

AGENDA

FLOWER MOUND PLANNING AND ZONING COMMISSION REGULAR MEETING

10/10/2022

FLOWER MOUND TOWN HALL, 2121 CROSS TIMBERS ROAD
FLOWER MOUND, TEXAS

6:30 P.M.

.....
AN AGENDA INFORMATION PACKET IS AVAILABLE ONLINE AT www.flower-mound.com/AgendaCenter
.....

Comments regarding any agenda item can be sent to the Commission by emailing pz@flower-mound.com.
Please silence or turn off all electronic devices in Jody Smith Hall

A. CALL MEETING TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

D. ELECTION OF OFFICERS

1. Chair
2. Vice-Chair

E. PUBLIC COMMENT

The purpose of this item is to allow the public an opportunity to address the Commission regarding any item on this agenda that is not a "Public Hearing." Issues regarding daily operational or administrative matters should first be dealt with by calling Town Hall at 972-874-6000 during business hours. To speak to the Planning & Zoning Commission during public comment, please fill out a green comment form, which is located in the lobby of Town Hall.

In accordance with the Texas Open Meetings Act, the Commission is restricted from discussing or acting on items not listed on the agenda.

- Speakers are limited to 3 minutes; a tone will sound at 30 seconds left and when time has expired, and times may be adjusted by the Chair depending on the number of speakers.
- Speakers must address their comments to the Commission.
- Please state your name and address when speaking.

F. FUTURE AGENDA ITEMS

The purpose of this item is to allow the Chair and members of the Commission an opportunity to bring forward items they wish to discuss at a future meeting, with the understanding a consensus of the Commission is needed in order for that item to be placed on a future agenda and in accordance with the Town Council Agenda Setting Policy (Ord. 65-15).

G. DIRECTOR'S REPORT

1. Coordination of Calendars

H. CONSENT ITEMS

This part of the agenda consists of non-controversial or “housekeeping” items required by law. Items may be removed from Consent by any Commissioner by making such request prior to a motion and vote.

1. Minutes of September 26, 2022: Consider approval of the minutes of the September 26, 2022, Planning and Zoning Commission Regular Session.

I. REGULAR ITEMS

This part of the agenda consists of discretionary items either relating to zoning or a requested variation from the Town’s development standards. If a public hearing is required, it will be noted in the item caption on the agenda. Typically, the Planning & Zoning Commission will make a recommendation to Town Council on these types of projects.

2. MPA21-0008 – Whyburn Farms: Public Hearing to consider an ordinance amending the Master Plan (MPA21-0008 – Whyburn Farms) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designations from Low Density Residential, Office and Retail uses to Low Density Residential, Medium Density Residential and High Density Single Family Detached Residential uses. The property is generally located east of Long Prairie Road and south of Dixon Lane.
3. ZPD21-0015 – Whyburn Farms PD-189: Public Hearing to consider an ordinance amending the zoning (ZPD21-0015 – Whyburn Farms) from Agricultural District (A) uses to Planned Development District No.189 (PD-189) with Single Family District-15 (SF-15), Single Family District-10 (SF-10) and Single Family District-5 (SF-5) uses, with certain waivers, exceptions and modifications to the Code of Ordinances. The property is generally located east of Long Prairie Road and south of Dixon Lane.
4. MPA22-0001 – Cross Timbers Conservation Development District Update: Public Hearing to consider an ordinance amending the Master Plan (MPA22-0001 – Cross Timbers Conservation Development District Update) by amending Section 1 “Land Use Plan,” Section 2 “Area Plan,” and Section 4 “Urban Design Plan,” for the purpose of updating conservation expectations and vision within the Cross Timbers Conservation Development District.
5. LDR22-0002 – Cross Timbers Conservation Development District Update: Public Hearing to consider an ordinance amending the Land Development Regulations (LDR22-0002 – Cross Timbers Conservation Development District Update) by amending Chapter 98 “Zoning,” of the Town's Code of Ordinances to amend conservation development standards within the Cross Timbers Conservation Development District.
6. LDR22-0001 – Landscape Ordinance Update: Public Hearing to consider an ordinance amending the Development Regulations (LDR22-0001 – Landscape Ordinance Update) by amending Chapter 74 “General Provisions,” Chapter 82 “Development Standards,” Chapter 94 “Trees,” and Chapter 98 “Zoning,” of the Town's Code of Ordinances to amend and propose new landscaping standards for the purpose of clarifying and updating certain sections.

Pursuant to Section 551.071 of the Texas Government Code, the Planning and Zoning Commission reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

J. ADJOURNMENT – REGULAR SESSION

I do hereby certify that the Notice of Meeting was posted on the bulletin board in Town Hall for the Town of Flower Mound, Texas, in a place convenient and readily accessible to the general public at all times and said Notice was also posted on the Town's website in accordance with GC Section 551.056 on the following date and time: October 6, 2022, at 5:00 p.m., at least 72 hours prior to the scheduled time of said meeting.

LauriAnn Cash, Executive Assistant

The Flower Mound Town Hall and Jody Smith Hall are wheelchair accessible. Requests for accommodations or interpretive services must be made at least 48 hours prior to this meeting by contacting Planning Services at 972-874-6350. Additional time limits will be provided to members of the public that need to address the Commission through a translator.



PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 1

CONSENT ITEM

DATE: October 10, 2022

FROM: LauriAnn Cash, Development Services Executive Assistant

ITEM: Consider approval of the minutes of the September 26, 2022, Planning and Zoning Commission Regular Session.

I. BACKGROUND INFORMATION

The Planning and Zoning Commission held a regular meeting on September 26, 2022.

II. ATTACHMENTS

1. Draft Minutes of September 26, 2022

THE FLOWER MOUND PLANNING & ZONING COMMISSION MEETING HELD ON THE 26TH DAY OF SEPTEMBER 2022, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS AT 6:30 PM

The Planning & Zoning Commission met in a regular session with the following members present:

Brad Ruthrauff	Chair; Commissioner, Place 1
Robbie Cox	Vice-Chair; Commissioner, Place 2
Janvier Werner	Commissioner, Place 3
James Naylor	Commissioner, Place 4
Greg Wilson	Commissioner, Place 5
Donald Gilmore	Commissioner, Place 6
Kathryn Wells	Commissioner, Place 7
Jason Hobbs	Commissioner, Place 8
Brady Kilpper	Commissioner, Place 9

Constituting a quorum with the following members absent:

None

(Places 8 and 9 of the Commission do not vote on items unless they sit in place of one of the regular members, Places 1-7.)

And the following members of Town staff present:

Bryn Meredith	Town Attorney
Lexin Murphy	Director of Planning Services
Bob Pegg	Assistant Director of Engineering
Poornima Kasyap	Principal Planner
LauriAnn Cash	Executive Assistant

A. CALL REGULAR SESSION TO ORDER: 6:30 P.M.

B. PUBLIC COMMENT

None

C. FUTURE AGENDA ITEMS

None

D. DIRECTOR'S REPORT

1. Work Session Notice

- a. The Commission discussed and agreed to recommend applicants send notices for Work Sessions to property owners within 200 feet of the project.

E. CONSENT ITEMS

1. Minutes of August 29, 2022: Consider approval of the minutes of the August 29, 2022, Planning and Zoning Commission Regular Session.

Commission Deliberation

Commissioner Naylor moved to approve Consent Item 1. Commissioner Wilson seconded the motion.

VOTE ON THE MOTION

AYES: Werner, Naylor, Wilson, Cox, Gilmore, Wells

NAYS: None

The motion to approve passed by a vote of 6 to 0.

Pursuant to Section 551.071 of the Texas Government Code, the Planning and Zoning Commission convened into closed session at 6:38 p.m.

At 7:27 p.m., the Planning and Zoning Commission reconvened into Regular Session.

F. REGULAR ITEMS

2. **Public Hearing to consider an ordinance amending the zoning (MU21-0002 – Flower Mound Ranch) on approximately 1,066 acres of land from Agricultural District (A) and Interim Holding (IH) uses to Mixed Use District-2 (MU-2) uses, and with certain waivers, exceptions and modifications to the Code of Ordinances. The property is generally located at the intersection of Cross Timbers Rd and U.S. Highway 377, expanding outwards from all four corners.**

Staff Presentation

Lexin Murphy, Director of Planning Services

Applicant Presentation

Jack Furst, Land Owner of proposed Flower Mound Ranch
Randi Rivera, McAdams
Misty Ventura, Shupe Ventura, PLLC
Jason Claunch, Catalyst

At 8:57 p.m., Chair Ruthrauff called for a recess.

At 9:12 p.m., Chair Ruthrauff called the meeting back to order.

Spoke In Favor

Scott Tarwater; 4613 Windmill Lane, Flower Mound
Peter Stewart; 2800 Lakeside Parkway, Flower Mound

Spoke In Opposition

Tom Clark; 8704 Baltusrol Drive, Flower Mound
Candice Pettit; 11359 Gable Circle, Flower Mound
Katy Grote; 165 Double Oak Drive, Double Oak
Tim Whisenant; 2300 Olympia Drive, Flower Mound
Fred Vincent; 3933 Bordeaux Circle, Flower Mound
Laverne Amsterdam; 5705 Pine Valley Drive, Flower Mound
John Leonard; 11500 Antler Ridge Way, Argyle

Spoke Regarding Concerns or Undecided

Scott Langley; 800 Carter Court, Flower Mound

In Support, Chose Not To Speak

Larry Mathis; 6336 Savannah Oak Trail, Flower Mound
Cindy Mathis; 6336 Savannah Oak Trail, Flower Mound
Alison Flener; 6617 Roughleaf Ridge Road, Flower Mound
Josh Flener; 6617 Routhleaf Ridge Road, Flower Mound
Maria Brown; 6709 Canyon Oak Court, Flower Mound
Scott Murray; 2821 Cape Brett Drive, Flower Mound
Kelly Murray; 2821 Cape Brett Drive, Flower Mound
Lori Walker; 4913 Kingswood Drive, Flower Mound
Jody Smith; 225 North Lucas Drive, Grapevine
Sean Stewart; 5313 Castellano Court, Flower Mound
Scott Blather; 5013 Castellano Court, Flower Mound

In Opposition, Chose Not To Speak

Marc Barth; 7380 Lost Creek, Flower Mound
JC Cardone; 3360 South Drive, Flower Mound
Judy Collins; 1537 Simmons Road, Flower Mound
Michael Tilbury; 8604 Baltusrol Drive, Flower Mound
Margaret Krawczyk; 5700 Pine Valley Drive, Flower Mound
Hank Krawczyk; 5700 Pine Valley Drive, Flower Mound
Liz Morrow; 4508 Tour 18 Drive, Flower Mound
Craig Morrow; 4508 Tour 18 Drive, Flower Mound
Cindy Clark; 8704 Baltusrol Drive, Flower Mound
Kay Davis; 6379 Prairie Brush Trail, Flower Mound
JP Parnell; 5901 Southern Hills Drive, Flower Mound
Celeste Parnell; 5901 Southern Hills Drive, Flower Mound
Mia Aldridge; 6201 Whiskerbrush Road, Flower Mound
Joann Frazier; 5705 Pine Valley Drive, Flower Mound
Gregory Amsterdam; 5705 Pine Valley Drive, Flower Mound

Chose To Not Speak; Undecided, or No Support/Opposition Indicated on Card

Todd Bayuk; 10845 Pedernales Falls Drive, Flower Mound
Beth Soderberg; 3100 Wager Road, Flower Mound
Diane Campbell; 6936 Basket Flower Road, Flower Mound

Ed Campbell; 6936 Basket Flower Road, Flower Mound

Commission Deliberation

Vice-Chair Cox moved to recommend approval of MU21-0002 – Flower Mound Ranch as written, and to include the Staff recommendations listed in the packet, include neighborhood transition zones for pitched roofing, and to remove the electronic variable signage.

Vice-Chair Cox withdrew the motion.

Vice-Chair Cox moved to recommend approval of MU21-0002 – Flower Mound Ranch as written, and to include the Staff recommendations listed in the packet, and for roof pitch to match the neighborhood transition zones adjacent to residential homes. Commissioner Wells seconded the motion.

VOTE ON THE MOTION

AYES: Wells, Gilmore, Cox, Naylor

NAYS: Wilson, Werner

The motion to recommend approval passed by a vote of 4 to 2.

- 3. Public Hearing to consider an ordinance for rezoning (MU22-0002 – Lakeside Village) to amend Mixed Use Distric-1 (MU-1) to amend certain development standards relate to Character Zone Standards, Open Space Standards, and Signage Standards in the Lakeside Development Code. The property is generally located west of Long Prairie Road along both sides of Lakeside Parkway.**

Commissioner Wilson recused himself from the Council Chambers at 11:04 p.m. Prior to the meeting, an Affidavit of Conflict of Interest was signed by Commissioner Wilson and notarized by Town Staff.

Staff Presentation

Poornima Kashyap, Principal Planner

Applicant Presentation

Rebecca Everitt, Realty Capital

Spoke In Favor

None

Spoke In Opposition

None

Commission Deliberation

Commissioner Gilmore moved to recommend approval of MU22-0002 – Lakeside Village.
Commissioner Werner seconded the motion.

VOTE ON THE MOTION

AYES: Werner, Naylor, Cox, Gilmore, Wells

NAYS: None

ABSTAIN: Wilson

The motion to recommend approval passed by a vote of 5 to 0.

Commissioner Wilson returned to the Council Chambers at 11:32 p.m.

I. ADJOURNMENT – REGULAR SESSION: 11:34 P.M.

TOWN OF FLOWER MOUND, TEXAS

Lexin Murphy, Director of Planning Services

ATTEST:

LauriAnn Cash, Executive Assistant



PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 2

REGULAR ITEM

DATE: October 10, 2022

FROM: Chuck Russell, Principal Planner

ITEM: **Public Hearing to consider an ordinance amending the Master Plan (MPA21-0008 – Whyburn Farms) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designations from Office and Retail uses to Low Density Residential, Medium Density Residential and High Density Single Family Detached Residential uses. The property is generally located east of Long Prairie Road and south of Dixon Lane.**

I. ITEM SUMMARY

This application has been reviewed by DRC and determined to be ready for consideration by the Planning and Zoning Commission. There are no outstanding issues.

The project has a companion application, Zoning Planned Development (ZPD21-0015), for consideration on the same agenda.

This application will require final action by the Town Council.

II. APPLICATION ANALYSIS

The applicant is requesting a Master Plan Amendment to change the Land Use designation of the subject property from Office and Retail uses to Low Density Residential, Medium Density Residential and High Density Single Family Detached Residential uses on approximately 39.136 acres of land. The proposed Master Plan Amendment would allow the applicant to proceed with the companion zoning application to develop the property with 120 single family residential lots. The accompanying zoning application provides details about the proposed project and specific development standards for the subject site.

- The existing Office Uses designation, which covers the majority of the subject site, is defined as “office and service uses ranging from garden office developments for small professional practices to larger, multi-story facilities for large tenants. This category would not typically include retail uses, except for incidental service or convenience retail for the office building tenants. In larger office districts, restaurants are encouraged within walking distance of the office buildings.”
- The requested Low Density Residential designation is defined as “residential development, typically being single family detached residential development with minimum 15,000 square foot lots (nominally 1/3 acre) or greater.”

- The requested Medium Density Residential designation is defined as “residential development, typically being single family detached residential development with minimum 10,000 square foot lots (nominally 1/4 acre) or greater.”
- The requested High Density Single Family Detached designation is defined as “residential development, typically being single family detached residential development with minimum 3,000 square foot lots or greater.”

The applicant is proposing 17 Low Density, 16 Medium Density and 87 High Density Single Family Detached residential lots.

The property to the north is currently designated for Office uses. The property to the east is currently designated for Estate Residential uses (minimum lot size of one-acre). The property to the south is currently designated for Office and Low Density Residential uses. The property to the west is currently designated for Office and Retail uses.

III. CORRESPONDENCE

The Town Code requires both public notice in a newspaper of general circulation (Denton Record Chronicle) and notification of the property owners within 200 feet of the subject property for all Master Plan Amendment requests. MPA21-0008 had a total of 70 Property Owner Notifications mailed. At the time this report was written, the Town had received no items of correspondence in support, no items of correspondence in opposition to the request, and 2 items with questions of informational nature or concerns regarding this request (correspondence is calculated by each property/household). All written correspondence was sent directly to the Planning and Zoning Commission according to the public communication process.

IV. ATTACHMENTS

A. Background Information

1. Vicinity Map
2. Letter of Intent

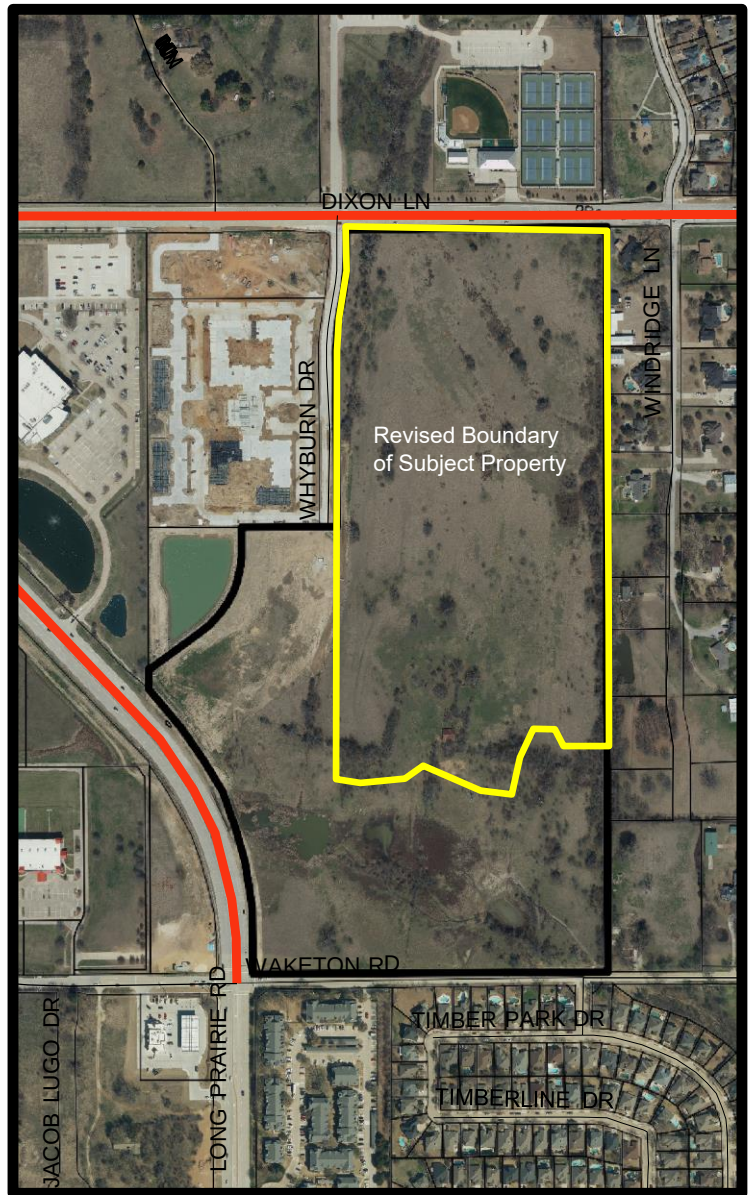
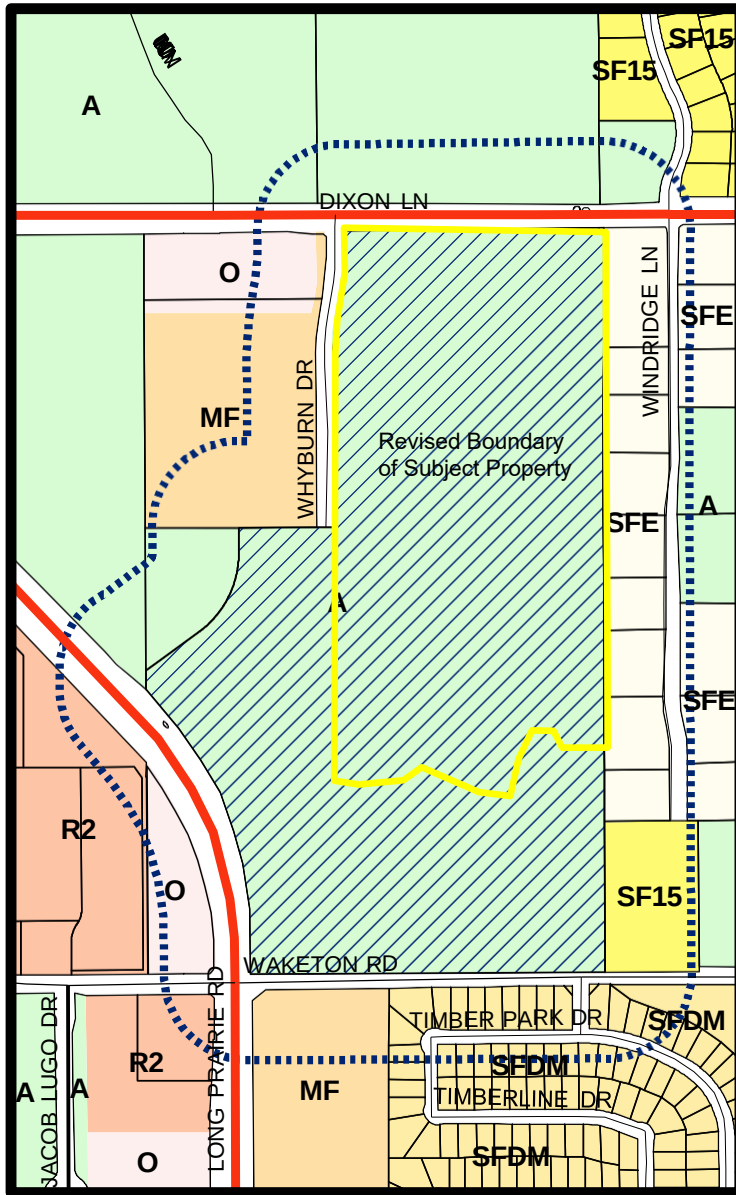
B. Application Details

