



PLANNING AND ZONING COMMISSION

CITY OF CORINTH, TEXAS

3300 CORINTH PARKWAY, CORINTH, TEXAS

REGULAR SESSION

**MONDAY, JANUARY 28, 2019 – 7:00 P.M.**



\*\*\*\* PUBLIC NOTICE \*\*\*\*

**NOTICE OF THE CITY OF CORINTH  
PLANNING AND ZONING COMMISSION  
REGULAR SESSION  
MONDAY, JANUARY 28, 2019 AT 7:00 P.M.  
CITY HALL – 3300 CORINTH PARKWAY**

**AGENDA**

**I. CALL TO ORDER, ROLL CALL AND ANNOUNCE A QUORUM PRESENT:**

**II. PLEDGE OF ALLEGIANCE:**

**III. CONSENT AGENDA:**

- A. Consider and act upon approval of minutes from the Planning and Zoning Commission Regular Session Holiday Schedule Meeting held on November 12, 2018.

**IV. DIRECTOR'S REPORT:**

- A. Report on City Council meeting items from the preceding City Council meetings.

**V. AGENDA:**

- A. The Planning & Zoning Commission will conduct a public hearing to consider testimony and take action upon a rezoning request for an approximately 24.197 acre tract of land To amend the PD, Planned Development District for the Millennium Mixed Use Development. The property is situated in the H. Garrison Survey, Abstract Number 507, City of Corinth, Denton County, Texas and generally located at the northeast corner of IH35 and Dobbs Road. (Millennium PD Amendment)
1. Staff Presentation
  2. Applicant Presentation
  3. Public Hearing (Open and Close)
  4. Response by Applicant
  5. Response by Staff
  6. Take Action
- B. The Planning & Zoning Commission will conduct a public hearing to consider testimony and take action upon a proposed amendment to the City's Unified Development Code, Section 2: Zoning, Subsection 2.09: Zoning Development Regulations, 2.09.01 Landscaping Regulations, and 2.09.02 Tree Preservation.
1. Staff Presentation
  2. Applicant Presentation
  3. Public Hearing (Open and Close)
  4. Response by Applicant
  5. Response by Staff
  6. Take Action

- C. The Planning & Zoning Commission will conduct a public hearing to consider testimony and take action upon a proposed amendment to the City’s Unified Development Code, Section 4: Sign and Fence/Screening Regulations subsection 4.02: Fence and Screening Regulations.
  - 1. Staff Presentation
  - 2. Applicant Presentation
  - 3. Public Hearing (Open and Close)
  - 4. Response by Applicant
  - 5. Response by Staff
  - 6. Take Action
  
- D. The Planning & Zoning Commission will conduct a public hearing to consider testimony and take action upon a proposed amendment to the City’s Unified Development Code, Section 4: Sign and Fence/Screening Regulations subsection 4.01: Sign Regulations
  - 1. Staff Presentation
  - 2. Applicant Presentation
  - 3. Public Hearing (Open and Close)
  - 4. Response by Applicant
  - 5. Response by Staff
  - 6. Take Action

**VI. ADJOURNMENT:**

**EXECUTIVE SESSION**

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed session for the purpose of seeking confidential legal advice of the City Attorney on any Agenda Item listed herein.

As a majority of Council Members of the City of Corinth may attend the above described meeting, this notice is given in accordance with Chapter 551 of the Texas Government Code. No official action will be taken by the City Council at this meeting.

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board at City Hall of the City of Corinth, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: Friday, January 25, 2019 at **12:00** p.m.



\_\_\_\_\_  
 Patrick Hubbard  
 Development Coordinator & Planning  
 and Zoning Commmission Secretary  
 City of Corinth, Texas

**1/25/2019**

\_\_\_\_\_  
 Date of Notice

Corinth City Hall is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf, or hearing impaired, or readers of large print, are requested to contact the City Secretary’s Office at 940.498-3200, or fax 940.498-7505 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

**BRAILLE IS NOT AVAILABLE**

# **MINUTES**

On this the 12th day of November 2018, the Planning and Zoning Commission of the City of Corinth, Texas, met in a Regular Session Holiday Schedule at Corinth City Hall, located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members, to wit:

**Members Present**

Brian Rush  
Bruce Hanson  
Wade May  
Lindsey Baker  
Robert Pace  
William Davis

**Members Absent**

None

**I. CALL TO ORDER, ROLL CALL AND ANNOUNCE A QUORUM PRESENT:**

The Regular Session Holiday Schedule of the Planning and Zoning Commission of the City of Corinth, Texas, was called to order by Brian Rush at 7:00 PM.

**II. PLEDGE OF ALLEGIANCE & INVOCATION:**

Robert Pace Delivered the Invocation.

**III. CONSENT AGENDA:**

- A. Consider and act upon approval of minutes from the Special Called Planning and Zoning Commission Meeting on October 15, 2018.

**Motion made** by Bruce Hanson to approve the minutes as presented

**Motion seconded** by Wade May

**5-0 All in favor:**

Ayes: Brian Rush, Dwayne Zinn, Wade May, Lindsey Baker, Robert Pace,  
Nays: None  
Not Voting: William Davis  
Absent: None

**IV. DIRECTOR'S REPORT:**

- A. Report on City Council meeting items from the October 18, 2018 City Council Meeting.

**Helen-Eve Liebman, Director of Planning and Development Services** mentioned that the next council meeting is to be held on a special date and she invited the commissioners to attend the Focus North Texas Event.

**V. AGENDA:**

- A. Consider and act on a Final Plat for the Motel 6 Addition, being 1.629 acres of land situated in the L. Bates Survey, Abstract No. 204, in the City of Corinth, Denton County, Texas, containing 1 non-residential lot. The property is generally located at the northwest corner of N Corinth Street and the Missouri Pacific Railroad, on the east side of I-35E and Highway 77. (Motel 6 Final Plat)

**Lori Levy, Senior Planner** presented the case. She stated that the Commission had approved the preliminary plat and recommended approval for the Major Subdivision Waivers for the project. The final plat meets all

administrative requirements. Staff recommends approval of the final plat subject to the approval of the major subdivision waivers and TxDOT permits for driveways.

**Motion made** by Bruce Hanson to approve final plat as presented subject to major subdivision waivers being approved by the council and the approval of the TxDOT permits.

**Motion seconded** by Wade May

**5-0 All in favor:**

Ayes: Brian Rush, Dwayne Zinn, Wade May, Lindsey Baker, Robert Pace,  
Nays: None  
Not Voting: William Davis  
Absent: None

- B. The Planning & Zoning Commission will conduct a public hearing to consider testimony and take action upon a rezoning request for an approximately 26.39 acre tract of land from SF-2, Single Family Residential (Detached) to a PD, Planned Development zoning district with a base zoning designation of SF-4, Single Family Residential (Detached). The property is situated in the J. Walton Survey, Abstract Number 1389, City of Corinth, Denton County, Texas and generally located north of Walton Drive, south of Black Jack Lane, east of North Corinth Street, and west of Shady Rest Lane. (Trails at Shady Rest Rezoning)

**Ben Rodriguez, Planning Manager**, presented the case. He provided images of the site and a concept plan for the site. The applicant is proposing to create a PD with an SF-4 base while the current site zoning is SF-2. The applicant is requesting to do 50', 60' and 80' lots. He reviewed the current standards and proposed standards. Applicant will seek to reduce the side and rear yard setbacks to 5' from 7.5'. They are also seeking to increase the maximum building coverage from 30% to 70%. They are requesting minimum lot size be changed from 1,500 for smaller lot and 2,000sq/ft on larger homes. Garages would be required to be at least flush or set back from the front of the houses. Applicant has proposed to include design elements on façade to attract focus away from the garage. The developer has agreed to build a 10' trail on Shady Rest and a 5' trail stubbing out to the NCTC campus. The future land use plan designates this area for Transit Oriented Development and for Mixed Use-Nonresidential. This use would have allowed for townhomes, multifamily or commercial development. The applicant has proposed a varying mix of housing types and includes trails to ensure that future developments will have adequate trail access. Staff recommended approval as presented.

**Rich Darragh, Skorborg Company**, presented representing the developer. He provided a summary of similar projects in the Dallas Fort Worth Metroplex. The developer envisions this property as a transitional zoning from the adjacent property to the north to the medical centers in the south. The Future Land Use Plan (FLUP) would allow for 13 units per acre but this plan only provides 3.7 units per acre. This property it designated in the FLUP as Mixed Use Non-Residential and the other properties on the block remain open to nonresidential development. Up to 338 units could be built on the property but applicant is only proposing 98. 39 units at 50' by 120', 43 units at 60' by 120', and 16 units at 80' by 120'. After meeting with neighbors, developers decided to add more of the 80 foot properties and less of the 50 properties. The layout provides a nice transition from the housing in the north to the retail in the South. Greenspaces will be amenitized and curvilinear streets will be installed throughout. Housing is projected at mid \$300 thousand to low \$500 thousand price range.

**Public Hearing Opened at 7:21 PM**

**Mike Dixon, 3516 Macbay Drive**, spoke in opposition to the rezoning request citing concern over flooding.

**Robert Spraybaray, 2405 Danbury Circle**, spoke in opposition to the rezoning request citing concern over the density of the proposed development.

**Frank Koerbacher, 3626 Dalton Dr**, spoke in opposition citing drainage and sewer.

**Allan Honse, 3105 Walton and 1634 Oak Ridge**, spoke in support of the project citing previous positive experience with the development.

**Lisa Clawson, 1411 Park Place**, spoke in support of the proposal stating that she does not believe the property would support lower density and, based on her expertise, stated her opinion that this construction would not negatively impact the value of her home.

**Leslie Martin, 3610 Dalton Dr.**, spoke in opposition to the project citing that SF-2 better matches the character of the area and citing traffic concerns.

**Quintin Rams, 3609 Dalton Dr.**, spoke in opposition stating concern over straining infrastructure and adding traffic. He would like to see the contractor repair the roads and build bike trails in the area.

**Jeff Brashes, 1213 Sand Jack Dr.**, spoke neither in support or opposition but had questions about tree preservation and asked about special easement between Oaks of Corinth and the new development.

**Marrie Wasson, 1403 Shady Rest Ln.**, asked for clarification on zoning and future land use plan implementation requirements.

**Jim Flis, (address not stated, comment sheet not legible)**, spoke in opposition citing concern about density affecting the character of the area.

**Alice and Robert Brendel, 3404 Danbury Circle**, wrote a letter in opposition stating concern over traffic and density affecting property values.

**Martin Rodriguez**, wrote a letter in opposition stating concern over traffic and safety.

**Marsha O'Flaherty 1402 Shady Rest Ln**, spoke in support of this project as an owner of an adjacent property that is also up for sale. She stated that SF-2 is not economically feasible and that this is a favorable alternative to multifamily.

### **Public Hearing Closed at 7:43PM**

**Wade May** asked about how flooding will be addressed at the property and if developed land engineered for development could address the flooding better.

**Ben Rodriguez** stated that the design of subdivisions must not allow more water to runoff a property must not exceed the level present on a property at the time of development. Our engineer and the applicants engineer have

had preliminary discussions on drainage which have required some lots to be given up to accommodate the development.

**Bruce Hanson** asked for clarification on what could be built on SF-2.

**Ben Rodriguez** stated that SF-2 has 14,000 square foot lot minimums and they are requesting to move to SF-4 which requires 7,500 square foot lots and SF-3 requires 10,000 square foot lots.

**Lindsey Baker** asked for a description of tree preservation measures on the property.

**Ben Rodriguez** stated that the applicant is still in the process of completing a tree survey but would have to defer to the applicant on specifics. However, the applicant will be required to mitigate any trees that are not in the building pad or street either through preserving the trees or fees in lieu.

**Rich Darragh** stated that the applicant intends to preserve as many trees as possible.

**Brian Rush** asked if there are specific plans for a buffer along the Oaks at Corinth.

**Rich Darragh** stated that they will try to preserve as many trees as possible but a buffer is not planned though residents were asked their preference on fences. Buffers create a maintenance issue.

**Lindsey Baker** asked what communication has taken place between NCTC and the applicant.

**Rich Darragh** stated that he has not been in communication with NCTC.

**Ben Rodriguez** stated that NCTC was provided notice and did not respond. They were also aware of this project through past discussions with the city but have not stated a preference for or against the development.

**Wade May** asked if there are plans to address increased traffic flow on Walton Drive.

**Ben Rodriguez** stated that the street is listed as a collector road in the future but there is no exact timeline for that expansion.

**Rich Darragh** stated that Walton is supposed to be expanded and they have dedicated right of way for this purpose. The original plan had 2 entrances on Shady Rest but a culdасac was proposed to allow only one entrance on Shady Rest Ln to contain traffic to this subdivision.

**Motion made** by Lindsey Baker to recommend approval of this project as presented

**Motion seconded** by Robert Pace

**Bruce Hanson** stated that this proposal is considerably less dense than what the Transit Oriented Development would have allowed. This proposal seems to have taken considerable efforts to provide a transition in housing density which allows it to meet the intent of the comprehensive plan while also taking into account the character of the properties to the North. This seems to be a reasonable accommodation to protect houses to the north while still allowing the property to develop.



**5-0 All in favor:**

Ayes: Brian Rush, Dwayne Zinn, Wade May, Lindsey Baker, Robert Pace,  
Nays: None  
Not Voting: William Davis  
Absent: None

**VI. ADJOURNMENT:**

**Regular Session Adjourned at 8:01 PM**

**MINUTES APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

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Brian Rush, Planning and Zoning Commission Chairman

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Patrick Hubbard, Development Coordinator

# **DIRECTOR'S REPORT**



**Memorandum**

To: **The Corinth Planning and Zoning Commission**  
From: Helen-Eve Liebman, AICP, Planning and Development Director  
Meeting Date: January 28, 2019  
Re: Director's Report

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THE FOLLOWING ITEMS WERE CONSIDERED AT THE NOVEMBER 15, 2018 CITY COUNCIL MEETING:

**Motel 6 Major Subdivision Waivers:** two Major Subdivision Waivers to the City of Corinth Access Management Standards out of the City's Unified Development Code (UDC) to allow a reductions in the minimum required distance between driveways along a major arterial street for the proposed driveway on property legally described as 1.629 acres situated in the L. Bates Survey, Abstract Number 204, in the City of Corinth, Denton County, Texas.

THE FOLLOWING ITEMS WERE CONSIDERED AT THE DECEMBER 6, 2018 CITY COUNCIL MEETING:

**Trails at Shady Rest:** a rezoning request for an approximate 26.39 acre tract of land from SF-2, Single Family Residential (Detached) to a PD, Planned Development zoning district with a base zoning designation of SF-4, Single Family Residential (Detached). The property is situated in the J. Walton Survey, Abstract Number 1389, City of Corinth, Denton County, Texas and generally located north of Walton Drive, south of Black Jack Lane, east of North Corinth Street, and west of Shady Rest Lane.

**Strategic Plan:** *Embracing the Future, Corinth 2030*

**Strategic Asset Management Policy**

THE FOLLOWING ITEMS WERE CONSIDERED AT THE JANUARY 10, 2019 CITY COUNCIL MEETING:

**City of Corinth PACE:** the City of Corinth Property Assessed Clean Energy Program ("City of Corinth PACE") and provided for an effective date.

THE FOLLOWING ITEMS WERE CONSIDERED AT THE JANUARY 24, 2019 CITY COUNCIL MEETING:

**LED Street Lighting:** a proposal from Gexa Energy Solutions, LLC. to replace all lights in City Hall with energy-efficient LED lighting.

THE FOLLOWING ITEMS ARE GENERAL ANNOUNCEMENTS

**Focus North Texas:** A regional training and continuing education event for city planning-related topics is scheduled for February 8, 2018 at the Irving Convention Center at Las Colinas.

# **ITEM A**



## Memorandum

To: **The Corinth Planning and Zoning Commission**  
From: Ben Rodriguez, AICP, Planning and Development Manager  
Meeting Date: January 28, 2019  
Re: Millennium PD Amendment

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### **Action Requested:**

Conduct a public hearing to consider testimony and take action upon a rezoning request for an approximately 24.197 acre tract of land to amend the PD, Planned Development District for the Millennium Mixed Use Development. The property is situated in the H. Garrison Survey, Abstract Number 507, City of Corinth, Denton County, Texas and generally located at the northeast corner of IH35 and Dobbs Road. (Millennium PD Amendment)

### **Background Information:**

The Applicant is requesting an amendment to the Planned Development District to provide clarity on a few of the provisions of the Planned Development Regulations as well as to address the eventual abandonment of Dobbs Road in the future and to revise the parking standards for the development.

The proposed amendment revises the parking ratios for restaurants from 1 parking space per 75 square feet to one space per 100 square feet, additionally the proposal exempts kitchen areas from the parking calculation requirements. Finally, the amendment revises the parking ratios for conference rooms attached to a hotel or motel, by counting parking spaces utilized by the hotel to count towards the requirements for the conference rooms.

Staff is supportive of this proposed amendment, due to the shared nature of the parking for the entire development staff feels that there will be adequate parking for restaurants. Furthermore, the City's base code does not require parking spaces to be provided for kitchen areas, which prompted staff to recommend the removal of these areas from the PD language.

Staff also proposed that there be no additional parking requirements for conference rooms built within a hotel. Typically, the occupants of the associated conference rooms are also guests at the hotel housing the conference rooms, and requiring that both the hotel and conference rooms be parked independently from one another results in an over parking situation. Staff would prefer to see these spaces remain as open green space that can be utilized by the hotel occupants and other users within the development.

The original PD required that an approved unified sign plan be approved prior to the construction of any monument signs or directional signs on the property, the applicant has taken this opportunity to include their proposed signs and well as their proposed locations on the property in this PD amendment for approval. The proposed amendment accommodates their desired design by allowing for additional square footage to be dedicated to an electronic message board sign, as well as reduce the setback for monument signs to complement the urban design of the property. Any proposed signage will still be required to adhere to the City's fifteen foot visibility triangle requirements to ensure that any of the proposed signage does not create a visibility issue for vehicles exiting the development.

The proposed amendment provides clarity on a few provisions of the Planned Development, most notably the provision which requires that a minimum of 15,000 square feet of non-residential building space receive a Certificate of Occupancy prior to the second urban residential “multifamily” structure receiving a Certificate of Occupancy. The proposed amendment changes this requirement from stating that 15,000 square feet of non-residential space needing a Certificate of Occupancy to needing an issued building permit.

The original PD regulations pertaining to the required non-residential building space required failed to provide staff with the means to prohibit the issuance of a building permit for a second urban residential “multifamily” structure which has led to some less than desirable outcomes. Currently, the applicant has invested a significant sum of money in two urban residential “multifamily” structures without the ability to occupy the second structure. The proposed amendment will allow the applicant to lease these units approximately 6-9 months sooner than currently written.

The proposed change still requires that the applicant receive an approved site plan for the non-residential areas of the development as well have approved construction plans for their public improvements (water, sewer, drainage, fire lanes etc.), as well as their buildings with the only difference being the time it takes to construct these improvements and non-residential structures. Staff feels that this is a fair and balanced approach to the issue.

Finally, staff and the developer have taken the opportunity to correct some of the grammatical and spelling mistakes that were present within the original text.

**Supporting Documents:**

- Proposed amendment
- Concept Plan
- Unified Sign Plan
- Original PD Ordinance.

**Staff Recommendation:**

Staff recommends approval as presented.

**EXHIBIT “C”  
LAND USE REGULATIONS**

**SECTION 1: REGULATIONS**

**A. Purpose**

The regulations set forth in this Exhibit provide development standards for Planned Development Mixed Use-Commercial district for Millennium. The Planned Development (PD) District is identified by metes and bounds on Exhibit A and is depicted on Exhibit B with three areas, Area A - Non-Residential Area, Area B - Residential Area and Area C, - Open Space. Every use not authorized herein is expressly prohibited in this Planned Development (PD) District.

**B. Base Districts**

In this Planned Development (PD) District, the Mixed-Use Commercial District regulations of the Corinth Unified Development Code, Ordinance No. 13-05-02-08, shall apply to the non-residential area, as shown in Area A on Exhibit B – Design Map, except as modified herein. The MF-3, Multi-Family Residential, shall apply to the residential area as shown in Area B on Exhibit B – Design Map.

**SECTION 2: USES AND AREA REGULATIONS**

**A. Purpose**

In the Planned Development (PD) District, no building or land shall be used and no building shall be hereafter erected, reconstructed, enlarged or converted, unless permitted by the Mixed-Use Commercial District regulations of the Unified Development Code except as otherwise included in the PD.

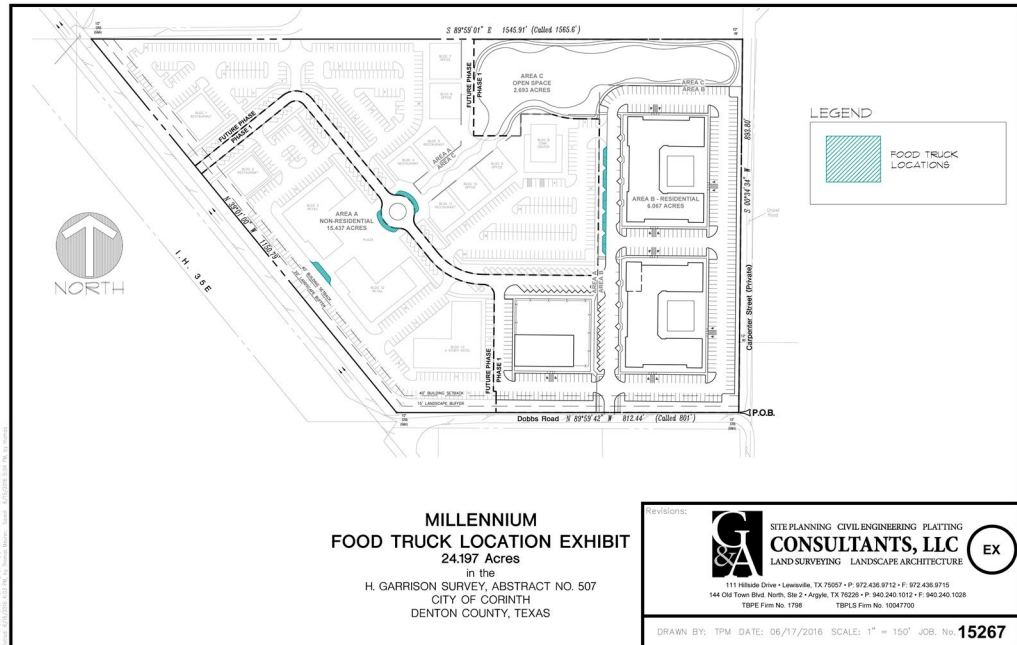
**B. Permitted Uses and Use Regulations**

1. The Permitted Uses in Section 2.06.02 of the Unified Development Code, Ordinance No. 13-05-02-08, for the Commercial Mixed Use District and shall include the following uses, respectively:
  - a. Dog Park, Private or Public, with conditions
  - b. Dwelling, Multi-Family (permitted in Area B Only)
  - c. Kennel, Veterinary Office, with conditions
  - d. Library
  - e. Park, Playground, or Community Center, Public
  - f. Radio or TV Station
  - g. Wedding Chapel, Reception Facility, Special Events Center
  - h. Food Trucks, with conditions

- i. Farmer's Market
  - j. Special Event (subject to provisions of Chapter 116 Special Events)
2. The following list of uses require an approved Specific Use Permit to be allowed within this PD District:
  - a. Parking Garage
  - b. Private Club
  - c. Brewpub
  - d. Microbrewery
  - e. Brewery
3. The following Prohibited Uses are not allowed within this PD District:
  - a. Automobile or other Motorized Vehicle Sales and Service
  - b. Automotive Part Store
  - c. Automobile Service Garage, Major or Minor
  - d. Car Wash, Full Service or Self Service
  - e. Exterminating Company
  - f. Feed Store
  - g. Gas or Oil Well and Production
  - h. Gasoline Filling or Service Station/Car Wash
  - i. Self Storage
  - j. Taxi Garage or Dispatch
4. The following Conditional Development Standards shall apply:
  - a. The Kennel use shall comply with Section 02.07.04 of the Unified Development Code, in addition to the following standards:
    - i. The hours of operation shall be from 7:00 am to 7:00 pm on Monday through Friday. On Saturday and Sunday the hours of operation shall be 9:00 am to 5:00 pm.
  - b. The Dog Park use
    - i. Shall maintain the hours of operation from 7:00 am to 9:00 pm.
    - ii. Will be owned and operated by the Retail Establishment
    - iii. Shall provide a double-gated system to prevent dog escape.
    - iv. Shall contain two separate dog areas. One for small dogs and one for large dogs.
    - v. Shall provide a dog waste station, cleaning supplies, covered garbage cans, and waste bags.
    - vi. Shall install a 6' ornamental metal fence on the entire perimeter of the dog park.
    - vii. May be open to the public during hours of operation on weekends.
    - viii. Occupancy limits shall not exceed one dog per 100 square feet.



- ix. The following rules shall be implemented to govern use of the dog park and be enforced by the Retail Establishment
  - a. Dogs entering park must be up to date on their shots.
  - b. Dogs entering park must be leashed.
  - c. Owners are responsible for their dog(s)' behavior.
  - d. Owners are responsible to clean up after their dog(s).
  
- c. Food truck vendors shall be allowed and shall be located in areas shown on the following Food Truck Location Exhibit.



