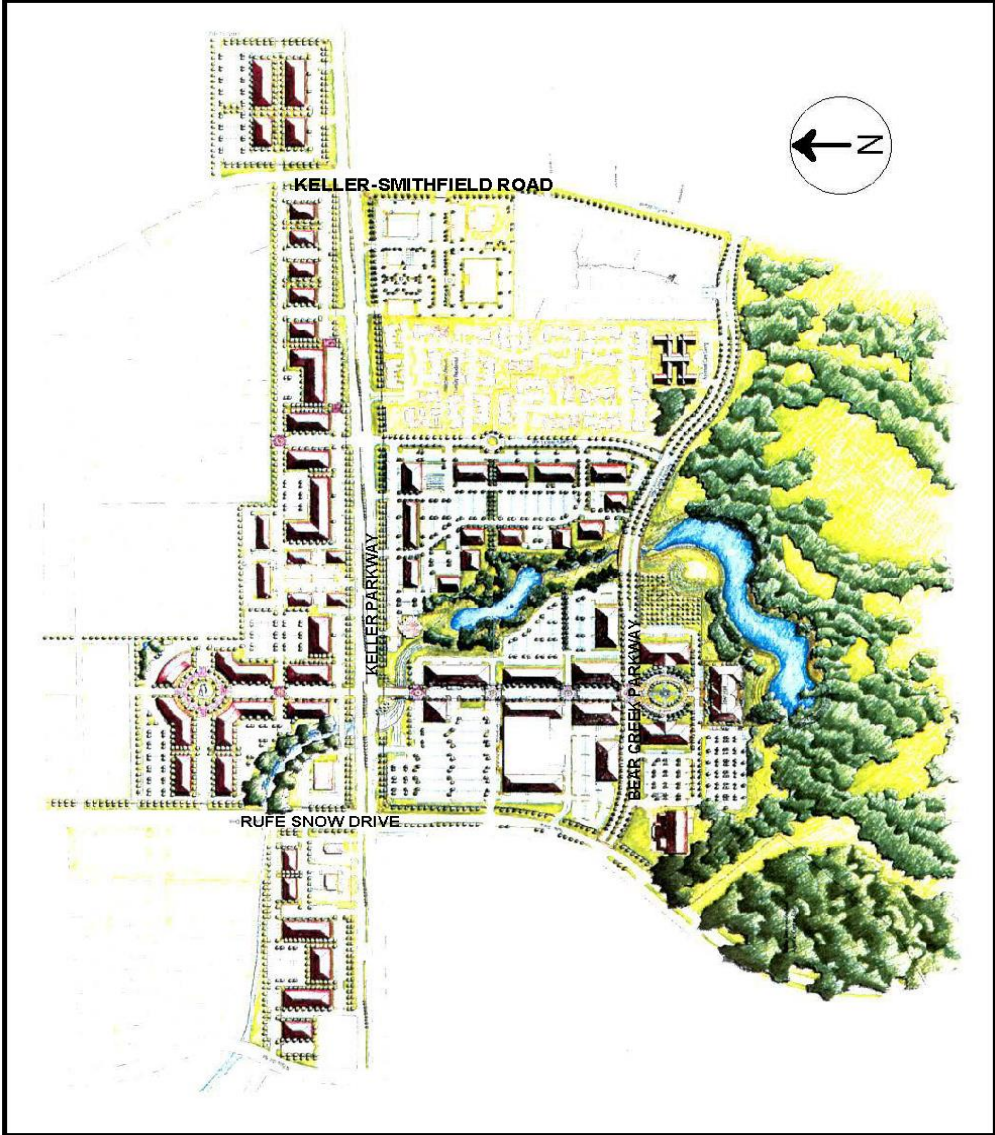


Figure 1 - Town Center Master Plan

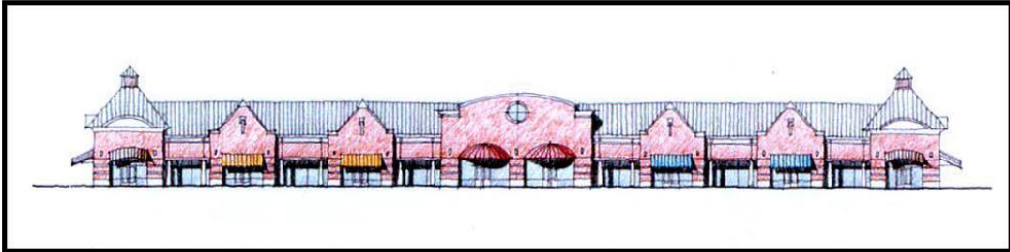


Figure 2 - Single Story Building Elevation



Figure 3 - Two Story Building Elevation