1. Master Plan Amendment Exhibit Package

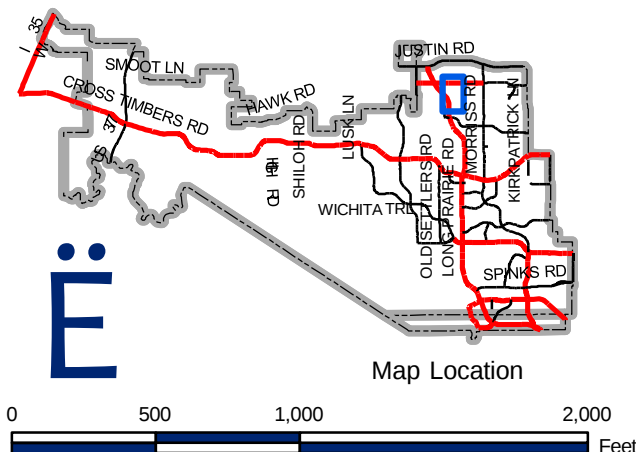
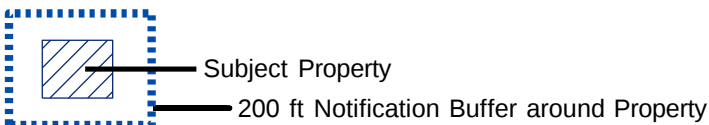
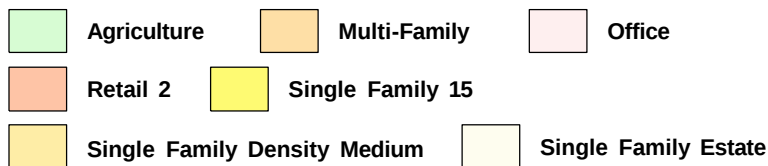


Vicinity Map

Reference Project: MPA21-0008 & ZPD21-0015



LEGEND



Visit www.fmdevmap.com to learn more about this project.

Visit <https://www.flower-mound.com/notifyme> to sign up for text message and/or email alerts for future projects.



September 19, 2022

Chuck Russell, Town Planner
Town of Flower Mound
2121 Cross Timbers Road
Flower Mound, TX 75028

Mr. Russell,

LandDesign, Inc. has submitted an application on behalf of David Weekley Homes (herein referred to as "Applicant") for a Zoning Planned Development and Master Plan Amendment for the "Whyburn Farms" community (herein referred to as the "site" or "property"). The application is for 69.276 acres of land located at the northeast corner of the intersection of Long Prairie Road (F.M. 2499) and Waketon Road.

Existing Zoning and Land Uses

Under the Town of Flower Mound's Master Plan, the property is currently zoned Agricultural (A) and listed as predominately "Office" with a portion of "Retail" along Long Prairie Road and "Low Density Residential" along Waketon Road. The existing uses on the property include agricultural uses with a small existing shelter used for agricultural storage.

To the east, the property is bordered by the single-family residential homes (SFE zoning, Estate Residential). To the south, across Waketon Road, is the Timberview Estates West neighborhood (SFDM-Obsolete zoning, Low Density Residential) and the Marquis at Lantana multifamily development (MF zoning, High Density Residential). To the west, the property is bordered by Valley Creek Church (A zoning, Retail and Office) and the Watermere at Flower Mound senior living community (MF PD167 zoning, Office). To the north, across Dixon Lane, is the Cottonwood Arena property (A zoning, Office) and the Marcus High School Baseball, Softball, and Tennis complex (A zoning, Office).

Proposed Zoning and Land Use

The Applicant is requesting a Zoning Planned Development and Master Plan Amendment to allow for up to one hundred and twenty (120) single-family residential lots and it is anticipated that construction of this Tract shall be developed as one phase. A natural buffer shall remain along Whyburn Drive to account for an existing drainage channel which flows from the northern end of the property to the southern end. Payment in lieu of park land dedication shall be provided to the Town of Flower Mound by the applicant.

Special Considerations

The following items include special considerations that are unique to the property that the Applicant has taken into consideration:

1. A 200-foot wide Drainage Easement extends across the southern portion of the property. This easement, as coordinated with the Town of Flower Mound, extends from Long Prairie Road (F.M. 2499) to the southeastern corner of the property along Waketon Road. The purpose of this easement is to allow offsite, upstream drainage to pass through the property.
2. In coordination with the Town of Flower Mound, a 50-foot wide Temporary Construction Easement has been located on the northern limits of the 200-foot Drainage Easement has been for the construction of the Drainage Easement.
3. In coordination with the Town of Flower Mound, a Temporary Construction Easement has been located for the balance of the property located between the southern limits of the 200-foot Drainage Easement and Waketon Road.
4. As discussed with the Town of Flower Mound's Engineering Department, this property is subject to the conveyance of offsite stormwater for the properties located to the north of Dixon Lane. This includes the balance of the Marcus High School Baseball, Softball, and Tennis complex and the Cottonwood Arena property.
5. The primary residential street access shall be from Dixon Lane to the north and Whyburn Drive to the west. The Waketon Road access point will maintain the residential character of Waketon Road while the Dixon Lane access point shall align with the existing median break at the LISD athletic complex.

Proposed Exceptions

An amendment to the Town of Flower Mound's Master Plan is requested. The current Master plan indicates a balance of the property to be a future Office use with the portion of the property along Long Prairie Road (F.M. 2499) to be a Retail use. The Petitioner requests an amendment to the Master Plan to allow for a portion of the property to allow for Residential uses. The remaining balance of the property shall remain as Agricultural (A) zoning.

Additionally, an exception to Section 98-147 is requested. **There is no land area that exceeds 12 percent slope within the property.** As illustrated within the Environmental Protection Plan (EPP-Figure 9), there is a small area of land located along Dixon Lane calculated to be between 5 percent and 12 percent slope, located outside of any proposed structures, and was created when Dixon Lane was constructed along the northern limits of the property. The total land area that is calculated to be between 5 percent and 12 percent slope totals 1.37 acres. The total acreage of slope to be impacted by this development totals 0.89 acre with no proposed improvements located along Long Prairie Road. Of this total area, 0.093 acres (4,050 square feet), located along Dixon Lane, are subject to this exception request.

Community Outreach and Due Diligence

The Applicant has participated in three (3) Design Review Committee meetings with Town Staff. These meetings were held July 20, 2018, November 16, 2018, and August 11, 2020. The purpose of these Design Review Committee meetings was to receive preliminary feedback based on the proposed zoning and conceptual site plan.

The week of March 22, 2021, the Petitioner scheduled a call with each Town Councilmember and Tommy Dalton to discuss the overall vision for the property. These calls were held individually with each Councilmember to elicit input related to the vision for the property and discuss intended land uses.

On October 5, 2021, the Petitioner held a work session with the Town of Flower Mound's Parks Board to receive preliminary input into the overall open space vision for the community.

On December 13, 2021, the Petitioner held a work session with the Town of Flower Mound's Planning and Zoning Commission to receive preliminary input into the proposed streetscape, residential density, and open space vision for the community.

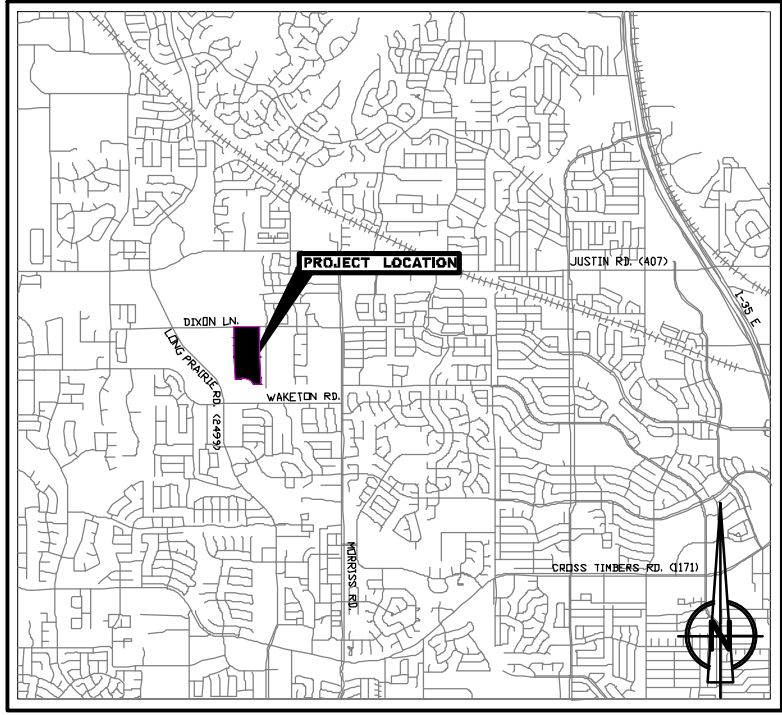
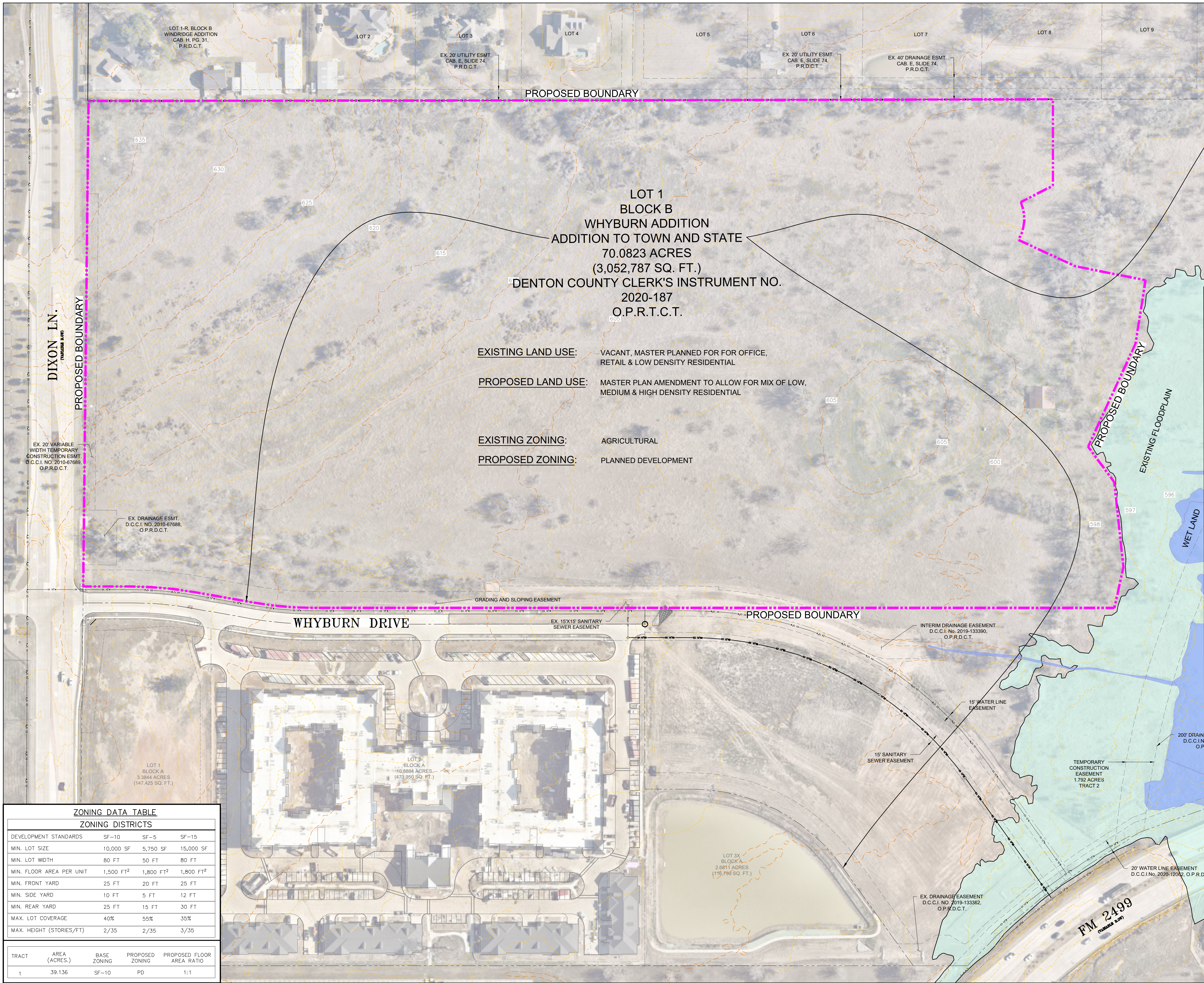
On February 24, 2022, the Petitioner scheduled a call with Councilmember Engel and Tommy Dalton to discuss the comments received from the Planning and Zoning Commission work session. This call was requested to elicit input related to the limits of the overall rezoning area and intended land uses.

On May 5, 2022, the Petitioner held a second work session with the Town of Flower Mound's Parks Board to receive preliminary input into the overall open space vision for the community.

Please let me know if you have any questions or need any further information.



Sincerely,
Heth Kendrick, PLA
Partner for LandDesign, Inc.



VICINITY MAP
N.T.S.

MASTER PLAN EXHIBIT FEATURES	
LAND USE PLAN:	HIGH, MEDIUM, AND LOW DENSITY RESIDENTIAL
URBAN DESIGN PLAN:	N/A
PARKS AND TRAILS:	EXISTING WHITE LAZY DAISY TRAIL EXISTING MULTI USE – GENERAL ALONG DIXON LN. AND ENDS AT NW PROPERTY CORNER PROPOSED – TRAIL EXTENSION ALONG WHYBURN DRIVE FOR FUTURE CONNECTION TO THE SOUTH
OPEN SPACE PLAN:	DEDICATED 3.065 AC OPEN SPACE (LANDSCAPE BUFFER) 'G' DEDICATED 4.176 AC OPEN SPACE (BUFFER AND PONDING) 'H'
THOROUGHFARE PLAN:	WAKETON RD: URBAN COLLECTOR (60' R.O.W.) DIXON LN: URBAN MINOR ARTERIAL (90' R.O.W.)
WATER PLAN:	EAST (LOW) PRESSURE PLANE 16" WATER LINE ALONG WAKETON RD. 12" WATER LINE ALONG LONG PRAIRIE RD. AND 30" WATER LINE ALONG DIXON LN.
WASTEWATER PLAN:	WASTEWATER SERVICE DISTRICT NO.1 UPPER TIMBER BRANCH 12" TRUNK LINE ALONG WAKETON RD.
ECONOMIC IMPACT:	N/A
ZONED:	AGRICULTURE
PROPOSED ZONING:	PLANNED DEVELOPMENT (PD)
EXISTING LAND USE:	CURRENTLY VACANT, MASTER PLANNED FOR OFFICE, RETAIL & LOW DENSITY RESIDENTIAL
PROPOSED LAND USE:	HIGH, MEDIUM, AND LOW DENSITY RESIDENTIAL

OWNER
KENNETH G. WHYBURN
126 SELBY LANE
ATHERTON, CA 94027

CIVIL ENGINEER
LANDDESIGN
5301 ALPHA ROAD, SUITE 24
DALLAS, TX 75240
214.785.6009
ATTN: BRIAN DENCH

SURVEYOR
SPOONER & ASSOCIATES
309 BYERS STREET, SUITE 100
EULESS, TX 76039
817.685.8448
ATTN: ERIC S. SPOONER

LANDSCAPE ARCHITECT
LANDDESIGN
5301 ALPHA ROAD, SUITE 24
DALLAS, TX 75240
214.785.6009
ATTN: HETH KENDRICK

**MASTER PLAN EXHIBIT
WHYBURN**

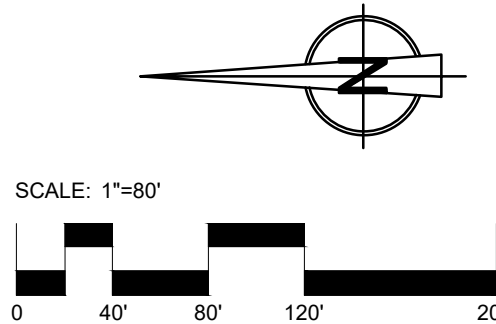
120 SINGLE FAMILY LOTS; 2 COMMON AREA LOTS;

BEING 1,704,755 SQ. FT. OR 39.136 ACRES OUT OF THE
70.0823 ACRES OF LOT 1, BLOCK B, WHYBURN ADDITION

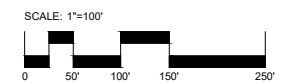
TOWN OF FLOWER MOUND
DENTON COUNTY, TEXAS

ZONING DATA TABLE				
ZONING DISTRICTS				
DEVELOPMENT STANDARDS	SF-10	SF-5	SF-15	
MIN. LOT SIZE	10,000 SF	5,750 SF	15,000 SF	
MIN. LOT WIDTH	80 FT	50 FT	80 FT	
MIN. FLOOR AREA PER UNIT	1,500 FT ²	1,800 FT ²	1,800 FT ²	
MIN. FRONT YARD	25 FT	20 FT	25 FT	
MIN. SIDE YARD	10 FT	5 FT	12 FT	
MIN. REAR YARD	25 FT	15 FT	30 FT	
MAX. LOT COVERAGE	40%	55%	35%	
MAX. HEIGHT (STORIES/FT)	2/35	2/35	3/35	

TRACT	AREA (ACRES.)	BASE ZONING	PROPOSED ZONING	PROPOSED FLOOR AREA RATIO
1	39.136	SF-10	PD	1:1



SUBMITTAL DATE: 09/27/2022





PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 3

REGULAR ITEM

DATE: October 10, 2022

FROM: Chuck Russell, Principal Planner

ITEM: **Public Hearing to consider an ordinance amending the zoning (ZPD21-0015 – Whyburn Farms) from Agricultural District (A) uses to Planned Development District No.189 (PD-189) with Single Family District-15 (SF-15), Single Family District-10 (SF-10) and Single Family District-5 (SF-5) uses, with certain waivers, exceptions and modifications to the Code of Ordinances. The property is generally located east of Long Prairie Road and south of Dixon Lane.**

I. ITEM SUMMARY

This application has been reviewed by DRC and determined to be ready for consideration by the Planning and Zoning Commission. There are no outstanding issues.

The project has a companion application, Master Plan Amendment (MPA21-0008), for consideration on the same agenda.

This application will require final action by the Town Council.

II. APPLICATION ANALYSIS

The purpose of this request is to rezone approximately 39.136 acres of land in order to develop residential lots in conformance with the proposed Master Plan designations of Low Density Residential, Medium Density Residential and High Density Single Family Detached Residential uses. The existing Agricultural zoning permits residential lots containing a minimum of two acres in size. As part of the request, the applicant has asked for certain modifications and one exception to the Town's Code of Ordinances, the modifications are discussed in Section III of the staff report below.

Exceptions:

- Exception to Section 98-147, Topographical Slope Protection for certain areas within the subject property to alter existing topographical slopes that are less than 12 percent but equal to or greater than five percent (other than within five feet of the footprint of the proposed structure or structures).
- Exception to Section 90-272, - Lot depth, lines and frontage to allow certain lots located within the portion of the subject property designated as Single Family

District-5 (SF-5) to have a lot depth that exceeds two and one-half times the lot width.

The applicant plans to develop 120 single-family residential lots and two non-buildable areas to be dedicated as HOA-maintained x-lots. The applicant is proposing to develop the subdivision in one phase. The development will contain 17 lots with a minimum lot size of 15,000 square feet (Low Density), 16 lots with a minimum lot size of 10,000 square feet (Medium Density) and 87 lots with a minimum lot size of 5,750 square feet (High Density Single Family Detached). Please see below regarding requested modification to these lot sizes.