**C. Dimensional Regulations**

The Dimensional Regulations described in Section 2.08.05 of the Unified Development Code, Ordinance No. 13-05-02-08, for the MX-C, Mixed Use Commercial shall apply except as follows:

| Regulation         | MX-C           | PD – Area A             |
|--------------------|----------------|-------------------------|
| Minimum Front Yard | 40'            | 40' along 35E and Dobbs |
| Minimum Side Yard  |                |                         |
| Interior Lot       | 15'            | 0'                      |
| Corner Lot         | 15'            | N/A                     |
| Minimum Rear Yard  | 20'            | 0'                      |
| Minimum Lot Area   | 20,000 SF      | 5,000 SF                |
| Minimum Lot Width  | 150'           | 50'                     |
| Minimum Lot Depth  | 100'           | 50'                     |
| Maximum Height     | 2 ½ Stories or | 60' / 4 Stories (Hotel) |

|                       |            |  |
|-----------------------|------------|--|
|                       | 40' w/ SUP | Only) 2 ½ stories or<br>40' w/ SUP on all<br>other buildings |
| Maximum Building Area | 50%        | N/A  |

Note:

1. No minimum lot size or width or depth for common area lots.
2. Architectural elements may be allowed up to 50' in height.
3. In the event that any portion of Dobbs Road is abandoned the front yard setback on lots facing Dobbs will revert to 15'.

The Dimensional Regulations described in Section 2.08.04 of the Unified Development Code, Ordinance No. 13-05-02-08, for the MF-3, Multi-Family Residential shall apply except as follows:

| <b>Regulation</b>     | <b>MF-3</b>                                      | <b>PD – Area B</b>                   |
|-----------------------|--|--------------------------------------|
| Minimum Front Yard    | 30'  | 30'                                  |
| Minimum Side Yard     |  |                                      |
| Interior Lot          | 30'  | 0'                                   |
| Corner Lot            | 30'  | N/A                                  |
| Minimum Rear Yard     | 30'  | 30'                                  |
| Minimum Lot Area      | 2,750 SF per DU/at least<br>1 acre or 16 DU/Acre | Maximum 250 Units                    |
| Minimum Lot Width     |  |                                      |
| Interior Lot          | 150'   | 150'                                 |
| Corner Lot            | 150'   | N/A                                  |
| Minimum Lot Depth     | 100'   | 100'                                 |
| Minimum Floor Area    | 850 SF/DU  | 700 SF/DU                            |
| Maximum Height        | 35' / 2 Stories or 50' w/<br>Setback             | 60' / 4 Stories<br>w/rooftop terrace |
| Maximum Building Area | N/A  | N/A                                  |

Note: In the event that any portion of Dobbs Road is abandoned the front yard setback on lots facing Dobbs will revert to 15'.

**D. Development Standards – Area A (Non-Residential)**

The Development Standards described in Section 2.06.02 of the Unified Development Code, Ordinance No. 13-05-02-08, for the MX-C, Mixed Use Commercial District, as amended shall apply except as follows:

1. UDC Section 2.07.07 **Accessory Buildings and Uses** shall apply.
2. UDC Section 2.09.01 **Landscape Regulations** shall apply, except:

- a. Section 2.09.01.A.6., Landscaping for Nonresidential Areas Adjacent to Residential Areas, does not apply to areas within the Planned Development (PD) District since it is intended to be a mixed-use development.
3. UDC Section 2.09.03 **Vehicle Parking Regulations** shall comply, except:
- a. Section 2.09.03.E., Due to the mixed-use design of this Planned Development (PD) District, Shared Parking standards may be used to satisfy the parking requirement. The following Shared Parking Schedule sets forth the percentage component for the calculation. The number of required parking spaces is determined by multiplying the percentage in each cell by the number of spaces required for the use pursuant to Section 2.09.03.E. of the Unified Development Code and then totaling the resulting numbers for each column, and the column that generates the highest number of parking spaces is the parking requirement.

| <u>Use</u>        | <u>Weekday</u>                |                                | <u>Weekend</u>                |                                | <u>Night</u>        |
|-------------------|-------------------------------|--------------------------------|-------------------------------|--------------------------------|---------------------|
|                   | Daytime<br>6 a.m. –<br>6 p.m. | Evening<br>6 p.m.-<br>midnight | Daytime<br>6 a.m. –<br>6 p.m. | Evening<br>6 p.m.-<br>midnight | Midnight-<br>6 a.m. |
| <b>Office</b>     | 100%                          | 10%                            | 10%                           | 5%                             | 5%                  |
| <b>Retail</b>     | 50%                           | 90%                            | 100%                          | 90%                            | 5%                  |
| <b>Restaurant</b> | 50%                           | 100%                           | 100%                          | 100%                           | 10%                 |
| <b>Hotel</b>      | 70%                           | 100%                           | 70%                           | 100%                           | 70%                 |

- b. Temporary Surface Parking.
  - c. Restaurant parking shall be provided at a ratio of one (1) space for every 100 square feet of building. Kitchens and utility areas are exempt from calculating parking requirements.
  - d. Any parking for a conference use within a hotel shall not be required to provide any additional parking that than calculated for the hotel use.
4. UDC Section 2.09.04 **Building Façade Material Standards** shall apply, except:
- a. Primary building materials shall constitute a minimum of seventy percent (70%) of the façade and shall include a combination of the following materials: Class 1 Masonry, porcelain tile, and high pressure laminate panels.
  - b. Secondary building materials may constitute a maximum of twenty percent (20%) of the façade and shall be Class 2 Masonry materials: stucco

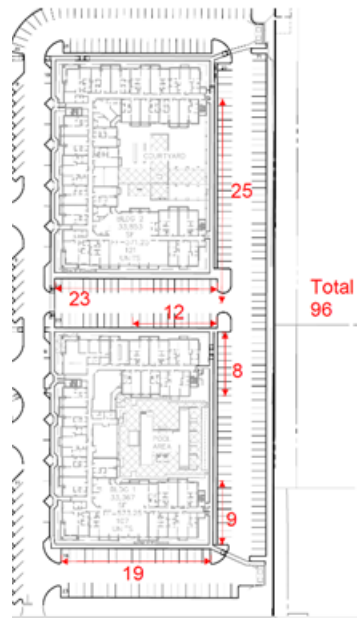
- c. Accent materials may constitute a maximum of ten percent (10%) of the façade and may include a combination of the following materials: painted metal and fiber reinforced plastic.
  - d. Building material percentages shall exclude glass and doorways.
  - e. Roofing materials (visible from any public right-of-way) may include: copper, factory finished painted metal, slate, synthetic slate, terra cotta, cement tile, glass fiber shingles or similar materials. Glaring roofing materials are not allowed.
  - f. The building architecture shall be complimentary to the conceptual elevations.
  - g. Neutral and earth tone colors are permitted. Accent or non-neutral colors are permitted and may be limited to a fifteen percent (15%) maximum area of the building façade. The colors shall be complimentary to conceptual elevations.
5. UDC Section 2.09.06 **Nonresidential Architectural Standards** shall apply, except:
- a. Section 2.09.06.C. Nonresidential Building Orientation does not apply. Buildings are required to face either public right-of-way, access easement for which the building is being accessed by, or open space. Side or rear facades shall be of finished quality and of the same color and materials that blend with the front of the building.
  - b. Table 17, “Menu of Nonresidential Design Elements” of Section 2.09.06.D.1. shall apply and includes the following additional design elements: enhanced building material patterns, enhanced storefront framing system, and decorative wall sconces.
6. UDC Section 2.09.07 **Lighting and Glare Regulations** shall apply, except:
- a. Festoon or string lighting shall be allowed.
7. UDC Section 4.01 **Sign Regulations** shall apply, except:
- a. A Unified Sign Plan is included within this PD district.
  - b. The monument sign for this development may consist of an architectural feature, such as a tower, provided that the feature reinforces the design theme of the project.
  - c. The height of the monument sign may be fifty (50) feet, provided that six (6) of the performance standards, listed in the City’s Unified Development Code, are provided and shall be approved with the site plan by City Council.

- d. The sign regulations shall apply except as otherwise described herein and except for approved public art.
  - e. The setback for monument signs in Section 4.01.15.F.6 Multi-tenant Monument Sign (Sign, Multi-tenant Monument) - I-35E is waived. A vision clip at a minimum of 15 feet will be required.
  - f. The square footage provisions of Section 4.01.15.F.9 (d) Changeable Electronic Variable Message sign for Multi-tenant Monument Sign (Sign, Multi-tenant Monument) is waived.
8. UDC Section 4.02 **Fence and Screening Regulations** shall apply.

**E. Development Standards – Area B (Residential)**

The Development Standards described in Section 2.04.09 of the Unified Development Code, Ordinance No. 13-05-02-08, for the MF-3, Multi-Family Residential District, as amended shall apply except as follows:

- 1. UDC Section 2.07.07 **Accessory Buildings and Uses** shall apply.
- 2. UDC Section 2.09.01 **Landscape Regulations** shall apply, except:
  - a. Section 2.09.01.B.1.k.i and ii. Additional Multifamily Landscape Requirements, a minimum of ten (10) foot landscape on all sides of the building and may include sidewalks.
- 3. UDC Section 2.09.02 **Tree Preservation** shall apply.
- 4. UDC Section 2.09.03 **Vehicle Parking Regulations** shall apply, except:
  - a. Section 2.09.03.D.1., Parking may be located in front building line.
  - b. Section 2.09.03.D.2., Parking for Multi-Family shall be 1 space per unit plus 1 space per additional bedroom.
  - c. Covered parking, such as canopies/carports, are only permitted in the locations shown and must be built to the following style.



Color to complement the building

5. UDC Section 2.09.04 **Building Façade Materials** shall apply, except:
  - a. Primary building materials shall constitute a minimum of eighty percent (80%) of the façade on the first and second stories and a minimum of thirty-five percent (35%) of the façade on the third and fourth stories and shall be Class 1 Masonry: natural stone and brick.
  - b. Secondary building materials may constitute a maximum of twenty percent (20%) of the façade on the first and second stories and maximum of sixty-five percent (65%) of the façade on the third and fourth stories and shall be stucco.
  - c. Accent materials may constitute a maximum of thirty percent (30%) of the façade on the third and fourth stories and shall be woodtone.
  - d. Building material percentages shall exclude glass and doorways.
  - e. Glaring roofing materials are not allowed.
6. UDC Section 2.09.05 **Residential Adjacency Standards** shall apply.
7. UDC Section 2.09.07 **Lighting and Glare Regulations** shall apply.
8. UDC Section 4.01 **Sign Regulations** shall apply.
9. UDC Section 4.02 **Fence and Screening Regulations** shall apply.

**F. Open Space, Trails, and Amenities**

A “Property Owner’s Association” (“POA”) shall be established for Millennium that will be responsible for the maintenance of common areas including open space, pond, trails, fire lanes, and access easements. The POA shall own the lots that are platted as designated open space lots.

In order to promote a walkable community with open space and amenities, Millennium shall include the following items:

1. Minimum of 11% of open space;
2. Amenity pond with aeration that may be used for storm water retention and irrigation;
3. 6’ concrete trail surrounding the pond;
4. Pedestrian improvements as each development occurs within Millennium to provide connectivity to the trail around the pond;
5. Plaza/gathering area to allow for outdoor events such as, but not limited to, festivals, music performances, art shows, food truck vendors, and/or splash pads;
6. Outdoor dining
7. Statues or fountains;
8. Street furnishings that may include benches, trash receptacles, bike racks, pedestrian bollards, and street lighting that are complimentary to the development theme.
9. 10’ landscape buffer adjacent to the northern and eastern most property lines.

**G. Administration**

The following section sets forth the procedure for reviewing and approving development applications. Any requirement not listed herein, shall revert to the City’s Unified Development Code, Ordinance No. 13-05-02-08, for development application processes.

1. Amendments to the Planned Development (PD) Ordinance: Minor changes/modifications to the PD may be authorized by the Planning Director provided that the changes will not cause any of the following to occur:
  - a. A change in the permitted uses;

- b. A change in character;
  - c. An increase in residential density;
  - d. A decrease in open space; or
  - e. An increase in allowed building heights;
2. If the items listed above occur, then the PD will be required to be amended through the City's PD rezoning process.
  3. Concept Plan: The approved Concept Plan attached herein demonstrates the development intent of this PD and is a conceptual layout. Building locations, parking lots, landscape, and vehicular circulation may be altered provided that the requirements of this PD are met. The uses shown on the Concept Plan are subject to change within Area A provided that the parking requirements can be achieved. The subsequent Site Plan process will act as the regulating process to ensure compliance with the PD and applicable City Codes, see "Site Plan" below.
  4. Site Plan: For this Planned Development (PD) the approved Concept Plan attached herein shall replace the Site Plan requirement that is listed in Section 2.10.08.B.1.a.ii., Rezoning Applications Requiring Site Plans, of the City's Unified Development Code. Subsequent Site Plans shall be required for the phase which is being developed. Landscape buffers along Dobbs Road and I-35E shall be installed as part of the individual Site Plan(s) that occur for each lot that is adjacent to these roadways. Site Plans shall be processed administratively by the Planning and Development Director.
  5. Non-Residential Use Trigger Event: Prior to the issuance of a Certificate of Occupancy (CO) for the second Urban Residential building as shown on the approved Concept Plan, a minimum of 15,000 square feet of non-residential building space shall have been issued a building permit (the hotel shall not be calculated towards the 15,000 square feet). A maximum 10% reduction in required building square footage shall be allowed for required building articulation.
  6. Phased Construction: Phase one construction of residential buildings shall also include: the main entrances off of I-35E and Dobbs Road including enhanced paving, main spine road and roundabout, retention/detention pond with aeration and perimeter trail, as well as, landscape buffers directly adjacent to Phase one construction.
  7. Area B-Residential: The total land area of Area B-Residential shall not exceed 26% of gross land area for this project as shown on Exhibit "D" Zoning Concept Plan.





1 PEDESTRIAN MALL



2 WATER FEATURE/PLAZA



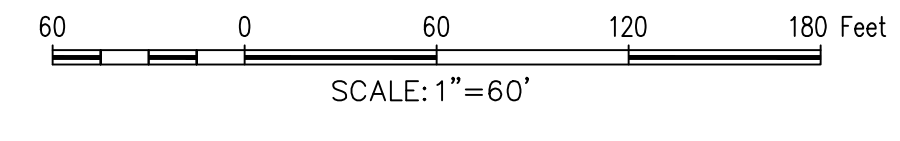
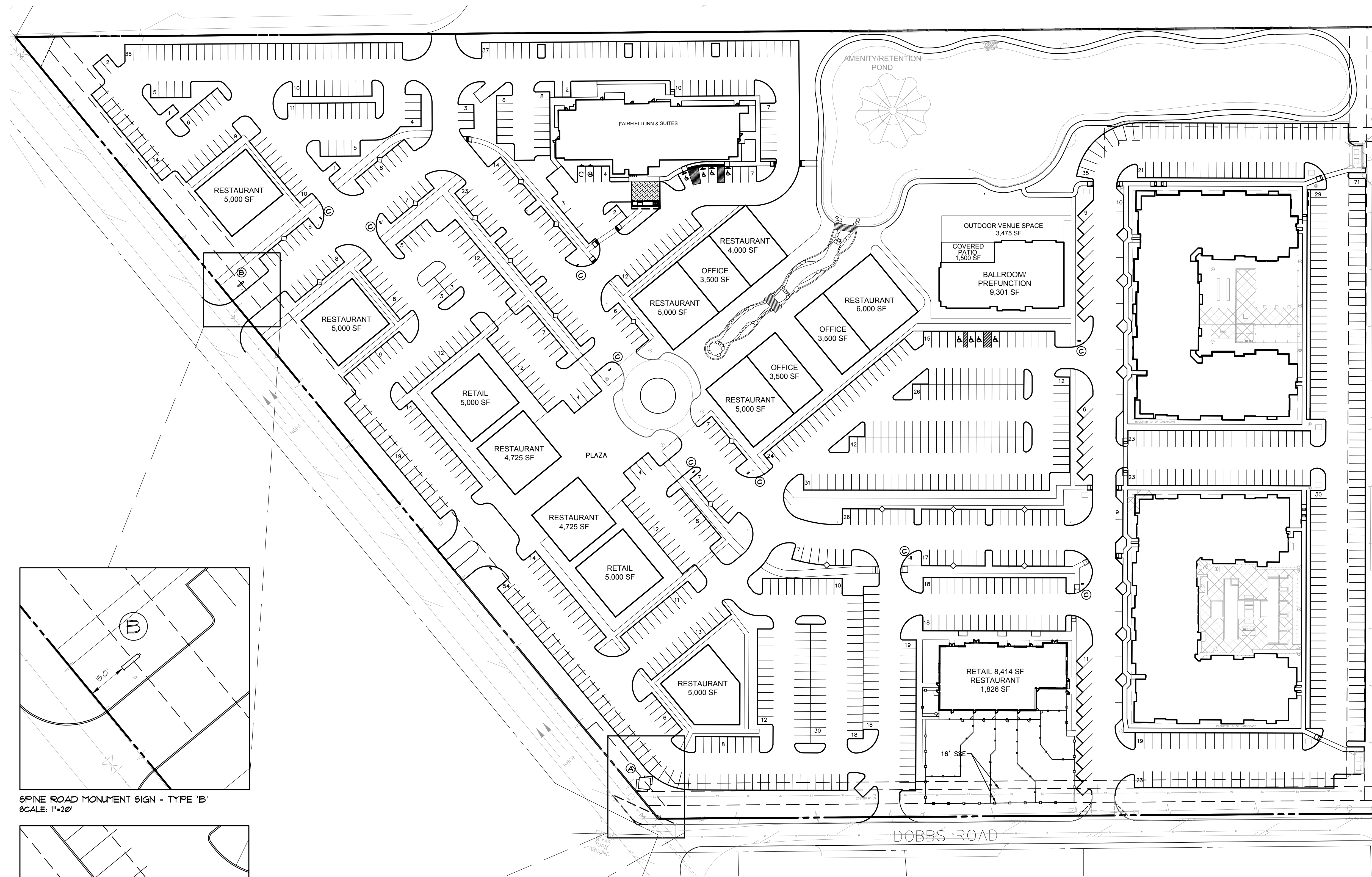
3 WATER FEATURE/POND



4 BOLLARDS/STREET LEVEL PLAZA



5 OUTDOOR DINING



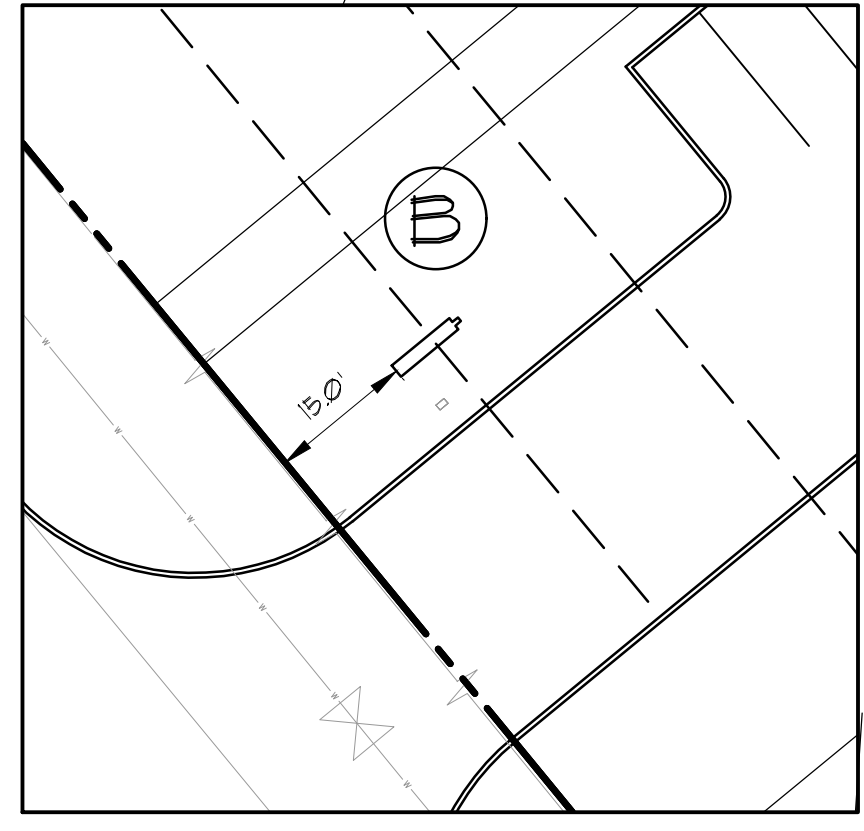
**LEGEND**

- (A) TOWER MONUMENT SIGN (x1)
- (B) SPINE ROAD MONUMENT SIGN (x1)
- (C) DIRECTIONAL SIGNS (x3)

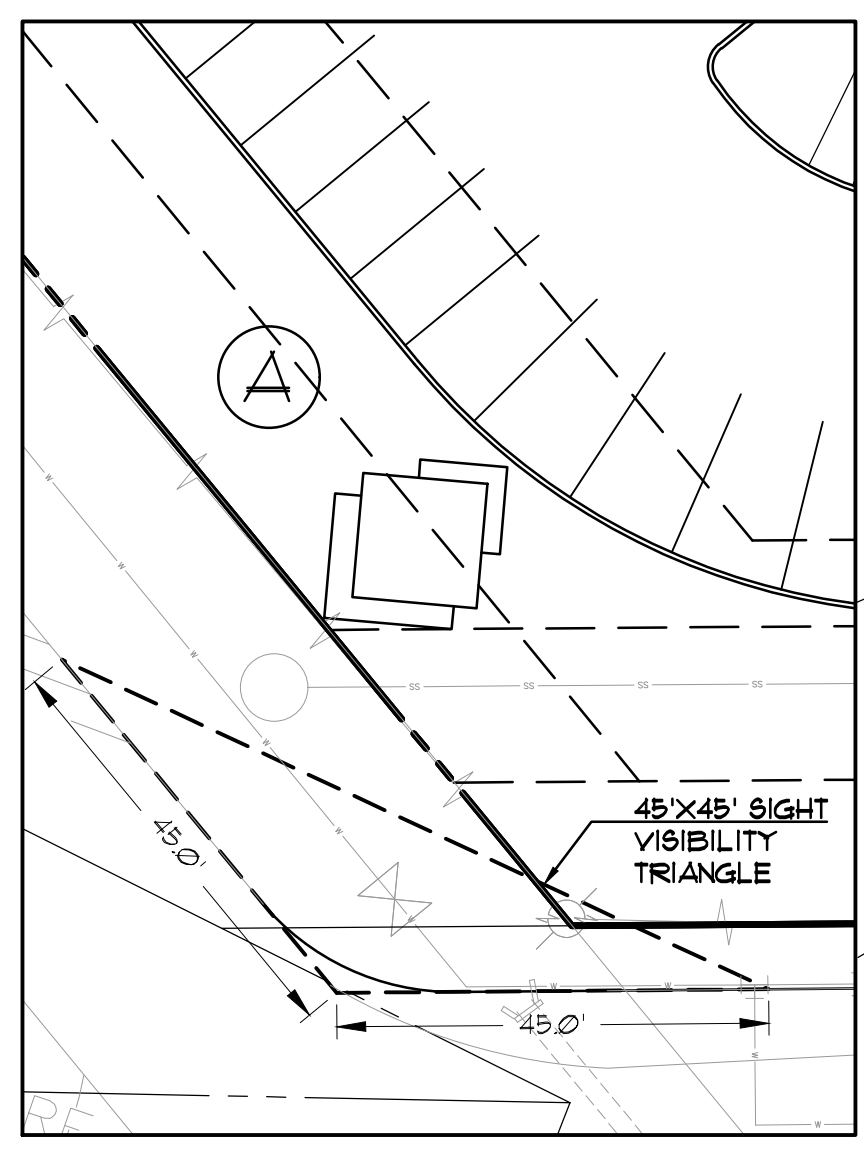
**NOTES:**

REF. SIGN PACKAGES FOR TOWER MONUMENT SIGN, SPINE ROAD MONUMENT SIGN AND DIRECTIONAL SIGN DESIGNS.

TOWER MONUMENT SIGN NOT TO BE PLACED WITHIN 45'x45' SIGHT VISIBILITY TRIANGLE AT THE INTERSECTION DOBBS RD. AND I-35 FRONTAGE ROAD.