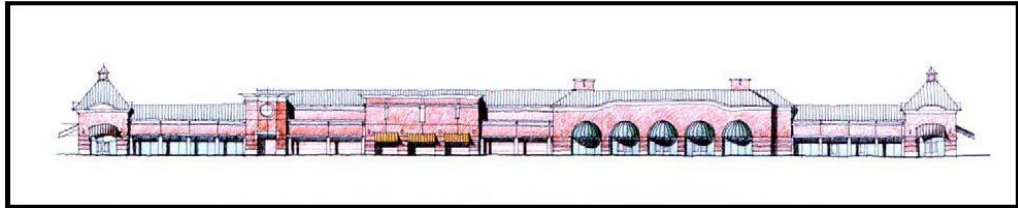


Figure 4 - Grocery/Retail Building Elevation

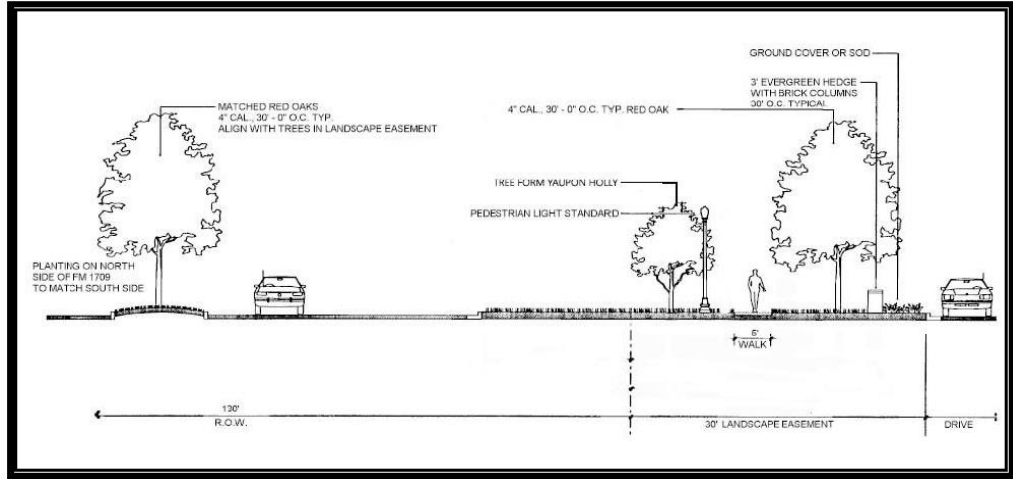


Figure 5 - FM 1709

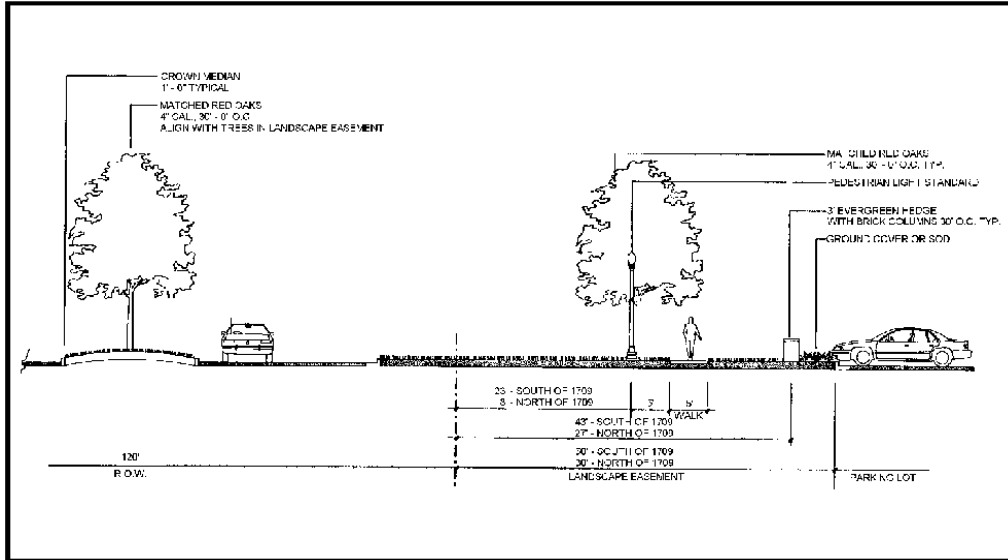