One point of access is proposed on Dixon Lane and one on Whyburn Drive. The development would be in compliance with the Town's landscaping standards. The applicant is proposing a 12-foot-wide trail section along the east side of Whyburn Drive in compliance with the recently adopted Parks and Trails Master Plan.

III. REQUESTED MODIFICATIONS

The applicant is requesting the following modifications to the portions of the property with base zoning districts of Single Family District-15 (SF-15), Single Family District-10 (SF-10) and Single Family District-5 (SF-5):

Single Family District-15 (SF-15)

- The maximum height of buildings and structures shall be two stories or 35 feet.
The Town Code requires a maximum structure height of three stories or 35 feet.

Single Family District-10 (SF-10)

- The minimum front yard setback at the right-of-way line for lots located at an elbow or cul-de-sac shall be 15 feet.
The Town Code requires a minimum front yard setback of 25 feet.
- Porches may encroach up to 8 feet into the front yard.
The maximum encroachment allowed in the Town Code is 2 feet.
- The minimum side yard setback for the street side of a corner lot shall be 20 feet.
The Town Code requires a minimum side yard setback of 10 feet.
- Minimum lot width shall be 61 feet at the right-of-way line for lots located at an elbow or cul-de-sac.
The Town Code requires a minimum lot width of 40 feet at the right-of-way line.
- Minimum lot depth shall be 125 feet except at the right-of-way line for lots located at an elbow or cul-de-sac which shall have a minimum lot depth of 113 feet.
The Town Code does not have a standard for minimum lot depth.
- The maximum height of buildings and structures shall be two stories or 35 feet.
The Town Code requires a maximum structure height of three stories or 35 feet.

Single Family District-5 (SF-5)

- Minimum lot size shall be 5,750 square feet.
The Town Code requires a minimum lot size of 5,000 square feet.
- The minimum front yard setback at the right-of-way line for lots located at an elbow or cul-de-sac shall be 10 feet.
The Town Code requires a minimum front yard setback of 20 feet.
- Porches may encroach up to 5 feet into the front yard.
The maximum encroachment allowed in the Town Code is 2 feet.
- The minimum side yard setback for the street side of a corner lot shall be 10 feet.
The Town Code requires a minimum side yard setback of 5 feet.
- Minimum lot width shall be 36 feet at the right-of-way line for lots located at an elbow or cul-de-sac.
The Town Code requires a minimum lot width of 40 feet at the right-of-way line.
- Minimum lot depth shall be 115 feet except at the right-of-way line for lots located at an elbow or cul-de-sac which shall have a minimum lot depth of 105 feet.
The Town Code does not have a standard for minimum lot depth.
- The maximum height of buildings and structures shall be two stories or 35 feet.
The Town Code requires a maximum structure height of three stories or 35 feet.

IV. EXCEPTIONS

A. Exception to Section 98-147, Topographic Slope

According to the Town Code, no development application or project shall be approved that proposes development on any existing topographical slopes of 12 percent or greater, or that proposes to alter any existing topographical slopes that are less than 12 percent but equal to or greater than five percent then available (other than within five feet of the footprint of the proposed structure or structures). The purpose of this criterion is to ensure that development is respectful of and appropriately integrated with the natural physical geography of the land in Flower Mound by requiring environmentally sensitive development techniques to eliminate "scrape and build."

The developer is seeking an exception to impact protected slopes. There are no slopes greater than 12 percent on the subject property. The total land area that is calculated to be between 5 percent and 12 percent slopes is 1.37 acres. The total acreage of slopes to be impacted by this development is 0.89 acres. Of this total area, 0.093 acres (4,050 square feet) located along Dixon Lane are subject to this exception request since they more than five feet away from the footprints of proposed structures [See Attachment B(3)].

Section 98-147 "Topographical slope protection" allows for an applicant to request an exception to these standards as follows:

Exception. An exception to this requirement may be approved by the Town Council by the affirmative vote of at least three-fourths super majority vote of all members of the town council, for any development that keeps the character of the natural topography, and integrates the development into and maintains the overall integrity of the natural topography.

In considering an exception to this criterion, the town shall, in addition to the foregoing, consider the effects of granting an exception on other environmental features such as trees, habitats, floodplains, scenic vistas, ridgelines, and other environmental features as well as adjacency to established developments and neighborhoods.

B. Exception to Section 90-272, - Lot depth, lines and frontage

According to the Town Code, lot depth shall not exceed two and one-half times the lot width, unless an exception is approved by the Town Council after receiving a recommendation from the planning and zoning commission. The applicant is proposing that within the portions of the subject property designated as Single Family District-5 (SF-5), the minimum lot width will be 36 feet and the minimum lot depth will be 105 feet at the right-of-way line for lots located at an elbow or cul-de-sac (see above). The maximum lot depth by Town Code for a lot with a width of 36 feet would be 90 feet, necessitating the exception request.

V. PLANNING AND ZONING COMMISSION

On December 13, 2021, P&Z held a work session regarding the proposed development. The December 13, 2021, meeting can be viewed here:

<https://flowermoundtx.swagit.com/play/12142021-869/12/>

VI. ENVIRONMENTAL CONSERVATION COMMISSION

On October 4, 2022, the Environmental Conservation Commission recommended to the Town Council approval of a request to remove nine specimen trees and denial of a request to remove five specimen trees on the subject property. There are a total of 17 specimen trees on the site. The applicant has revised his plans to comply with the recommendation of the ECC. The October 4, 2022, meeting can be viewed here:

<https://flowermoundtx.swagit.com/play/10052022-638/8/>

VII. PARKS BOARD

The Parks Board is scheduled to consider Town Park requirements for the subject property on October 6, 2022. Staff will provide an update on the Parks Board recommendation at the October 10, 2022, P&Z meeting.

VIII. CORRESPONDENCE

The Town Code requires both public notice in a newspaper of general circulation (Denton Record Chronicle) and notification of the property owners within 200 feet of the subject property for all Zoning Amendment requests. ZPD21-0015 had a total of 70 Property Owner Notifications mailed. At the time this report was written, the Town had received no items of correspondence in support, no items of correspondence in opposition to the request, and 2 items with questions of informational nature or concerns regarding this request (correspondence is calculated by each property/household). All written correspondence was sent directly to the Planning and Zoning Commission according to the public communication process.

IX. ATTACHMENTS

A. Background Information

1. Vicinity Map
2. Letter of Intent

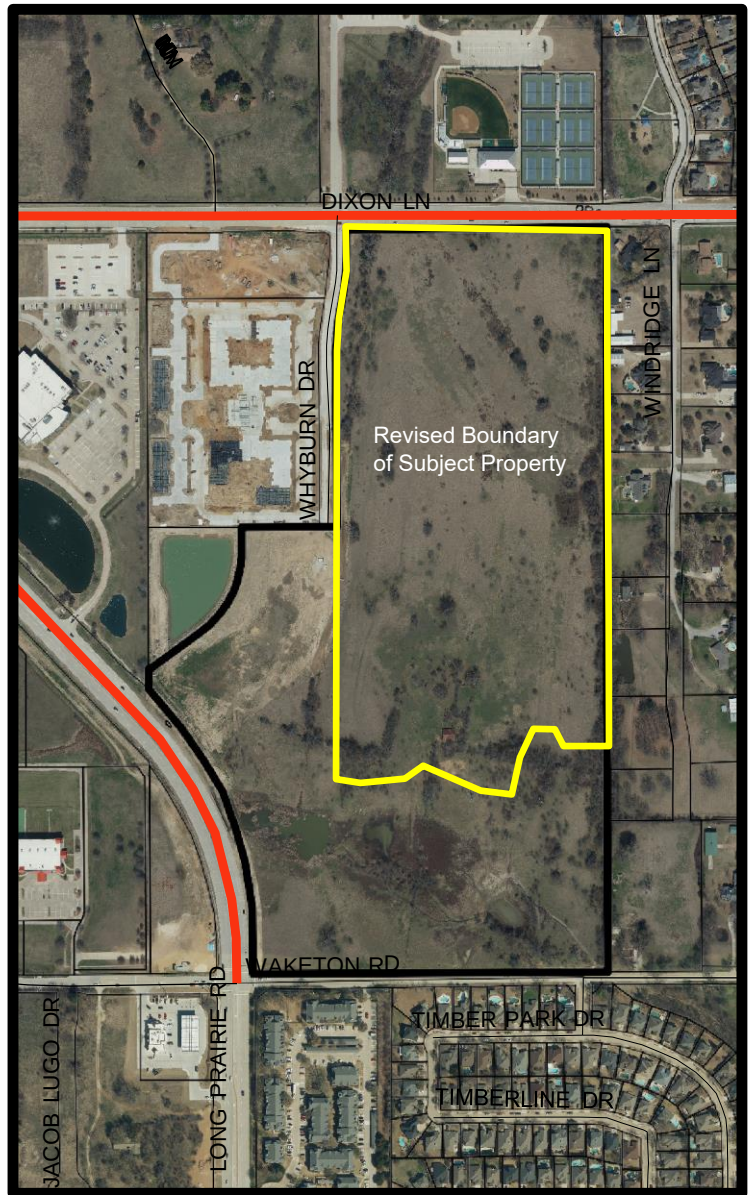
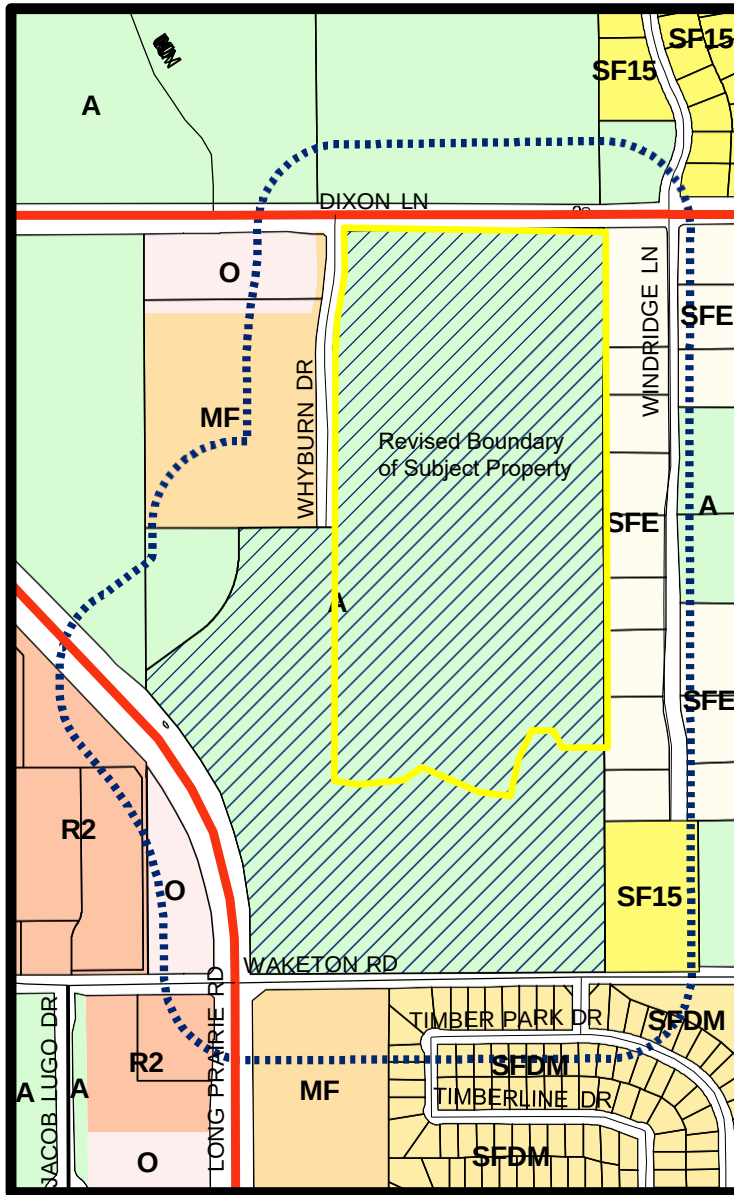
B. Application Details

1. Zoning Planned Development Package
2. Draft Planned Development (PD) Standards
3. Slope Exception Exhibit

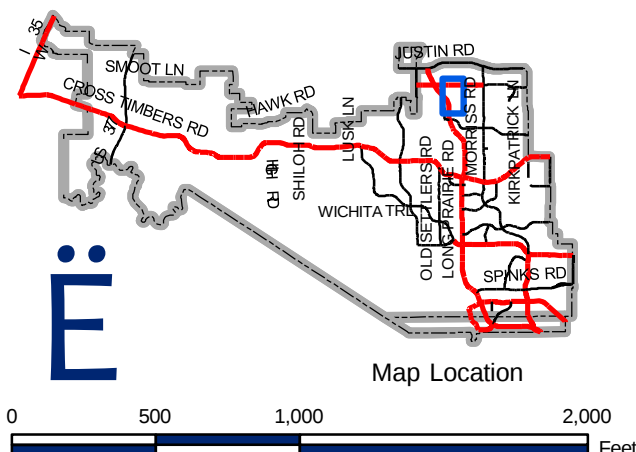
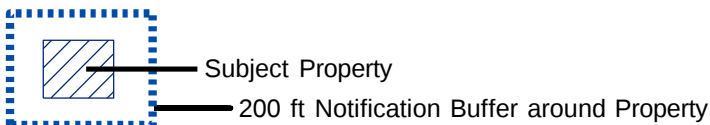
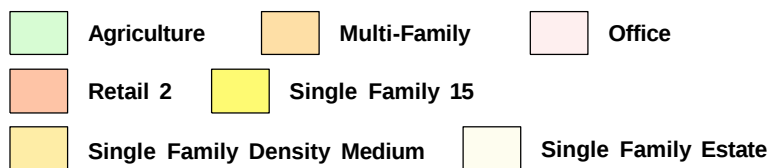


Vicinity Map

Reference Project: MPA21-0008 & ZPD21-0015



LEGEND



Visit www.fmdevmap.com to learn more about this project.

Visit <https://www.flower-mound.com/notifyme> to sign up for text message and/or email alerts for future projects.



September 19, 2022

Chuck Russell, Town Planner
 Town of Flower Mound
 2121 Cross Timbers Road
 Flower Mound, TX 75028

Mr. Russell,

LandDesign, Inc. has submitted an application on behalf of David Weekley Homes (herein referred to as "Applicant") for a Zoning Planned Development and Master Plan Amendment for the "Whyburn Farms" community (herein referred to as the "site" or "property"). The application is for 69.276 acres of land located at the northeast corner of the intersection of Long Prairie Road (F.M. 2499) and Waketon Road.

Existing Zoning and Land Uses

Under the Town of Flower Mound's Master Plan, the property is currently zoned Agricultural (A) and listed as predominately "Office" with a portion of "Retail" along Long Prairie Road and "Low Density Residential" along Waketon Road. The existing uses on the property include agricultural uses with a small existing shelter used for agricultural storage.

To the east, the property is bordered by the single-family residential homes (SFE zoning, Estate Residential). To the south, across Waketon Road, is the Timberview Estates West neighborhood (SFDM-Obsolete zoning, Low Density Residential) and the Marquis at Lantana multifamily development (MF zoning, High Density Residential). To the west, the property is bordered by Valley Creek Church (A zoning, Retail and Office) and the Watermere at Flower Mound senior living community (MF PD167 zoning, Office). To the north, across Dixon Lane, is the Cottonwood Arena property (A zoning, Office) and the Marcus High School Baseball, Softball, and Tennis complex (A zoning, Office).

Proposed Zoning and Land Use

The Applicant is requesting a Zoning Planned Development and Master Plan Amendment to allow for up to one hundred and twenty (120) single-family residential lots and it is anticipated that construction of this Tract shall be developed as one phase. A natural buffer shall remain along Whyburn Drive to account for an existing drainage channel which flows from the northern end of the property to the southern end. Payment in lieu of park land dedication shall be provided to the Town of Flower Mound by the applicant.

Special Considerations

The following items include special considerations that are unique to the property that the Applicant has taken into consideration:

1. A 200-foot wide Drainage Easement extends across the southern portion of the property. This easement, as coordinated with the Town of Flower Mound, extends from Long Prairie Road (F.M. 2499) to the southeastern corner of the property along Waketon Road. The purpose of this easement is to allow offsite, upstream drainage to pass through the property.
2. In coordination with the Town of Flower Mound, a 50-foot wide Temporary Construction Easement has been located on the northern limits of the 200-foot Drainage Easement has been for the construction of the Drainage Easement.
3. In coordination with the Town of Flower Mound, a Temporary Construction Easement has been located for the balance of the property located between the southern limits of the 200-foot Drainage Easement and Waketon Road.
4. As discussed with the Town of Flower Mound's Engineering Department, this property is subject to the conveyance of offsite stormwater for the properties located to the north of Dixon Lane. This includes the balance of the Marcus High School Baseball, Softball, and Tennis complex and the Cottonwood Arena property.
5. The primary residential street access shall be from Dixon Lane to the north and Whyburn Drive to the west. The Waketon Road access point will maintain the residential character of Waketon Road while the Dixon Lane access point shall align with the existing median break at the LISD athletic complex.

Proposed Exceptions

An amendment to the Town of Flower Mound's Master Plan is requested. The current Master plan indicates a balance of the property to be a future Office use with the portion of the property along Long Prairie Road (F.M. 2499) to be a Retail use. The Petitioner requests an amendment to the Master Plan to allow for a portion of the property to allow for Residential uses. The remaining balance of the property shall remain as Agricultural (A) zoning.

Additionally, an exception to Section 98-147 is requested. **There is no land area that exceeds 12 percent slope within the property.** As illustrated within the Environmental Protection Plan (EPP-Figure 9), there is a small area of land located along Dixon Lane calculated to be between 5 percent and 12 percent slope, located outside of any proposed structures, and was created when Dixon Lane was constructed along the northern limits of the property. The total land area that is calculated to be between 5 percent and 12 percent slope totals 1.37 acres. The total acreage of slope to be impacted by this development totals 0.89 acre with no proposed improvements located along Long Prairie Road. Of this total area, 0.093 acres (4,050 square feet), located along Dixon Lane, are subject to this exception request.

Community Outreach and Due Diligence

The Applicant has participated in three (3) Design Review Committee meetings with Town Staff. These meetings were held July 20, 2018, November 16, 2018, and August 11, 2020. The purpose of these Design Review Committee meetings was to receive preliminary feedback based on the proposed zoning and conceptual site plan.

The week of March 22, 2021, the Petitioner scheduled a call with each Town Councilmember and Tommy Dalton to discuss the overall vision for the property. These calls were held individually with each Councilmember to elicit input related to the vision for the property and discuss intended land uses.

On October 5, 2021, the Petitioner held a work session with the Town of Flower Mound's Parks Board to receive preliminary input into the overall open space vision for the community.

On December 13, 2021, the Petitioner held a work session with the Town of Flower Mound's Planning and Zoning Commission to receive preliminary input into the proposed streetscape, residential density, and open space vision for the community.