SPINE ROAD MONUMENT SIGN - TYPE 'B'  
SCALE: 1"=20'



MONUMENT TOWER SIGN - TYPE 'A'  
SCALE: 1"=20'

The John R. McAdams Company, Inc.  
(DBA: G&A | McAdams)  
1111 Hillside Drive  
Lewisville, Texas 75057  
972.436.9712  
201 Country View Drive  
Rowland, Texas 76262  
TBE: 8792 3783 TBA: S. 1019440  
www.mcadams.com



MILLENNIUM UNIFIED SIGN PLAN

MILLENNIUM  
in the  
CITY OF CORINTH  
DENTON COUNTY, TEXAS

MILLENNIUM  
UNIFIED SIGN PLAN

**PRELIMINARY PLANS**  
INTERIM REVIEW  
FOR CONSTRUCTION  
AND IS NOT INTENDED  
FOR BIDDING, OR PERMIT  
PURPOSES. LANDSCAPE ARCHITECT  
JAMESON PINSON LANDSCAPE ARCHITECTS  
STATE OF TEXAS  
2826  
DATED 12/17/2018

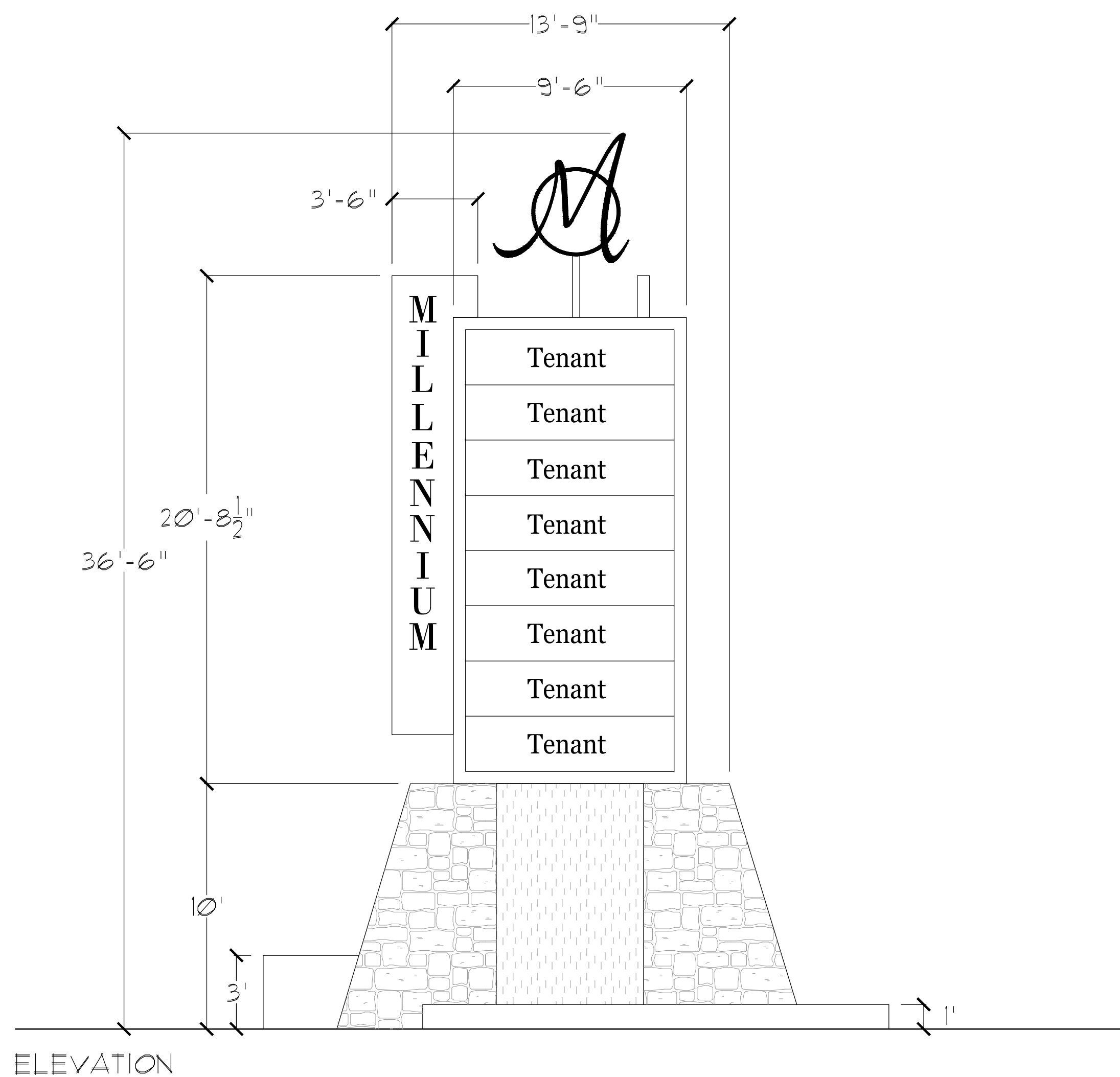
Drawn By: MH  
Date: 12/17/18  
Scale:  
Revisions:

15267

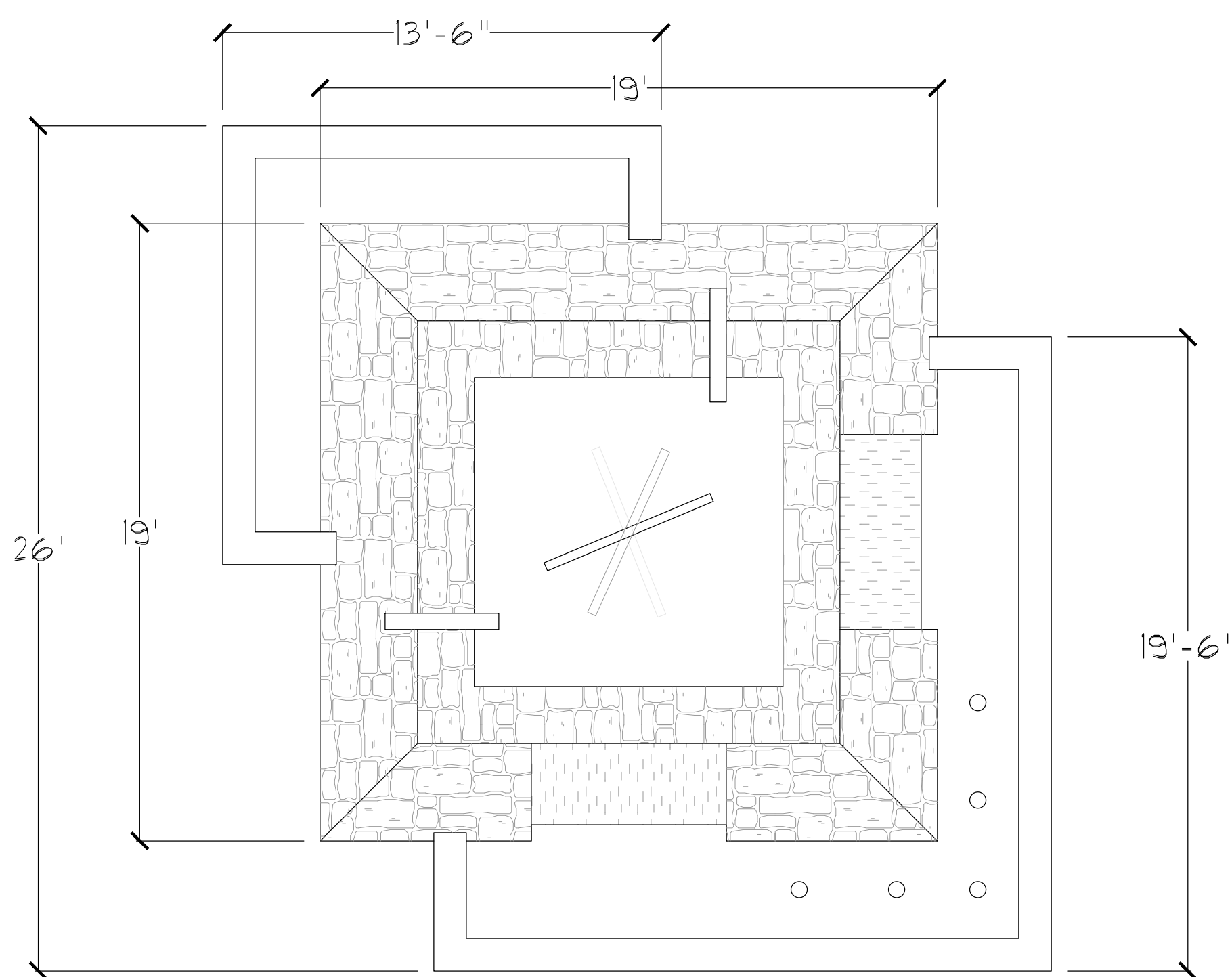
OWNER/DEVELOPER  
1-36E MILLENNIUM LP  
5508 SEAPINES DRIVE  
PLANO, TX 75093  
Contact: M. WILLIAM TSAO



File: A:\2015\15267\Drawings\Concept\MONUMENT SIGN\15267 MONUMENT SIGN.dwg  
Plotted: 12/17/2018 10:58 AM by Megan Houston. Saved: 12/17/2018 10:57 AM by Megan



ELEVATION

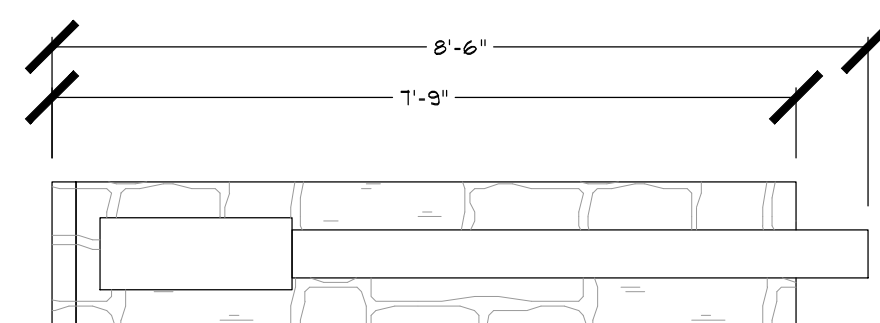


PLAN VIEW

**1. MONUMENT TOWER SIGN**  
1/4"=1'

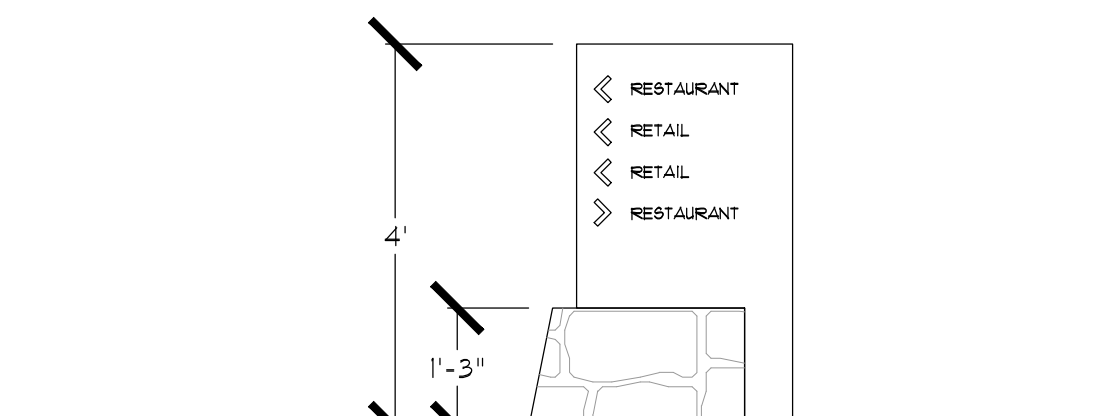


ELEVATION

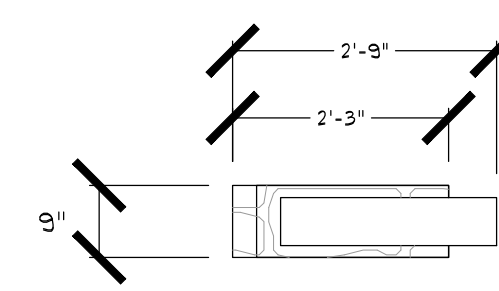


PLAN VIEW

**2. SPINE ROAD MONUMENT SIGN**  
1/2"=1'



ELEVATION



PLAN VIEW

**3. DIRECTIONAL SIGN**  
1/2"=1'

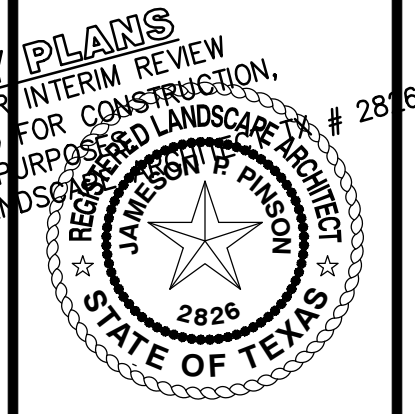
The John R. McAdams Company, Inc.  
(DBA, G&A McAdams)  
1111 Hillside Drive  
Lewisville, Texas 75057  
201 Country View Drive  
Round Rock, Texas 78662  
TBP# 18763 TBP# S. 1019440  
www.mcadamsco.com



**MILLENNIUM**  
in the  
CITY OF CORINTH  
DENTON COUNTY, TEXAS

**MILLENNIUM UNIFIED SIGN PLAN**

**PRELIMINARY PLANS**  
THIS DOCUMENT IS FOR INTERIM REVIEW  
AND IS NOT INTENDED FOR CONSTRUCTION.  
BIDDING, OR PERMIT FILING PURPOSES.  
JAMESON PINSON LANDSCAPE ARCHITECTS  
DATED 12/17/2018



Drawn By: MH  
Date: 12/17/18  
Scale:  
Revisions:

**15267**



**OWNER/DEVELOPER**  
1-36E MILLENNIUM LP  
5508 SEAPINES DRIVE  
PLANO, TX 75093  
Contact: M. WILLIAM TSAO

File: A:\2015\15267\Drawings\Concept\MONUMENT\_SIGN\15267\_MONUMENT\_SIGN\_0300.dwg  
Plot Date: 12/17/2018 10:35 AM, by Morgan Heston, Sheet: 12/17/2018 10:35 AM, by Morgan

ORDINANCE NO. 16-08-18-26  
MILLENNIUM

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE, ORDINANCE 13-05-02-08, BY AMENDING THE ZONING CLASSIFICATION FROM MIXED-USE COMMERCIAL (MX-C) TO PLANNED DEVELOPMENT MIXED USE COMMERCIAL (PD MX-C) ON PROPERTY DESCRIBED AS 24.197 ACRES BEING TRACT 5B (1.5 ACRES), TRACT 5C (1.5 acres), TRACT 5A (1.5 ACRES) AND TRACT 5 (20.1 ACRES) SITUATED IN THE H. GARRISON SURVEY, COUNTY ABSTRACT 507 IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS; PROVIDING FOR A PD DESIGN STATEMENT AND A PD DESIGN MAP; PROVIDING A LEGAL PROPERTY DESCRIPTION; APPROVING A PLANNED DEVELOPMENT MASTER PLAN; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000; PROVIDING FOR PUBLICATION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Corinth, Texas has adopted Ordinance 13-05-02-08, which adopts a Unified Development Code, which includes the Comprehensive Zoning Ordinance and which, in accordance with the City's Comprehensive Plan, establishes zoning districts and adopts a Zoning Map; and

**WHEREAS**, the hereinafter described property is zoned as Planned Development Classification under the City's Unified Development Code and a person having a proprietary interest in the property has requested a change in the zoning classification of said property; and

**WHEREAS**, the Planning and Zoning Commission of the City of Corinth and the City Council of the City of Corinth, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Corinth City Council is of the opinion that said change in zoning should be made; and

**WHEREAS**, the City Council considered the following factors in making a determination as to whether the requested change should be granted or denied: safety of the motoring public and the pedestrians using the facilities in the area immediately surrounding the sites; safety from fire hazards and damages; noise producing elements and glare of the vehicular and stationary lights and effect of such lights on established character of the neighborhood; location, lighting and types of signs and relation of signs to traffic control and adjacent property; street size and adequacy of width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood; relationship and appropriateness of any changes to both the existing land use plan, comprehensive plan, and other planning documents of the City; adequacy of parking as determined by requirements of this ordinance for off-street parking facilities; location of ingress and egress points for parking and off-street loading spaces, and protection of public health by surfacing on all parking areas to control dust; effect on the promotion of health and the general welfare; effect on light and air; effect on the over-crowding of the land; effect on the concentration of population, and effect on transportation, water, sewerage, schools, parks and other public facilities; and

**WHEREAS**, the City Council further considered among other things the character of the district; the suitability for particular uses, aesthetic quality of the architectural design, the view to conserve the value of the buildings, the design consistency throughout the site, the preservation of site integrity, the consistency of landscape design, the environmental quality impact, the efforts to contribute to the overall community design objectives including adjacent properties, and provide a positive example for future projects, and encourage the most appropriate use of the land throughout this City; and

**WHEREAS**, the City Council finds that the change in zoning promotes the health and the general welfare, provides adequate light and air, prevents the over-crowding of land, avoids undue concentration of population, and facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and the general health, safety and welfare of the community;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:**

**SECTION I - LEGAL PROPERTY DESCRIPTION; AMENDMENT**

That in accordance with the Unified Development Code, the Zoning Map of the City of Corinth is hereby amended by amending the zoning on 24.197 acres of land described in "Exhibit A" attached hereto, from Mixed Use-Commercial (MX-C) to Planned Development Mixed Use-Commercial (PD MX-C).

**SECTION II – PLANNED DEVELOPMENT MASTER PLAN**

The PD Design Statement and PD Concept Design Map documents approved and described as “Exhibit B” attached hereto and made a part hereof are approved.

**SECTION III – LAND USE REGULATIONS**

- A. The Zoning and Land Use Regulations set forth in “Exhibit C” attached hereto and made a part hereof for all purposes shall be adhered to in its entirety for the purposes of this Planned Development Mixed Use-Commercial District. In the event of conflict between the provisions of “Exhibit C” and provisions of any other exhibit, the provisions of “Exhibit C” control.
- B. That the zoning regulations and districts as herein established have been made in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed, with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future; to lessen congestion in the streets; to provide adequate light and air; to prevent over-crowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, drainage and surface water, parks and other commercial needs and development of the community. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community
- C. If, after two years from the date of approval of the Planned Development Master Plan, no substantial development progress has been made within the PD, then the Planned Development Master Plan shall expire. If the Planned Development Master Plan expires, a new Planned Development Master Plan must be submitted and approved according to the procedures within the Unified Development Code, Planned Development Application and Review. An extension of the two year expiration shall be granted if a development Application for the PD has been submitted and is undergoing the development review process or if the Director of Planning determines development progress is occurring.
- D. The Planned Development Master Plan shall control the use and development of the property, and all building permits and development requests shall be in accordance with the plan until it is amended by the City Council. The property owner shall furnish a reproducible copy of the

approved PD Concept Design Map for signature by the Mayor and acknowledgement by the City Secretary. The Planned Development Master Plan, including the signed map shall be made a part of the permanent file and maintained by the City Secretary.

**SECTION IV – PENALTY FOR VIOLATIONS**

Any person, firm, or corporation violating any of the provisions of this ordinance shall upon conviction be fined a sum not to exceed two thousand dollars (\$2,000.00); and each and every day that these provisions are violated shall constitute a separate and distinct offense.

**SECTION V – SEVERABILITY CLAUSE**

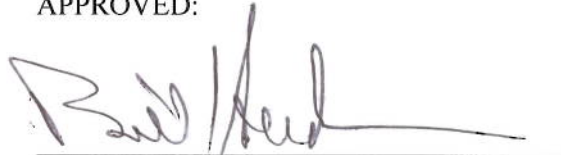
If any section, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

**SECTION VI – EFFECTIVE DATE**

This ordinance shall become effective after approval and publication as provided by law.

**PASSED AND APPROVED THIS 18<sup>TH</sup> DAY OF AUGUST, 2016.**

APPROVED:



Bill Heidemann, Mayor

ATTEST:



Kimberly Pence, City Secretary

APPROVED AS TO FORM:



Mack Reinwald  
City Attorney

**EXHIBIT A  
LEGAL DESCRIPTION**

Being all that certain lot, tract or parcel of land situated in the H. Garrison Survey, City of Corinth, Denton County, Texas, being part of that certain called 24.197 acres tract of land described in deed to Donald L. Anderson and wife, Virginia L. Anderson recorded in Volume 562, Page 593 of the Deed Records of Denton County, Texas, the same being described in deed to D.L.A. Partners, Ltd. recorded in Volume 4168, Page 2634 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a ½" capped rebar (G & A) set at the southeast corner of said tract, being on the north line of Dobbs Road and being on the west line of Carpenter Street;

THENCE N 89°59'42" W, 812.44 feet, along the north line of Dobbs Road and the south line of said Anderson tract, to a ½" capped rebar (G & A) set on the east right-of-way line of Interstate Highway 35E according to deed to the State of Texas recorded in Volume 400, Page 511 of the Deed Records of Denton County, Texas;

THENCE N 39°01'00" W (Record), 1150.79 feet, along the east right-of-way line of Interstate Highway 35E, to a ½" capped rebar (G & A) set on the north line of said Anderson tract, being on the south line of that certain tract of land described in deed to C. R. Brown recorded in Volume 285, Page 520 of the Deed Records of Denton County, Texas,

THENCE S 89°59'01" E, along the north line of said Anderson tract and the south line of said Brown tract, and passing the southwest corner of that certain tract of land described as Tract D in deed to Philip C. McGahey recorded in Clerk's File Number 93-23046 of the Real Property Records of Denton County, Texas, and continuing a total distance of 1545.91 feet, to a ½" rebar found at the northeast corner of said Anderson tract, being the southeast corner of said McGahey tract and being on the west line of Carpenter Street, and being on the west line of that certain tract of land described as Tract II in deed to Harvest Christian Ministries, Inc. recorded in Clerk's File Number 97-015608 of the Real Property Records of Denton County, Texas;

THENCE S 00°34'34" W, 893.80 feet, along the east line of said Anderson tract and the west line of Carpenter Street and said Harvest Christian Ministries tract, to the POINT OF BEGINNING and containing approximately 24.197 acres of land.

## **EXHIBIT B PD DESIGN STATEMENT & DESIGN MAP**

Millennium is being proposed to the City of Corinth by Lakeview Parkway Partners, LP. The site is ideally located on the east side of I-35E and north of the existing Dobbs Rd. In conjunction with the proposed thoroughfare plan, Millennium will be optimally located within the proposed loop, along with access to the proposed Dobbs Rd. Currently, the site is bordered by South Denton Storage and an undeveloped lot to the north, Sarang Prayer Center and undeveloped lots to the east, and Metroplex Roof and Fence and an undeveloped lot to the South.

The proposed development, along with the adjacent properties to the north, east and south are currently zoned as MX-C Mixed Use Commercial. The Future Land Use for the site, along with the adjacent properties to the north, east, and south are proposed to be Mixed Use Non-Residential. The proposed development does not include proposed streets or ROW, but will be accessed through access easements/fire lanes. The site contains little to no trees, and has a gentle slope from the southwest to the northeast with approximately 8' of elevation change. The proposed 1.5 acre amenity pond will be utilized as a wet amenity pond and to meet detention requirements. A 10" sanitary sewer line is located approximately 500' of the NE corner of this site and runs parallel to the railroad tracks on the west side, and an 8" sanitary sewer line also runs along Dobbs. There is a 12" waterline along I-35E ROW and an 8" waterline along Dobbs. The proposed sequence of development is shown on the Exhibit "D" Zoning Concept Plan. PH 1 will include Area B-Residential 6.067 acres, Area C-Open Space 2.693 acres, the proposed fire lane and access easement, along with the non-residential trigger event requirement proposed in Section 2G-6.

Millennium is a mixed-use development designed to be a lifestyle destination for the City of Corinth. It includes both residential and non-residential uses in a walkable setting that frame a linear water way with a plaza at one terminus and a 1.5 acre pond at the other. Millennium's layout was inspired by ancient Corinth in Greece.



*Corinth Canal (Source: Google Images)*



The design intent is to pay homage to the ancient city by gracing the open space between I-35E entry and the 1.5 acre pond with enhanced pedestrian paving, large canopy trees, lighting, street furnishings, landscaping, water feature, and a meandering brook highlighted with natural stone.

Canvas and lighting above the pedestrian walkway between the two towers creates a human-scale environment and the gateway for Millennium.



*Example of canvas and lighting across pedestrian plaza (Source: Google Images)*

The plaza will become a gathering place for the community and will include outdoor dining opportunities and a water feature or statue.



*Example of outdoor dining in the plaza (Source: Google Images)*



*Example of water feature in the plaza (Source: Google Images)*

The pedestrian circulation is a critical element of the design for Millennium. As each building is constructed, a planned pedestrian connection to the main trail system is required. As a live, work, and play community, the design enhances the pedestrian experience in order to move people between the uses regardless of where they have parked. Millennium’s concept is to create an environment for people that is comfortable, enjoyable, and at the human scale rather than a typical auto-oriented development.

The linear water way will include an intimate stream for patrons to enjoy in a park-like setting as they traverse through the community’s trail system or while waiting to be seated in one of the nearby restaurants. The natural ambiance created by the water way will be a positive recreational amenity for both patrons and residents to enjoy. The edges of the water way will be treated in a variety of ways to give visitors a mixture of experiences. The meandering brook will be portrayed as a natural stream garnished with large natural stone and landscaping, which feeds into a rock waterfall that spills into a 1.5 acre pond. The pond edges will also have several treatments. A manicured lawn with a gentle slope to the water’s edge on the east will transition to taller native grass areas to the west to symbolize the marrying of the built and natural environments.



*Example of waterway between buildings (Source: Google Images)*

The two principal buildings along the highway will have towers at each end which represents the Acrocorinth Towers of Ancient Greece.



*Acrocorinth Towers (Source: Google Images)*

The design of the building facade will respond to the transformation from ancient Corinth to modern Corinth. The traditional building material, limestone veneer, is applied to the towers, then, it transitions to masonry veneer with a louver screen, and ending with the contemporary cladding system to enhance the contemporary Texas Prairie style of architecture See Exhibit “F” for the Residential Conceptual Elevations and Exhibit “G” for the Retail Conceptual Elevations. Building architecture within Millennium shall be complimentary to these elevations to create a cohesive development.

Millennium will be Corinth’s premier mixed-use destination for both citizens and passersby to enjoy the dining, retail, office, and residential opportunities. The plaza and amenities can be used for civic events or festivities for the community. The following Design Map represents the design intent for this development.

**Exhibit B - PD Design  
 Map**



**CERTIFICATE OF APPROVAL – PD DESIGN MAP**

Approved  
  
 Mayor, City of Corinth, Texas

*August 25, 2016*  
 Date

The undersigned, the City Secretary of the City of Corinth, Texas, hereby certifies that the foregoing Design Map for Millennium was submitted to the City Council on the 18 day of August, 2016 and the Council by formal action, then and there accepted the PD Design Map, and said Council further authorizes the Mayor to note the acceptance thereof by signing his/her name as hereinabove subscribed.

Witness by hand this 25 day of August, 2016.

  
 City Secretary, City of Corinth, Texas

*August 25, 2016*  
 Date



**EXHIBIT “C”  
LAND USE REGULATIONS**

**SECTION 1: REGULATIONS**

**A. Purpose**

The regulations set forth in this Exhibit provide development standards for Planned Development Mixed Use-Commercial district for Millennium. The Planned Development (PD) District is identified by metes and bounds on Exhibit A and is depicted on Exhibit B with three areas, Area A - Non-Residential Area, Area B - Residential Area and Area C, - Open Space. Every use not authorized herein is expressly prohibited in this Planned Development (PD) District.