Figure 6 - Rufe Snow Drive/Keller-Smithfield Road With Retail Frontage

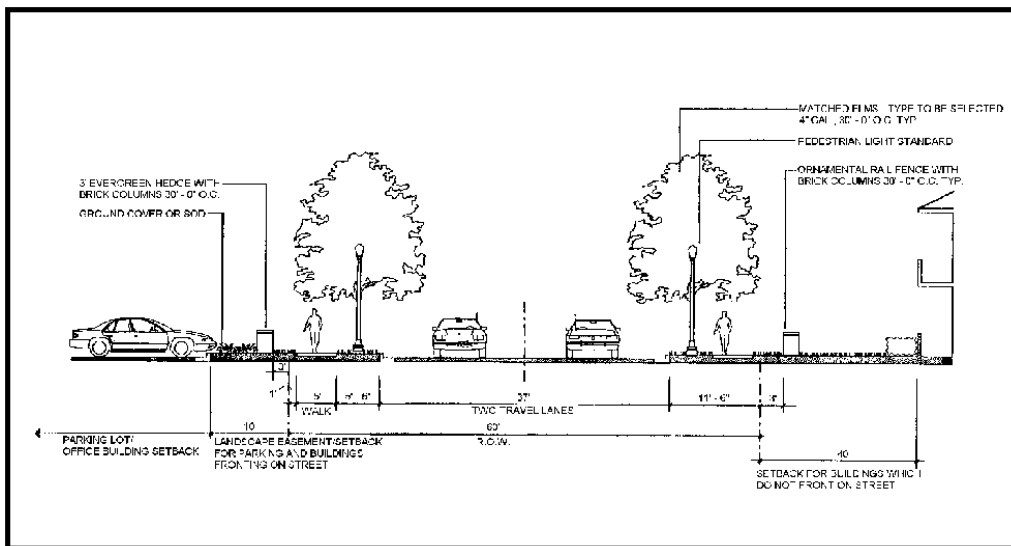


Figure 7 - Country Brook Lane

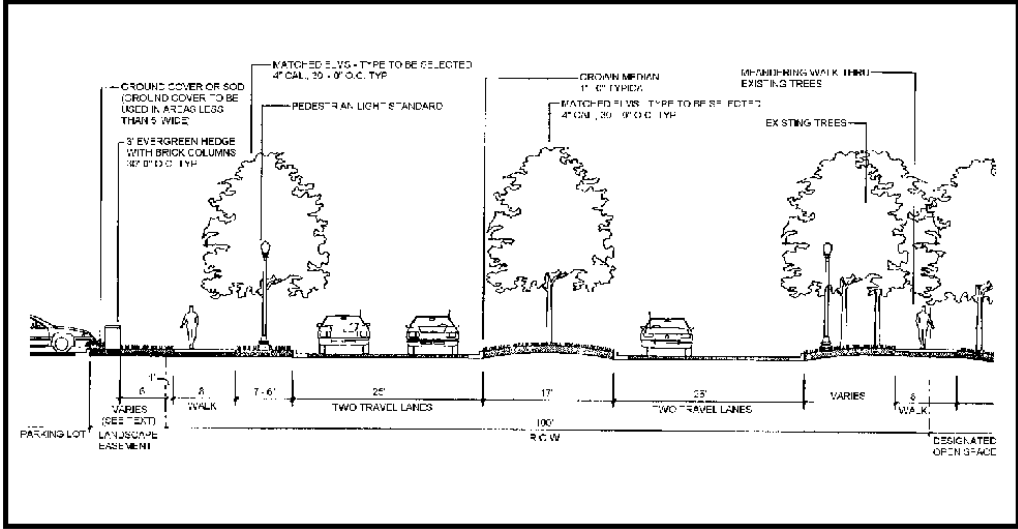


Figure 8 - Bear Creek Parkway (Divided Cross Section)