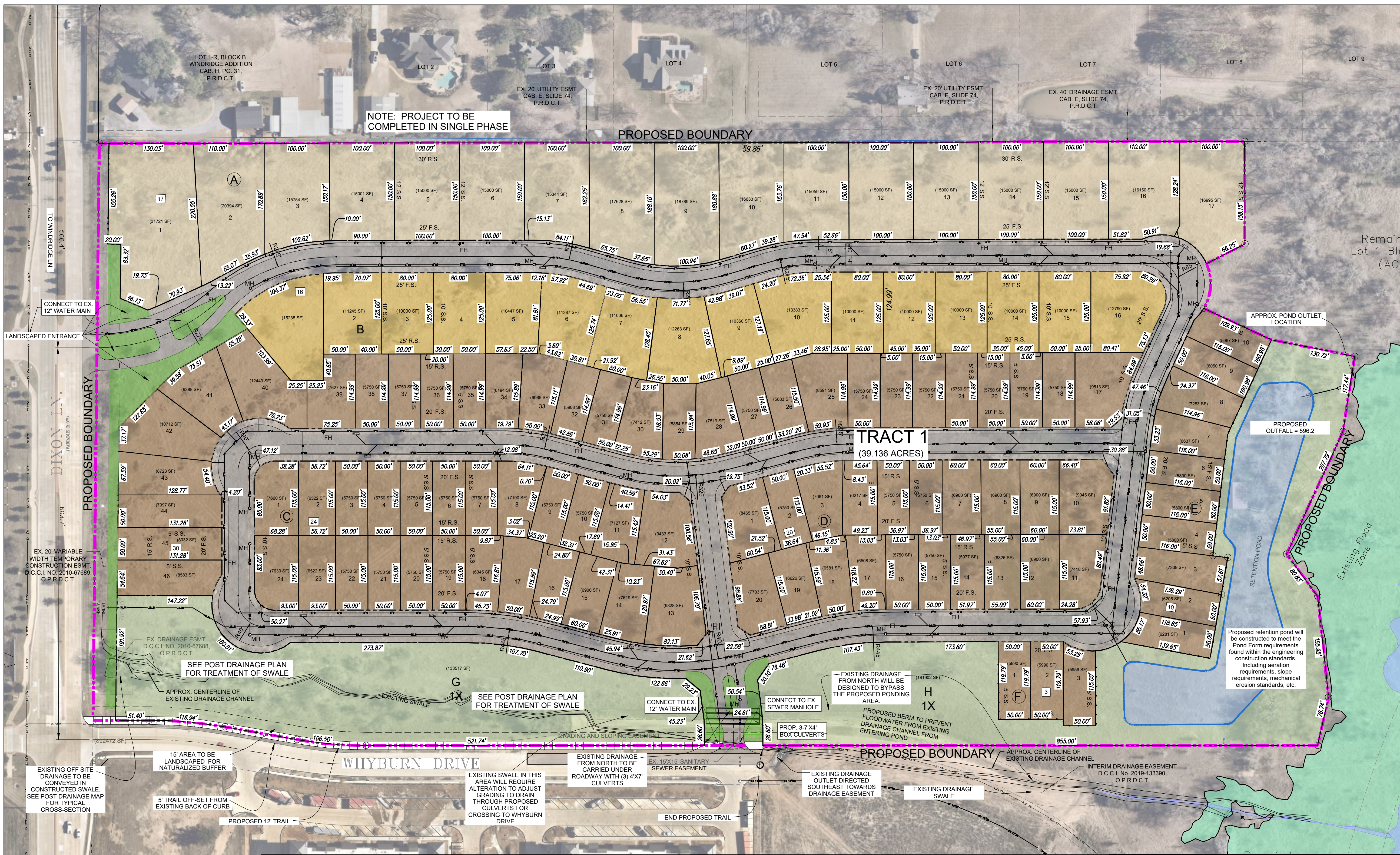
On February 24, 2022, the Petitioner scheduled a call with Councilmember Engel and Tommy Dalton to discuss the comments received from the Planning and Zoning Commission work session. This call was requested to elicit input related to the limits of the overall rezoning area and intended land uses.

On May 5, 2022, the Petitioner held a second work session with the Town of Flower Mound's Parks Board to receive preliminary input into the overall open space vision for the community.

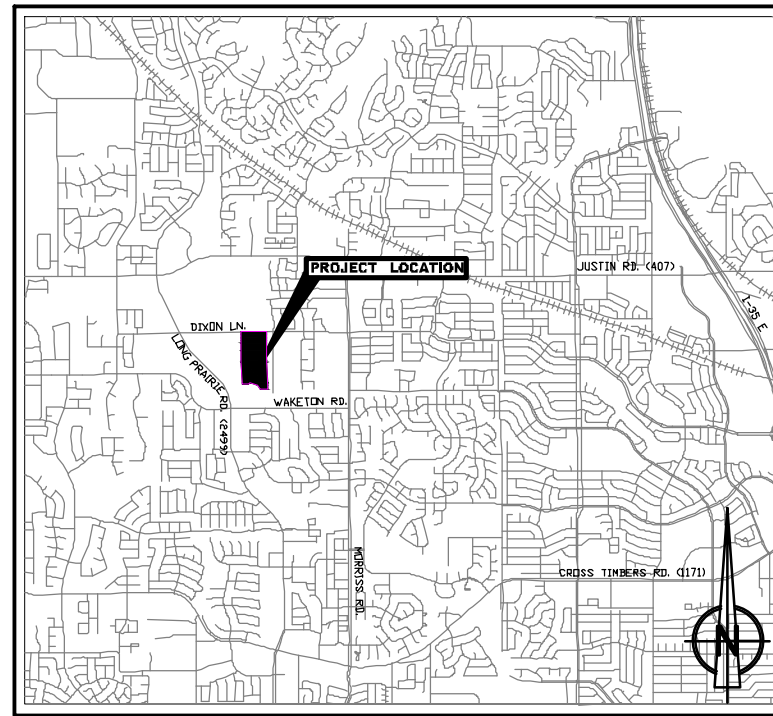
Please let me know if you have any questions or need any further information.



Sincerely,
Heth Kendrick, PLA
Partner for LandDesign, Inc.



CALL: 40
DOUGLAS & S
D.C.G.I. NO. 2
O.P.R.D.C.T.



VICINITY MAP
N.T.S.

MASTER PLAN EXHIBIT FEATURES

LAND USE PLAN:	HIGH, MEDIUM, AND LOW DENSITY RESIDENTIAL
URBAN DESIGN PLAN:	N/A
PARKS AND TRAILS:	EXISTING WHITE LAZY DAISY TRAIL EXISTING MULTI USE - GENERAL ALONG DIXON LN. AND ENDS AT NW PROPERTY CORNER PROPOSED - TRAIL EXTENSION ALONG WHYBURN DRIVE FOR FUTURE CONNECTION TO THE SOUTH
OPEN SPACE PLAN:	DEDICATED 3.065 AC OPEN SPACE (LANDSCAPE BUFFER) 'G' DEDICATED 4.176 AC OPEN SPACE (BUFFER AND PONDING) 'H'
THOROUGHFARE PLAN:	WAKETON RD: URBAN COLLECTOR (60' R.O.W.) DIXON LN: URBAN MINOR ARTERIAL (90' R.O.W.)
WATER PLAN:	EAST (LOW) PRESSURE PLANE 16" WATER LINE ALONG WAKETON RD. 12" WATER LINE ALONG LONG PRAIRIE RD. AND 30" WATER LINE ALONG DIXON LN.
WASTEWATER PLAN:	WASTEWATER SERVICE DISTRICT NO.1 UPPER TIMBER BRANCH 12" TRUNK LINE ALONG WAKETON RD.
ECONOMIC IMPACT:	N/A
ZONED:	AGRICULTURE
PROPOSED ZONING:	PLANNED DEVELOPMENT (PD)
EXISTING LAND USE:	CURRENTLY VACANT, MASTER PLANNED FOR OFFICE, RETAIL & LOW DENSITY RESIDENTIAL
PROPOSED LAND USE:	HIGH, MEDIUM, AND LOW DENSITY RESIDENTIAL

OWNER
KENNETH G. WHYBURN
126 SELBY LANE
ATHERTON, CA 94027

CIVIL ENGINEER
LANDDESIGN
5301 ALPHA ROAD, SUITE 24
DALLAS, TX 75240
214.785.6009
ATTN: BRIAN DENCH

SURVEYOR
SPOONER & ASSOCIATES
309 BYERS STREET, SUITE 100
EULESS, TX 76039
817.685.8448
ATTN: ERIC S. SPOONER

LANDSCAPE ARCHITECT
LANDDESIGN
5301 ALPHA ROAD, SUITE 24
DALLAS, TX 75240
214.785.6009
ATTN: HETH KENDRICK

ZONING DATA TABLE

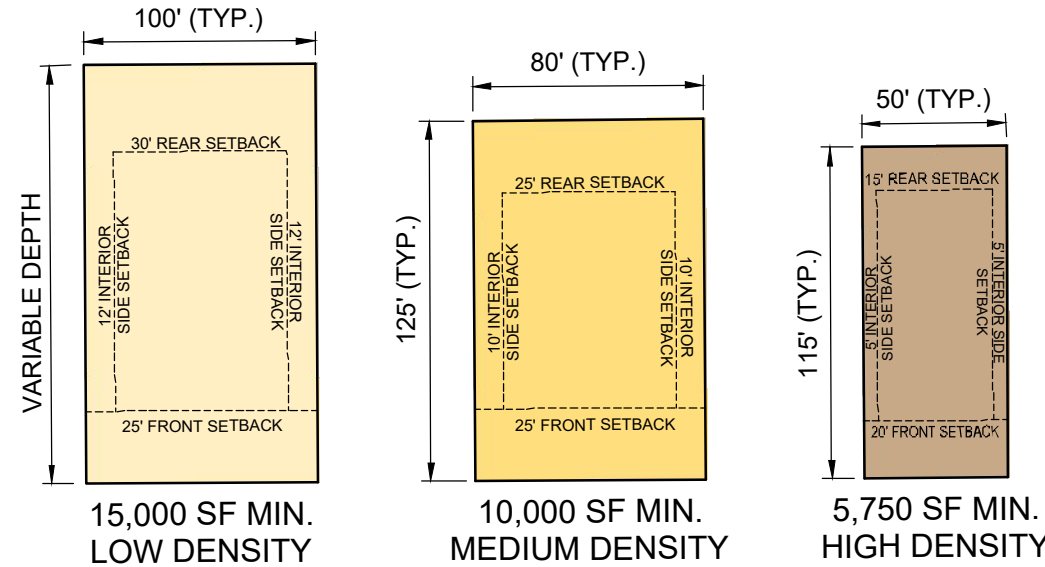
ZONING DISTRICTS			
DEVELOPMENT STANDARDS	SF-10	SF-5	SF-15
MIN. LOT SIZE	10,000 SF	5,750 SF	15,000 SF
MIN. LOT WIDTH	70 FT	50 FT	80 FT
MIN. FLOOR AREA PER UNIT	1,800 FT ²	1,500 FT ²	1,800 FT ²
MIN. FRONT YARD	25 FT	20 FT	25 FT
MIN. SIDE YARD	10 FT	5 FT	12 FT
MIN. REAR YARD	25 FT	15 FT	30 FT
MAX. LOT COVERAGE	40%	55%	35%
MAX. HEIGHT (STORIES/FT)	2/35	2/35	2/35

TRACT	AREA (ACRES.)	BASE ZONING	PROPOSED ZONING	PROPOSED FLOOR AREA RATIO
1	39.136	SF-10	PD	1:1

LOW DENSITY ZONING			MEDIUM DENSITY ZONING			HIGH DENSITY ZONING			HIGH DENSITY ZONING			HIGH DENSITY ZONING			HIGH DENSITY ZONING			HIGH DENSITY ZONING		
LOT	BLOCK	SQ. FT.	LOT	BLOCK	SQ. FT.	LOT	BLOCK	SQ. FT.	LOT	BLOCK	SQ. FT.	LOT	BLOCK	SQ. FT.	LOT	BLOCK	SQ. FT.	LOT	BLOCK	SQ. FT.
1	A	31,721	1	B	15,235	17	B	9,513	34	B	6,194	5	C	5,750	22	C	5,750	15	D	5,750
2	A	20,394	2	B	11,245	18	B	5,750	35	B	5,750	6	C	5,750	23	C	6,522	16	D	5,750
3	A	15,754	3	B	10,000	19	B	5,750	36	B	5,750	7	C	5,750	24	C	7,633	17	D	6,508
4	A	15,001	4	B	10,000	20	B	5,750	37	B	5,750	8	C	7,190	1	D	8,465	18	D	6,581
5	A	15,000	5	B	10,447	21	B	5,750	38	B	5,750	9	C	5,750	2	D	5,750	19	D	6,626
6	A	15,000	6	B	11,387	22	B	5,750	39	B	7,627	10	C	5,750	3	D	7,061	20	D	7,703
7	A	15,344	7	B	11,006	23	B	5,750	40	B	12,443	11	C	7,127	4	D	6,217	1	E	6,281
8	A	17,628	8	B	12,263	24	B	5,750	41	B	9,388	12	C	9,433	5	D	5,750	2	E	6,205
9	A	18,789	9	B	10,360	25	B	8,591	42	B	10,712	13	C	9,828	6	D	5,750	3	E	7,309
10	A	16,633	10	B	13,383	26	B	5,883	43	B	8,723	14	C	7,619	7	D	6,900	4	E	5,800
11	A	15,059	11	B	10,000	27	B	5,750	44	B	7,997	15	C	6,900	8	D	6,900	5	E	5,800
12	A	15,000	12	B	10,000	28	B	7,519	45	B	8,032	16	C	6,154	9	D	6,900	6	E	5,800
13	A	15,000	13	B	10,000	29	B	5,854	46	B	8,583	17	C	6,585	10	D	9,045	7	E	6,637
14	A	15,000	14	B	10,000	30	B	7,412	1	C	7,660	18	C	6,345	11	D	7,418	8	E	7,283
15	A	15,000	15	B	10,000	31	B	5,750	2	C	6,522	19	C	5,750	12	D	6,900	9	E	6,050
16	A	16,150	16	B	12,790	32	B	5,908	3	C	5,750	20	C	5,750	13	D	6,325	10	E	5,967
17	A	16,995				33	B	6,965	4	C	5,750	21	C	5,750	14	D	5,977	1	F	5,990

RESIDENTIAL ZONING	LOTS	SQ. FT.
LOW	17	289,468
MEDIUM	16	178,116
HIGH	87	586,206
TOTAL	120	1,053,790

OPEN SPACE	SQ. FT.
G	133,517
H	181,902
TOTAL	315,419



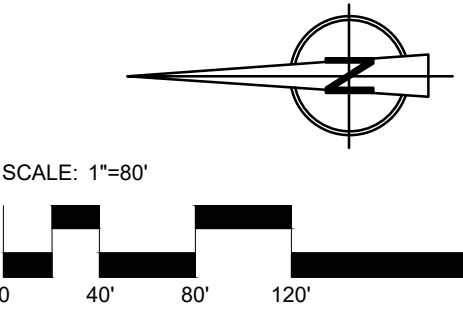
TYPICAL LOT DETAILS
N.T.S.

CONCEPTUAL PLAN EXHIBIT
WHYBURN

120 SINGLE FAMILY LOTS; 2 COMMON AREA LOTS;

BEING 1,704,755 SQ. FT. OR 39.136 ACRES OUT OF THE
70.0823 ACRES OF LOT 1, BLOCK B, WHYBURN ADDITION

TOWN OF FLOWER MOUND
DENTON COUNTY, TEXAS



WHYBURN FARMS

2650 WHYBURN DRIVE
FLOWER MOUND, TX 75028

DAVID WEEKLEY HOMES

3301 N. INTERSTATE 35E

CARROLLTON, TX 75007

LANDDESIGN PROJ# 8521130

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	1ST SUBMITTAL	09 01.2021
2	2ND SUBMITTAL	11.15.2021
3	3RD SUBMITTAL	03 01.2022
4	4TH SUBMITTAL	06 01.2022
5	5TH SUBMITTAL	07.27.2022
6	6TH SUBMITTAL	08 24.2022
7	7TH SUBMITTAL	09 19.2022
8	ECC TREE REVISIONS	10 05.2022

DESIGNED BY: LD
DRAWN BY: LD
CHECKED BY: LD

SCAL

VERT: ---

HORZ: 1"=150'



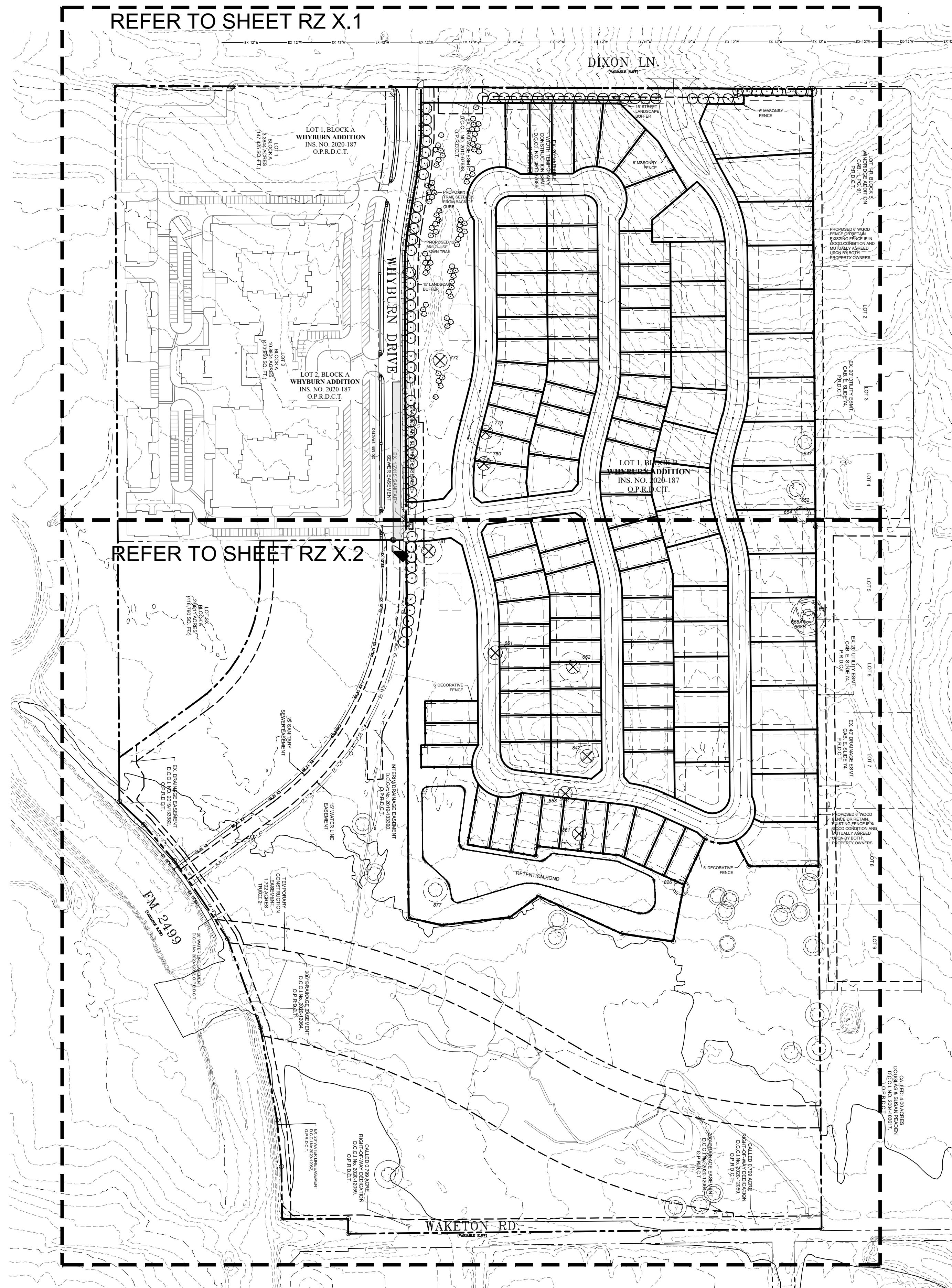
0 75 150 300

SHEET TITLE

CONCEPTUAL LANDSCAPE PLAN

SHEET NUMBER

RZ1.0



TEXAS811
CALL BEFORE YOU DIG!
TEXAS ONE-CALL CENTER
IT'S THE LAW!

THIS PLAN IS CONCEPTUAL IN NATURE AND
SUBJECT TO CHANGE. PLAN WILL BE FINALIZED
DURING THE PERMITTING PROCESS BASED ON
SITE PLAN AND GRADING PLAN APPROVAL.