**B. Base Districts**

In this Planned Development (PD) District, the Mixed-Use Commercial District regulations of the Corinth Unified Development Code, Ordinance No. 13-05-02-08, shall apply to the non-residential area, as shown in Area A on Exhibit B – Design Map, except as modified herein. The MF-3, Multi-Family Residential, shall apply to the residential area as shown in Area B on Exhibit B – Design Map.

**SECTION 2: USES AND AREA REGULATIONS**

**A. Purpose**

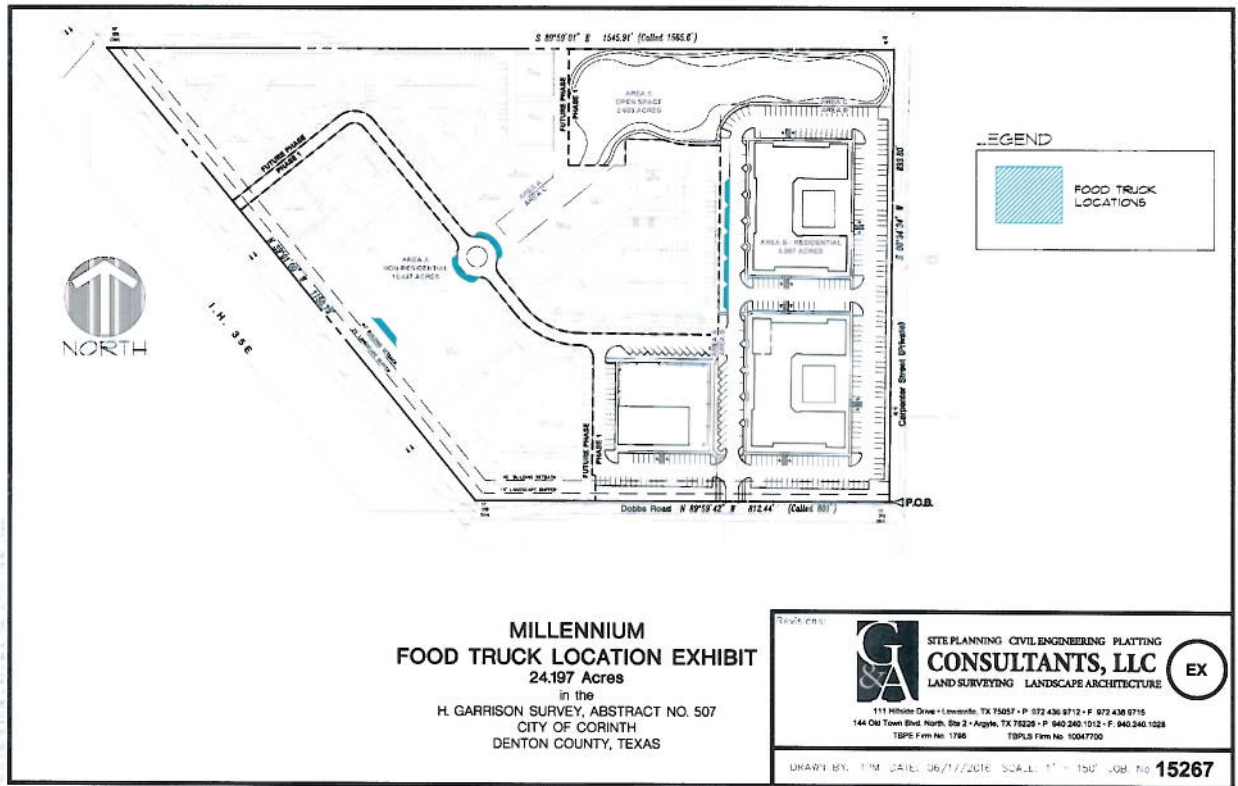
In the Planned Development (PD) District, no building or land shall be used and no building shall be hereafter erected, reconstructed, enlarged or converted, unless permitted by the Mixed-Use Commercial District regulations of the Unified Development Code except as otherwise included in the PD.

**B. Permitted Uses and Use Regulations**

1. The Permitted Uses in Section 2.06.02 of the Unified Development Code, Ordinance No. 13-05-02-08, for the Commercial Mixed Use District and shall include the following uses, respectively:
  - a. Dog Park, Private or Public, with conditions
  - b. Dwelling, Multi-Family (permitted in Area B Only)
  - c. Kennel, Veterinary Office, with conditions
  - d. Library
  - e. Park, Playground, or Community Center, Public
  - f. Radio or TV Station
  - g. Wedding Chapel, Reception Facility, Special Events Center
  - h. Food Trucks, with conditions

2. The following list of uses require an approved Specific Use Permit to be allowed within this PD District:
  - a. Farmer's Market
  - b. Parking Garage
  - c. Festival
  
3. The following Prohibited Uses are not allowed within this PD District:
  - a. Automobile or other Motorized Vehicle Sales and Service
  - b. Automotive Part Store
  - c. Automobile Service Garage, Major or Minor
  - d. Car Wash, Full Service or Self Service
  - e. Exterminating Company
  - f. Feed Store
  - g. Gas or Oil Well and Production
  - h. Gasoline Filling or Service Station/Car Wash
  - i. Storage Units, Mini / Warehouse
  - j. Taxi Garage or Dispatch
  
4. The following Conditional Development Standards shall apply:
  - a. The Kennel use shall comply with Section 02.07.04 of the Unified Development Code, in addition to the following standards:
    - i. The hours of operation shall be from 7:00 am to 7:00 pm on Monday through Friday. On Saturday and Sunday the hours of operation shall be 9:00 am to 5:00 pm.
  
  - b. The Dog Park use
    - i. Shall maintain the hours of operation from 7:00 am to 9:00 pm.
    - ii. Will be owned and operated by the Retail Establishment.
    - iii. A double-gated system shall be installed to prevent dog escape.
    - iv. Two separate dog areas shall be provided. One for small dogs and one for large dogs.
    - v. Shall provide a dog waste station, cleaning supplies, covered garbage cans, and waste bags.
    - vi. A 6' ornamental metal fence shall be installed and provided on the entire perimeter of the dog park.
    - vii. May be open to the public during hours of operation on weekends upon City approval.
    - viii. Occupancy limits shall not exceed 100 square feet per dog.
    - ix. The following rules shall be implemented to govern use of the dog park and be enforced by the Retail Establishment
      - a) Dogs entering park must be up to date on their shots.

- b) Dogs entering park must be leashed.
  - c) Owners are responsible for their dog(s)' behavior.
  - d) Owners are responsible to clean up after their dog(s).
  - e) Additional rules may be added.
- c. Food truck vendors shall be allowed and shall be located in areas shown on the following Food Truck Location Exhibit. The hours for food truck vendors shall be from 10:00 am to 10:00 pm



**C. Dimensional Regulations**

The Dimensional Regulations described in Section 2.08.05 of the Unified Development Code, Ordinance No. 13-05-02-08, for the MX-C, Mixed Use Commercial shall apply to Area A except as follows:

| Regulation         | MX-C | PD – Area A             |
|--------------------|------|-------------------------|
| Minimum Front Yard | 40'  | 40' along 35E and Dobbs |
| Minimum Side Yard  |      |                         |
| Interior Lot       | 15'  | 0'                      |
| Corner Lot         | 15'  | N/A                     |
| Minimum Rear Yard  | 20'  | 0'                      |

|                       |                           |  |
|-----------------------|---------------------------|--|
| Minimum Lot Area      | 20,000 SF                 | 5,000 SF   |
| Minimum Lot Width     | 150'                      | 50'  |
| Minimum Lot Depth     | 100'                      | 50'  |
| Maximum Height        | 2 ½ Stories or 40' w/ SUP | 70' / 5 Stories (Hotel Only) 2 ½ stories or 40' w/ SUP on all other buildings* |
| Maximum Building Area | 50%                       | N/A  |

\*Architectural elements may be allowed up to 50' in height.

The Dimensional Regulations described in Section 2.08.04 of the Unified Development Code, Ordinance No. 13-05-02-08, for the MF-3, Multi-Family Residential shall apply to Area B except as follows:

| Regulation            | MF-3  | PD – Area B                        |
|-----------------------|---|------------------------------------|
| Minimum Front Yard    | 30'   | 30'                                |
| Minimum Side Yard     |   |                                    |
| Interior Lot          | 30'   | 0'                                 |
| Corner Lot            | 30'   | N/A                                |
| Minimum Rear Yard     | 30'   | 30'                                |
| Minimum Lot Area      | 2,750 SF per DU/at least 1 acre or 16 DU/Acre | 250 Total Units                    |
| Minimum Lot Width     |   |                                    |
| Interior Lot          | 150'  | 150'                               |
| Corner Lot            | 150'  | N/A                                |
| Minimum Lot Depth     | 100'  | 100'                               |
| Minimum Floor Area    | 850 SF/DU                                     | 700 SF/DU                          |
| Maximum Height        | 35' / 2 Stories or 50' w/ Setback             | 60' / 4 Stories w/ rooftop terrace |
| Maximum Building Area | N/A   | N/A                                |
|                       |   |                                    |

**D. Development Standards – Area A (Non-Residential)**

The Development Standards described in Section 2.06.02 of the Unified Development Code, Ordinance No. 13-05-02-08, for the MX-C, Mixed Use Commercial District, as amended shall apply except as follows:

1. UDC Section 2.07.07 **Accessory Buildings and Uses** shall apply.
2. UDC Section 2.09.01 **Landscape Regulations** shall apply, except:



- a. Section 2.09.01.A.6., Landscaping for Nonresidential Areas Adjacent to Residential Areas, does not apply to areas within the Planned Development (PD) District since it is intended to be a mixed-use development.

3. UDC Section 2.09.03 **Vehicle Parking Regulations** shall comply, except:

- a. Section 2.09.03.E., Due to the mixed-use design of this Planned Development (PD) District, Shared Parking standards may be used to satisfy the parking requirement. The following Shared Parking Schedule sets forth the percentage component for the calculation. The number of required parking spaces is determined by multiplying the percentage in each cell by the number of spaces required for the use pursuant to Section 2.09.03.E. of the Unified Development Code and then totaling the resulting numbers for each column, and the column that generates the highest number of parking spaces is the parking requirement.

| <u>Use</u>        | <u>Weekday</u>                |                                | <u>Weekend</u>                |                                | <u>Night</u>        |
|-------------------|-------------------------------|--------------------------------|-------------------------------|--------------------------------|---------------------|
|                   | Daytime<br>6 a.m. –<br>6 p.m. | Evening<br>6 p.m.-<br>midnight | Daytime<br>6 a.m. –<br>6 p.m. | Evening<br>6 p.m.-<br>midnight | Midnight-<br>6 a.m. |
| <b>Office</b>     | 100%                          | 10%                            | 10%                           | 5%                             | 5%                  |
| <b>Retail</b>     | 50%                           | 90%                            | 100%                          | 90%                            | 5%                  |
| <b>Restaurant</b> | 50%                           | 100%                           | 100%                          | 100%                           | 10%                 |
| <b>Hotel</b>      | 70%                           | 100%                           | 70%                           | 100%                           | 70%                 |

- b. Temporary Surface Parking.
- c. Restaurant parking shall be provided at a ratio of 1 space for every 75 square feet of building.

4. UDC Section 2.09.04 **Building Façade Material Standards** shall apply, except:

- a. Primary building materials shall constitute a minimum of eighty percent (80%) of the façade and shall include a combination of the following materials: Class 1 Masonry, porcelain tile, and high pressure laminate panels.
- b. Secondary building materials may constitute a maximum of ten percent (10%) of the façade and shall be Class 2 Masonry materials: stucco
- c. Accent materials may constitute a maximum of ten percent (10%) of the façade and may include a combination of the following materials: painted metal and fiber reinforced plastic.

- d. Building material percentages shall exclude glass and doorways.
  - e. Roofing materials (visible from any public right-of-way) may include: copper, factory finished painted metal, slate, synthetic slate, terra cotta, cement tile, glass fiber shingles or similar materials. Glaring roofing materials are not allowed.
  - f. The building architecture shall be complimentary to the conceptual elevations.
  - g. Neutral and earth tone colors are permitted. Accent or non-neutral colors are permitted and may be limited to a fifteen percent (15%) maximum area of the building façade. The colors shall be complimentary to conceptual elevations.
5. UDC Section 2.09.06 **Nonresidential Architectural Standards** shall apply, except:
- a. Section 2.09.06.C. Nonresidential Building Orientation does not apply. Buildings are required to face either public right-of-way, access easement for which the building is being accessed by, or open space. Side or rear facades shall be of finished quality and of the same color and materials that blend with the front of the building.
  - b. Table 17, “Menu of Nonresidential Design Elements” of Section 2.09.06.D.1. shall apply and includes the following additional design elements: enhanced building material patterns, enhanced storefront framing system, and decorative wall sconces.
6. UDC Section 2.09.07 **Lighting and Glare Regulations** shall apply, except:
- a. Festoon or string lighting shall be allowed.
7. UDC Section 4.01 **Sign Regulations** shall apply, except:
- a. A Unified Sign Plan shall be required.
  - b. The monument sign for this development may consist of an architectural feature, such as a tower, provided that the feature reinforces the design theme of the project.
  - c. The height of the monument sign may be fifty (50) feet, provided that six (6) of the performance standards, listed in the City’s Unified Development Code, are provided and shall be approved with the site plan by City Council.
  - d. The sign regulations shall apply except as otherwise described herein and except for approved public art.
8. UDC Section 4.02 **Fence and Screening Regulations** shall apply.

**E. Development Standards – Area B (Residential)**

The Development Standards described in Section 2.04.09 of the Unified Development Code, Ordinance No. 13-05-02-08, for the MF-3, Multi-Family Residential District, as amended shall apply except as follows:

1. UDC Section 2.07.07 **Accessory Buildings and Uses** shall apply.
2. UDC Section 2.09.01 **Landscape Regulations** shall apply, except:
  - a. Section 2.09.01.B.1.k.i and ii. Additional Multifamily Landscape Requirements, a minimum of ten (10) foot landscape on all sides of the building and may include sidewalks.
3. UDC Section 2.09.02 **Tree Preservation** shall apply.
4. UDC Section 2.09.03 **Vehicle Parking Regulations** shall apply, except:
  - a. Section 2.09.03.D.1., Parking may be located in front building line.
  - b. Section 2.09.03.D.2., Parking for Multi-Family shall be 1 space per unit plus 1 space per additional bedroom.
  - c. Covered parking, such as canopies/carports, are not permitted.
5. UDC Section 2.09.04 **Building Façade Materials** shall apply, except:
  - a. Primary building materials shall constitute a minimum of eighty percent (80%) of the façade on the first and second stories and a minimum of fifty percent (50%) of the façade on the third and fourth stories and shall be Class 1 Masonry: natural stone and brick.
  - b. Secondary building materials may constitute a maximum of twenty percent (20%) of the façade on the first and second stories and maximum of fifty percent (50%) of the façade on the third and fourth stories and shall be stucco.
  - c. Accent materials may constitute a maximum of thirty percent (30%) of the façade on the third and fourth stories and shall be woodtone.
  - d. Building material percentages shall exclude glass and doorways.
  - e. Glaring roofing materials are not allowed.
6. UDC Section 2.09.05 **Residential Adjacency Standards** shall apply.
7. UDC Section 2.09.07 **Lighting and Glare Regulations** shall apply.

8. UDC Section 4.01 **Sign Regulations** shall apply.
9. UDC Section 4.02 **Fence and Screening Regulations** shall apply.

**F. Open Space, Trails, and Amenities**

A “Property Owner’s Association” (“POA”) shall be established for Millennium that will be responsible for the maintenance of common areas including open space, pond, trails, fire lanes, and access easements. The POA shall own the lots that are platted as designated open space lots.

In order to promote a walkable community with open space and amenities, Millennium shall include the following items:

1. Minimum of 11% of open space;
2. Amenity pond with aeration that may be used for storm water retention and irrigation;
3. 6’ concrete trail surrounding the pond;
4. Pedestrian improvements as each development occurs within Millennium to provide connectivity to the trail around the pond;
5. Plaza/gathering area to allow for outdoor events such as, but not limited to, festivals, music performances, art shows, food truck vendors, and/or splash pads;
6. Outdoor dining
7. Statues or fountains;
8. Street furnishings that may include benches, trash receptacles, bike racks, pedestrian bollards, and street lighting that are complimentary to the development theme.
9. 10’ landscape buffer adjacent to the northern and eastern most property lines.

**G. Administration**

The following section sets forth the procedure for reviewing and approving development applications. Any requirement not listed herein, shall revert to the City’s Unified Development Code, Ordinance No. 13-05-02-08, for development application processes.

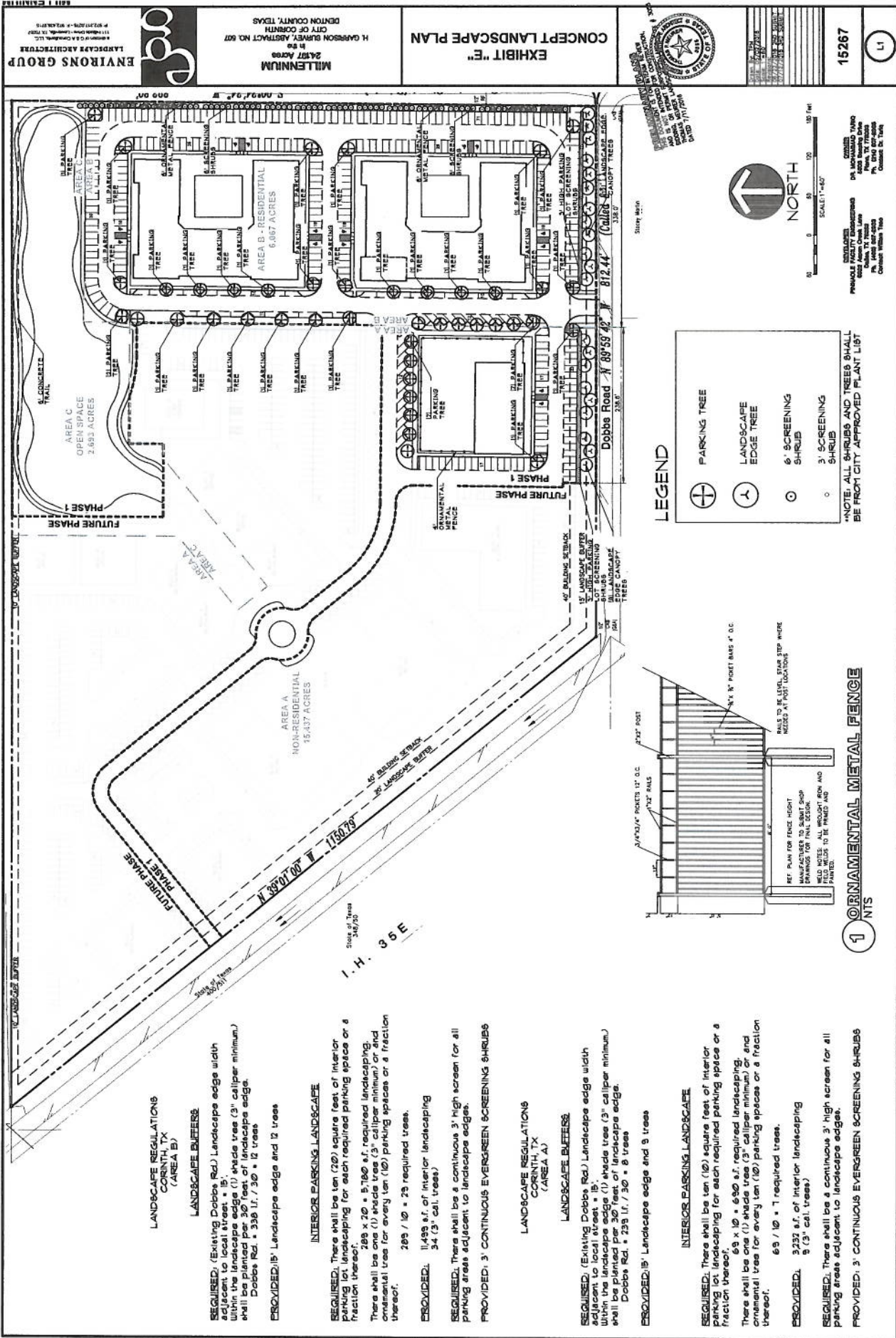
1. Amendments to the Planned Development (PD) Ordinance: Minor changes/modifications to the PD may be authorized by the Planning Director provided that the changes will not cause any of the following to occur:
  - a. A change in the permitted uses;
  - b. A change in character;
  - c. An increase in residential density;
  - d. A decrease in open space; or
  - e. An increase in allowed building heights;
2. If the items listed above occur, then the PD will be required to be amended through the City's PD rezoning process.
3. Concept Plan: The approved Concept Plan attached herein demonstrates the development intent of this PD and is a conceptual layout. Building locations, parking lots, landscape, and vehicular circulation may be altered provided that the requirements of this PD are met. The uses shown on the Concept Plan are subject to change within Area A provided that the parking requirements can be achieved. The subsequent Site Plan process will act as the regulating process to ensure compliance with the PD and applicable City Codes, see "Site Plan" below.
4. Site Plan: For this Planned Development (PD) the approved Concept Plan attached herein shall satisfy the initial Site Plan requirement that is listed in Section 2.10.08.B.1.a.ii., Rezoning Applications Requiring Site Plans, of the City's Unified Development Code. Subsequent Site Plans shall be required for the phase which is being developed. Landscape buffers along Dobbs Road and I-35E shall be installed as part of the individual Site Plan(s) that occur for each lot that is adjacent to these roadways. Site Plans shall be processed administratively by the Planning and Development Director.
5. Non-Residential Use Trigger Event: Prior to the issuance of a Certificate of Occupancy (CO) for the second Urban Residential building as shown on the approved Concept Plan, a minimum of 15,000 square feet of non-residential building space shall have been issued a Certificate of Occupancy (CO) (the hotel shall not be calculated towards the 15,000 square feet). A maximum 10% reduction in required building square footage shall be allowed for required building articulation.
6. Phased Construction: Phase one construction of residential buildings shall also include: the main entrances off of I-35E and Dobbs Road including enhanced paving,

main spine road and roundabout, retention/detention pond with aeration and perimeter trail, as well as, landscape buffers directly adjacent to Phase one construction.

7. Area B-Residential: The total land area of Area B-Residential shall not exceed 26% of gross land area for this project as shown on Exhibit "D" Zoning Concept Plan.
8. In the event that the Planning Director does not approve a site plan for the development; the applicant may appeal to the City Council.



ORDINANCE NO. 16-08-18-26  
 EXHIBIT E – CONCEPT LANDSCAPE PLAN  
 MILLENNIUM PD MX-C



ENVIRON GROUP  
 LANDSCAPE ARCHITECTURE  
 4800 W. 11TH STREET, SUITE 100  
 DENVER, CO 80202  
 P: 303.733.8800  
 F: 303.733.8801  
 WWW.ENVIRONGROUP.COM

MILLENNIUM  
 2487 ACRES  
 H. GARRISON SURVEY, ABSTRACT NO. 607  
 CITY OF CORINTH  
 DENTON COUNTY, TEXAS

EXHIBIT "E"  
 CONCEPT LANDSCAPE PLAN

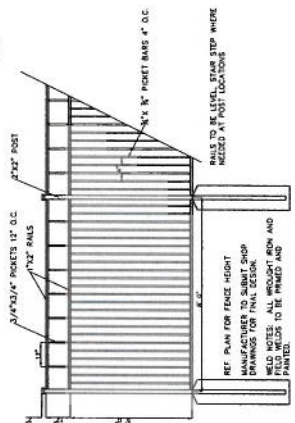


15267  
 11

DEVELOPER: DR. MOHAMMAD YAKOUB  
 PROJECT MANAGER: DR. MOHAMMAD YAKOUB  
 11111 W. 11TH STREET, SUITE 100  
 DENVER, CO 80202  
 P: 303.733.8800  
 F: 303.733.8801  
 WWW.ENVIRONGROUP.COM

LEGEND  
 ⊕ PARKING TREE  
 ⊙ LANDSCAPE EDGE TREE  
 ○ 6' SCREENING SHRUBS  
 ○ 3' SCREENING SHRUBS

NOTE: ALL SHRUBS AND TREES SHALL BE FROM CITY-APPROVED PLANT LIST



1 ORNAMENTAL METAL FENCE  
 NTS

LANDSCAPE REGULATIONS  
 CORINTH, TX  
 (AREA B)

LANDSCAPE BUFFERS

REQUIRED: (Existing Dobbie Rd.) Landscape edge width adjacent to local street = 15'.  
 Within the landscape edge (1) shade tree (3" caliper minimum) shall be planted per 30' feet of landscape edge.  
 Dobbie Rd. = 350 lf. / 30' = 12 trees

PROVIDED: 15' Landscape edge and 2 trees

INTERIOR PARKING LANDSCAPE

REQUIRED: There shall be ten (20) square feet of interior parking lot landscaping for each required parking space or a fraction thereof.  
 There shall be one (1) shade tree (3" caliper minimum) or end ornamental tree for every ten (10) parking spaces or a fraction thereof.  
 289 / 10 = 29 required trees.

PROVIDED: 11,499 s.f. of interior landscaping  
 34 (3" cal. trees)

REQUIRED: There shall be a continuous 3' high screen for all parking areas adjacent to landscape edges.

PROVIDED: 3' CONTINUOUS EVERGREEN SCREENING SHRUBS

LANDSCAPE REGULATIONS  
 CORINTH, TX  
 (AREA A)

LANDSCAPE BUFFERS

REQUIRED: (Existing Dobbie Rd.) Landscape edge width adjacent to local street = 15'.  
 Within the landscape edge (1) shade tree (3" caliper minimum) shall be planted per 30' feet of landscape edge.  
 Dobbie Rd. = 299 lf. / 30' = 10 trees

PROVIDED: 15' Landscape edge and 9 trees

INTERIOR PARKING LANDSCAPE

REQUIRED: There shall be ten (10) square feet of interior parking lot landscaping for each required parking space or a fraction thereof.  
 There shall be one (1) shade tree (3" caliper minimum) or end ornamental tree for every ten (10) parking spaces or a fraction thereof.  
 69 / 10 = 7 required trees.