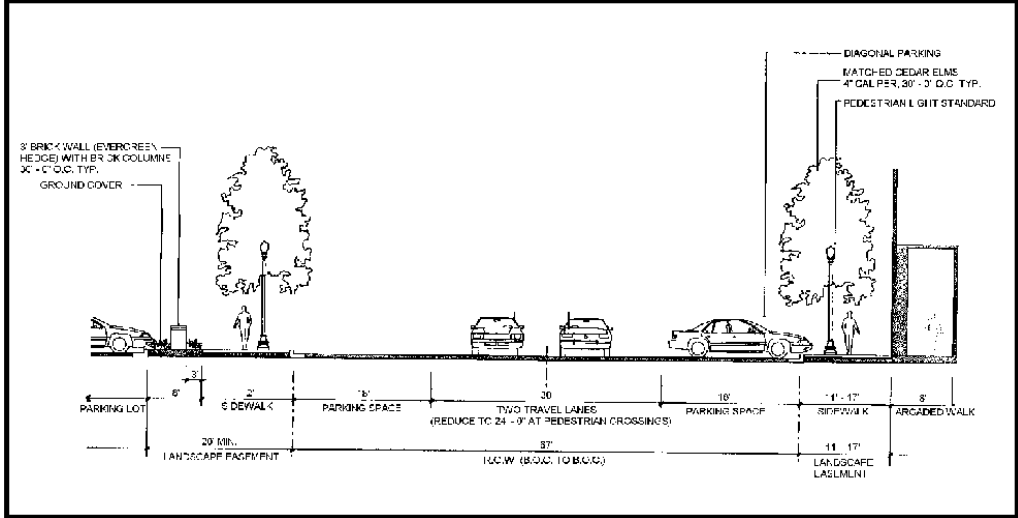


Figure 9 - Town Center Lane

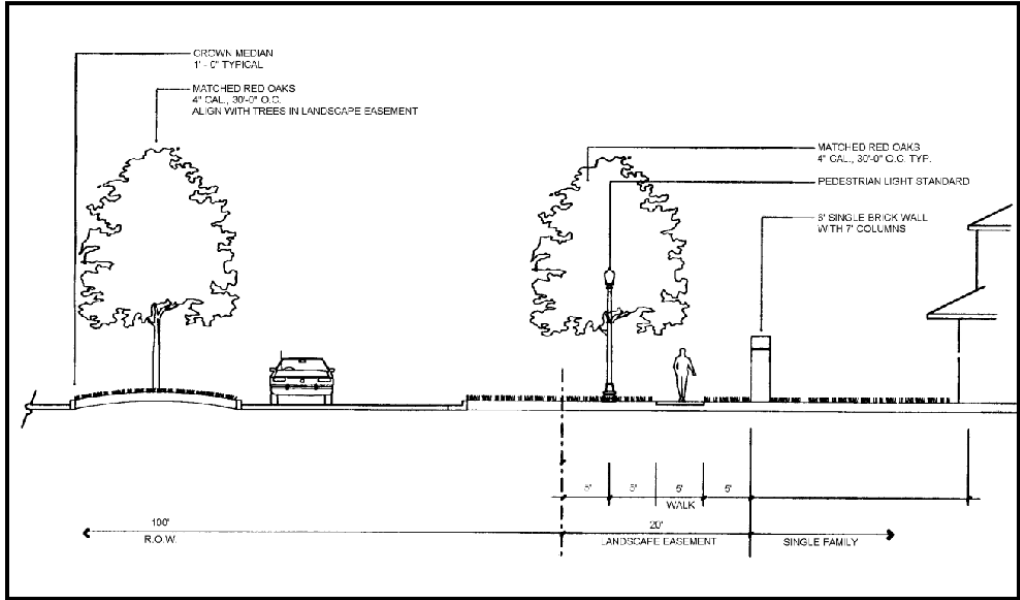


Figure 10 - Keller-Smithfield Road With Single Family Frontage

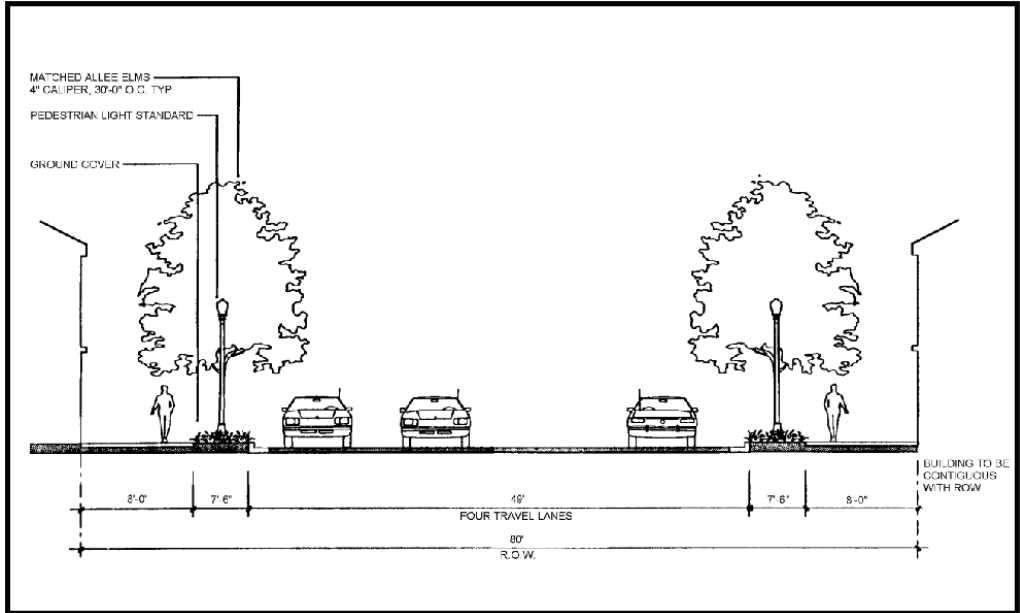


Figure 11 - Bear Creek Parkway at Town Center (Undivided Cross Section)