CIVIL ENGINEER

LANDESIGN
5301 ALPHA ROAD, SUITE 24
DALLAS, TX 75240

KEY MAP

SEAL

PROJECT

WHYBURN FARMS

2650 WHYBURN DRIVE
FLOWER MOUND, TX 75028

DAVID WEEKLEY HOMES

3301 N. INTERSTATE 35E

CARROLLTON, TX 75007

LANDESIGN PROJ.# 8521130

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	1ST SUBMITTAL	09.01.2021
2	2ND SUBMITTAL	11.15.2021
3	3RD SUBMITTAL	03.01.2022
4	4TH SUBMITTAL	06.01.2022
5	5TH SUBMITTAL	07.27.2022
6	6TH SUBMITTAL	08.24.2022
7	7TH SUBMITTAL	09.19.2022
8	ECC TREE REVISIONS	10.05.2022

DESIGNED BY: LD
DRAWN BY: LD
CHECKED BY: LD

SCALE

VERT: ----
HORZ: 1"=80'

SHEET TITLE

CONCEPTUAL LANDSCAPE
PLAN

SHEET NUMBER

RZ1.1

LANDSCAPE REQUIREMENT COMPLIANCE
TOWN OF FLOWER MOUND, TEXAS

STREET BUFFER WIDTH

STREET NAME	REQUIRED	PROVIDED	
DIXON LANE	15 FT BUFFER	15 FT BUFFER	
WHYBURN DRIVE	15 FT BUFFER	15 FT BUFFER	

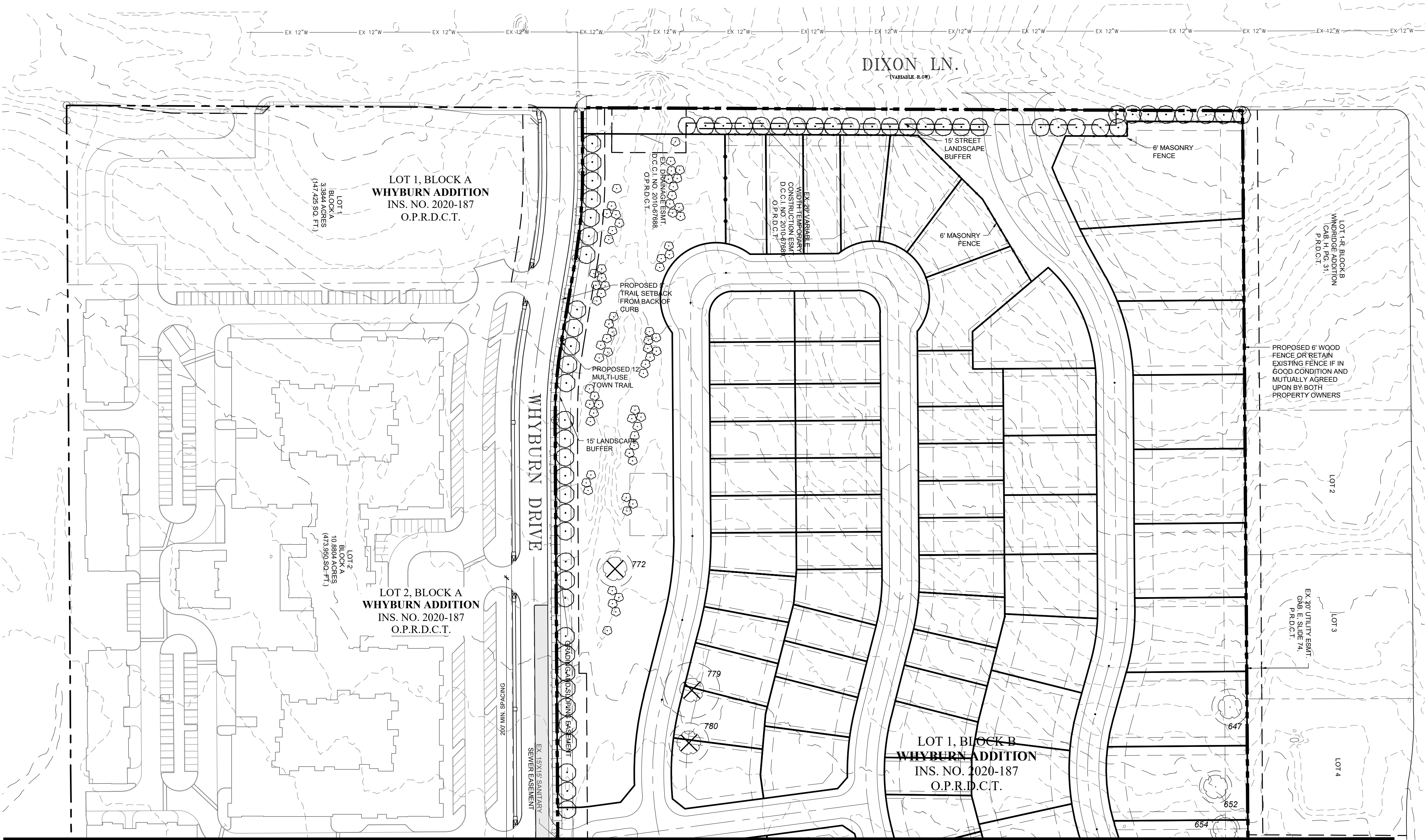
STREET BUFFER TREES

STREET FRONTAGE	STANDARD	REQUIRED	PROVIDED
DIXON LANE - 895 LF	1 / 30 LF	30 TREES (3" CAL.)	30 TREES (3" CAL.)
WHYBURN DRIVE - 1,240 LF	1 / 30 LF	42 TREES (3" CAL.)	42 TREES (3" CAL.)

EXISTING TREES WITHIN STREET BUFFER TO HELP FULFILL STREET BUFFER TREE REQUIREMENTS

STREET BUFFER MITIGATION TREE CREDITS

STANDARD	STREET FRONTAGE	PRESERVED TREES	TREE CREDITS
1 PRESERVED PROTECTED/SPECIMEN TREE = 1 TREE CREDIT	DIXON LANE	N/A	N/A
	WHYBURN DRIVE	N/A	N/A



REFER TO SHEET RZ1.2



TEXAS 811
CALL BEFORE YOU DIG!
TEXAS ONE-CALL CENTER
IT'S THE LAW!

THIS PLAN IS CONCEPTUAL IN NATURE AND
SUBJECT TO CHANGE. PLAN WILL BE FINALIZED
DURING THE PERMITTING PROCESS BASED ON
SITE PLAN AND GRADING PLAN APPROVAL.

CIVIL ENGINEER

LANDESIGN
5301 ALPHA ROAD, SUITE 24
DALLAS, TX 75240

KEY MAP

SEAL

PROJECT

WHYBURN FARMS

2650 WHYBURN DRIVE
FLOWER MOUND, TX 75028

DAVID WEEKLEY HOMES

3301 N. INTERSTATE 35E

CARROLLTON, TX 75007

LANDESIGN PROJ.# 8521130

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	1ST SUBMITTAL	09.01.2021
2	2ND SUBMITTAL	11.15.2021
3	3RD SUBMITTAL	03.01.2022
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6	6TH SUBMITTAL	08.24.2022
7	7TH SUBMITTAL	09.19.2022
8	ECC TREE REVISIONS	10.05.2022

DESIGNED BY: LD
DRAWN BY: LD
CHECKED BY: LD

SCALE

VERT: ----
HORZ: 1"=80'

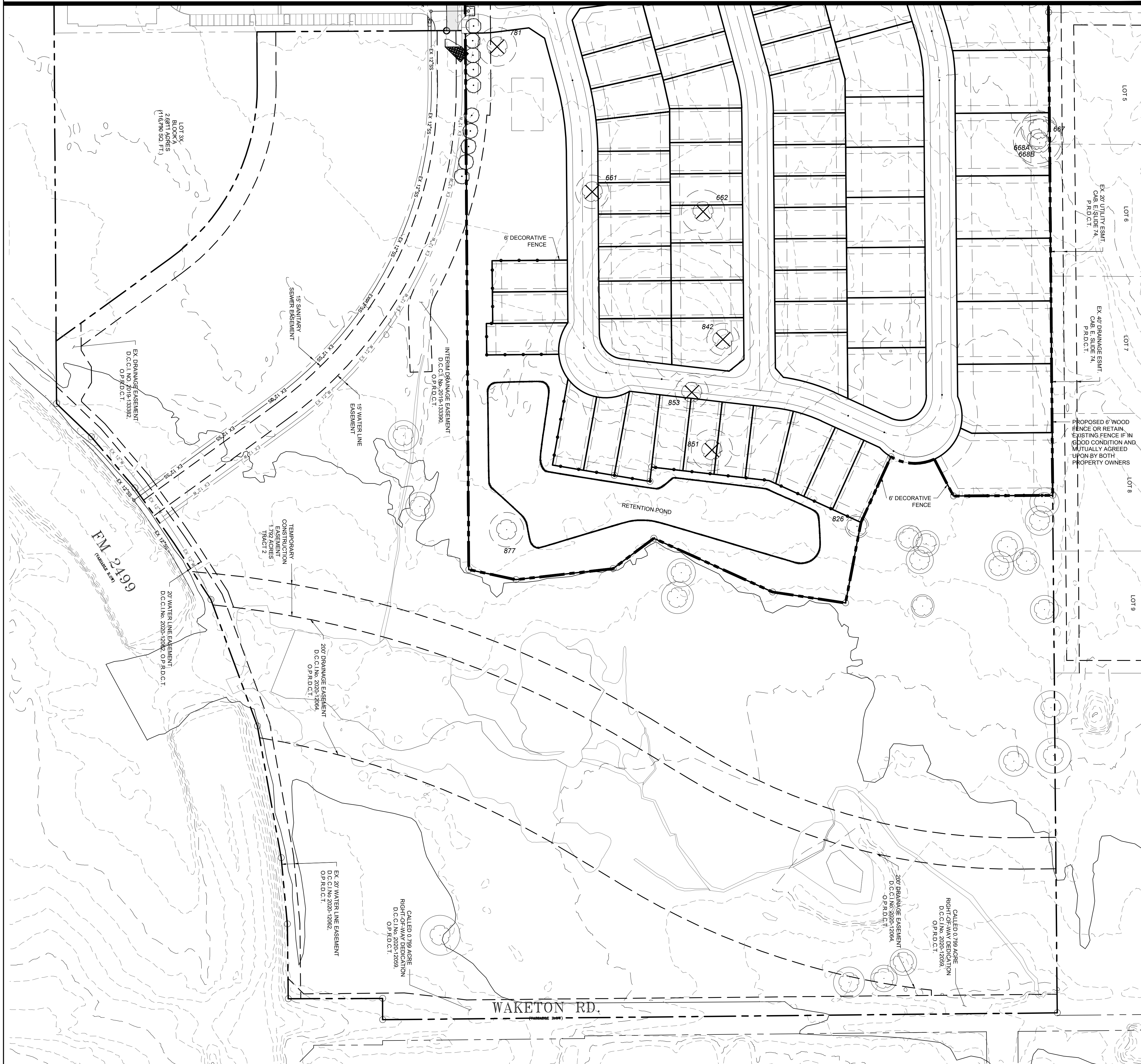
SHEET TITLE

CONCEPTUAL LANDSCAPE
PLAN

SHEET NUMBER

RZ1.2

REFER TO SHEET RZ1.1



LANDSCAPE REQUIREMENT COMPLIANCE TOWN OF FLOWER MOUND, TEXAS			
STREET BUFFER WIDTH			
STREET NAME	REQUIRED	PROVIDED	
DIXON LANE	15 FT BUFFER	15 FT BUFFER	
WHYBURN DRIVE	15 FT BUFFER	15 FT BUFFER	
STREET BUFFER TREES			
STREET FRONTAGE	STANDARD	REQUIRED	PROVIDED
DIXON LANE - 895 LF	1 / 30 LF	30 TREES (3" CAL.)	30 TREES (3" CAL.)
WHYBURN DRIVE - 1,240 LF	1 / 30 LF	42 TREES (3" CAL.)	42 TREES (3" CAL.)
EXISTING TREES WITHIN STREET BUFFER TO HELP FULFILL STREET BUFFER TREE REQUIREMENTS			
STREET BUFFER MITIGATION TREE CREDITS			
STANDARD	STREET FRONTAGE	PRESERVED TREES	TREE CREDITS
1 PRESERVED PROTECTED/SPECIMEN TREE = 1 TREE CREDIT	DIXON LANE	N/A	N/A
	WHYBURN DRIVE	N/A	N/A

PLANTING NOTES:

- ALL PLANTINGS SHALL COMPLY WITH CURRENT LOCAL ORDINANCES AND GUIDELINES FOR THE TOWN OF FLOWER MOUND.
- REFER TO RZ3.0-RZ3.4 FOR ADDITIONAL NOTES AND INFORMATION PERTAINING TO TREE SURVEY AND MITIGATION.
- THIS PLAN IS FOR PLANTING LOCATIONS ONLY AND ALL PLANT MATERIAL SHALL BE SPACED AND LOCATED PER PLAN.
- THE PROPERTY OWNER AND/OR LESSEE SHALL MAINTAIN ALL LANDSCAPE MATERIALS AND LANDSCAPE AREAS IN ACCORDANCE WITH THE APPROVED LANDSCAPE PLAN. MAINTENANCE SHALL INCLUDE WATERING, WEEDING, MOWING, FERTILIZING, TREATING, MULCHING, PRUNING, REMOVAL AND REPLACEMENT OF DEAD OR DISEASED TREES AND SHRUBS. MAINTENANCE SHALL BE PERFORMED ON A REGULAR BASIS IN ORDER TO MAINTAIN PLANT VIGOR AND STABILITY AND TO PRESENT A NEAT AND WELL-KEPT APPEARANCE AT ALL TIMES.
- FINAL TREE SPECIES AND LOCATIONS TO BE DETERMINED DURING FINAL PLAN.
- ALL PROPOSED TREE LOCATIONS TO BE FIELD VERIFIED BY TOWN OF FLOWER MOUND PARKS, TRAILS, AND LANDSCAPE SPECIALIST PRIOR TO PLANTING AND INSTALLATION TO AVOID CONFLICTS WITH EXISTING PROTECTED AND SPECIMEN TREE CANOPIES THAT ARE BEING PRESERVED.



TEXAS811
CALL BEFORE YOU DIG!
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KEY MAP

SEAL

PROJECT

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FLOWER MOUND, TX 75028

DAVID WEEKLEY HOMES
3301 N. INTERSTATE 35E
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LANDDESIGN PROJ.#
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SCALE NORTH

VERT: ----
HORZ: NTS

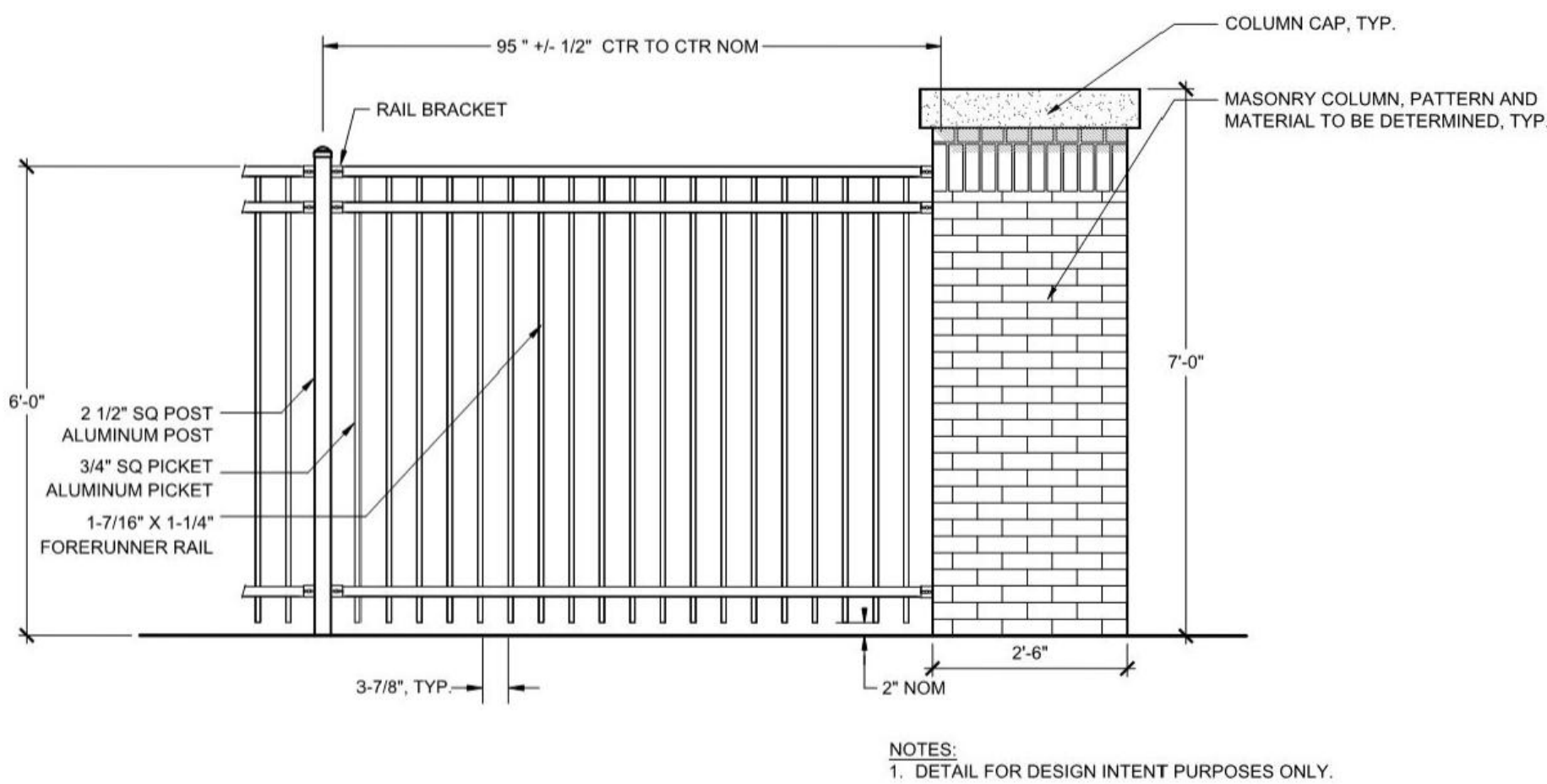
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SHEET TITLE

SITE DETAILS

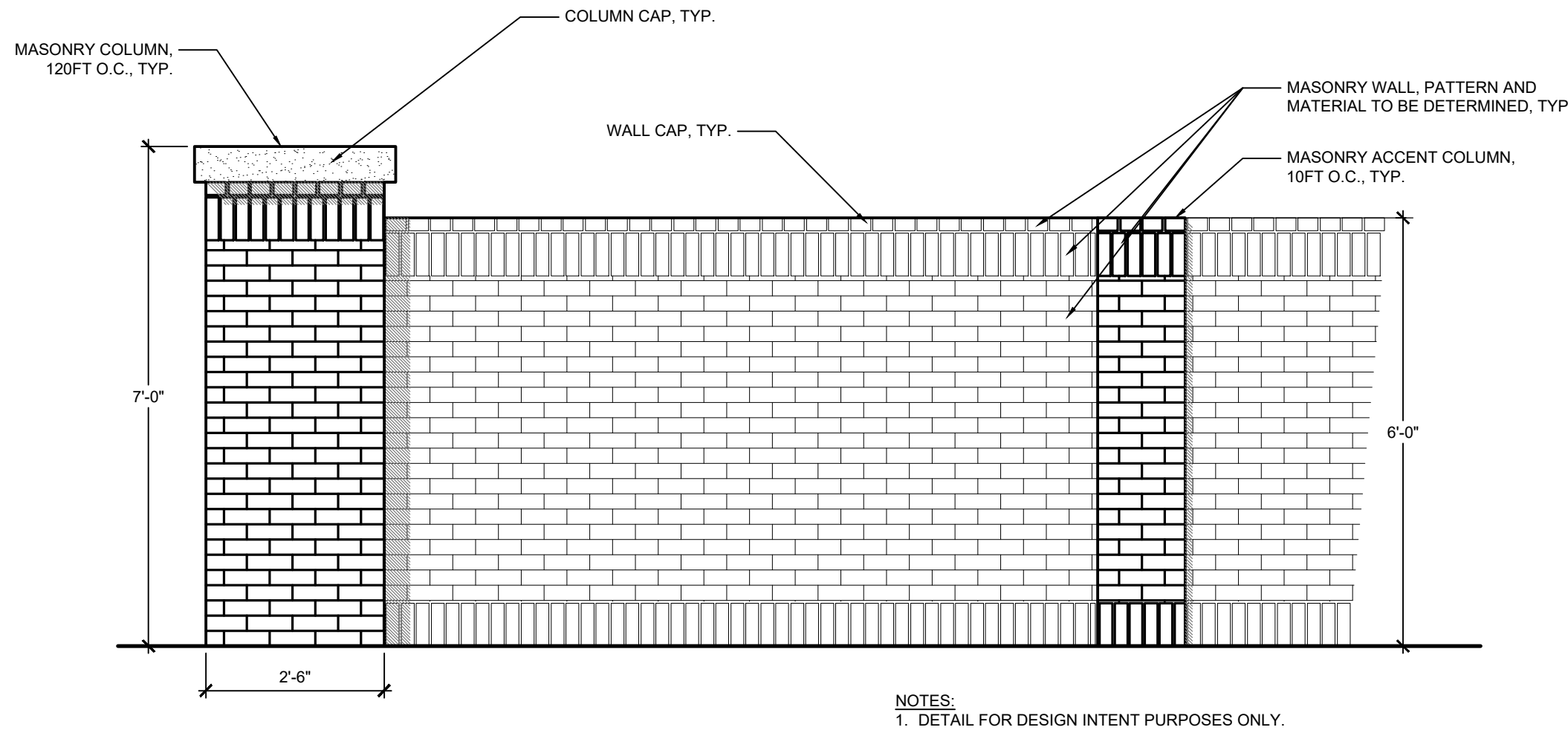
SHEET NUMBER

RZ2.0



1 DECORATIVE FENCE
RZ2.0 ELEVATION

NTS



2 SCREENWALL AND COLUMN
RZ2.0 ELEVATION

NOT TO SCALE

CIVIL ENGINEER

LANDESIGN
5301 ALPHA ROAD, SUITE 24
DALLAS, TX 75240

KEY MAP



Oct 5 2022
SEA

PROJECT

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SHEET TITLE

TREE SURVEY

SHEET NUMBER

RZ3.1



THIS PLAN IS CONCEPTUAL IN NATURE AND
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SITE PLAN AND GRADING PLAN APPROVAL.