PROVIDED: 3,232 s.f. of interior landscaping  
 9 (3" cal. trees)

REQUIRED: There shall be a continuous 3' high screen for all parking areas adjacent to landscape edges.

PROVIDED: 3' CONTINUOUS EVERGREEN SCREENING SHRUBS



ORDINANCE NO. 16-08-18-26  
 EXHIBIT F – ELEVATION  
 MILLENNIUM PD MX-C

**EXHIBIT "F"**



| Material Elevation Percentages                |      |
|---|------|
| Percentage of First & Second Floor Wall Areas | 85%  |
| Stucco (Primary)                              | 11%  |
| Stucco (Secondary)                            | 4%   |
| Woodstone (Accent)                            | 100% |
| Stucco %                                      |      |
| Percentage of Third & Fourth Floor Wall Areas | 48%  |
| Stucco (Primary)                              | 37%  |
| Stucco (Secondary)                            | 19%  |
| Woodstone (Accent)                            | 100% |
| Stucco %                                      |      |
| Total Percentage of Exterior Wall Area        | 64%  |
| Stucco (Primary)                              | 25%  |
| Stucco (Secondary)                            | 11%  |
| Woodstone (Accent)                            | 100% |
| TOTAL %                                       |      |
|   | 100% |



15021

ARCHITECTURE **DEMAREST**

**BUILDING 15 WEST ELEVATION**

MILLENNIUM PLACE  
 CORINTH, TEXAS  
 PINNACLE FACILITY ENGINEERING, INC.  
 07-11-2016

ORDINANCE NO. 16-08-18-26  
 EXHIBIT G – ELEVATION  
 MILLENNIUM PD MX-C

EXHIBIT "G"



01 HPL High-pressure compact laminate

Building Materials  
 - Primary Material 100%  
 - Secondary Material 85%  
 - Accent Material 11%  
 4%

**Millennium**  
 at Corinth

COPYRIGHT © 2016 TWANG DESIGN, LLC

- 01 Thick storefront frame
- 02 Limestone
- 03 Manufactured masonry stone
- 04 Louver
- 05 Stucco
- 06 Canvas/ Light
- 07 Awning
- 08 Tile
- 09 Brick
- 10 Metal canopy
- 11 Material Color & Accent Color\*\*\*



Client: Mr. Tsao  
 Project Location: 135E & Dobbar Corinth, TX  
 Drawing Title: Building Elevation  
 Scale(s): N.T.S.  
 Date: 07.11.16  
 Checked: Etwan  
 Drawing Number: A200

**twang**  
 d e s i g n  
 T 214.810.1686  
 info@twang-design.com  
 www.twang-design.com

## Plan Features

- 24.197 Acres
- Design Centered Around Focal Point and Main Axis
- Mixed-Use, Pedestrian-Oriented Development
  - Restaurants
  - Office
  - Retail
  - Hospitality
  - Residential
- 2,059 Linear Feet of Trails Around Pond
- 7,270 Linear Feet of Sidewalks
- 1.5-Acre Amenity Pond with Fountains
- Plaza/Gathering Area
- Outdoor Dining Areas
- Retail with Pet Services
- Seating Areas along Pond Perimeter
- Designation Locations for Food Trucks



ORDINANCE NO. 16-08-18-26  
MILLENNIUM PD MX-C

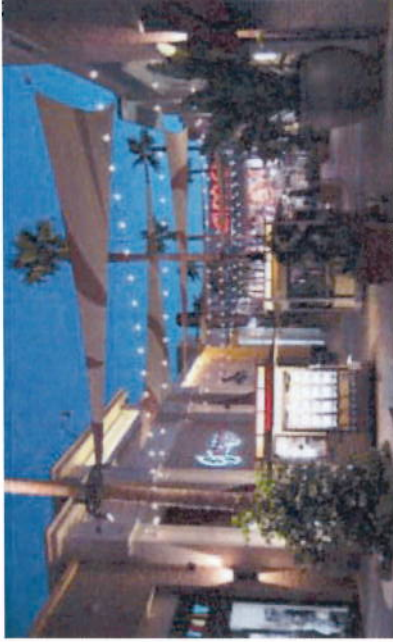
PLAZA / AMENITY AREA PERSPECTIVE



ORDINANCE NO. 16-08-18-26  
MILLENNIUM PD MX-C

# Inspirational Photos – Quality of Life Elements

- Canopies
- String Lighting
- Pedestrian Mall



- Angled Parking
- Street Trees



- Boulder-edged Waterway
- Landscaping
- Family Gathering Areas



- Amenity Pond
- Seating Opportunity
- Concrete Trail
- Gathering Spaces



- Splash Pad
- Family Play Areas
- Plaza

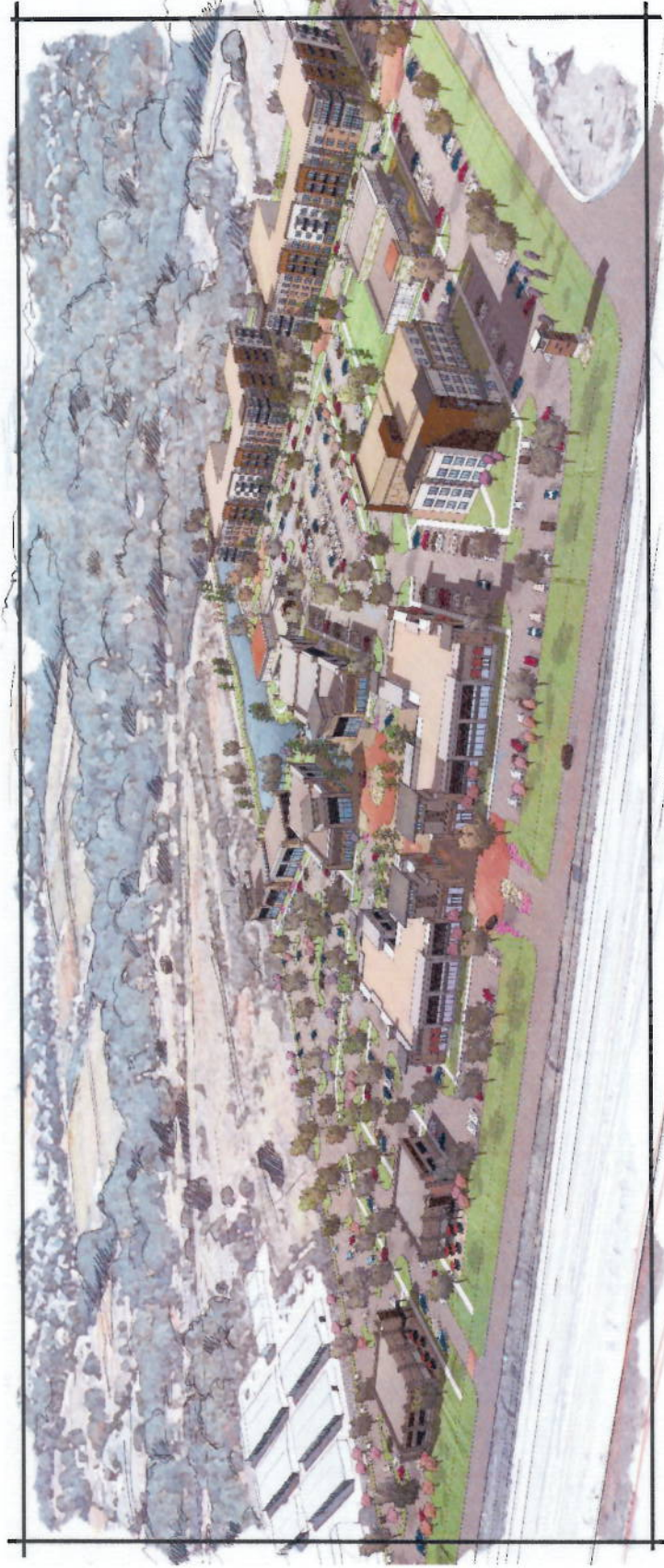


- Outdoor Seating
- Shade Trees
- Plaza



ORDINANCE NO. 16-08-18-26  
MILLENNIUM PD MX-C

Birds Eye Rendering



ORDINANCE NO. 16-08-18-26  
MILLENNIUM PD MX-C

Area A, B, & C



**GA**  
SITE PLANNING, CIVIL ENGINEERING, PLANNING  
**CONSULTANTS, LLC**  
LAND SURVEYING, LANDSCAPE ARCHITECTURE

**MILLENNIUM**  
24.2 ACRES IN CORINTH, TX

ORDINANCE NO. 16-08-18-26  
MILLENNIUM PD MX-C

PH 1



MILLENNIUM  
24.2 ACRES IN CORINTH, TX


 8015 EL AVENUE • CIVIL ENGINEERING • PLANNING  
**CONSULTANTS, LLC**  
 LAND SURVEYING • LANDSCAPE ARCHITECTURE



## **ITEM B**



## Memorandum

To: **The Corinth Planning and Zoning Commission**  
From: Ben Rodriguez, AICP, Planning and Development Manager  
Meeting Date: January 28, 2019  
Re: Landscaping and Tree Preservation.

---

### **Action Requested:**

Conduct a public hearing to consider testimony and take action upon a proposed amendment to the City's Unified Development Code, Section 2: Zoning, Subsection 2.09: Zoning Development Regulations, 2.09.01 Landscaping Regulations, and 2.09.02 Tree Preservation.

### **Background Information:**

Staff is proposing amendments to the City's Landscaping and Tree preservation ordinance. The changes to the City's Landscaping Ordinance are to provide for landscaped edge areas for residential subdivisions adjacent to City Thoroughfares.

The Intent of this change is to provide an area of green space between the sidewalk and masonry screening walls required for the perimeter of residential subdivisions. Staff is hopeful that this will help mitigate the "canyon effect" while driving down the road between screening walls.

Staff is also proposing a revision to the required trees per residential lot so that the required caliper inches of trees and number of shrubs scales up based on the size of the lot.

Additionally, staff is proposing quantifying a fee per caliper inch for tree mitigation. Currently the code requires that an applicant receive a quote from a City approved arborist for the cost to replace trees removed.

The current policy is burdensome on applicants and makes for a very convoluted process. Staff researched numerous municipalities within the metroplex and has determined that a price of \$150 per caliper inch would place us in the middle of what other cities charge. Additionally, this will ensure that Corinth's procedures are similar to the majority of other Cities within the metroplex which makes for an easier process for applicants to navigate through.

### **Supporting Documents:**

- Proposed amendment
- Tree mitigation cost comparison

### **Staff Recommendation:**

Staff recommends approval as presented.

**2.09.01. - Landscaping Regulations**

A. Nonresidential Landscaping Requirements These standards shall apply to all Nonresidential Zoning Districts and Special Zoning Districts. Any area within a PD, Planned Development district containing landscaping standards shall be regulated by the more restrictive standards.

Nonresidential Landscaping shall be required according to the following sections:

| <i>Table 13: Nonresidential Landscaping Requirements (Section References)</i> |   |
|---|---|
| <i>Section Number</i>   | <i>Section Title</i>  |
| 2.09.01. A.1  | Landscaping Along Street Right-of-Way                                 |
| 2.09.01. A.2  | Interior Parking Lot Landscaping                                      |
| 2.09.01. A.3  | Landscaping for Corner Lots   |
| 2.09.01. A.4  | Landscaping/Screening for Parking Lots Adjacent to Residential Areas  |
| 2.09.01. A.5  | Foundation Plantings for Buildings 50,000 Square Feet or Larger       |
| 2.09.01. A.6  | Landscaping for Nonresidential Areas Adjacent to Residential Areas    |
| 2.09.01. A.7  | Landscaping for Below-Grade Open Parking Structures in the Front Yard |

1. Landscaping Along Street Right-of-Way. All commercial, industrial and other nonresidential uses shall comply with the following streetscape requirements:
  - a. Landscaped Edge. A landscaped edge shall be provided adjacent to all streets.
    - i. The landscaped edge shall be the following minimum widths, exclusive of street Right-of-Way.
      - (a) Landscape buffer width adjacent to Arterial Street, **Freeway, or Expressway**: Twenty (20) feet.
      - (b) Landscape buffer width adjacent to Collector Street: Fifteen (15) feet.
      - (c) Landscape buffer width adjacent to Local Street: Ten (10) feet.
    - ii. Within the landscaped edge, one (1) shade tree (3" caliper minimum) (per Table 15: Recommended Plant Material List) shall be planted per 30 **linear** feet of landscaped edge. ~~The Director of Planning may approve~~ the grouping or clustering of **required** trees to accommodate driveway spacing, utilities, drainage facilities, or similar site features **is permitted**.
    - iii. The number of required trees shall be calculated solely on the area of the required landscaped edge.

- c. Vehicle headlight screening abutting the landscape edge. Where parking lots, drives, and access easements abut the landscaped edge, shrubs (5 gallon minimum) shall be planted to form a contiguous buffer along the common boundary line.
    - i. The number of required shrubs shall be calculated solely on the area of the required landscaped edge.
    - ii. Shrubs shall be planted in planting beds.
    - iii. A berm may be placed within the landscaped edge in lieu of the required shrubs unless needed for a headlight screen. (See 2.09.01. A.4 for possible additional landscaping requirements.)
    - iv. The berm must be 40 inches above the average grade of the street and parking lot curbs.
    - v. The slope of the berm shall not exceed a ~~33~~ 25 percent grade.
  - c. If the parking lot is located 50 feet or more from the street Right-of-Way line, no shrubs or berms will be required unless needed for a headlight screen. (See 2.09.01. A.4 for possible additional landscaping requirements.)
  - d. The Applicant is also encouraged to plant a variety of ornamental trees and flowers in addition to the required plantings.
  - e. Any permeable surface not occupied by trees, shrubs, planting beds, signs or other permitted fixtures shall be planted with turf or other living ground cover. **Crushed granite may be utilized within 2 feet of the back of curb. The Director of Development Services may approve additional areas with an approved landscape plan.**
  - f. ~~The Planning and Zoning Commission and the City Council may reduce the width of the required landscape edge during Site Plan review when the reduction is required for a Public Improvement.~~
2. Interior Parking Lot Landscaping. Any nonresidential parking area which contains more than 20 parking spaces shall provide interior landscaping in addition to the required Landscaped Edge (2.09.01. A.1.a):
- a. Interior Parking Lot Landscaping shall include all areas within the paved boundaries of the parking lot as well as planting islands, curbed areas, corner lots, parking spaces and all interior driveways and aisles except those with no parking spaces located on either side.
    - i. Landscaped areas outside of the parking lot may not be used to meet the Interior Parking Lot Landscaping requirement.
  - b. There shall be ten (10) square feet of Interior Parking Lot Landscaping for each parking space or fraction thereof.
  - c. There shall be one (1) shade tree (3" caliper minimum) or an ornamental (per Table 15: Recommended Plant Material List) tree for every ten (10) parking spaces or fraction thereof.
  - d. All landscaped areas shall be protected by a raised six (6) inch concrete curb.
    - i. Pavement shall not be placed closer than five (5) feet from the trunk of a **new** tree unless a City approved root barrier is utilized. **Existing trees shall be protected with an area equal to the area encompassed by drip lines.**
  - e. Where an existing parking area is altered or expanded to increase the number of spaces to more than twenty (20), Interior Parking Lot Landscaping shall be provided on the new portion of the lot in accordance with the above standards.
  - f. The requirements listed above shall not apply to structured parking garages.

3. Landscaping for Corner Lots. Corner lots (Lot, Corner) at the intersection of Arterial Streets, **Freeways, & Expressways** shall comply with the following landscaping requirements in addition to the required plantings for the Landscaped Edge and Interior Parking Lot Landscaping:
  - a. A minimum of ten percent (10%) of the site area shall be devoted to landscaping;
  - b. A minimum 15-foot wide landscaped edge shall be located along all street Right-of-Way lines beginning at the corner and extending 175 feet or to the closest driveway.
    - i. Beyond this point, the landscaped edge may be gradually reduced (over a distance of 25 feet) to **40-foot in-width match the required landscape edge.**
  - c. A minimum landscaped area of 900 square feet shall be located at the intersection corner of the lot.
    - i. This landscaped area shall be provided within an area measured a minimum distance of 40 feet from the projected corner of the intersection on both sides of the lot.
4. Landscaping/Screening for Parking Lots Adjacent to Residential Areas. Where parking is within 50 feet of residentially zoned property and is not screened from view by a wall, berm or other screen, a continuous screen of shrubs (5 gallon minimum at the time of planting and planted in planting beds) must be placed adjacent to the parking. The required landscaping shall comply with the following regulations:
  - a. The required shrubs shall create a minimum ~~three (3)~~ **Four (4)** foot tall screen within two (2) years of the date of planting.
5. Foundation Plantings for Buildings 50,000 Square Feet or Larger.



**Figure 2: Building with Foundation Plantings**

- a. Foundation plantings are required for buildings or groups of contiguous buildings that are 50,000 square feet or larger.
- b. One large tree [three (3) inch minimum caliper] shall be required for every ten thousand square feet of gross building area.
- c. These trees shall be planted within thirty feet (30') of the front facade.
- d. These plantings are intended ~~to provide pedestrian areas while breaking up the large areas of impervious surface.~~ **To break up the large impervious areas.**
- e. Plantings required by this section are in addition to trees required by other sections of this UDC.



**Figure 3: Building without Foundation Plantings**

- f. Trees can be grouped or planted in singular form.
- g. These tree plantings should be placed so as not to impede sign visibility or pedestrian safety.
- h. Trees intended for foundation plantings shall meet the following criteria:
  - i. Trees planted less than four feet (4') from the back of curb shall be planted in a tree grate with a minimum diameter width of four feet (4').
  - ii. Ornamental trees may be substituted for large trees at a building's foundation at the rate of five ornamentals for each required Large Tree (5:1).
    - (a) Ornamental trees shall have a minimum size of three (3) inch caliper.
    - (b) Multi-trunked trees will be required to meet a three (3) inch requirement based on standard nursery trade specifications.
  - iii. Trees may be placed in groups with appropriate spacing for the species.
  - iv. The requirements of this section may be reduced if approved by the City Council and when additional pedestrian features; such as, plazas, seating areas, fountains, and outdoor recreation facilities are provided. These facilities must occupy an area equal to or greater than five percent (5%) of the building's total square footage.
- 6. Landscaping for Nonresidential Areas Adjacent to Residential Areas. A 20-foot wide landscaped buffer shall be provided adjacent to ~~existing residential or vacant~~ land zoned for residential uses.
- 7. Landscaping for Below-Grade Open Parking Structures in the Front Yard
  - a. Where below grade open parking is provided in the front yard setback of nonresidentially zoned properties, the required landscaping shall comply with the following regulations:
    - i. An 18-foot wide landscape edge shall be provided between the below-grade Parking Structure and the street Right-of-Way.
      - (a) The landscape edge is exclusive of street Right-of-Way; and
    - ii. The 18-foot landscape edge shall include a minimum 36-inch tall berm, measured from the property line after grading.
      - (a) The berm shall not exceed a 33 percent slope.
      - (b) One shade tree (3 inch caliper minimum) (per Table 15: Recommended Plant Material List) shall be provided for each 50 feet of street frontage within the

landscape edge between the below grade open parking and the street Right-of-Way.

.8. Measurement.

- (1) Trees with a single trunk shall be measured at 12 inches above the natural ground level.
- (2) If the trunk splits into multiple trunks below the 12 inch level, then the multiple trunk trees are measured by the following formula.
  - (i) Measure largest trunk circumference at 12 inches above the natural ground level.
  - (ii) Remaining trunks, measure circumference at 12 inches above the natural ground level and divided by two.
  - (iii) Add subsections (A) and (B) for total circumference, divide total by 3.14 to get caliper.

B. Residential Landscaping Requirements These standards shall apply to all Residential Zoning Districts. Any area within a PD, Planned Development containing landscaping standards shall be regulated by the more restrictive standards.

Residential Landscaping shall be required according to the following sections:

| <i>Table 14: Residential Landscaping Requirements (Section References)</i> |  |
|--|--|
| <i>Section Number</i>  | <i>Section Title</i>   |
| 2.09.01. B.1   | Multi-Family, Single Family Attached and Retirement Housing Landscaping Requirements |
| 2.09.01. B.2   | Landscaping Requirements for Single Family Developments                              |

1. Multi-Family, Single Family Attached and Retirement Housing Landscaping Requirements.

Landscape Edge. A landscaped edge shall be provided adjacent to all streets.

- a. The landscaped edge shall be the following minimum widths, exclusive of street Right-of-Way.
  - (a) Landscape buffer width adjacent to Arterial Street, Expressway or Freeway: Twenty (20) feet.
  - (b) Landscape buffer width adjacent to Collector Street: Fifteen (15) feet.
  - (c) Landscape buffer width adjacent to Local Street: Ten (10) feet.
- ~~i. The landscaped edge shall be a minimum width of ten (10) feet, exclusive of street Right-of-Way.~~
- ii. Within the landscaped edge, one (1) shade tree (3 inch caliper minimum) (per Table 15: Recommended Plant Material List) shall be planted per 30 feet of landscaped

edge. The Director of Planning may approve the grouping or clustering of trees to accommodate driveway spacing, utilities, drainage facilities, or similar site features.

- iii. The number of required trees shall be calculated solely on the area of the required landscaped edge.
- b. Shrub Buffer for Parking Lots and Drives. Where parking lots and drives abut the landscaped edge, shrubs (5 gallon minimum) shall be planted to form a contiguous buffer along the common boundary line.
  - i. The number of required shrubs shall be calculated solely on the area of the required landscaped edge.
  - ii. Shrubs shall be planted in planting beds.
  - iii. A berm may be placed within the landscaped edge in lieu of the required shrubs unless needed for a headlight screen.
  - iv. The berm must be 18 to 40 inches above the average grade of the street and parking lot curbs.
  - v. The slope of berm shall not exceed a 33 percent grade.
- c. If the parking lot is located 50 feet or more from the street Right-of-Way line, no shrubs or berms will be required unless needed for a headlight screen.
- d. The Applicant is also encouraged to plant a variety of ornamental trees and flowers in addition to the required plantings.
- e. Any permeable surface not occupied by trees, shrubs, plantings beds, signs or other permitted fixtures shall be planted with turf or other living ground cover.
- f. The Planning and Zoning Commission and the City Council may reduce the width of the required landscaped edge during Site Plan review when the reduction is required for a Public Improvement.
- g. Parking areas shall be landscaped in addition to the required landscaped edge.
  - i. Twenty (20) square feet of landscaping for each parking space shall be provided within the paved boundaries including one (1) shade tree (3" caliper minimum) or ornamental tree (per Table 15: Recommended Plant Material List) per ten (10) parking spaces.
- h. All landscaped areas shall be protected by a raised six (6) inch concrete curb.
  - i. Pavement shall not be placed closer than five (5) feet from the trunk of a tree unless a staff approved root barrier is utilized.
- i. One (1) shade tree (3" caliper minimum) or ornamental tree per 1,000 square feet of required open space (e.g., required yards) shall be provided.
- j. No site developed prior to the effective date of this section shall be required to conform to the landscaping requirements of this section unless the site is redeveloped or there is a thirty percent (30%) or more increase in the existing square footage of building area and/or reconstruction of the existing parking lot.
- k. Additional Multi-family Landscape Requirements. The multi-family complex shall be landscaped in accordance with 2.09.01. Landscaping Regulations. If more than one apartment building is permitted to be placed upon a single lot, the following areas shall be landscaped:
  - i. A twenty (20) foot strip along the front and rear of the buildings as measured from the foundation.



- ii. A fifteen (15) foot strip along all other sides of the buildings as measured from the foundation.
- iii. That area adjacent to building corners determined by extending the front, rear, and side landscape limits to their point of intersection.
- iv. Any additional landscape area that is needed to meet the City's requirements shall be indicated and fully described upon the plat.

2. Landscaping Requirements for Attached and Detached Single Family Developments.

A. Perimeter landscaping requirements.

- a. Landscaped Edge. A landscaped edge shall be provided adjacent to all streets which lay on the perimeter of a residential subdivision.
  - i. The landscaped edge shall be the following minimum widths, exclusive of street Right-of-Way.
    - (a) Landscape buffer width adjacent to Arterial Street: Twenty (20) feet.
    - (b) Landscape buffer width adjacent to Collector Street: Fifteen (15) feet.
    - (c) Landscape buffer width adjacent to Local Street: Ten (10) feet.
  - ii. Within the landscaped edge, one (1) shade tree (3" caliper minimum) (per Table 15: Recommended Plant Material List) shall be planted per 30 feet of landscaped edge. The Director of Planning may approve the grouping or clustering of trees to accommodate driveway spacing, utilities, drainage facilities, or similar site features.
  - iii. The number of required trees shall be calculated solely on the area of the required landscaped edge.

B. Landscaping requirements for attached and detached Single Family lots.

- ~~a. Two shade trees (3" caliper minimum) or ornamental trees shall be provided in residential subdivisions for each lot.~~
- ~~b. All required trees must be planted prior to request for final building inspection of the dwelling unit.~~

(a) Required Landscaping

- (1) Trees shall be planted to meet the total number of caliper inches referenced in the table below. Required large trees shall not be smaller than three (3) caliper inches; required small trees shall not be smaller than two (2) caliper inches in size. A minimum of one (1) large and one (1) small tree shall be located in the front yard of all residential lots. The remaining required trees may be placed in the front or rear of the residential lot.

| <u>Size of lot (sq. ft.)</u> | <u>Caliper Inches</u> | <u>Number of Shrubs</u> |
|------------------------------|-----------------------|-------------------------|
| 2,500–6,999                  | 5                     | 12                      |
| 7,000–8,999                  | 8                     | 15                      |
| 9,000–19,999                 | 11                    | 20                      |
| 20,000+                      | 14                    | 25                      |

(b) Location of trees.