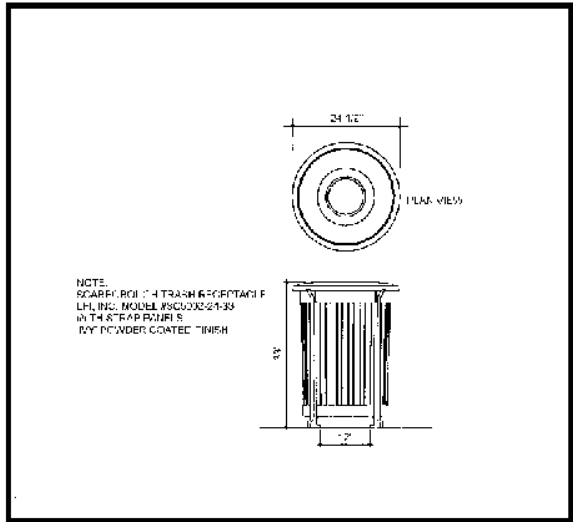


Figure 14 - Trash Receptacle Details

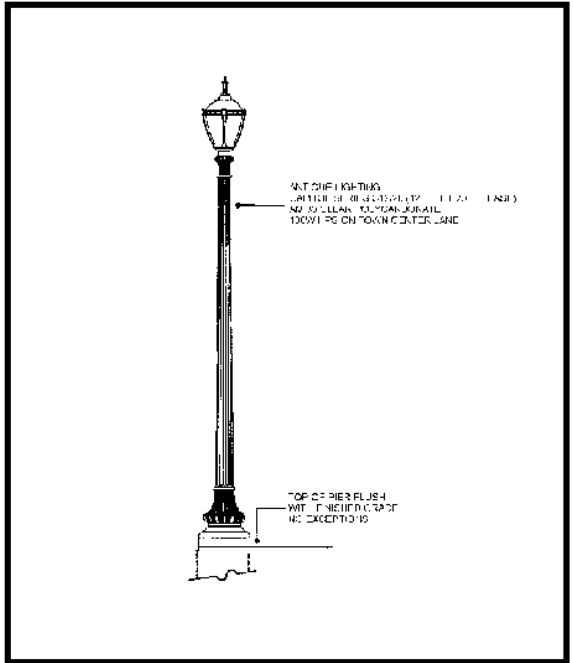


Figure 15 - Pedestrian Light Pole Details