TREE PROTECTION NOTES:

THE DEVELOPER AND CONTRACTOR SHALL ADHERE TO THE FOLLOWING TREE PROTECTION MEASURES PER TOWN OF FLOWER MOUND ORDINANCE.

1. PRIOR TO ANY AND ALL CONSTRUCTION OR LAND DEVELOPMENT ACTIVITY, THE DEVELOPER OR PROPERTY OWNER SHALL INSTALL SIX-FOOT-HIGH CHAIN-LINK FENCING AROUND THE DRIP LINE OF THE SPECIMEN TREE.

2. PRIOR TO ANY AND ALL CONSTRUCTION OR LAND DEVELOPMENT ACTIVITY, THE DEVELOPER OR PROPERTY OWNER SHALL ESTABLISH DESIGNATED PARKING AREAS FOR THE PARKING AND MAINTENANCE OF ALL VEHICLES, TRAILERS, CONSTRUCTION EQUIPMENT AND RELATED ITEMS. DESIGNATED STOCKPILE AREAS FOR THE STORAGE OF CONSTRUCTION SUPPLIES AND MATERIALS DURING CONSTRUCTION OF THE SUBDIVISION AND DESIGNATED DRIVE AREAS FOR VEHICLES AND EQUIPMENT. THE LOCATION AND DIMENSIONS OF SUCH DESIGNATED AREAS SHALL BE CLEARLY IDENTIFIED ON BOTH SUBDIVISION CONSTRUCTION AND SITE PLANS AND SHALL BE APPROVED BY THE TREE PRESERVATION AND ENFORCEMENT OFFICER OR AUTHORIZED DESIGNEE PRIOR TO ANY CONSTRUCTION OR LAND DEVELOPMENT ACTIVITY IN, ON OR ABOUT THE SUBDIVISION. SUCH DESIGNATED AREAS SHALL BE COMPLETELY FENCED WITH CHAIN-LINK FENCING AND GATES FOR SAFETY PURPOSES AND TO SEPARATE PROTECTED, SPECIMEN, OR HISTORIC TREES FROM THE CONSTRUCTION AREA AND RELATED CONSTRUCTION ACTIVITY. WITH THE APPROVAL OF THE TREE PRESERVATION AND ENFORCEMENT OFFICER OR AUTHORIZED DESIGNEE, THE DESIGNATED PARKING AND STOCKPILE AREAS MAY BE COMBINED INTO ONE FENCED AREA, PROVIDED THAT THE PRESERVATION OF PROTECTED TREES IS NOT ADVERSELY AFFECTED OR JEOPARDIZED. SUPPLIES AND PIPE AND OTHER ITEMS THAT ARE CUSTOMARILY UNLOADED WHERE INSTALLED SHALL NOT BE REQUIRED TO BE STORED WITHIN THE DESIGNATED STOCKPILE AREAS. SITES APPROVED FOR TEMPORARY BATCHING PLANT PERMITS SHALL BE FENCED AND GATED IN THE SAME MANNER AS DESIGNATED PARKING AND STOCKPILE AREAS. TEMPORARY BATCHING PLANT PERMITS SHALL ALSO BE REQUIRED FOR THE OPERATION OF ALL BATCHING PLANTS, PURSUANT TO THE REGULATIONS OF THIS CHAPTER.

3. DURING CONSTRUCTION, THE DEVELOPER OR PROPERTY OWNER SHALL PROHIBIT THE CLEANING OF EQUIPMENT OR MATERIALS AND/OR THE DISPOSAL OF ANY WASTE MATERIAL, INCLUDING, BUT NOT LIMITED TO, PAINT, OIL SOLVENTS, ASPHALT, CONCRETE, MORTAR, ETC., UNDER THE CANOPY OR DRIP LINE OF THE SPECIMEN TREE.

4. NO ATTACHMENTS OR WIRES OF ANY KIND, OTHER THAN THOSE OF A PROTECTIVE NATURE, SHALL BE ATTACHED TO THE SPECIMEN TREE.

5. WITH MAJOR GRADE CHANGES OF SIX INCHES OR GREATER, A RETAINING WALL OR TREE WELL OF ROCK, BRICK, LANDSCAPE TIMBERS OR OTHER APPROVED MATERIALS SHALL BE CONSTRUCTED AROUND THE TREE NO CLOSER THAN THE DRIP LINE OF THE TREE. THE TOP OF THE RETAINING WALL OR TREE WELL SHALL BE CONSTRUCTED AT THE NEW GRADE.

6. UNLESS OTHERWISE APPROVED BY THE TOWN, NO CONSTRUCTION OR CONSTRUCTION-RELATED ACTIVITY SHALL OCCUR UNDER THE CANOPY OR DRIP LINE OF THE SPECIMEN TREE.

7. ANY TREES REMOVED DURING LAND DEVELOPMENT, CONSTRUCTION OR CONSTRUCTION-RELATED ACTIVITIES SHALL BE CHIPPED OR HAULED OFFSITE. BURNING OF REMOVED TREES IS PROHIBITED UNLESS PRIOR APPROVAL IS GIVEN BY THE TOWN'S FIRE MARSHAL.

8. THE TREE PRESERVATION AND ENFORCEMENT OFFICER OR AUTHORIZED DESIGNEE MAY REQUIRE ADDITIONAL PROTECTION MEASURES OR BEST MANAGEMENT PRACTICES AS NEEDED ON A CASE BY CASE BASIS TO ADEQUATELY PROTECT SPECIMEN TREES.

9. TREES TO BE REMOVED NEAR SPECIMEN TREES MUST BE REMOVED WITH A CHAINSAW, SO AS TO CAUSE MINIMAL ROOT DISTURBANCE TO THE SPECIMEN TREES TO BE PRESERVED.

GENERAL NOTES:

1. SPECIMEN TREE SURVEY INFORMATION AND ON-SITE DOCUMENTATION PROVIDED BY LANDESIGN.

2. SHEETS RZ3.0-RZ3.4 PRODUCED BY LANDESIGN ARE FOR CONVEYING TREE ORDINANCE REQUIREMENTS ONLY, BASED ON THE SPECIMEN TREE SURVEY INFORMATION.

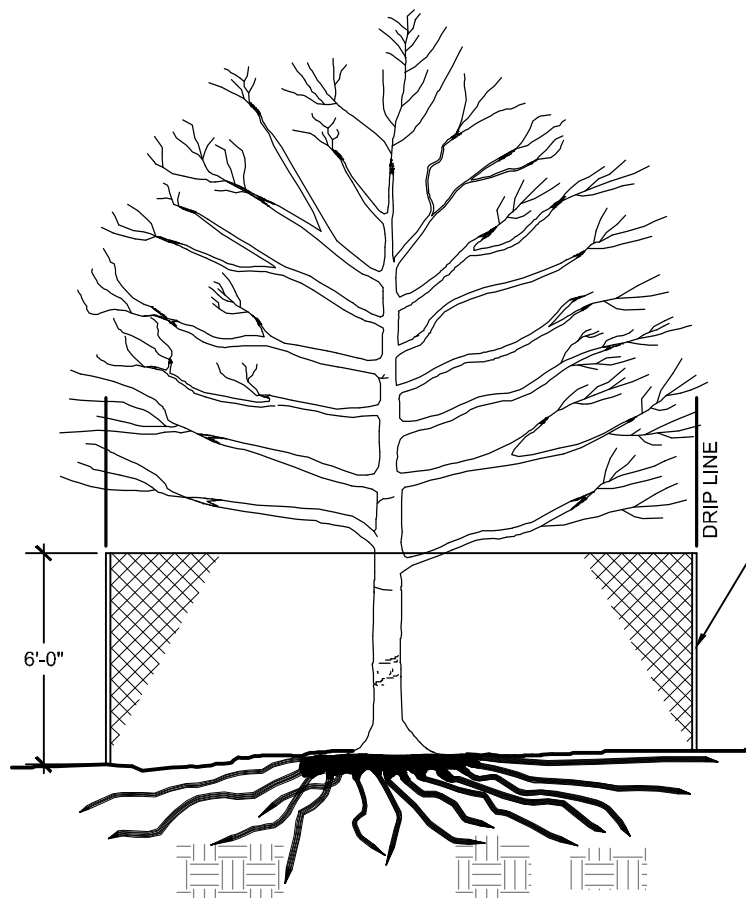
3. THIS PLAN IS PRELIMINARY AND SUBJECT TO CHANGE AND WILL BE FINALIZED DURING THE PERMITTING PROCESS BASED ON FINAL SITE PLAN AND GRADING PLANS.

4. ADDITIONAL PROTECTED TREES TO BE PRESERVED ON SITE AS FINAL GRADING ALLOWS AND FINALIZED DURING THE DEVELOPMENT/PERMITTING PROCESS.

5. REFER TO SHEET RZ3.3 FOR ADDITIONAL SPECIMEN/PROTECTED TREE MITIGATION INFORMATION.

LEGEND

- 780 SPECIMEN TREE TAG
-  SPECIMEN TREE TO REMAIN
-  SPECIMEN TREE TO BE REMOVED
-  SPECIMEN TREE NOT IN SCOPE
-  SPECIMEN TREE PROTECTION FENCING



6FT HIGH CHAIN LINK FENCE
NO GRADING, PARKING OR MANEUVERING OF VEHICLES, STORAGE OF MATERIALS, AND/OR ANY OTHER CONSTRUCTION OR LAND DEVELOPMENT ACTIVITY SHALL TAKE PLACE WITHIN THE TREE PROTECTION FENCING OF A SPECIMEN/HISTORIC TREE.

NOTES:

1. REFER TO THE TREE SURVEY FOR SPECIMEN/HISTORIC TREE LOCATIONS TO BE PRESERVED.
2. REFER TO TOWN OF FLOWER MOUND ORDINANCE, ARTICLE V. - TREE PROTECTION FOR GENERAL SPECIFICATIONS REGARDING TREE PROTECTION MEASURES.
3. REMOVE ALL TREE PROTECTION FENCING UPON COMPLETION OF PROJECT OR AS DIRECTED BY THE TREE PRESERVATION AND ENFORCEMENT OFFICER OR AUTHORIZED DESIGNEE FROM THE TOWN OF FLOWER MOUND.

SPECIMEN TREE PROTECTION

SECTION

NTS

DIXON LN.
(VARIABLE R.O.W.)

LOT 1, BLOCK A
WHYBURN ADDITION
INS. NO. 2020-187
O.P.R.D.C.T.

LOT 2, BLOCK A
WHYBURN ADDITION
INS. NO. 2020-187
O.P.R.D.C.T.

LOT 1, BLOCK B
WHYBURN ADDITION
INS. NO. 2020-187
O.P.R.D.C.T.

REFER TO SHEET RZ3.2

CIVIL ENGINEER
LANDESIGN
5301 ALPHA ROAD, SUITE 100
DALLAS, TX 75240

PROJECT

2650 WHYBURN DRIVE
FLOWER MOUND, TX 75028

CARROLLTON, TX 75007

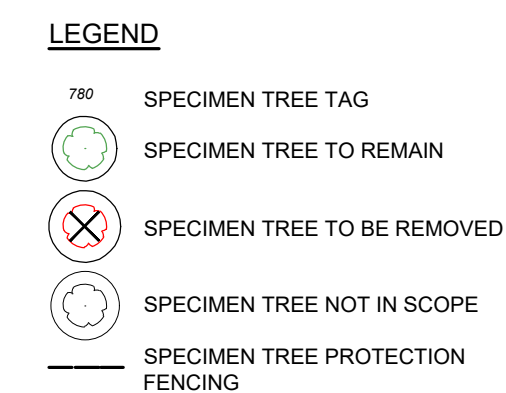
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TREE SURVEY

SHEET NUMBER

RZ3.2



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LANDESIGN
5301 ALPHA ROAD, SUITE 24
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KEY MAP



Oct 5 2022

DocuSign

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SCALE NORTH

VERT: ----
HORZ:

SHEET TITLE

TREE SURVEY TABLE

SHEET NUMBER

RZ3.3

SPECIMEN TREE COMPLIANCE - TOWN OF FLOWER MOUND

TAG #	DBH	COMMON NAME	SCIENTIFIC NAME	CONDITION	STEM	LOCATION	STATUS	REMARKS
647	26	PECAN	CARYA SPECIES	FAIR	SINGLE	BUILDABLE AREA	REMAIN	SPECIMEN
652	26	PECAN	CARYA SPECIES	HEALTHY	MULTI-TRUNK	BUILDABLE AREA	REMAIN	SPECIMEN
654	36	PECAN	CARYA SPECIES	HEALTHY	SINGLE	BUILDABLE AREA	REMAIN	SPECIMEN
661	25	PECAN	CARYA SPECIES	HEALTHY	SINGLE	BUILDABLE AREA	REMOVE	SPECIMEN
662	38	PECAN	CARYA SPECIES	FAIR	SINGLE	BUILDABLE AREA	REMOVE	SPECIMEN
667	28	POST OAK	QUERCUS STELLATA	HEALTHY	MULTI-TRUNK	BUILDABLE AREA	REMAIN	SPECIMEN
668A	28	POST OAK	QUERCUS STELLATA	HEALTHY	MULTI-TRUNK	BUILDABLE AREA	REMAIN	SPECIMEN
668B	22	POST OAK	QUERCUS STELLATA	HEALTHY	MULTI-TRUNK	BUILDABLE AREA	REMAIN	SPECIMEN
772	36	PECAN	CARYA SPECIES	HEALTHY	SINGLE	BUILDABLE AREA	REMOVE	SPECIMEN
779	36	PECAN	CARYA SPECIES	FAIR	SINGLE	BUILDABLE AREA	REMOVE	SPECIMEN
780	36	PECAN	CARYA SPECIES	HEALTHY	SINGLE	BUILDABLE AREA	REMOVE	SPECIMEN
781	38	PECAN	CARYA SPECIES	HEALTHY	SINGLE	BUILDABLE AREA	REMOVE	SPECIMEN
826	32	PECAN	CARYA SPECIES	HEALTHY	SINGLE	BUILDABLE AREA	REMAIN	SPECIMEN
842	28	POST OAK	QUERCUS VIRGINIANA	HEALTHY	SINGLE	BUILDABLE AREA	REMOVE	SPECIMEN
851	29	POST OAK	QUERCUS STELLATA	HEALTHY	SINGLE	BUILDABLE AREA	REMOVE	SPECIMEN
853	30	POST OAK	QUERCUS STELLATA	HEALTHY	SINGLE	BUILDABLE AREA	REMOVE	SPECIMEN
877	36	PECAN	CARYA SPECIES	HEALTHY	SINGLE	BUILDABLE AREA	REMAIN	SPECIMEN

TREE SURVEY MITIGATION TABULATIONS*:

TOTAL EXISTING SPECIMEN TREES: 17 TREES
TOTAL EXISTING SPECIMEN TREES TO REMAIN IN "HEALTHY OR FAIR" CONDITION: 8
TOTAL EXISTING SPECIMEN TREES TO BE REMOVED IN "HEALTHY OR FAIR" CONDITION: 9

TOTAL SPECIMEN TREES TO REMAIN PRESERVATION CREDITS: 46 TREE CREDITS
28" PECAN / 5 TREE CREDITS
28" PECAN / 5 TREE CREDITS
36" PECAN / 6 TREE CREDITS
28" POST OAK / 6 TREE CREDITS
28" POST OAK / 6 TREE CREDITS
22" POST OAK / 6 TREE CREDITS
32" PECAN / 6 TREE CREDITS
36" PECAN / 6 TREE CREDITS

TREE MITIGATION
TOTAL EXISTING CAL. INCH SPECIMEN TREES TO BE REMOVED: 296" CAL. INCHES X 2 = 592" / 3 = 198 TREES

TREE MITIGATION: 198 TREES - 46 TREE CREDITS = 152 TREES
CASH-IN-LIEU FEE: 152 TREES X \$600/TREE = \$91,200

TOTAL EXISTING CAL. INCH SPECIMEN TREES TO REMAIN : 234" CAL. INCHES

*NOTE: TREES IN EXISTING DRAINAGE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT NOT CONSIDERED IN TABULATIONS.
TREES OUTSIDE OF PLAT NOT CONSIDERED IN TABULATIONS.



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CIVIL ENGINEER

LANDESIGN
5301 ALPHA ROAD, SUITE 24
DALLAS, TX 75240

KEY MAP



Oct 5, 2022
SEA

DocuSign

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SCALE

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SHEET TITLE

TREE SURVEY AERIAL
OVERLAY

SHEET NUMBER

RZ3.4

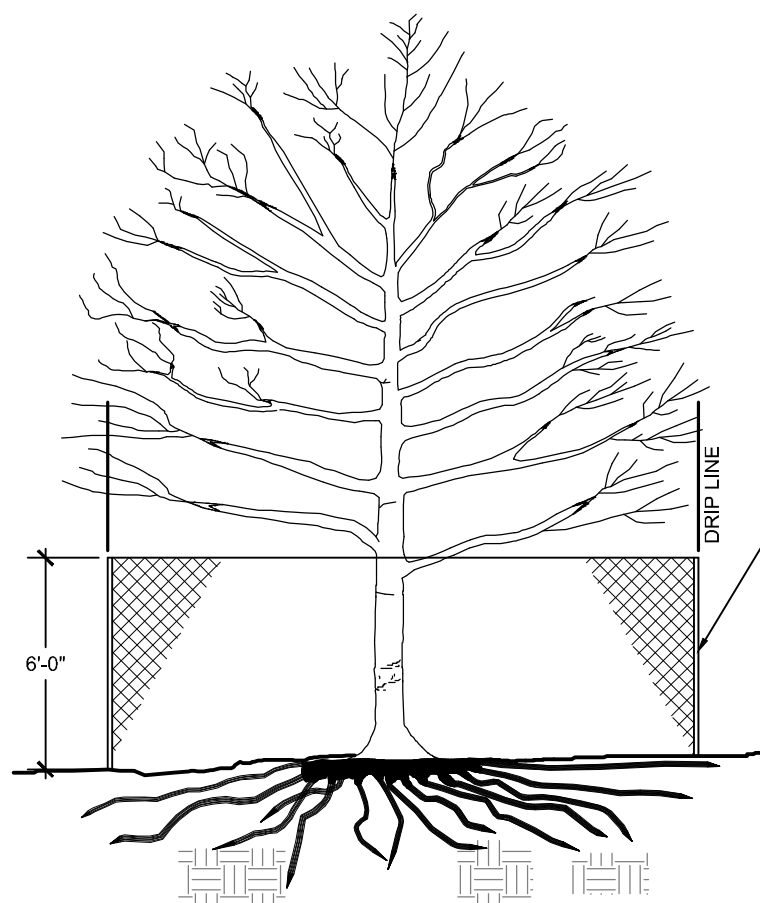
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- WITH MAJOR GRADE CHANGES OF SIX INCHES OR GREATER, A RETAINING WALL OR TREE WELL OF ROCK, BRICK, LANDSCAPE TIMBERS OR OTHER APPROVED MATERIALS SHALL BE CONSTRUCTED AROUND THE TREE NO CLOSER THAN THE DRIP LINE OF THE TREE. THE TOP OF THE RETAINING WALL OR TREE WELL SHALL BE CONSTRUCTED AT THE NEW GRADE.
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- THE TREE PRESERVATION AND ENFORCEMENT OFFICER OR AUTHORIZED DESIGNEE MAY REQUIRE ADDITIONAL PROTECTION MEASURES OR BEST MANAGEMENT PRACTICES AS NEEDED ON A CASE BY CASE BASIS TO ADEQUATELY PROTECT SPECIMEN TREES.
- TREES TO BE REMOVED NEAR SPECIMEN TREES MUST BE REMOVED WITH A CHAINSAW, SO AS TO CAUSE MINIMAL ROOT DISTURBANCE TO THE SPECIMEN TREES TO BE PRESERVED.

GENERAL NOTES:

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- THIS PLAN IS PRELIMINARY AND SUBJECT TO CHANGE AND WILL BE FINALIZED DURING THE PERMITTING PROCESS BASED ON FINAL SITE PLAN AND GRADING PLANS.
- ADDITIONAL PROTECTED TREES TO BE PRESERVED ON SITE AS FINAL GRADING ALLOWS AND FINALIZED DURING THE DEVELOPMENT/PERMITTING PROCESS.
- REFER TO SHEET R23.3 FOR ADDITIONAL SPECIMEN/PROTECTED TREE MITIGATION INFORMATION.