- (1) No trees are to be planted within the parkway, the area between the back of curb and the right-of-way/property line.
- (2) Trees are to be placed in a location which does not interfere with overhead and/or underground utility easements.
- (3) Trees are to be spaced so that at mature growth their canopies do not interfere with one another.

(c) Measurement.

- (1) Trees with a single trunk shall be measured at 12 inches above the natural ground level.
- (2) If the trunk splits into multiple trunks below the 12 inch level, then the multiple trunk trees are measured by the following formula.
  - (i) Measure largest trunk circumference at 12 inches above the natural ground level.
  - (ii) Remaining trunks, measure circumference at 12 inches above the natural ground level and divided by two.
  - (iii) Add subsections (A) and (B) for total circumference, divide total by 3.14 to get caliper.

(d) Additional vegetation requirements.

- (1) Required shrubs shall be a minimum of three (3) gallon in size when planted and shall be planted in the front yard of all residential lots. Shrubs may be substituted with small trees when planted in the front yard.
- (2) Solid vegetative ground cover or lawn for the entirety of the lot that is not otherwise covered by mulched planter beds, building(s) and/or driveway area(s).
- (3) All landscaping required above shall be planted prior to issuance of the certificate of occupancy on the dwelling(s).

C. Landscape Maintenance Requirements

1. All plant material shall be maintained in a healthy and growing condition, and must be replaced with plant material of similar variety and size if damaged, destroyed, or removed.
2. Landscaped areas shall be kept free of trash, litter, weeds and other such materials or plants not a part of the landscaping.
3. An automatic irrigation system with rain and freeze sensors is required for all landscaping except for single family residences.
4. All cut areas front, side, and rear must have sod for erosion control.
5. Any Developer desiring to install and maintain landscaping materials and irrigation facilities within the City Right-of-Way must first receive written approval from the Director of Public Works.

~~6. This subsection (2.09.01. C) shall not apply to single family lots for single family structures.~~

7. Replacement of dead landscaping shall occur prior to the issuance of a certificate of occupancy.

D. Landscaping Incentives: Private Detention and Retention Ponds Designed as Amenities

1. Incentive. If a private detention or retention pond is designed and maintained according to the following standards, then a ten (10) percent increase in the maximum building area coverage listed in 2.08.05. Nonresidential Dimensional Regulations Chart shall be granted.
2. Applicability. All non-residentially zoned land or uses shall be eligible for the incentive.

3. Standards for Detention and Retention Ponds as Amenities. A private detention or retention pond shall be considered an amenity if it meets the following design considerations:
  - a. Located between the building and the street or completely bounded by streets,
  - b. Viewable from public space,
  - c. Any slope of the pond area does not exceed thirty-three (33) percent,
  - d. Accessible by patrons,
  - e. Seating area, public art, or fountain,
  - f. One tree or planter at least sixteen (16) square feet **in size** for every two hundred (200) square feet of open space, and be located within or **directly** adjacent to the open space; and
  - g. The Site Plan and plat, if applicable acknowledge the responsibility of the owner **or property owners association** to maintain the pond.
4. Example of a Detention/Retention Pond Designed as an Amenity.



**Figure 4: Example of a Detention/Retention Pond Designed as an Amenity**

5. Example of a Detention/Retention Pond not Designed as an Amenity.



**Figure 5: Example of a Detention/Retention Pond not Designed as an Amenity**

**E. Approved Plant Materials**

1. The use of artificial plants or turf are expressly prohibited for compliance with this UDC.
2. Use of drought tolerant plants are encouraged to meet the requirements of this UDC.
3. The following is the approved plant material list for plant materials required in this UDC:

**Table 15: Recommended Plant Material List.**

| CANOPY (SHADE) TREES – HARDINESS ZONE 8 |                                      |           |               |               |                |       |         |             |
|---|--------------------------------------|-----------|---------------|---------------|----------------|-------|---------|-------------|
| Common Name                             | Botanical Name                       | TX Native | Mature Height | Mature Spread | Light Req.     | Water | Foliage | Util. Appr. |
| Ash, Texas                              | <i>Fraxinus texensis</i>             | Y         | 30'           | 40-50'        | Sun            | VL    | Decid.  |             |
| Cedar, Eastern Red                      | <i>Juniperus virginiana</i>          | Y         | 20-50"        | 15-25'        | Sun            | M     | Everg.  |             |
| Cherry, Escarpment Black                | <i>Prunus serotina var. eximia</i>   | Y         | 25-50'        | 25-35'        | Sun/part shade | L     | Decid.  |             |
| Cypress, Arizona                        | <i>Cupressus arizonica</i>           | Y         | 20-50'        | 15-25'        | Sun            | L     | Everg.  |             |
| Elm, American                           | <i>Ulmus americana</i>               |           | 70-90'        | 50-90'        | Sun/part shade | M     | Decid.  |             |
| Elm, Cedar                              | <i>Ulmus crassifolia</i>             | Y         | 25-60'        | 25-35'        | Sun/part shade | L     | Decid.  |             |
| Elm, Lacebark                           | <i>Ulmus parvifolia</i>              |           | 40-60'        | 30-40'        | Sun            | M     | Decid.  |             |
| Locust, Honey (thornless)               | <i>Gleditsia triacanthos inermis</i> | Y         | 30-50'        | 25-35'        | Sun/part shade |       | Decid.  |             |
| Maple, Big Tooth                        | <i>Acer grandidentatum</i>           | Y         | 40-50'        | 20-30'        | Sun/part shade | VL    | Decid.  |             |

**CANOPY (SHADE) TREES – HARDINESS ZONE 8**

| <b>Common Name</b>            | <b>Botanical Name</b>       | <b>TX Native</b> | <b>Mature Height</b> | <b>Mature Spread</b> | <b>Light Req.</b> | <b>Water</b> | <b>Foliage</b> | <b>Util. Appr.</b> |
|-------------------------------|-----------------------------|------------------|----------------------|----------------------|-------------------|--------------|----------------|--------------------|
| Mesquite, Honey               | <i>Prosopis glandulosa</i>  | Y                | Y                    | 25-30'               | Sun               | VL           | Decid.         | Yes                |
| Oak, Bur                      | <i>Quercus macrocarpa</i>   | Y                | 50-75'               | 50'+                 | Sun               | VL           | Decid.         |                    |
| Oak, Chinquapin               | <i>Quercus muhlenbergii</i> | Y                | 30-60'               | 30-40'               | Sun               | M            | Decid.         |                    |
| Oak, Lacey                    | <i>Quercus laceyi</i>       | Y                | 20-35'               | 25'                  | Sun               | VL           | Decid.         |                    |
| Oak, Monterey (Mexican White) | <i>Quercus polymorpha</i>   | Y                | 40-60'               | 30-40'               | Sun               | VL           | Everg.         |                    |
| Oak, Escarpment Live*         | <i>Quercus fusiformis</i>   | Y                | 20-40'               | 50'+                 | Sun               | L-VL         | Everg.         |                    |
| Oak, Shumard Red*             | <i>Quercus shumardii</i>    | Y                | 30-50'               | 30'-50'              | Sun               | L            | Decid.         |                    |
| Oak, Southern Live*           | <i>Quercus virginiana</i>   | Y                | 30-50'               | 50'+                 | Sun               | L-VL         | Everg.         |                    |
| Oak, Texas Red*               | <i>Quercus texana</i>       | Y                | 15-30'               | 15-30'               | Sun               | L            | Decid.         |                    |
| Oak, Post                     | <i>Quercus stellata</i>     |                  | 30-50'               | 60-80'               | Sun/part shade    | M            | Decid.         |                    |
| Pecan                         | <i>Carya illinoensis</i>    | Y                | 60-90'               | 60-75'               | Sun               | M            | Decid.         |                    |
| Pine, Italian Stone           | <i>Pinus pinea</i>          |                  | 35-60'               | 20-40'               | Sun               | L            | Everg.         |                    |
| Sycamore, Mexican             | <i>Platanus mexicana</i>    |                  | 30-50'               | 40'                  | Sun/part shade    | M-L          | Decid.         |                    |
| Walnut, Texas Little          | <i>Juglans microcarpa</i>   | Y                | 18-20'               | 20'                  | Sun/part shade    | M            | Decid.         |                    |

\* May not be used in Oak Wilt prone area.

**SHRUBS – HARDINESS ZONE 8**

| Common Name  | Scientific Name  | TX Native | Mature Height | Mature Spread | Light Req.          | Water | Evergreen/Deciduous |
|--|--|-----------|---------------|---------------|---------------------|-------|---------------------|
| <b>LARGE (SCREENING)</b>                           |  |           |               |               |                     |       |                     |
| Abelia Glossy                                      | <i>Abelia grandiflora</i>  |           | 6'            | 6'            | Sun/part shade      | L-M   | E                   |
| Acuba  | <i>Acuba japonica</i>  |           | 3-5'          | 3-5'          | Part shade          | M     | E                   |
| Cotoneaster  | <i>Cotoneaster sp.</i>   |           | 3-5'          | 4-7'          | Sun/Part shade      | M     | E                   |
| Hawthorne, Indian                                  | <i>Rhaphiolepis indica</i>   |           | 4-6'          | 4-6'          | Sun/part shade      | M     | E                   |
| <b>UNDERSTORY (SMALL) TREES – HARDINESS ZONE 8</b> |  |           |               |               |                     |       |                     |
| Holly, Burford                                     | <i>Ilex cornuta 'Burfordii'</i>  |           | 8-12'         | 8-10'         | Sun/part shade      | L     | E                   |
| Holly, Dwarf Burford                               | <i>Ilex cornuta 'Burfordii Nana'</i>                                   |           | 4-6'          | 3-4'          | Sun/Part shade      | L     | E                   |
| Holly, Dwarf Chinese                               | <i>Ilex cornuta 'Rotunda nana'</i>                                     |           | 3-4'          | 3-6'          | Sun/Part shade      | L     | E                   |
| Holly, Mexican                                     | <i>Ilex glabra</i>   |           | 8-15'         | 8-10-20'      | Sun/part shade      | L     | Decid.              |
| Holly, Mexican Stevens                             | <i>Undulata speciosa 'Nellie R. Stevens'</i>                           | Y         | 8-15'         | 8-10-20'      | Sun/part shade      | L     | Decid.              |
| Holly, Dwarf Yaupon                                | <i>Prunella vanillifolia 'Nana'</i>                                    | Y         | 15-20'        | 2-4-12-15'    | Sun/part shade      | M     | Everg.              |
| Bottlebrush, Upright                               | <i>Chitarastrum obtusum</i>  |           | 25-30'        | 4-15-20'      | Sun/part shade      | L     | Decid.              |
| Sage, Texas  | <i>Lagerströmia speciosa</i>   | Y         | 4-30'         | 4-5-10-20'    | Sun Sun             | L-M   | Decid.              |
| Desert Willow, Dwarf                               | <i>Chilopsis linearis</i> ; <i>Morella cerifera</i> var. <i>pumila</i> | Y         | 10-25'        | 3-5-15-20'    | Sun/part shade/ Sun | VL    | Decid.              |
| Dogwood, Rough-leaf                                | <i>Cornus drummondii</i>   | Y         | 8-15'         | 10-15'        | Sun/shade           | M     | Decid.              |
| Wax Myrtle, Southern                               | <i>Myrica cerifera</i>   | Y         | Shrub to 12'  | 6-15'         | Sun/part shade      | M     | E                   |
| Eve's Necklace                                     | <i>Sophora affinis</i>   | Y         | 10-20'        | 15-20'        | Sun/part shade      | L     | Decid.              |
| Yucca, Spanish Dagger                              | <i>Yucca rostrata</i>  | Y         | 5-15'         | 4'            | Sun/part shade      | VL    | E                   |
| Possumhaw  | <i>Ilex decidua</i>  | Y         | 12-15'        | 12'           | Sun/part shade      | L-M   | Decid.              |
| <b>MEDIUM</b>                                      |  |           |               |               |                     |       |                     |
| Holly, Yaupon                                      | <i>Ilex vomitoria</i>  | Y         | 15-25'        | 6-10-15'      | Sun/part shade      | L-M   | Everg.              |
| Agave, Blue  | <i>Agave tequilana</i>   |           | 6'            | 10-15'        | Sun                 | VL    | E                   |
| Mountain-laurel, Texas                             | <i>Sophora secundiflora</i>  | Y         | 10-20'        | 6-8-12'       | Sun/part shade      | L     | Everg.              |
| Agave, Century Plant                               | <i>Agave americana</i>   | Y         | 8-10'         | 8-10'         | Sun/part shade      | VL    | E                   |
| Persimmon, Texas                                   | <i>Diospyros texana</i>  | Y         | 8-15'         | 4-6-8-12'     | Sun/part shade      | VL    | Decid.              |
| American Beautyberry                               | <i>Callicarpa americana</i>  | Y         | 4-6'          | 6'            | Part shade/shade    | L-M   | D                   |
| Pistache, Texas                                    | <i>Pistacia texana</i>   | Y         | 10-30'        | 3-4-30-45'    | Sun/part shade      | VL    | Everg.              |
| Cactus, Prickly Pear                               | <i>Opuntia spp.</i>  | Y         | 3-4'          | 3-4'          | Sun                 | L     | E                   |
| Plum, Mexican                                      | <i>Prunus mexicana</i>   | Y         | 15-25'        | 4-8-15-20'    | Sun/part shade      | L     | Decid.              |
| Esperanza/ Yellow Bells                            | <i>Tecoma stans</i>  | Y         | 4-8'          | 4-6'          | Sun                 | L-M   | D                   |
| Redbud, Mexican                                    | <i>Cercis canadensis var. Mexicana</i>                                 | Y         | 15-30'        | 3-4-12-15'    | Sun/part shade      | VL    | Decid.              |
| Redbud, Texas                                      | <i>Cercis canadensis var. texensis</i>                                 | Y         | 15-30'        | 3-4-12-15'    | Sun/part shade      | L     | Decid.              |
| Lantana, Texas                                     | <i>Lantana horrida</i>   | Y         | 2-6'          | 4-5'          | Sun                 | VL    | D                   |
| Parrotia, Texas Dwarf                              | <i>Parrotia aculeata</i>   | Y         | 12-20'        | 3-5-12-20'    | Part shade/ Sun     | VL    | Decid.              |
| Sumac, Florida                                     | <i>Rhus copallina</i>  | Y         | 10-30'        | 3-15-20'      | Sun/part shade      | L     | Decid.              |
| Sage, Florida                                      | <i>Salvia leucantha</i>  | Y         | 10-30'        | 3-15-20'      | Sun/part shade      | L     | Decid.              |
| Yarrow, Russian (Autumn Sage)                      | <i>Salvia greggii</i>  | Y         | 10-30'        | 2-3-10-15'    | Sun/shade           | L     | Decid.              |
| Blackhaw   | <i>Viburnum pumilum</i>  | Y         | 10-30'        | 2-3-10-15'    | Sun                 | L     | Decid.              |
| Sage, Henry Duelberg (Blue Sage)                   | <i>Salvia farinacea 'Henry'</i>  | Y         | 10-15'        | 3-6-15'       | Sun                 | L     | Everg.              |
| Sage Myrtle  | <i>Myrica cerifera</i>   | Y         | 10-15'        | 3-6-15'       | Sun/part shade      | M     | Everg.              |
| Sage, Majestic                                     | <i>Salvia guaranitica</i>  |           | 3-5'          | 4-5'          | Sun/shade           | L     | D                   |
| Sage, Mexican Bush                                 | <i>Salvia leucantha</i>  |           | 4-5'          | 4-5'          | Sun                 | L     | D                   |
| Sage, Russian                                      | <i>Perovskia atricplifolia</i>   |           | 3"            | 3'            | Sun                 | L     | D                   |
| Sotol, Texas                                       | <i>Dasyliroa texanum</i>   | Y         | 3-4'          | 3-4'          | Sun/part shade      | L     | E                   |
| Sumac, Fragrant                                    | <i>Rhus aromatica</i>  | Y         | 6-9'          | 4-6'          | Sun/part shade      | L     | D                   |
| Turk's Cap   | <i>Malvaviscus arboreus</i>  | Y         | 2-6'          | 3-5'          | Sun or shade        | L     | E                   |
| Yucca, Red   | <i>Hesperaloe parviflora</i>   |           | 6'            | 4'            | Sun                 | VL    | E                   |

|                             |                                   |   |        |        |                 |    |   |
|-----------------------------|-----------------------------------|---|--------|--------|-----------------|----|---|
| Yucca, Softleaf             | <i>Yucca recurvifolia</i>         | Y | 4-6'   | 3'     | Sun/part shade  | VL | E |
| <b>SMALL</b>                |                                   |   |        |        |                 |    |   |
| Agave, Parry's              | <i>Agave parryi</i>               | Y | 1-1.5' | 1.5'   | Sun/part shade  | VL | E |
| Agave, Queen Victoria       | <i>Agave victoriae-reginae</i>    | Y | 1.5'   | 1.5'   | Sun/part shade  | VL | E |
| Artemisia                   | <i>Artemisia 'Powis Castle'</i>   |   | 1-2'   | 3-6'   | Sun             | VL | E |
| Coralberry                  | <i>Symphoricarpos orbiculatus</i> | Y | 2-3'   | 2-3'   | Sun/ part shade | L  | D |
| Sage, Scarlet or 'Tropical' | <i>Salvia coccinea</i>            | Y | 1.5-3' | 1-1.5' | Sun/Shade       | L  | D |
| Skullcap, Pink              | <i>Scutellaria suffrutescens</i>  |   | 1'     | 3'     | Sun/ part shade | L  | E |
| Yucca, Red                  | <i>Hesperaloe parviflora</i>      | Y | 2-4'   | 4'     | Sun/part shade  | VL | E |

| <b>ORNAMENTAL GRASSES – HARDINESS ZONE 8</b> |                                 |                  |                      |                      |                         |              |                             |
|--|---------------------------------|------------------|----------------------|----------------------|-------------------------|--------------|-----------------------------|
| <b>Common Name</b>                           | <b>Scientific Name</b>          | <b>TX Native</b> | <b>Mature Height</b> | <b>Mature Spread</b> | <b>Light Req.</b>       | <b>Water</b> | <b>Evergreen/ Deciduous</b> |
| Bluestem, Big                                | <i>Andropogon gerardii</i>      | Y                | 4-8'                 | 2-3'                 | Sun/part shade          | L            | D                           |
| Bluestem, Little                             | <i>Schizachyrium scoparium</i>  | Y                | 2-3'                 | 1-1.5'               | Sun/part shade          | L            | D                           |
| Feathergrass, Mexican;<br>Mexican Wiregrass  | <i>Nassella tenuissima</i>      | Y                | 1-2'                 | 1-2.5"               | Sun/part shade          | L            | SE                          |
| Fountain Grass, Dwarf                        | <i>Pennisetum alopecuroides</i> |                  | 2.5-3'               | 2.5-3'               | Sun                     | M            | D                           |
| Indiangrass, Yellow Indian<br>Grass          | <i>Sorghastrum nutans</i>       | Y                | 3-5'                 | 1-1.5'               | Sun/part<br>shade/shade | L            | D                           |
| Inland Sea oats                              | <i>Chasmanthium latifolium</i>  | Y                | 1-3'                 | 3-6'                 | Part sun/shade          | L-M          | D                           |
| Muhly, Bamboo                                | <i>Muhlenbergia dumosa</i>      |                  | 4-5'                 | 4-5'                 | Sun/part shade          | L            | E                           |
| Muhly, Big; Lindheimer Muhly                 | <i>Muhlenbergia lindheimeri</i> | Y                | 3-5'                 | 3-4'                 | Sun/part shade          | M-L          | D                           |
| Muhly, Deer                                  | <i>Muhlenbergia rigens</i>      | T                | 1-1.5'               | 1-1.5'               | Sun/part shade          | L            | D                           |
| Muhly, Gulf                                  | <i>Muhlenbergia capillaris</i>  | Y                | 2-2.5'               | 2-3'                 | Sun/part shade          | L-M          | D                           |
| Muhly, Pine                                  | <i>Muhlenbergia dubia</i>       | T                | 1-3'                 | 1-3'                 | Sun/part shade          | VL           | E                           |
| Muhly, Seep                                  | <i>Muhlenbergia reverchonii</i> | T                | 2-3'                 | 1.5-2'               | Sun                     | VL           | D                           |
| Nolina; Ribbon Grass, Devil's<br>Shoestring  | <i>Nolina lindheimeriana</i>    | E                | 1-3'                 | 4-5'                 | Sun/part shade          | L            | E                           |
| Rye, Canada Wild                             | <i>Elymus canadensis</i>        | T                | 2-4'                 | 2-3'                 | Sun/part shade          | M            | D                           |
| Sideoats Grama                               | <i>Bouteloua curtipendula</i>   | Y                | 1-3'                 | 2-3'                 | Sun/part shade          | L            | D                           |
| Switchgrass                                  | <i>Panicum virgatum</i>         | Y                | 3-6'                 | 1-3'                 | Sun/part shade          | M            | D                           |
| Wheatgrass, Western                          | <i>Pascopyrum smithii</i>       |                  | 1-3'                 | 1-1.5'               | Sun/part shade          | M            | D                           |

| <b>PROHIBITED PLANT SPECIES *</b> |   |
|-----------------------------------|---|
| <b>Common Name</b>                | <b>Scientific Name</b>  |
| Bamboo                            | <i>Phyllostachys aurea</i> ; <i>Bambusa spp.</i>                  |
| Cat's Claw Vine                   | <i>Macfadyena unguis-cati</i>                                     |
| Cattail                           | <i>Typha spp.</i>   |
| Chinaberry                        | <i>Melia azedarach</i>  |
| Chinese Parasol Tree              | <i>Firmiana simplex</i>   |
| Chinese Pistache                  | <i>Pistacia chinensis</i>   |
| Chinese Tallow                    | <i>Sapium sebiferum</i>   |
| English Ivy                       | <i>Hedera helix</i>   |
| Giant Cane; Giant Reed            | <i>Arundo donax</i>   |
| Japanese Honeysuckle              | <i>Lonicera japonica</i>  |
| Jimsonweed                        | <i>Datura stramonium</i>  |
| Jujube                            | <i>Ziziphus zizyphus</i>  |
| Kudzu                             | <i>Pueraria lobata</i>  |
| Ligustrum, Japanese               | <i>Ligustrum, lucidum</i>   |
| Ligustrum, Wax Leaf               | <i>Ligustrum japonicum</i>  |
| Mimosa (non-native)               | <i>Albizzia julibrissin</i>                                       |
| Mulberry, Paper                   | <i>Broussonetia papyrifera</i>                                    |
| Mulberry, White                   | <i>Morus alba</i>   |
| Nandina (fruiting varieties)      | <i>Nandina spp.</i>   |
| Oleander                          | <i>Nerium oleander</i>  |
| Pampas Grass                      | <i>Cortadenia selloana</i>  |
| Princess Tree; Empress Tree       | <i>Paulownia tomentosa</i>  |
| Pines, non-native                 | <i>Pinus elliotii</i> ; <i>P. eldarica</i> , <i>P. virginiana</i> |
| Photinia, Chinese                 | <i>Photinia spp.</i>  |
| Privet, Common                    | <i>Ligustrum sinense</i> , <i>Ligustrum vulgare (and others)</i>  |
| Pyracantha                        | <i>Pyracantha spp.</i>  |
| Russian Olive                     | <i>Elaeagnus angustifolia</i>                                     |
| Tamarsik, Salt Cedar              | <i>Tamarix spp.</i>   |
| Tree of Heaven                    | <i>Ailanthus altissima</i>  |
| Vinca, Periwinkle                 | <i>Vinca major &amp; V. minor</i>                                 |
| Vitex, Lilac Tree; Chaste Tree    | <i>Vitex agnus-castus</i>   |
| Wisteria, Chinese                 | <i>Wisteria sinensis (and others)</i>                             |



F. Approval of Alternative Landscaping. A request for alternative landscaping may be submitted and acted upon in accordance with the accompanying site plan or planned development request. The City Council, or alternatively the Director of Planning and Development if the site plan or planned development amendment meets the criteria for administrative approval, may approve the following, based upon a finding that the proposed alternative meets the spirit and intent of this Section 2.09.01 Landscaping Regulations:

1. Location or Type of Required Landscape Material.
  - a. Alternatives or minor changes to the location or type of required landscape materials due to unusual topographic constraints, sight restrictions, siting requirements, preservation of existing stands of native trees or similar conditions, or in order to maintain consistency of established front yard setbacks.
  - b. These minor changes may vary the location of required landscape materials, but may not reduce the amount of required landscape area or the amount of landscape materials.
2. Required Landscaping Edges and Buffers.
  - a. Alternatives or minor changes to the required landscape edges and buffers along a street frontage if immediately adjacent properties on both sides (at side property lines) have a smaller or no landscape buffer strip, in order to maintain consistency between existing parking lot and drive aisle alignments.
  - b. If an alternative landscape edge or buffer is granted, an equal amount of landscaped area and trees shall be provided elsewhere on the site as may be deemed appropriate by the City Council.
3. Landscaping for Nonresidential Areas Adjacent to Residential Areas.
  - a. Partial or complete relief from the landscaping buffer requirement within 2.09.01. A.6, if the applicable lot is smaller than two (2) acres.
  - b. If an alternative buffer is granted, adequate screening shall be provided to ensure an equivalent buffer effect.

G. Entryways and Amenity Features within City Right-of-Way

1. Entryway or amenity features within City Right-of-Way may be developed under the responsibility of a Homeowners' or Property Owners' Association.
  - a. Documents shall be submitted, reviewed, and approved by the Director of Planning.