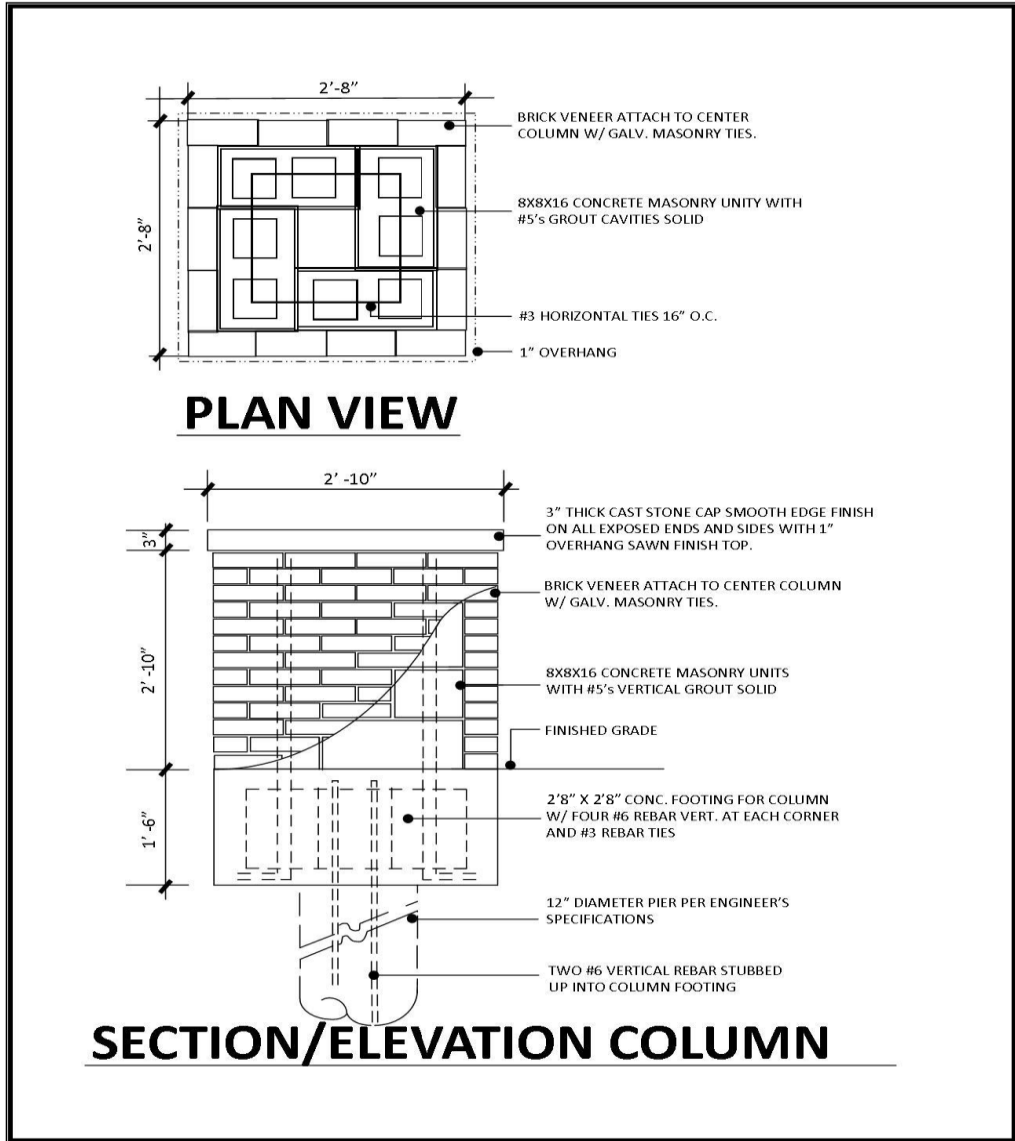


Figure 18 - Brick Columns Details

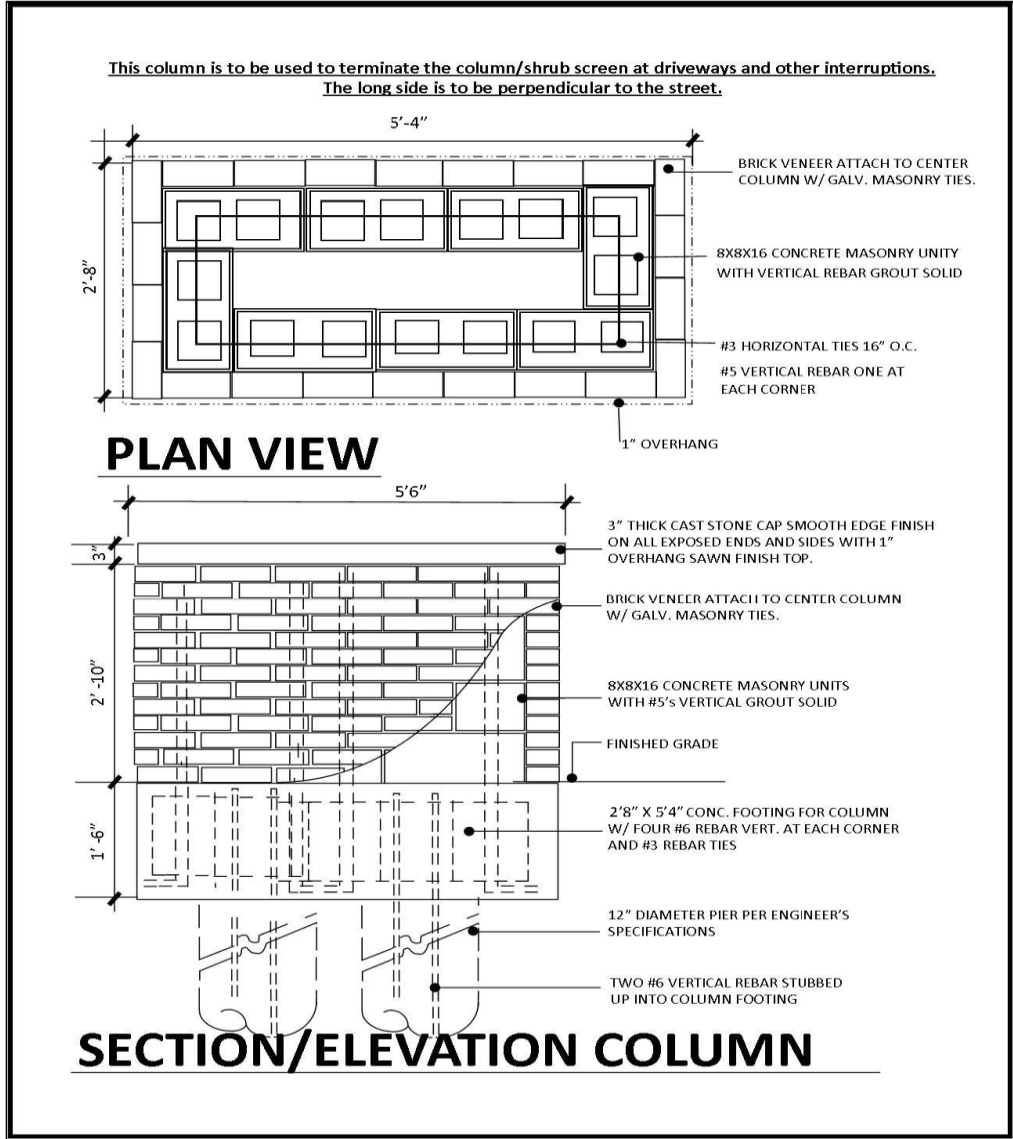


Figure 19 - Brick Columns Details

(Ord. No. 1959, § 2(Exh.B), 12-3-19; Ord. No. 2072, § 2(Exh. A), 6-21-22; Ord. No. 2104, § 2, 12-6-22; Ord. No. 2138, 9-5-23; Ord. No. 2158, § 2(Exh. A), 3-5-24)