6FT HIGH CHAIN LINK FENCE

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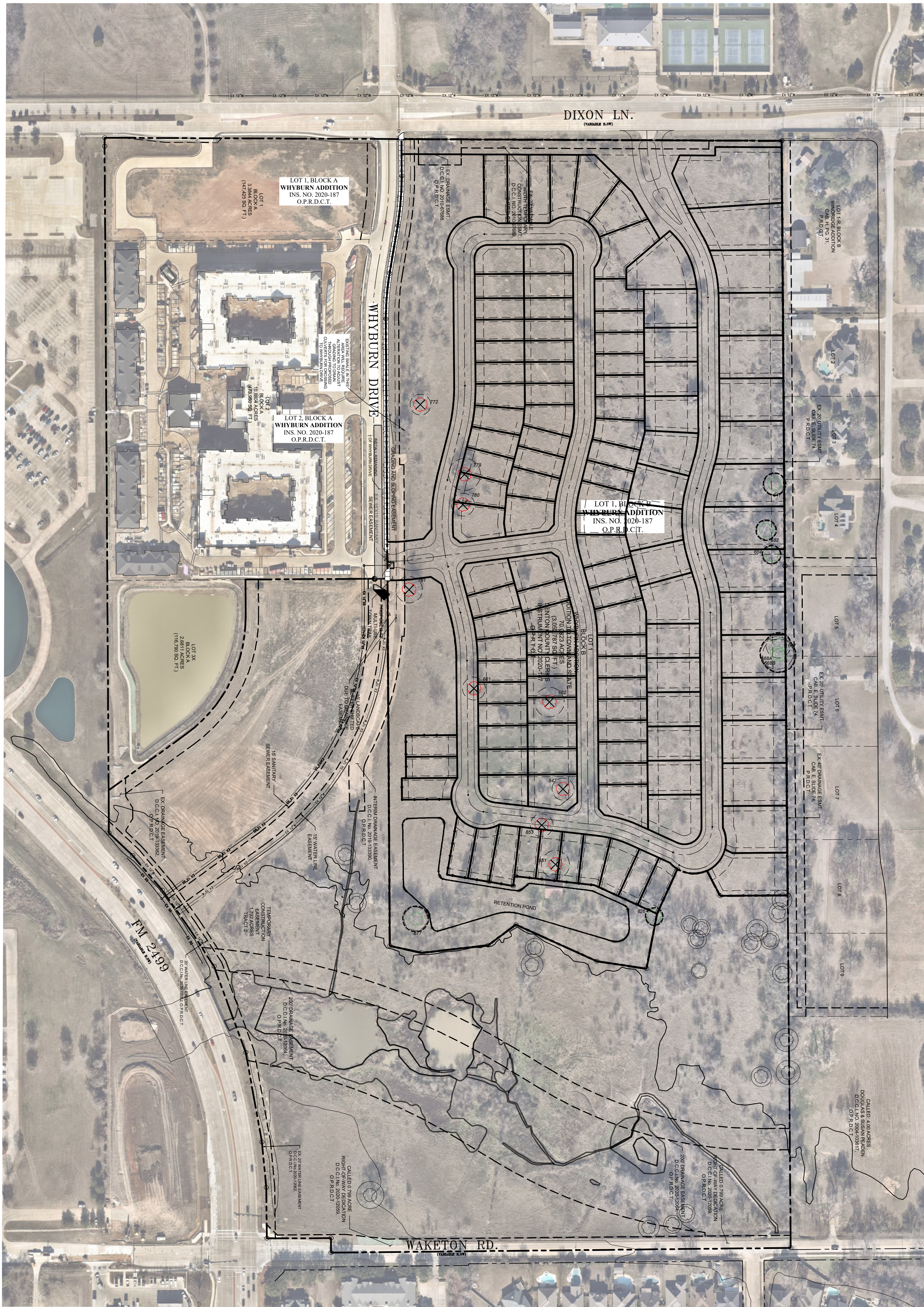
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- REMOVE ALL TREE PROTECTION FENCING UPON COMPLETION OF PROJECT OR AS DIRECTED BY THE TREE PRESERVATION AND ENFORCEMENT OFFICER OR AUTHORIZED DESIGNEE FROM THE TOWN OF FLOWER MOUND.

SPECIMEN TREE PROTECTION

SECTION

NTS



LEGEND

- 780 SPECIMEN TREE TAG
- SPECIMEN TREE TO REMAIN
- SPECIMEN TREE TO BE REMOVED
- SPECIMEN TREE NOT IN SCOPE
- SPECIMEN TREE PROTECTION FENCING



TEXAS 811
CALL BEFORE YOU DIG!
TEXAS ONE-CALL CENTER
IT'S THE LAW!

THIS PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE. PLAN WILL BE FINALIZED DURING THE PERMITTING PROCESS BASED ON SITE PLAN AND GRADING PLAN APPROVAL.

Exhibit "B"**DEVELOPMENT STANDARDS**
Planned Development District No. 189 (PD-189)**WHYBURN FARMS**

The Development depicted in Exhibit "C" shall be in accordance with the Town of Flower Mound's Master Plan and Land Development Regulations, as amended, and shall be subject to the following requirements and conditions:

A. PERMITTED USES.

1. Permitted Uses: The following uses shall be permitted within PD-189, subject to compliance with all applicable conditions and provisions of the Town's Land Development Regulations, as amended.
 - a. Accessory use, general, subject to section 98-972;
 - b. Day care home;
 - c. Dwelling, single-family detached;
 - d. Garage sale, subject to section 98-982;
 - e. Home occupation, subject to section 98-984;
 - f. Local utility line;
 - g. Model home, subject to section 98-1000;
 - h. Solar panel systems, subject to section 98-1002; and
 - i. Swimming pool, private, subject to section 98-996.
2. Specific Uses: No uses requiring a Specific Use Permit shall be permitted within PD-189.
3. Temporary Uses: Only the following Temporary Uses may be permitted within PD-189 subject to approval of a Temporary Use Permit in accordance with the procedures and standards of section 78-87 of the Code, "Temporary Use Permits":
 - a. Asphalt/concrete batch plant, temporary, subject to section 98-974;
 - b. Field office, temporary; and
 - c. Sales trailer, temporary, subject to section 98-993.

B. MINIMUM AND MAXIMUM DIMENSIONS.

1. The dimensional regulations listed in the Single-Family District-15 (SF-15) in the Town's Zoning Ordinance shall be required for this Planned Development as shown on Exhibit "C" except as modified below.
 - a. The maximum height of buildings and structures shall be two stories or 35 feet for all uses, subject to section 98-1031.

2. The dimensional regulations listed for SF-10 Single-Family District-10, section 98-395 of the Town's Zoning Ordinance shall be required for this Planned Development as shown on Exhibit "C," except as modified below:
 - a. The minimum front yard setback at the right-of-way line for lots located at an elbow or cul-de-sac shall be 15 feet. Porches may encroach up to 8 feet into the front yard.
 - b. The minimum side yard setback for the street side of a corner lot shall be 20 feet.
 - c. Minimum lot width shall be 61 feet at the right-of-way line for lots located at an elbow or cul-de-sac.
 - d. Minimum lot depth shall be 125 feet except at the right-of-way line for lots located at an elbow or cul-de-sac which shall have a minimum lot depth of 113 feet.
 - e. The maximum height of buildings and structures shall be two stories or 35 feet for all uses, subject to section 98-1031.
3. The dimensional regulations listed for SF-5 Single-Family District-5, section 98-435 of the Town's Zoning Ordinance shall be required for this Planned Development as shown on Exhibit "C," except as modified below:
 - a. Minimum lot size shall be 5,750 square feet.
 - b. The minimum front yard setback at the right-of-way line for lots located at an elbow or cul-de-sac shall be 10 feet. Porches may encroach up to 5 feet into the front yard.
 - c. The minimum side yard setback for the street side of a corner lot shall be 10 feet.
 - d. Minimum lot width shall be 36 feet at the right-of-way line for lots located at an elbow or cul-de-sac.
 - e. Minimum lot depth shall be 115 feet except at the right-of-way line for lots located at an elbow or cul-de-sac which shall have a minimum lot depth of 105 feet.
 - f. The maximum height of buildings and structures shall be two stories or 35 feet for all uses, subject to section 98-1031.
- C. RESIDENTIAL LOT REQUIREMENTS. There shall be a maximum of 120 residential lots within PD-189.
- D. LANDSCAPING AND FENCING. Landscaping and fencing shall be provided as shown on Exhibit "D."
- E. ENVIRONMENTAL PROTECTION PLAN. PD-189 is subject to the approved Environmental Protection Plan.
- F. EXCEPTIONS.

The following exceptions shall be granted with the approval of Planned Development District-189 (PD-189).

1. Topographical Slope Protection - Section 98-147.

ORDINANCE NO. _____

Page 3

An exception to Section 98-147: Topographical Slope Protection is granted for slopes that are greater than 5%, but less than 12%, as depicted in the approved Environmental Protection Plan.

2. Lot depth, lines and frontage - Section 90-272.

An exception to Section 90-272: Lot depth, lines and frontage is granted for lots designated as SF-5 Single-Family District-5.

DRAFT

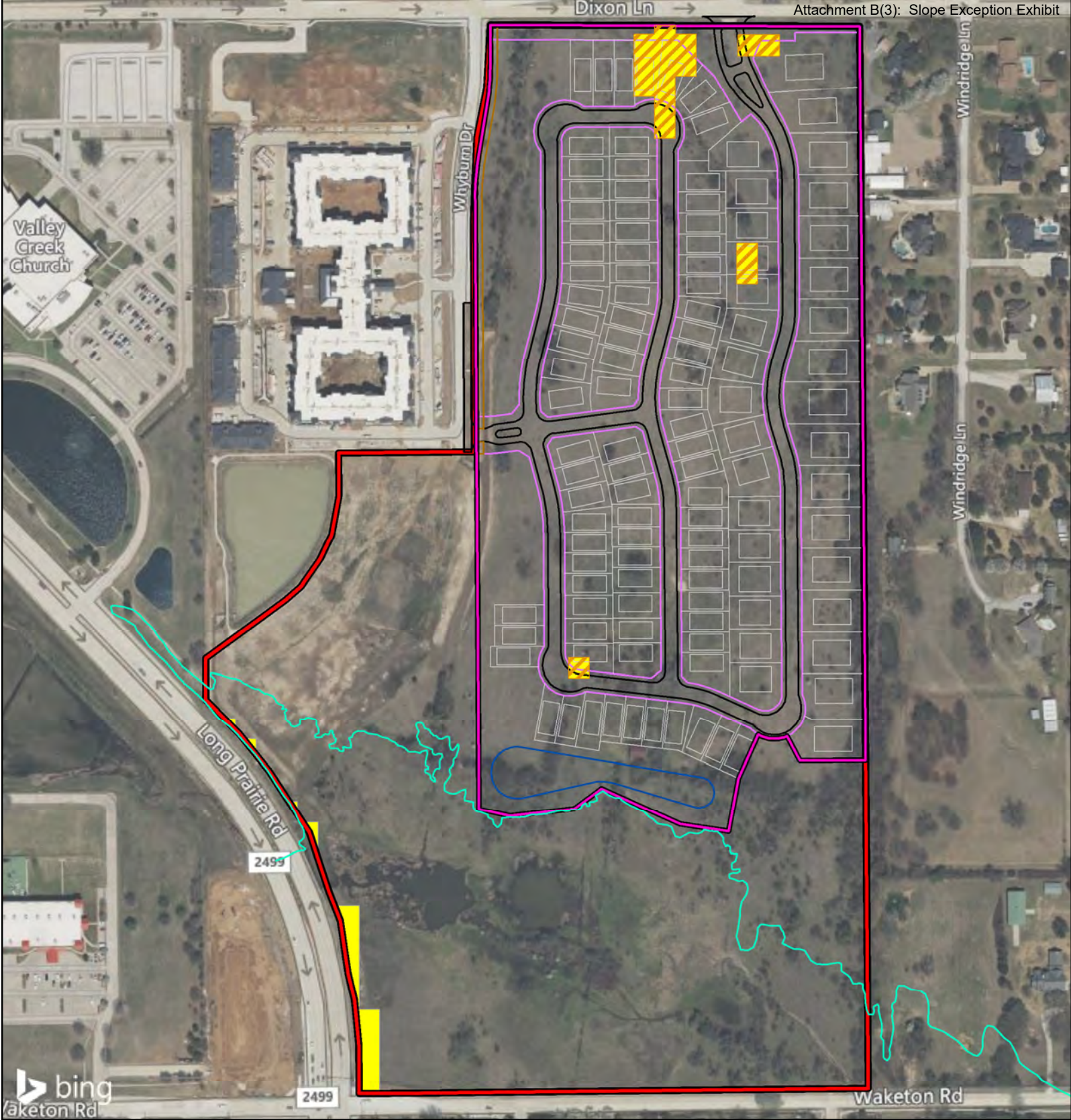


Figure 9.
Protected Slopes Map Impacts

Whyburn Flower Mound
Town of Flower Mound
Tarrant County, Texas

1 in = 310 feet
0 310
Feet

File Ref. 04.224.016
Date: 9/23/2022



Survey Area

Impacts

Slopes

<5%

5% - 12%

>12%

Site Plan

Subdivision Limits

Flood Zone Limits

Lot

Pavement

ROW

Retention Pond

Sidewalk



PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 4

REGULAR ITEM

DATE: October 10, 2022

FROM: Lexin Murphy, Director of Planning Services

ITEM: Consider an ordinance amending the Master Plan (MPA22-0001 – Cross Timbers Conservation Development District Update) by amending Section 1 “Land Use Plan,” Section 2 “Area Plan,” and Section 4 “Urban Design Plan,” for the purpose of updating conservation expectations and vision within the Cross Timbers Conservation Development District.

I. ITEM SUMMARY

This Town-initiated item proposes to amend various sections contained within the Town’s Master Plan by updating and introducing language related to the Cross Timbers Conservation Development District.

The project has a companion application, Land Development Regulation (LDR22-0002), for consideration on the same agenda.

This item will require final action by the Town Council, which is scheduled for October 17, 2022.

II. ANALYSIS

Town staff will provide a presentation to discuss several amendments including the following:

Section 1.0 – Land Use Plan

- Recommend redrafting the Area Plan District description of the CTCDD based on existing recommendations.
- Make clarifications to the Land Use Map related to the appearance of Area Plan boundaries and underlying land use designations.

Section 2.0 – Area Plans

- Recommend grouping and simplifying several paragraphs related to types of developments that can occur within the CTCDD Agriculture zoning district.
- Recommend removing language related to development standards from the CTCDD area plan that is proposed to be codified within the Town’s Land Development Regulations.
- Recommend redrafting or removing language related to “cluster development”.

- Recommend including a vision for park types based on CTCDD survey results.
- Recommend including updated CTCDD language from the Urban Design Plan.

Section 4.0 – Urban Design Plan

- Recommend moving the Cross Timbers Conservation Development District language to the Area Plans section.

III. CORRESPONDENCE

The Town Code requires public notice in a newspaper of general circulation (Denton Record Chronicle). At the time this report was written, the Town had not received any inquiries about this item.

IV. ATTACHMENTS

1. Draft Land Use Plan Redline
2. Draft Area Plan Redline
3. Draft Urban Design Plan Redline
4. Draft Land Use Map Clarification

1.0 LAND USE PLAN

Land Use Category Definitions

Primarily Residential Land Use Categories:

Rural Density

Residential development, typically being single family detached residential development with minimum 2-acre lots (87,120 square feet) or greater.

Estate Density

Residential development, typically being single family detached residential development with minimum 1-acre lots (43,560 square feet) or greater.

Low Density

Residential development, typically being single family detached residential development with minimum 15,000 square foot lots (nominally 1/3 acre) or greater.

Medium Density

Residential development, typically being single family detached residential development with minimum 10,000 square foot lots (nominally 1/4 acre) or greater.

Medium High Density

Residential development, typically being single family detached residential development with minimum 7,500 square foot lots or greater.

High Density Single Family Detached

Residential development, typically being single family detached residential development with minimum 3,000 square foot lots or greater.

High Density

Residential development with 5 dwelling units per net acre or greater. Included in this category are duplexes, townhouses and garden apartments.

~~Note: In the Cross Timbers Conservation Development District, new single-family residential development is appropriate at a net density no greater than one unit per two acres.~~

Commented [JC1]: Specific development visions for the District should be contained within the Area Plan.

Primarily Commercial Land Use Categories

Retail

Neighborhood or Community oriented commercial area with a variety of uses ranging from restaurants and beauty salons to supermarkets and drug stores. Small professional offices, such as title companies, doctors and dentists, legal, real estate, etc. could be included in this land use category.

Office

Office and service uses ranging from garden office developments for small professional practices to larger, multi-story facilities for large tenants. This category would not typically include retail uses, except for incidental service or convenience retail for the office building tenants. In larger office districts, restaurants are encouraged within walking distance of the office buildings.

Commercial/Industrial

A variety of office, retail, repair/service and light industrial uses.

1.0 LAND USE PLAN

Area Plan Districts

Appropriate land uses and relationships between land uses in these districts are described in Area Plans, which provide a greater degree of detail and specificity than land uses in other parts of Flower Mound. These districts are:

Lakeside Business District

Large scale commercial and/or light industrial developments such as corporate offices, office parks, industrial parks, clean manufacturing, hotels, commercial, similar uses, and may include limited residential development. The intent is to create a vibrant area that encourages dynamic economic development focused around live, work, and play opportunities. A mixture of uses is important as well as its design details, amenity quality, and the use of natural areas and open spaces to provide a unique quality of life and sense of place.

Cross Timbers Conservation Development District

Predominantly residential development, typically being single family residential development at net densities no greater than one unit per two acres. Moderate increases in densities may be appropriate in combination with cluster developments, conservation easements and/or other. This district contains the remaining portion of the Cross Timbers ecosystem. Because of this character, conservation techniques that preserve the this Cross Timbers unique ecosystem/habitat, other natural systems, and Scenic Corridors and Vistas, should be highly considered and promoted. Commercial and recreation uses, such as equestrian facilities, golf courses and other appropriate uses compatible with the conservation goals of this district are also suitable.

Denton Creek District

Area west of US 377 and north of Denton Creek in which a variety of commercial, industrial or residential uses could be appropriate, such as office, retail, industrial and/or high density residential, in planned developments providing coordination between the uses and with surrounding areas.

Prairie Vista District

Predominantly residential development, typically being single family residential development at net densities no greater than one unit per one acre in combination with conservation easements and/or other conservation techniques that preserve the Cross Timbers ecosystem and other natural systems. Commercial recreation uses, such as equestrian facilities, golf courses and other uses compatible with the conservation goals of the district are also suitable.

Cross Timbers Protection Area

An area in which the Eastern Cross Timbers environmental quality has been compromised and where development may occur at indicated land use categories and densities, but with additional development standards to protect the remaining Cross Timbers environmental character.