## **2.09.02. Tree Preservation**

A. Definitions For the purposes of this Section 2.09.02. Tree Preservation, the following terms shall have the special meaning respectively ascribed to them below, which special meanings shall govern in case of any conflict with other definitions set forth in the City Code of Ordinances.

1. Approval. Approval of a Preliminary Plat Application, or Site Plan Application pursuant to a duly executed Application for a Tree Survey, Tree Protection Plan, or Tree Mitigation Plan.
2. Owner. The person who has legal title to the property or a lessee, agent, employee or other person acting on behalf of the titleholder with authorization to do so.
3. Protected Tree.
  - a. Any tree having a trunk caliper of six inches (6") or more, measured 4' 6" above natural grade level.

b. The following trees are excluded from the above definition of Protected Tree:

| <i>Table 16: Trees Excluded from the Protected Tree Definition</i> |                             |                       |
|--|-----------------------------|-----------------------|
| <i>#</i>   | <i>Common Name</i>          | <i>Botanical Name</i> |
| 1  | Bois d' Arc                 | Maclura pomifera      |
| 2  | Chinaberry                  | Melia azedarach       |
| 3  | Cottonwood                  | Populus deltoides     |
| 4  | Hackberry, Texas Sugarberry | Celtis laevigata      |
| 5  | Honey Locust                | Gleditsia triacanthos |
| 6  | Mesquite                    | Populus deltoides     |
| 7  | Mimosa                      | Mimosa sp.            |
| 8  | Mulberry                    | Morus rubra           |
| 9  | Silver Leaf Maple           | Acer saccharinum      |
| 10   | White Poplar                | Populus alba          |
| 11   | Willow                      | Willow sp.            |

4. Removal. As applied to a Protected Tree, means uprooting, severing the main trunk of the tree, or any act which causes, or may reasonably be expected to cause, the tree to die, including but not limited to:
  - a. Damage inflicted upon the root system by machinery, storage of materials, or soil compaction;
  - b. Substantially changing the natural grade above the root system or around the trunk;
  - c. Excessive pruning; or
  - d. Paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.
5. Tree. A self-supporting, woody, perennial plant which may have one or more stems or trunks, in which case the cumulative total diameters of those trunks shall be calculated in determining whether the trunk of the tree is six inches (6") in diameter or larger.

B. Tree Preservation and Replacement

1. City Approval Required. Any person commits an offense if the person, directly or indirectly, causes, permits or allows the cutting down, destruction, removal, or damaging of any Protected Tree prior to the approval of a:
    - a. Tree Survey,
    - b. Tree Protection Plan, or
    - c. Tree Mitigation Plan.
  2. The following are exempt from Section 2.09.02. B.1:
    - a. A tree is located in the yard area of developed and owner-occupied residential property, or
    - b. A tree or parts of trees and branches over hang and extend laterally into the space over public property.
  3. Replacement Trees Required.
    - a. The owner of the property from which a Protected Tree was removed or where such tree died shall replace the tree with new trees having a total tree caliper width equal to the width of the tree(s) removed.
    - b. Replacement trees must be of a variety listed within Table 15: Recommended Plant Material List.
  4. Heavily Treed Lots.
    - a. A lot shall be considered "heavily treed" if the lot has tree canopy coverage of 50 percent or more of the lot's land area.
    - b. The Applicant shall be responsible for showing and calculating the tree canopy coverage on the Application.
    - c. A heavily treed lot shall be allowed to reduce the amount of Protected Trees (required in 2.09.02. B.3) needing to be replaced by 50 percent.
- C. Tree Survey Every Preliminary Plat Application, or Site Plan Application must be accompanied by a Tree Survey and Tree Protection Plan.
1. The Tree Survey shall graphically identify all trees including Protected Trees and be in a format acceptable to the Director of Planning.
  2. **The Tree Survey shall be prepared by a Registered Professional Landscape Architect or Certified Arborist.**
- 2 3. No Application shall be deemed complete **for filing** until a Tree Survey has been submitted.
- D. Tree Protection Plan At or before the Preliminary Plat or Site Plan review and prior to the removal of any trees, the Applicant shall submit a Tree Protection Plan, which shall graphically identify Protected Trees and identify those being preserved and those being removed. Notably, the Tree Protection Plan is submitted jointly with the Tree Survey or a previously approved Tree Survey, if development is occurring in stages or phases.
- E. Tree Mitigation Plan If a property owner or his agent removes a Protected Tree without an approved Tree Survey/Tree Protection Plan, he shall submit a Tree Mitigation Plan to remedy the damage and such plan shall not become effective until approved by the City Council.
- F. Tree Removal Prohibited Any person commits an offense if the person, directly or indirectly, causes, permits or allows development subject to 2.09.02. C. Tree Survey to begin; including, but not limited to, grading or tree removal on applicable sites prior to the approval of a Tree Survey and Tree Protection Plan.
- G. Tree Protection at Time of Construction

1. All trees within an approved building site to be preserved shall be flagged and encircled with protective fencing that extends beyond the full spread of the tree branches.
2. No construction is to occur within an area that constitutes more than fifty (50) percent of the critical root zone (as measured from the edge of the drip line to the trunk of the tree) for each tree being preserved.
3. Additionally, no more than thirty (30) percent of the viable portion of a Protected Tree's crown may be removed.
4. No grading or tree removal shall occur on a lot until the grading and Tree Protection Plan has been approved.
  - a. Tree wells. Tree wells shall be limited to a maximum depth of four (4) feet measured from finished grade.
  - b. Tree Islands. Tree islands shall be limited to a maximum height of four (4) feet measured from finished grade.

#### H. Enforcement and Violations

1. Enforcement of these criteria shall be in the field as well as on the plan.
2. Plan adjustments made during construction must be approved by the Director of Planning.

#### I. Protected Tree Removal Information

1. Application for the removal of a Protected Tree located on privately owned property shall be made by the owner of the property on which such tree is located.
2. An application for the removal of a Protected Tree shall specify:
  - a. The location of the tree.
  - b. The caliper of the trunk of the tree, as measured 4' 6" above natural grade level.
  - c. The approximate crown size of the tree.
  - d. The species and/or common name of the tree.
  - e. The approximate size of the lot, tract, or parcel on which it is located.
  - f. The reason for the proposed removal.
  - g. Such other information as may be reasonably required by the Director of Planning.

#### J. Protected Tree Removal

1. Approval Criteria for Public Land. The City shall approve an Application for the removal of a Protected Tree in connection with construction, maintenance, or repair of public facilities in or above a public street, alley, Right-of-Way or easement, or other public land under one or more of the following conditions:
  - a. The location of the tree prevents the opening of reasonable and necessary vehicular traffic lanes in a street or alley;
  - b. The location of the tree prevents the construction of utility lines or drainage facilities which may not feasibly be rerouted;
  - c. The location of the tree prevents all reasonable access to the property; or
  - d. The denial of approval of such Application would deny a political subdivision of the state the reasonable use of public property for the achievement of its public purpose.
2. Approval Criteria for Building Sites. The City shall approve an Application for the removal of a Protected Tree in connection with one or more of the following conditions:
  - a. Building pad site (including an area 5' from the edge of the building pad),

- b. Street Right-of-Way,
  - c. Utility Easement, or
  - d. Driveway.
3. Special Approval Criteria. Notwithstanding any of the foregoing provisions of this section, the City shall approve an Application for the removal of a Protected Tree under the following circumstances:
- a. The Building Official determines that the tree constitutes a hazard to life or property which cannot reasonably be mitigated without removing the tree; or
  - b. The Building Official determines that the tree is dying, dead or diseased to the point that its restoration to sound condition is not practicable, or that its disease can be expected to be transmitted to other trees and to endanger their health.

K. Approval of Alternative Compliance

- 1. Replacement Trees.
  - a. The City Council may approve a developer's request to plant replacement tree(s) either on the same property from which the tree was removed or on other property within the City Limits. Trees may be planted on City property.
  - b. The applicant shall plant trees selected from the City approved list of trees and purchase them from a nursery or supplier approved by the City. A list of approved suppliers shall be kept on file in the Planning and Development Department.
  - c. The trees shall be shown on the approved Landscape Plan as part of the Site Plan.
- 2. Fee in Lieu of Replacement Trees.
  - a. The City Council may approve payment of a fee in lieu of replacement trees. A developer may apply for approval of a fee in lieu of replacement only for developments which meet **one of** the following criteria:
    - i. If the proposed subdivision is heavily treed and the existing tree canopy would prohibit the growth of the replacement trees, or
    - ii. If the required replacement trees were to be installed, the replacement trees would be planted under the canopy of any existing tree.
    - iii. **If the required replacement trees were to be installed, the economic viability of the property is compromised. (Ex. The value of mitigated trees exceeds the value of the property.)**
    - iv. **If the City has no available property for additional trees to be planted.**
- 3. The fee shall be established by the City Council **at a cost of \$150 per caliper inch. ~~be calculated based on the cost of purchase and installation of the trees from a supplier on the list maintained in the Planning Department and approved by the City Manager. The applicant shall submit a quote from a supplier on the list for fee in lieu of the required replacement trees.~~**
- 4. Administration of Tree Fund.
  - a. The City shall administer the Tree Fund. Tree funds shall be used only for the following purposes: to purchase, plant and irrigate trees on public property, to preserve wooded property that remains in a naturalistic state in perpetuity, to perform and maintain a city-wide tree inventory and to educate citizens and developers on the benefits and value of trees.
  - b. Fees contributed to the Tree Fund shall be paid prior to the pre-construction meeting on all Commercial, Industrial, Multi-Family Residential, Residential and Mixed Use

Developments, and prior to filing a Final Plat in the Denton County Clerk's Office for all single-family Residential Subdivisions.

- c. No acceptance of public improvements shall be authorized until all replacement trees have been planted or a fee in lieu of replacement has been approved, and required payments have been made to the Tree Fund.
- d. Voluntary contributions for tree preservation shall be placed in the Tree Fund.

| City         | Cost of Mitigation  |
|--------------|---|
| Allen        | \$200 per Caliper Inch  |
| Frisco       | \$175 per Caliper Inch  |
| Rowlett      | Determined by City Forester based on the monetary value of the replacement tree   |
| Plano        | \$175 per Caliper Inch  |
| Denton       | \$125 per caliper inch  |
| Carrollton   | \$130 (per unit not specified)  |
| Coppell      | Indemnification (determined by City Manager) + Protected Tree: (\$100 per caliper inch if less than 12 inches, \$200 if greater) or Specimen Tree (Appraised value based on Council of Landscaping Tree Appraisers, CLTA, guidelines), or Historic Trees (cannot be removed without a Hardship approved by City Council, CLTA guidelines) |
| Flower Mound | \$125 per caliper inch  |
| Corinth      | Cost based on quotes from approved city Nurseries   |

# **ITEM C**





## Memorandum

To: **The Corinth Planning and Zoning Commission**  
From: Ben Rodriguez, AICP, Planning and Development Manager  
Meeting Date: January 28, 2019  
Re: Residential subdivision screening.

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### **Action Requested:**

Conduct a public hearing to consider testimony and take action upon a proposed amendment to the City's Unified Development Code, Section 4: Sign and Fence/Screening Regulations subsection 4.02: Fence and Screening Regulations.

### **Background Information:**

Staff is proposing amendments to the City's Screening and Fencing requirements. The changes to the City's Screening and Fencing requirements are to specify that required perimeter screening for residential developments be placed within the required landscape edge and directly adjacent to the thoroughfare and the adjacent residential lot or internal street.

The intent of this change is to provide an area of green space between the sidewalk and masonry screening walls required for the perimeter of residential subdivisions. Staff is hopeful that this will help mitigate the "canyon effect" while driving down the road between screening walls.

Staff is also proposing the addition of a Five foot by five foot "5ftx5ft" visibility triangle for back yard fences on alley served lots. The intent of this visibility triangle is to allow for additional visibility for residents backing out of their driveways into the alley.

Additionally, Staff is proposing the removal of chain link as an allowed fencing material for industrial uses as well as making minor grammatical changes.

Finally, staff is proposing amendments so that our Code will comply with state law. Currently our code states that any fence variance requests will go before the Planning and Zoning Commission for approval. However, only a City's Zoning Board of Adjustment has the legal authority to grant variances. The proposed language corrects this oversight.

### **Supporting Documents:**

- Proposed amendment

### **Staff Recommendation:**

Staff recommends approval as presented.

## **Subsection 4.02. - Fence and Screening Regulations**

### **4.02.01. - Purpose**

- A. General The requirements set forth in this Subsection 4.02 Fence and Screening Regulations are intended to promote safety; protect the character and stability of residential, commercial, and industrial areas; to conserve the value of land, buildings, and neighborhoods, and enhance the aesthetic and visual image of the City.
- B. Compliance The construction, modification and maintenance of fences shall comply with the requirements of the City Code of Ordinances.

### **4.02.02. - Applicability**

- A. These regulations shall be applicable to:
  - 1. All new development, and
  - 2. Any proposed building remodeling, alteration, addition, or expansion which either:
    - a. Increases the current appraised value of the existing structure (excluding the value of the land), or
    - b. Increases the overall square footage of any existing structure by thirty percent (30%) or more.

### **4.02.03. - Fence Regulation Definitions**

For the purpose of this Subsection 4.02, certain terms, words and phrases are defined as follows:

- A. Agricultural Use Land Land where the production, keeping, or maintenance for sale, lease, or personal use of plants and animals useful to man, including, forages and sod crops; grains and seed crops, dairy animals, poultry and livestock, including but not limited to ostriches, emus, buffalos, beef cattle, sheep, goats, mules, horses, and ponies.
- B. Fence An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.
- C. Masonry Brick, stone, pre-cast concrete, poured-in-place concrete, and split-face concrete masonry unit unless otherwise prohibited by this Subsection 4.02.
- D. Nonconforming Fence Any fence lawfully existing or approved for construction prior to the date of this UDC that fails to conform to the present requirements of this Subsection 4.02.
- E. Residential A single family and/or a multi-family dwelling.
- F. Screening A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

### **4.02.04. - Fence Building Permit**

- A. Fence Building Permit Required No fence or screening wall/fence may be constructed, erected, installed, enlarged, altered, replaced, removed or demolished unless a Fence Building Permit has first been obtained from the Building Official. The Fence Building Permit Application must attach four (4) sets of plans of the proposed fence or screening wall/fence to include:
  - 1. Building locations and area to be fenced;
  - 2. Dimensions and description of materials being used;
  - 3. Intersections of streets, roads, highways, alleys and driveways with subject property;

4. Corner open space easements (i.e., visibility triangles) per Section 3.05.07. C. Triangular Sight Visibility Easements (see also Figure 35);
  5. Site and adjacent properties zoning classifications; and
  6. Such other data as deemed necessary by the Building Official. The fee for the permit shall be established in the City's Fee Schedule. No permit fees shall be refunded.
- B. Exception to Permitting Requirements Up to fifty percent (50%) of an existing fence or screening wall/fence ~~on a single family residential property~~, as measured by linear foot, may be replaced, removed, or demolished without submitting an application and plans. This exception may only be applied once per two (2) years for the entire ~~single family residential~~ property.
- C. Offense A person commits an offense if the person erects or causes to be erected on his or her property a fence without a Fence Building Permit.

#### **4.02.05. - Fence Building Permit Expiration**

- A. Expiration Every Fence Building Permit issued by the Building Official under the provisions of this Subsection 4.02 shall expire if the building or work authorized by such permit is not commenced within one hundred eighty (180) calendar days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned for a period of one hundred eighty (180) calendar days at any time after the work is commenced.
1. Before such work can recommence, a new Fence Building Permit meeting the current regulations shall be obtained, and the fee shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year.
  2. In order to renew action on a Fence Building Permit after one year, the permittee shall pay a new full permit fee.
- B. Extension Any permittee holding an unexpired Fence Building Permit may apply for an extension of the time within which work may commence.
1. The Building Official may extend the time for action by the permittee for a period not exceeding 180 calendar days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.
  2. No Fence Building Permit shall be extended more than once.

#### **4.02.06. - Suspension or Revocation of a Fence Building Permit**

The Building Official may, in writing, suspend or revoke a Fence Building Permit issued under the provision of this Subsection 4.02 whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation, or any of the provisions of this Subsection 4.02.

#### **4.02.07. - Fence Variance**

Any Applicant for a Fence Building Permit whose request is denied by the Building Official for noncompliance with this Subsection 4.02, or whose permit is suspended or revoked, may (within thirty (30) business days from the date of written notification) appeal such decision via a Fence Variance to the ~~Planning and Zoning Commission Zoning Board of Adjustments~~.

- A. Authority and Public Hearing
1. The ~~Planning and Zoning Commission Zoning Board of Adjustments~~ may grant a Fence Variance from the requirements of this Section in accordance with this Section.

2. The ~~Planning and Zoning Commission~~ **Zoning Board of Adjustments** may grant a Fence Variance following a public hearing by an affirmative vote of a majority of the members present and voting on the matter.
- B. Fence Variance Grounds or Reasons
1. The Applicant for a Fence Variance shall file an Application that specifically describes the grounds or reasons upon which the Fence Variance request is based.
  2. The Applicant shall provide exhibits showing the proposed elevations and materials for the alternative fencing and shall be shown on the Site Plan or if no Site Plan is required then at the time of building permit application.
- C. Fees and Sign Posting for Fence Variance At the time the Fence Variance application is filed, the Applicant shall pay a fee as set forth in the City's Fee Schedule to defray the costs of handling and processing the Application.
1. This fee shall not be refundable regardless of the disposition of the Application.
  2. The Applicant shall ~~cause~~ **erect and maintain** a sign **six (6) square feet in size** noticing the public hearing ~~to be placed and maintained~~ on the property.
  3. The continued maintenance of the sign shall not be a condition precedent to the holding of a public hearing or any other official action concerning such Fence Variance.
- D. Mailed Notice to Property Owners Notice shall be sent by United States mail, first class postage, not less than 10 calendar days before the public hearing, to all property owners (as the ownership appears in the most current tax rolls for the City) whose property abuts any portion of the boundary of the property where a fence is to be erected and for which a Fence Variance has been requested.
- E. Finding of Unreasonable Hardships
1. In order to grant a Fence Variance, the ~~Planning and Zoning Commission~~ **Zoning Board of Adjustments** must find that unreasonable hardships or difficulties may result from strict enforcement of these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal.
  2. The ~~Planning and Zoning Commission~~ **Zoning Board of Adjustments** may approve variances to the regulations so that substantial justice may be done and the public interest secured; provided that the variance shall not have the effect of nullifying the intent and purpose of these regulations.
- F. Specific Terms and Conditions The ~~Planning and Zoning Commission~~ **Zoning Board of Adjustments** may require specific terms and conditions applicable to the approval of the Fence Variance.
- G. Time Limitations No other Fence Variance of like kind relating to the same building or proposed building, shall be considered or acted upon by the ~~Planning and Zoning Commission~~ **Zoning Board of Adjustments** for a period of six (6) months subsequent to the denial.

#### **4.02.08. - General Fence Requirements**

- A. Primary Use Exists
1. Fences, except silt or erosion-controlling types, shall not be constructed, erected, or installed on a lot unless the primary use/facility have been constructed.
  2. Temporary construction fences shall not be allowed on residentially zoned properties longer than sixty (60) calendar days after issuance of a Certificate of Occupancy.
- B. Height Maximum No fence shall exceed eight (8) feet in height measured from the finished grade of the lot or property upon which the fence is being erected, except as otherwise provided for in this Section.

C. Placement

1. Fences may be placed up to the property line except when deemed physically impractical by the property owner and the Director of Planning.
2. If a fence is offset from the property line, provisions shall be made to prevent vegetation from growing between any existing fence and the new fence.

D. Construction Material

1. Construction material may be wood or simulated wood (excluding landscape timbers, railroad ties or latticework panels), vinyl, tubular metal (meeting the vertical spacing requirement for swimming pool barrier fences), or masonry, ~~or chain link (industrial uses only or as otherwise provided)~~, except in the case where a screening wall/fence is required.
2. A maximum one (1) foot section of lattice constructed atop a wood or simulated wood fence for decorative purposes shall be permitted.

E. Visibility and Safety

1. Fences constructed on corner lots shall conform to the corner public open space easement (i.e., visibility triangles) per 3.05.07. C. Triangular Sight Visibility Easements (see also Figure 35).
2. Fences along winding streets may be prohibited by the Building Official if deemed that the structure materially obstructs visibility for vehicular traffic.

F. Fence Gate All fences shall have a minimum of one gate for emergency ingress and egress.

G. Property Owner's Expense and Responsibility

1. In the event any construction or landscaping on the easement requires removal in whole or in part for service access purposes, the same shall be replaced or repaired at the sole expense of the property owner; the City or any utility or other company duly authorized to install lines or equipment within such easement, shall not be held liable for damages.
2. All Applicants shall be responsible for calling the affected utilities for line locations (i.e., "Dig Test") before constructing a fence across any easement.

H. Fences Installed within an Easement For ease of access for service purposes, any fence installed within an easement of the City shall provide a gate or panel with an opening of not less than ten feet (10') in width when opened or removed, unless waived by the ~~Director of Public Works-City Engineer~~.

I. Drainage Easements and Floodways

1. Fences may cross drainage easements, but shall not cross nor encroach into any Floodway nor obstruct or in any way hinder the safe transfer of water through drainage easements or drainage ways.
2. The City shall have the right to remove fences that encroach into a drainage easement and any other easements in a manner that interfere with the predominant use of that easement.

J. Hazardous Fence No fence shall be erected or permitted to remain when deemed by the Building Official or his/her authorized representative to be hazardous to the health, safety, and welfare or the general public.

K. Hazardous Fences in High Density Areas

1. Residential Areas. In residential areas with one or more dwellings per acre, no barbed wire, glass imbedded, spiked, electrified, or any other fence deemed hazardous to the health, safety, and welfare of the general public shall be permitted.
2. Commercial and Industrial Areas. In commercial and industrial areas, fences with barbed wire along the top portion are permitted, provided the fences exceed eight (8) feet in height.

~~L. Any Vertical Element of the Fence Not including fence posts, wooden or tubular metal pickets or similar elements of the fence shall extend from one inch (1") above grade to the top of the fence.~~

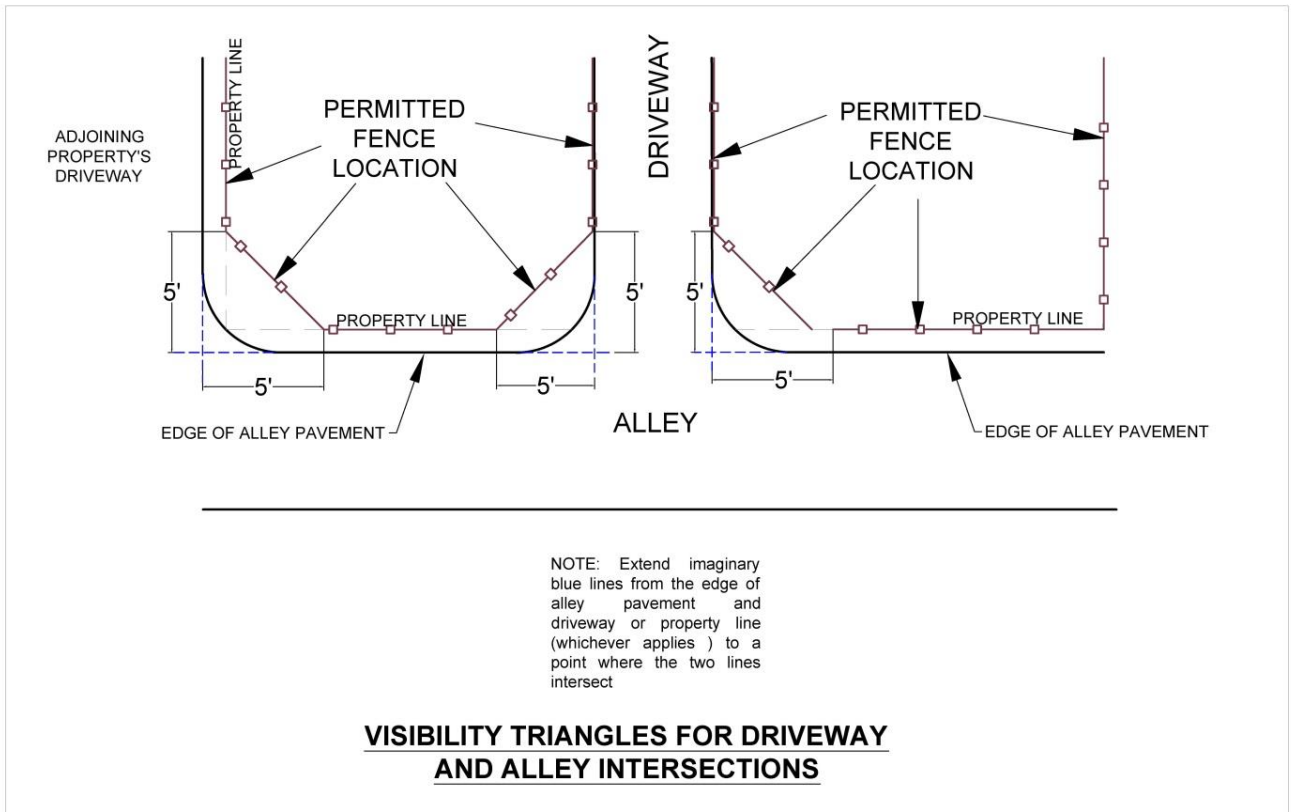
#### **4.02.09. - Agricultural Fences**

- A. Compliance and Exception Lots or parcels of land zoned Single Family having a land area of three (3) acres or more and being developed with one single family residence or single family-zoned land having an established agricultural use as defined herein shall comply with the provisions of this UDC, except for the construction of cross-fencing interior to the lot or parcel.
- B. Perimeter Fencing Materials In addition to the permitted fencing materials listed in 4.02.08. General Fence Requirements, properties described in 4.02.09. A above, may also use pipe and cable, wire fence, and sucker rod pipe for perimeter fencing needs.
- C. Interior Cross-fencing Materials In addition to the fencing materials permitted in 4.02.09. B above, properties described in 4.02.09. A above may also use the following types of fencing for interior cross-fencing needs: T-posts and electric fence meeting the minimum specifications of the Underwriters' Laboratory and installed in accordance with the National Electric Code adopted by the city and ElectroBraid™ or similar product (i.e., braided fabric and wire combination affixed to posts that are attached to a low-voltage regulator).
- D. Pre-Existing Fences In cases where there are fences on lots or parcels of land as described in 4.02.09. A above, constructed on or before May 15, 2002, and the fences do not comply with the provisions of this UDC at the time of its adoption, said fences shall be allowed to continue to exist until:
  - 1. They are deemed injurious to the health, safety and welfare of the general public;
  - 2. They are destroyed or fifty percent (50%) or more damaged; or
  - 3. The land is sold and/or further subdivided and developed.

#### **4.02.10. - Residential Fences**

- A. Fence Construction
  - 1. Fences that are erected abutting streets, parks, trails, Denton County Transit Authority (DCTA) trails, public property may be constructed of wood or simulated wood (with horizontal members facing the interior yard) or tubular metal, meeting the vertical spacing requirement for swimming pool barrier fences.
    - a. Where a tubular metal fence is in place, a wood fence may not be constructed along streets immediately behind the tubular metal fence.
  - 2. Fences that are erected abutting property used for open space or agricultural use may be constructed of wood or simulated wood (with horizontal members facing the interior yard), or tubular metal meeting the vertical spacing requirement for swimming pool barrier fences.
  - 3. All residential fences shall be constructed with the finished surface (i.e., the smooth side) facing outward from the property. The finished surface (i.e., the smooth side) may have a horizontal cap, architectural detail, or molding located at the top of the fence that extends beyond the surface plane of the fence.
- B. Front Yards In front yards, no fence shall be erected in front of the front building line except fences that do not obstruct vision.
  - 1. Fences allowed within front yards shall be constructed of tubular metal, vinyl, simulated wood or wooden rail or picket-style construction and shall be no greater than four feet (4') in height, excluding the posts.

2. Properties with less than one dwelling per acre may have fences in the front yard in excess of four feet (4') provided they do not obstruct vision or hamper safety.
- C. **Corner Lots** Where a corner lot (Lot, Corner) has two front yards and a house is constructed facing one of the two front yards, the second front yard may be fenced in the same manner as any other side yard provided it complies with corner open space easements (i.e., visibility triangles) per 3.05.07. C. Triangular Sight Visibility Easements (see also Figure 35).
- D. **Alleys** At the intersections of driveways with alley access, a visibility triangle extending to the edge of alley pavement a distance of five (5) feet and extending from the edge of driveway pavement a distance of five (5) feet and connecting the two points shall be maintained, and remain free of obstructions as detailed in Figure 34 below.



**Figure 34 – Alley Visibility**

#### 4.02.11. - Screening Requirements for Residential and Nonresidential Properties

- A. Screening Height Between Nonresidential and Residential Masonry screening walls separating nonresidential used and/or zoned areas from residential uses shall be at least six feet (6') in height, but not more than eight feet (8'), unless otherwise specifically permitted or required by this Section or unless approved by the City Council following a recommendation by the Planning and Zoning Commission in the consideration of a PD, Planned Development rezoning application, Site Plan, or Specific Use Permit.
- B. Masonry Screening Walls Masonry screening walls shall be placed up to the property line except when deemed physically impractical by the property owner and the Building Official.
- C. Nonresidential Construction Abuts Residential Zoning Classification
1. Nonresidential construction which abuts the boundary of any property in a residential zoning classification shall require the Developer of the nonresidential use to erect a minimum six (6) foot high masonry screening wall along the common boundary before public works improvements having been accepted for platting purpose or before the issuance of a Certificate of Occupancy zoning purposes.
  2. The design and construction material of the screening fence shall be as specified in this Section.
- D. Nonresidential Uses with Loading Docks
1. Nonresidential uses with loading docks and delivery entrances that front a Collector Street or Arterial Street shall require the Developer to erect a minimum ten-foot (10') high masonry screening wall to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery.
  2. If such service/loading areas are adjacent to residential uses they shall be screened from view at a height of six feet (6') while standing at the highest grade on the residential property line.
- ~~E. Residential Construction Abuts Nonresidential Zoning Classification~~
- ~~1. Residential construction which abuts the boundary of any property in a nonresidential zoning classification that is vacant or occupied by a nonresidential use shall require the Developer of the residential use to provide a minimum six (6) foot high screening fence along the common boundary before the issuance of a Certificate of Occupancy.~~
  - ~~2. The design and construction material of the screening fence shall be as specified in this Section.~~
- F. Residential Construction Abuts a Collector, Arterial Street, Expressway or Freeway
1. When residential construction abuts a Collector Street or an Arterial Street (as defined in the City's Comprehensive Plan as amended from time to time), the Developer shall erect a minimum six (6) foot high masonry screening wall ~~along the Right-of-Way line within the required landscape edge directly adjacent to the adjoining residential lot and or internal right of way.~~ before the issuance of a Certificate of Occupancy.
  2. ~~The design and construction material of the screening fence shall be as specified in this Section.~~
  3. ~~The masonry screening wall shall be placed within a lot owned and maintained by the HOA.~~



4. The masonry screening wall shall be placed within a five foot wall construction and maintenance easement.

G. Screening Walls/Fences

1. Any screening fence required by this Section shall be constructed of the following materials:
  - a. Brick, stone, or split-face concrete masonry unit; or
  - b. Pre-cast concrete wall or poured-in-place concrete wall with a similar appearance as brick, stone or split-face concrete masonry unit.
2. All construction materials shall be earth-tone or traditional masonry colors including white.
  - a. An unfinished haydite block wall or a wall with non-traditional masonry colors shall be prohibited.
  - b. Where a masonry screening wall is constructed of split-face concrete masonry units or pre-cast concrete or poured-in-place concrete with a similar appearance as brick, stone or split-face concrete masonry unit, the decorative or split-face side of the wall shall face the adjacent residential properties or street.
  - c. Smooth-faced concrete masonry units (e.g., haydite blocks) shall not be permitted as a construction material for a screening fence.

H. Screening Wall Design

1. All walls shall be constructed with the same materials and same masonry percentages as the main building.
2. The screening wall shall be designed and constructed to prevent any drainage or erosion problems.
3. A minimum five-foot (5') wide screening fence maintenance easement shall be provided on all lots abutting the required screening along the full length of the required screening fence, unless separated by an alley. If platting, such easement shall be shown on the Preliminary Plat and Final Plat.

**4.02.12. - Mechanical Equipment Screening Requirements for Nonresidential Properties**

A. General

1. In all nonresidential development, all mechanical equipment whether ground-mounted, roof-mounted or otherwise attached to the building shall be screened from view at a height of six feet (6') while standing at the highest grade on the nearby property line(s).
2. Mechanical equipment areas shall be constructed, located and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.
3. The location, construction, and screening of all mechanical equipment shall be shown on the design drawings.

B. Ground-Mounted Mechanical Equipment

1. Ground-mounted mechanical equipment, with the exception of an electricity delivery provider's distribution voltage of 25 kv (kilovolts) or smaller, shall be screened with a screening fence or living screen equal to or greater than one foot (1') above the height of the unit.
2. The screening fence shall be constructed of masonry or wooden materials.

C. Roof-Mounted Mechanical Equipment

1. Roof-mounted mechanical equipment shall be screened from view with a parapet wall, mansard roof or alternative architectural element.

2. The height of the screening element shall be equal to or greater than the height of the mechanical unit(s) provided that the element shall not extend more than five feet (5') above the roof on a one- or two-and-one-half (2½) story building.
3. When the height of a mechanical unit exceeds the maximum permitted height of the screening feature, an additional roof setback for the unit shall be required at a ratio of two horizontal feet (2') for each additional one-foot (1') of vertical height above the maximum five (5) feet.
4. Screening for mechanical units shall apply to new building construction **and renovations exceeding 50% of the structure(s) appraised value or square footage. only.**

#### **4.02.13. - Screening of Outdoor Waste Storage for Nonresidential, Single Family Attached, and Multiple Family Residential Properties**

##### **A. General**

1. Waste storage areas (refuse containers, etc.) shall be constructed, located and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.
2. The location, construction, and screening of all waste storage areas (refuse containers, etc.) shall be shown on the design drawings.

##### **B. Incidental Use Requirement and Location Standards** Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers which are used for waste disposal purposes shall:

1. Only be allowed as an incidental use, and
2. Only be allowed when located behind the building line established by the structure and not within any side or rear yard setback or any required landscaped area. The director may allow minor incursions into a side or rear yard setback provided that it does not hinder vehicular visibility and is conducive to the flow of traffic on the site.

##### **C. Setbacks** Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers shall be setback from all residential uses a minimum of twenty-five feet (25').

##### **D. Screening Required** **For nonresidential uses**, refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers shall be enclosed on all four sides with a three-sided masonry screening wall and a **solid** metal gate **with closure mechanism** on the fourth side that shall be constructed to a minimum height of one (1) foot above the container height, but shall not exceed eight feet (8') in height.

1. The container shall be screened by the masonry wall and a **solid** metal gate capable of screening the area and shall remain closed at all times except when filling or emptying the container.
2. The screening wall shall be similar to or extensions of the development's architectural design.

#### **4.02.14. - Fence Installation**

##### **A. Pre-Existing Fences**

1. A Developer, who is required to erect a screening fence under the provisions of this Section, shall be responsible for removing any pre-existing fences that do not meet the requirements of this Section on any properties that abut the new screening fence so as to avoid a gap between the new screening fence and the pre-existing fences.
2. The Developer shall bear the cost of removing the pre-existing fences subject to the provisions in 4.02.14. B and 4.02.14. C, below.

- B. Permission of the Adjacent Property Owner Prior to removing any pre-existing fence and erecting the required screening fence in its place, the Developer shall obtain the permission of the adjacent property owner.
1. If an adjacent property owner withholds his consent, the Developer shall leave the pre-existing fence in place and erect the new screening fence alongside it on the Developer's property.
  2. Provisions shall be made to prevent vegetation from growing between the existing and new fence.
- C. Liability The Developer and his contractor shall be liable for any personal or property damage that may occur during the removal of the pre-existing fence and the construction of the new screening fence.

#### **4.02.15. - Barrier Fence Requirements for Swimming Pools, Spas, and Hot Tubs**

- A. General The provision of this Section apply to the design and construction of barriers for all new swimming pools located in the City.
- B. Definitions For the purpose of this Section 4.02.15, certain terms, words and phrases are defined as follows:
1. Above-Ground/On-Ground. See definition of Swimming Pool.
  2. Barrier. A fence, wall, building wall or a combination thereof, which completely surrounds the Swimming Pool and obstructs access to the Swimming Pool.
  3. Grade. The underlying surface such as earth or a walking surface.
  4. Hot Tub. See definition of Swimming Pool.
  5. In-Ground Pool. See definition of Swimming Pool.
  6. Portable Spa. A non-permanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product and which is cord connected (not permanently electrically wired).
  7. Spa, Non-Portable. See definition of Swimming Pool.
  8. Swimming Pool. Any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.
- C. Swimming Pool Requirements An outdoor swimming pool shall be provided with a barrier which shall comply with the following:
1. The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool.
    - a. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches measured on the side of the barrier which faces away from the swimming pool.
    - b. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure.
    - c. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four (4) inches.
  2. Openings in the barrier shall not allow passage of a four (4) inch-diameter sphere.
  3. Solid barriers that do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

- a. An existing structure, such as a house or Accessory Building, may be used as part of the enclosure, provided said structure is no less than four feet in height.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five (45) inches, the horizontal members shall be located on the swimming pool side of the fence or shall be so constructed as to not provide a climbable surface.
  - a. Spacing between vertical members shall not exceed one and three-quarters inches ( $1\frac{3}{4}$ " in width.
  - b. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarters inches ( $1\frac{3}{4}$ " in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of horizontal members is forty-five (45) inches or more, spacing between vertical members shall not exceed four (4) inches.
  - a. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed three-quarter inches ( $\frac{3}{4}$ " in width.
6. Maximum mesh size for chain link fences shall be a one and one-quarter inch ( $1\frac{1}{4}$ " square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than one and three-quarter inches ( $1\frac{3}{4}$ ").
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-quarters inches ( $1\frac{3}{4}$ ").
8. Access gates shall comply with the requirements of items 4.02.15. C.1 through 4.02.15. C.7 (above) and shall be equipped to accommodate a locking device.
  - a. Pedestrian-access gates shall open outward away from the pool and shall be self-closing and have a self-latching device.
  - b. Gates other than pedestrian-access gates shall have a self-latching device.
  - c. Where the release mechanism of the self-latching device is located less than fifty-four (54) inches from the bottom of the gate, the release mechanism and openings shall comply with the following:
    - i. The release mechanism shall be located on the pool side of the gate at least three (3) inches below the top of the gate, and
    - ii. The gate and barrier shall have no opening greater than one-half ( $\frac{1}{2}$ ) inch within eighteen (18) inches of the release mechanism.
9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:
  - a. The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or
  - b. All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened.
    - i. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities.
    - ii. The alarm shall automatically reset under all conditions.
    - iii. The alarm system shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening.

- iv. Such deactivation shall last for not more than 15 seconds.
  - v. The activation switches shall be located at least 54 inches above the threshold of the door.
  - c. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by a and b above.
10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then:
- a. The ladder or steps shall be capable of being secured, locked or removed to prevent access, or
  - b. The ladder or steps shall be surrounded by a barrier which meets the requirements of Items 4.02.15. C.1 through 4.02.15. C.8 (above). When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four (4) inch diameter sphere.
11. Barriers shall be located so as to prohibit permanent structures, equipment or similar object from being used to climb the barriers.

#### **4.02.16. - Inspections**

Upon completion of work authorized under this Section, it shall be the duty of the permittee to notify the Building Official that such work is ready for final inspection.

#### **4.02.17. - Loss of Nonconforming Status**

- A. Scenarios Any nonconforming fence loses its nonconforming status and becomes an illegal fence if:
- 1. The fence is damaged or deteriorated to such an extent that fifty percent (50%) or more of the fence must be rebuilt or repaired;
  - 2. The fence is moved to any extent unless the moving was due to installation, maintenance or repair of public streets or utilities; or
  - 3. The fence has been altered in any way except for normal wear and tear, routine painting or repair, or routine pruning of plant materials.
- B. Compliance Required after Loss Should any fence lose its nonconforming status, the illegal fence shall not be reconstructed or rebuilt except in conformance with the provisions of this UDC.

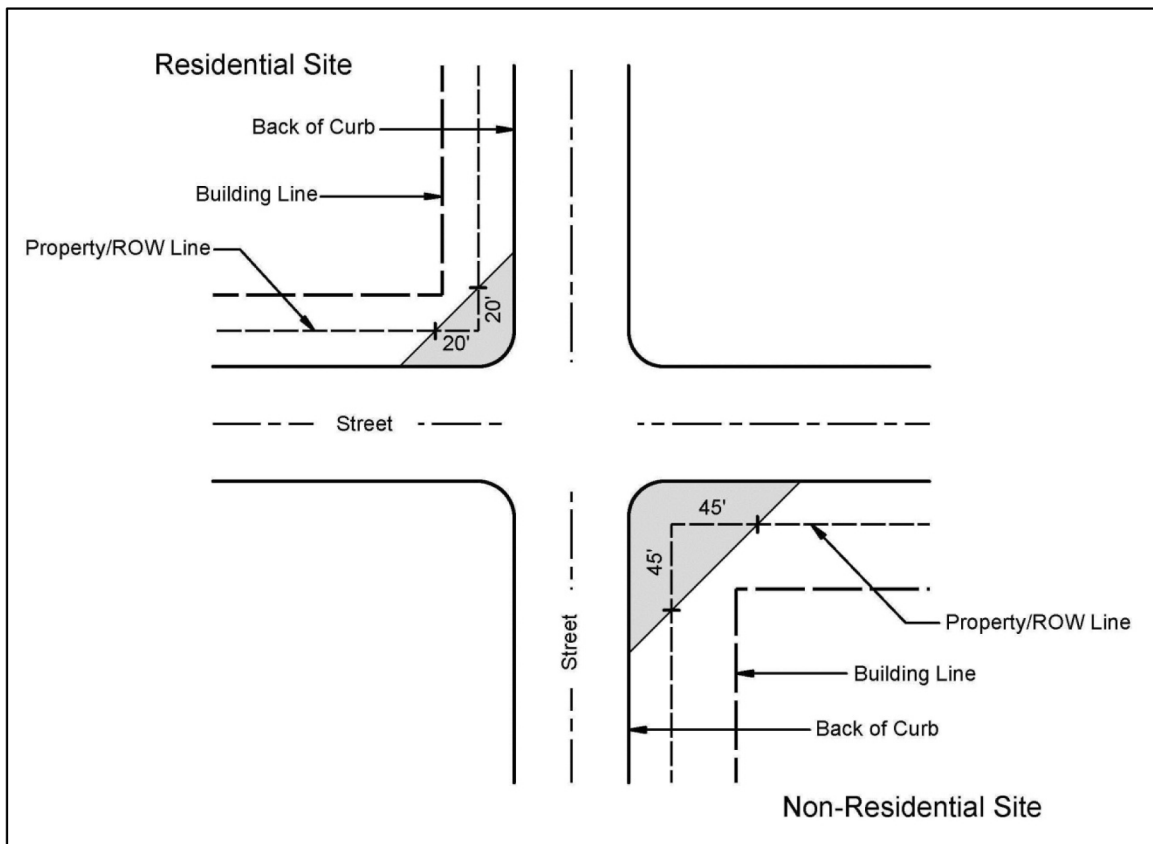
#### **4.02.18. - Maintenance of the Required Screening Fence**

- A. Maintenance Responsibility The owner of the property or Homeowners' or Property Owners' Association, if it is a commonly owned property, with the required screening fence shall be responsible for the maintenance of the screening fence sound condition.
- 1. This provision does not relieve an abutting property owner of liability for damage caused by such owner or his employees, agents, or contractors.
  - 2. Any living screen shall be maintained for perpetuity.
- B. Required Documents The Developer of a subdivision, after constructing the required screening fence, shall create a mandatory Homeowners' or Property Owners' Association, which shall be responsible for maintaining the screening fence.
- 1. The association's document must indicate that the screening fence is privately owned and maintained by the association, and that the City has no obligation to maintain said screening fence.

2. If the Homeowners' or Property Owners' Association fails to maintain said screening fence, the City shall have the right to perform necessary repairs or maintenance and to levy an assessment for the expense of the needed repairs or maintenance.
  3. Said assessment shall constitute a lien upon each lot against which the assessment is made.
- C. Homeowners' or Property Owners' Association Alternative Method If a subdivision contains five or fewer lots, the Developer may propose an alternative method for ensuring long-term maintenance of the screening fence.
1. The documents evidencing responsibility for maintenance of the required fence shall be reflected in the plat.
  2. The alternative method must be approved by the Planning and Zoning Commission.
- D. Vertical Alignment Requirement No fence shall be fifteen (15) degrees or more out of vertical alignment nor have any missing or damaged pickets within any eight-foot (8') section.
- E. Final Authority
1. The Building Official shall be the final authority of whether repair or maintenance is needed for any fence constructed within the City.

**4.02.19. - Illustration of the Corner Public Open Space Easement (i.e., Visibility Triangles)**

The following is a graphic depiction of one of the standards within Section 3.05.07. C Triangular Sight Visibility Easements, the Corner Public Open Space Easement:



**Figure 35: Corner Public Open Space Easement (i.e., Visibility Triangles)**

#### **4.02.20. - Minimum Fence and Screening Construction Standards**

- A. Minimum Construction Standards The Building Official shall develop and maintain the minimum construction standards necessary for this Section within the Building Official's Fence and Screening Details.
- B. Annual Update The Building Official's Fence and Screening Details shall be updated only once a year, if necessary, by the Building Official by January 31 for that given year.
- C. Update by the City Council The City Council may at any time update or amend said standards.

# **ITEM D**





## **Memorandum**

To: **The Corinth Planning and Zoning Commission**  
From: Ben Rodriguez, AICP, Planning and Development Manager  
Meeting Date: January 28, 2019  
Re: Inflatable signs

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### **Action Requested:**

Conduct a public hearing to consider testimony and take action upon an amendment to the City's Unified Development Code, Section 4-Sign and Fence Screening Regulations, Subsection 4.01 sign regulations to amend the City's regulations on inflatable "balloon" signs

### **Background Information:**

Staff has received multiple requests from businesses adjacent to IH 35 inquiring about placing inflatable balloon signs on their property to promote sales events for a temporary period of time. Currently, Balloon signs are only allowed during grand opening events for a period of 30 days.

During the City Council worksession on January 10, 2019 staff presented its research of other cities in the metroplex's regulations regarding inflatable signage to seek direction on if staff should proceed with amendments to our Code of Ordinances to allow balloon signs during limited periods of the year for all businesses. Following staff's presentation Council directed staff to proceed with an amendment.

Based on staff's research research staff recommends that the City follow the City of Plano's standards which allows for inflatable signs for two (2), fourteen day (14) periods per twelve (12) month period.

### **Supporting Documents:**

- Comparison chart
- Proposed amendments

### **Staff Recommendation:**

Staff recommends approval as presented.

#### 4.01.02. - Sign Regulation Definitions

For the purpose of this Subsection 4.01, certain terms, words and phrases are defined as follows unless clearly indicated to the contrary:

##### A. Definitions

3. Balloon. ~~An air tight envelope of paper, silk, plastic or similar material usually globose or pear-shaped, which, when inflated with light gas, rises in the air. In this UDC a balloon is limited in size to eighteen inches (18") in any dimension and cannot be higher than thirty feet (30') above ground level.~~ A temporary hollow sign expanded or enlarged by the use of confined or compressed air or gas.

#### 4.01.18. - Temporary Signs Requiring Permit

A person commits an offense if the person shall erect any of the following signs on property without first obtaining a Sign Building Permit:

##### A. Banner (Sign, Banner)

1. Permitted Sign Structure. Attached to building, excluding roof.
2. Modifications to General Regulations.
  - a. Maximum Area. 200 square feet.
  - b. Maximum Number of Signs. One (1) per site elevation.
  - c. Duration. Not to exceed ninety (90) calendar days for each permit, a maximum for two permits per year are permitted.

##### B. Model Home Sign (Sign, Model Home)

1. Permitted Sign Structure. Monument and/or ground.
2. Modification to General Regulations.
  - a. Maximum Height. Five (5) feet for ground signs.
  - b. Maximum Area. Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face.
  - c. Maximum Number of Signs. One (1) sign per model home per builder per subdivision.
  - d. Material Requirements. Not applicable.

##### C. Special Purpose Sign (Sign, Special Purpose)

1. Permitted Sign Structure. Attached and/or ground.
2. Modifications to General Regulations.
  - a. Maximum Height. Nine (9) feet for ground signs.
  - b. Maximum Area. Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face.
  - c. Maximum Number of Signs. Six (6) total per event or occasion, not to exceed five (5) off-site signs and one (1) on site sign.
  - d. Placement Time. Twenty-one (21) calendar days, must be removed within three (3) calendar days after termination of the event.
  - e. Material Requirements. Not applicable.

f. Residential Adjacency. Not applicable.

D. Development Sign (Sign, Development)

1. Permitted Sign Structure. Monument and/or ground.
2. Modifications to General Regulations.
  - a. Maximum Height. Eight (8) feet.
  - b. Maximum Width. Four (4) feet.
  - c. Maximum Area. Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face.
  - d. Maximum Number of Signs. One (1) per site.
  - e. Duration. Must be removed or re-permitted one year from the date permit is issued.

E. Grand Opening Signs

1. Permitted Sign Structure. Flags, banners, pennants, streamers, inflatable balloon, or similar device.
2. Modifications to General Regulations.
  - a. Minimum Letter/Logo Height. Not applicable.
  - b. Maximum Height. Inflatable devices shall not be more than thirty (30) feet above ground level unless it is attached to the roof of a building, in which case it shall not extend more than ten (10) feet above the highest part of the roof and shall be securely anchored at all times.
  - c. Maximum Area. Unlimited.
  - d. Maximum Number of Signs. Unlimited.
  - e. Duration. Grand Opening signs shall be permitted for thirty (30) calendar days.
  - f. Location Limitations. Shall not be allowed to extend over any public street, Right-of-Way, approved access easement, or over any other property not under the control of the permittee.
  - g. Illumination. Shall not be a nuisance to adjacent residential property.

F. Balloon Signs

- (1) Maximum height: The maximum height of an inflatable sign is twenty five (25) feet if freestanding; balloon signs cannot be mounted on, tethered to, or extend vertically above the roofline of a structure.
- (2) Maximum size/area: The maximum surface area of the front of an inflatable sign is sixty-four square feet.
- (3) Location: Inflatable signs are allowed in all nonresidential and mixed-use districts.
- (4) Placement/setbacks: Inflatable signs may not move, flap, wave, flutter, or twirl. An inflatable sign may not be attached or affixed to a fence, screening wall, tree, utility pole or structure, or permanent sign support. An inflatable sign may be freestanding only if it is adequately secured to the ground such that it will not move from its anchorage site, or lean over public right-of-way or adjacent property, during high winds. The setbacks for inflatable signs are the same as those for a monument sign. Inflatable signs may not be placed in fire lanes or in required parking areas.

- (5) Maximum number: The maximum number of inflatable signs is one per business and or lot.
- (6) Maximum Duration: A balloon sign may be permitted for two (2), fourteen (14) day periods per twelve month period.