2.0 AREA PLANS

Cross Timbers Conservation Development District Area Plan

~~The Cross Timbers Conservation Development District (CTCDD) is predominantly a residential area, typically being single-family residential in combination with conservation areas. The Cross Timbers Conservation Development District CTCDD Area-area Plan plan identifies several elements intended to preserve ecosystems and other natural systems preserves the integrity of the largely intact Cross Timbers ecological area in central Flower Mound. The CTCDD, which provides the Town with its unique country atmosphere and natural environment, while allowing environmentally sensitive development to occur, to occur. The area plan establishes development options within the district and identifies specific elements needing consideration.~~

There are ~~several~~ multiple acceptable development options ~~as well as existing developments~~ within this ~~District~~ district:



Entitled Residential Development

- Currently, several residential zoning districts exist within the CTCDD, with the majority designated for rural residential land uses



Conservation Residential Development

- This development type is only permitted within the A, Agricultural zoning district in the CTCDD
- Requires a planned development zoning application
- Provides ability for special environmental features to be preserved without unnecessarily compromising the number of buildable lots



Non-Residential Development

- Non-residential development is allowed as permitted by underlying zoning districts
- Appropriate uses include, but are not limited to, equestrian centers, dude ranches, assembly halls, and roadside farm product sales

~~a) Retain all or part of the property for personal use. This option would include (but not require) the potential of donating a conservation easement on all or part of the property in order to realize some economic benefit.~~

~~b) Develop all or part of the property, or sell all or part of the property to others for development. Two-acre or larger lots as permitted under the existing Agricultural zoning, or a conservation development with smaller lot sizes and conserved open spaces.~~

~~1. Develop all or part of the property as appropriate non-residential development. Appropriate non-residential development might include active equestrian-commercial activities (similar to the existing Flower Mound Equestrian Center), active use "country"~~

2.0 AREA PLANS

~~commercial uses (similar to the Circle R Ranch, or roadside farm product stands), or commercial uses that reinforce the “country atmosphere and natural environment” that is characteristic of the Cross Timbers Conservation Development District, and are fully compatible with and acceptable to neighbors and landowners in the Zone.~~

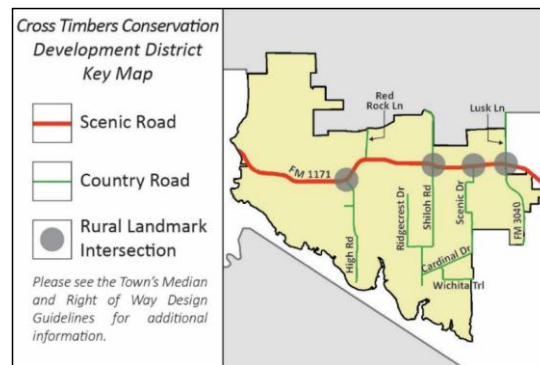
- ~~1. Develop the property as a cluster development. The intent of the clustering option is to maximize open space conservation, including preserving Scenic Corridors and Vistas, on a site-by-site basis to realize a community benefit that provides the Town with its unique country atmosphere and natural environment. The continuation and/or connection of open space areas between adjacent developments are important in protecting the ecological value in the District. Cluster developments may be allowed in the District and must demonstrate the following:~~
- ~~2.~~
 - ~~a. Density shall be commensurate with the quality and character of the open or natural lands conserved and the extent to which the conserved land contributes to the preservation of the Cross Timbers Conservation Development District's country character, including its open, natural, scenic and ecological values. Density will be evaluated on a project-by-project basis. The maximum density that can be granted for a cluster development can be no more than 1 unit per 1.6 acres ($100/1.6 = 62$ units or a 24% increase above the base density). For example, on a 100-acre development, the 100 acres is divided by 1.6 to produce 62 units or a 24% (12 unit) increase in density above the base density of 1:2 or 50 units.~~
- ~~3.~~
 - ~~b. Minimum lot size is one-half acre or 21,780 square feet; however, any development shall contain a mixture of lot sizes and any development shall be cognizant of external adjacent lot sizes.~~
- ~~4.~~
 - ~~c. Open space may be managed by a land trust, Homeowners Association, and/or the Town. Any development proposal must detail the perpetual maintenance and funding for the open space areas, which must be feasible and appropriate for the areas preserved. Recreational uses may be allowed which may be appropriate given the type, location, intensity, and adjacency. Any recreational use should be characteristic of the District, compatible with adjacent land uses and should be open to the public. Floodplain may be counted as open space.~~
- ~~5.~~
 - ~~d. Cluster development shall demonstrate how the development provides an appropriate transition to existing land uses. Factors to be considered include lot sizes, intervening roadways, and use of open space, among other factors.~~
- ~~6.~~
 - ~~e. The approval of a development application for a cluster development shall require an enhanced public notification process. This process is to increase notice and encourage participation of the adjacent property owners and includes the following:~~
- ~~7.~~

2.0 AREA PLANS

- ~~1.—Any developer using the cluster option must present plans to adjacent property owners and Homeowner Associations for comment and input on the proposed application.~~
- ~~8.—~~
- ~~2.—At the time of pre-application, Town staff will notify the affected property owners of the potential development.~~
- ~~9.—~~
- ~~3.—A meeting will be coordinated with the Developer and interested parties prior to the submittal of a development application.~~
- ~~10.—~~
- ~~4.—A second meeting will be held prior to the Planning and Zoning Commission meeting to update the interested parties prior to the public hearing. The agenda item for the proposal will reflect any consensus reached by the group as well as individual comments.~~

Elements ~~needing for~~ consideration within the district include:

- ~~1. Scenic Corridors~~
- ~~2. Scenic Road (FM 1171)~~
- ~~3. Country Roads (Rural Collectors)~~
- ~~4. Conservation Design~~
- ~~5. Parks~~



2.0 AREA PLANS

1. ~~Scenic Corridors and Vistas~~



Shiloh Rd., Rocky Point Rd., Red Rock Rd., High Rd., and FM 1171.

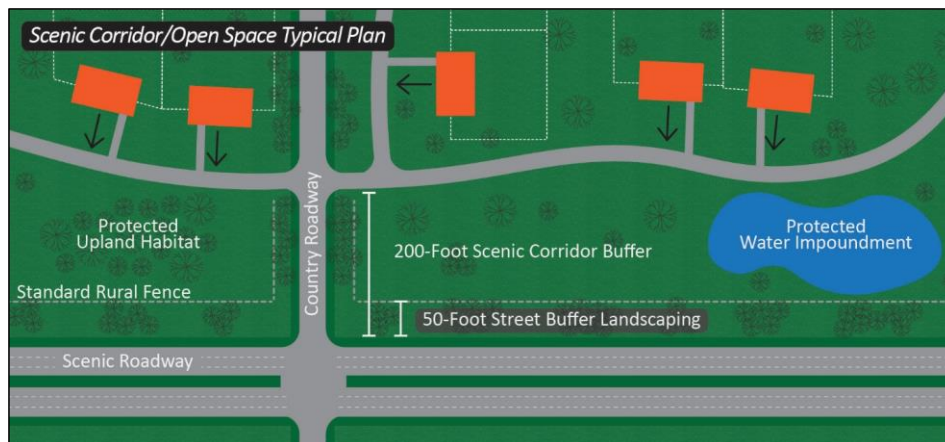
A Scenic Corridor is comprised of ~~any land, whether public or private, that is~~ visible from scenic or country roads, and that possesses ~~any of the open space or~~ natural elements indicative of ~~the a~~ country atmosphere ~~and or~~ natural environment ~~as described in the Flower Mound Open Space Plan.~~

To preserve these views, developments should be mindful of the relationship with these corridors and incorporate them as appropriate for the enjoyment of residents and motorists.

Scenic corridors are present along many roadways, including, but not limited to: Skillern Rd., Scenic Rd.,

Scenic Road/Corridor Development Patterns

- Placement of ~~new house lots~~ homes along the Scenic Road should be placed behind a scenic corridor and outside of the view area if feasible, or sited so that any new houses face toward the Scenic or Country Road across conserved open space.
- New ~~house lots~~ homes should be accessed by internalized internal local roadways, and not directly from the Scenic or Country Roads.
- ~~House lots~~ homes visible within the scenic corridor should incorporate staggered setbacks and a meandering internalized roadway should be grouped and dispersed to minimize linear relationships visible inside of the scenic corridor.
- The goal of siting homes using these methods is to ensure subdivisions are more distinct from their suburban counterparts elsewhere in Town.



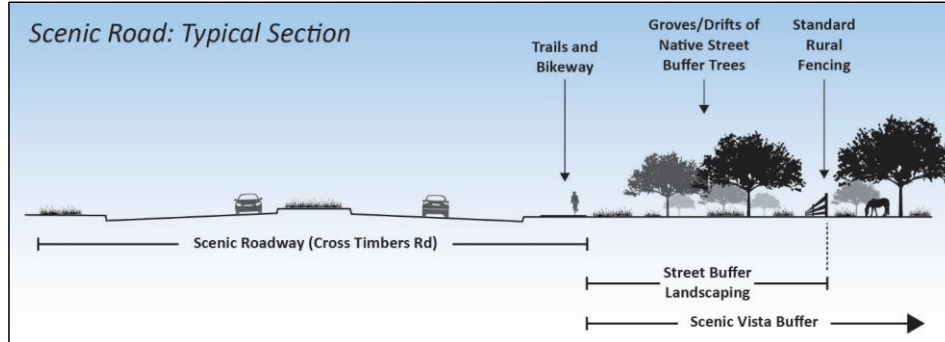
2.0 AREA PLANS

2. Scenic Roads

The Scenic Road (FM 1171) is a State-controlled right-of-way. The Town's vision for land adjacent to this roadway includes landscape treatments and a scenic corridor buffer, which will provide motorists with views of the native landscape and open spaces of the Cross Timbers ecosystem. Combined, the vision for these elements help distinguish the CTCDD from other areas of the Town and to preserve the rural and country atmosphere.

Scenic Road *Public Landscape Treatment (within the right-of-way)*

- Within the street buffer landscaping area, trees should be planted in odd-numbered groves or drifts of no less than five trees, with informal native tree plantings randomly spaced from 15' min. to 35' max to create a more natural design.
- Random groves or and drifts spacing should be a minimum of 100', maximum 350' spaced to maximize visual corridors and not compromise scenic views of motorists, except where scenic views are compromised.
- Groves are defined as a grouping of trees comprised of the same species.
- Drifts are defined as a grouping of trees consisting of several (two to three) species.
- No newly planted tree groves should not be planted within 130' of rural landmark intersections rural landmark intersections that would limit motorists' views of scenic corridors.
- Native low-growth habit shrubs and/or ground cover plantings in association with intersections may be incorporated.
- Standard rural fencing should be considered as a boundary between the street buffer landscaping area and the remaining scenic corridor buffer.
- Trails and bikeways* along the Scenic Road should meander between the right-of-way and street buffer landscaping area. *See the Town's Technical Report – Trails and Bikeways for more.



- Protect existing trees; if trees are removed for road construction, trees must be replaced as per Flower Mound's Tree Preservation code.
- 50' Street Buffer shall remain open scenic corridor with native species only.

Scenic Road Standard Rural Fence

- Existing fences along Scenic Roads should be preserved and maintained by private landowners; however, all new proposed fences shall be multi-railed or pipe styled and either white, black, dark green, or an earth tone in color along Scenic Roads only.
- Standard Rural Fences should be used in conjunction with the rural landmark intersection.

Commented [JC1]: Remove fencing section and create new conservation design section.

Access onto the Scenic Roads

2.0 AREA PLANS

- ~~Discourage n~~New developments should be discouraged from having direct access onto the Scenic Roads, however, special circumstances may necessitate otherwise, as described in the Flower Mound Area Plans.
- It is preferred that internal entrance roadways feed into onto Ccountry ~~roads Roadsexcept where~~ noted in the Flower Mound Area Plans.
- The Ggoal of limiting access onto the Scenic Road is to avoid excessive congestion, traffic conflicts and signalization of intersections ~~on the Scenic Road.~~

2.0 AREA PLANS

Scenic Road Subdivision Entrances

- Subdivision entrances should reinforce the design and appearance of rural Texas ranch entrances.
- ~~Elements~~ such as open- or multi- rail fencing, metal signage, and limited use of masonry columns are acceptable.
- Surrounding landscaping should promote an inviting, rural appearance and utilize native plantings.
- ~~solid masonry walls are not acceptable.~~
- Plantings for new tree- lined drive entrances are only acceptable if the trees are native species and do not obstruct motorist' views of open spaces in the scenic corridor buffer ~~corridor~~, (i.e. drives



Ranch Entrance Example



Ranch Subdivision Entrance

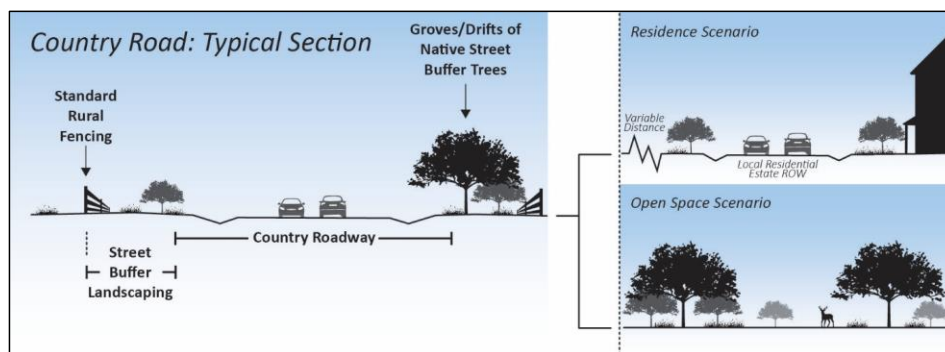


Tree-Lined Driveway

can be located directly alongside a substantial existing tree stand or grove).

3. Country Roads

The vision for Country Roads (Rural Collectors) ~~s promotes the protection of the natural landscape, opportunities for new native landscaping, and other design features intended to preserve the country atmosphere and natural environment which distinguishes the Cross Timbers Conservation Development of the District. Beyond the street buffer trees may be scenic corridors/open spaces or residences, depending on the location and character of environmental features. Country Roads include the Town's Rural Collectors and High Road.~~



Country Road Development Pattern

- Placement of homes along a Country Road should face toward the Country Road.
- New homes should be accessed by internal local roadways, and not directly from Country Roads.

2.0 AREA PLANS

- Homes visible along a Country Road should incorporate staggered setbacks and a meandering internalized roadway.
- The goal of siting homes using these methods is to ensure subdivisions are more distinct from their suburban counterparts elsewhere in Town.

Country Road ~~Public~~ Landscape Treatment ~~(within the right of way)~~

- ~~Should limit new plantings~~ ~~to native trees~~ ~~plantings deemed appropriate~~ to preserve scenic views.
 - Trees ~~should to be planted in odd-numbered groves or drifts~~ ~~and spaced to maximize visual corridors and not compromise scenic views from Country Roads~~ ~~of no less than three trees.~~
- Native low-growth habit shrubs and/or ground cover plantings in association with intersections may be incorporated.

•

1. ~~Either white, black, dark green, or an earth-tone color, multi-rail or pipe-styled fences (photo examples above) will be allowed along Country Roads except where code prescribes otherwise.~~

Commented [JC2]: Remove fencing section and create new conservation design section.

4. Conservation Design

The purpose of a conservation development is to protect significant environmental features to preserve the rural and country atmosphere of this district. While considering the previous sections, subdivision design should plan for all environmentally sensitive areas (ESAs) to be protected when designing the location of infrastructure and home sites.



Land Planning for Conservation Development Typical Plan

Environmental Features

Careful consideration should be made to ensure ESAs are a prominent characteristic of a conservation development without endangering the integrity of the habitats contained within.



Land Planning for Conservation

Infrastructure

Infrastructure should be layed out to create a meandering internal local roadway to limit the appearance of traditional cul-de-sacs found elsewhere in Town.

Restoration of Open Spaces

If portions of a planned open space were impacted by prior development, restoration efforts should focus on vegetation-types native to the area.

Perimeter Fencing

2.0 AREA PLANS

Fencing associated with a conservation development should be limited when possible to preserve wildlife access. When used, fencing should consider the following based on its intended location and use.



*Multi-rail Fencing
Example*

*Pipe Fencing
Example*

- Perimeter fencing along the Scenic Road or Country Roads should be multi-railed or pipe styled, and be earth-toned in color.
- Masonry walls and wood stockade fences are not appropriate for residential development within the CTCDD. The use of masonry columns may be appropriate if used sparingly or in association with a subdivision entrance.
- Internal fencing should be open air and meet minimum safety requirements for residential pools.

5. Parks

75% of respondents from the 2022 CTCDD survey supported allowing some recreational activities as an acceptable use within open spaces. The most cited examples for potentially acceptable parks included the following:

1. Soft surface trails	73%
2. Equestrian trails	57%
3. Mountain bike trails	57%
4. Playgrounds	49%
5. Fishing piers	44%
7. Concrete trails	38%
8. Dog park	36%

< More Interest -- Less Interest >



Recreational activities receiving less support included: pavilions with grills (27%), disc golf courses (27%), camping grounds (26%), playing fields (25%), and playing courts (22%).

Active Parks

The location of active parks should be based on the following priorities:

1. Should not disrupt natural features or habitats.
2. Equitable access from most residential lots within the development.
3. Parks should be visible from roadways and homes for safety purposes.

Parks should also feature earth tones, natural materials, and equipment with natural appearances.

Passive Parks

2.0 AREA PLANS

Trails of various types are considered passive parks. Though passive parks are appropriate through the entire development, careful consideration should be made to the location of trails based on the following priorities:

1. Trails should not disrupt natural features or habitats.
2. Trails should be visible from roadways and homes for safety purposes.

2.0 AREA PLANS

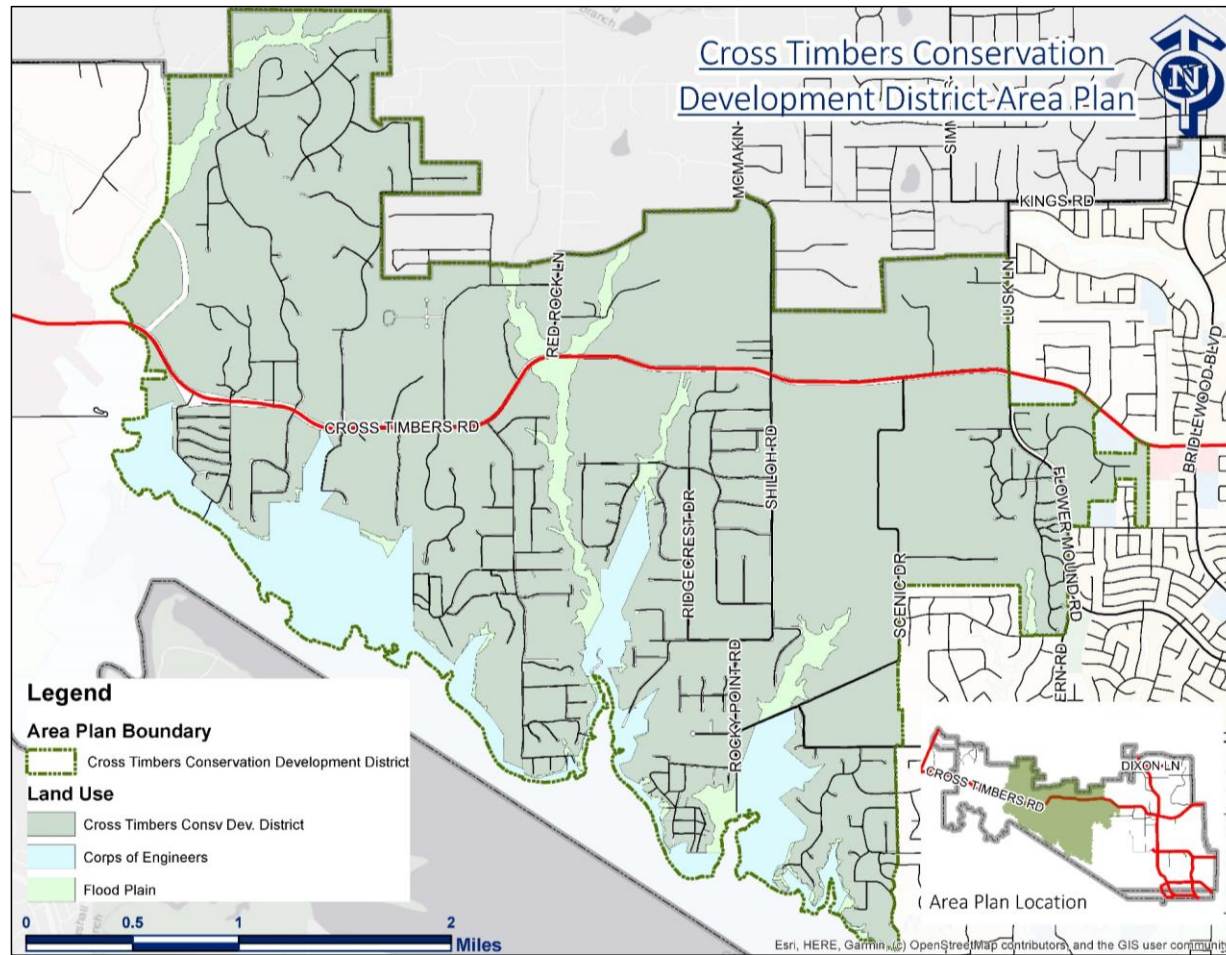
~~1. The scenic corridor along FM 1171 has extensive views into the District. These viewsheds need to be incorporated into any development proposal and would require compliance with the SMARTGrowth Program Analysis. Compliance can be achieved by conservation or cluster development, placing new houses outside of the view area, or by siting any new lots so the houses face toward FM 1171 across conserved open space, with access from a street internal to the development, rather than providing a view from FM 1171 into back yards or rear alleys.~~

~~11. Scenic corridors are present along the following roadways in addition to the roads identified in the Town's Urban Design Plan within the Cross Timbers Conservation Development District:~~

- ~~11.~~
- ~~– Skillern Road~~
 - ~~– Seenic Road~~
 - ~~– Shiloh Road~~
 - ~~– Rocky Point Road~~
 - ~~– Red Rock Road~~
 - ~~– High Road~~
 - ~~– FM 1171 at the Cross Timbers Escarpment~~

~~Properties adjacent to these roads provide extensive views into the District. Compliance with the SMARTGrowth Analysis could be achieved by conservation or cluster development, placing new houses outside of the view area, or by siting any new lots so the houses face the roadways across conserved open space, with access from a street internal to the development, rather than providing a view from the roadways into back yards or rear alleys.~~

2.0 AREA PLANS



4.0 URBAN DESIGN PLAN

Definitions

Articulation: The use of varying depth of wall planes both in the vertical and horizontal dimension to create interest and an aesthetically pleasing appearance in a building facade.

Compatibility Buffer: A 60' min. width Landscape Buffer that includes the use of earthen berms, shrubs, trees and other plant screening elements without suggesting a walled structure. The 60' Compatibility Buffer is located on existing or proposed non-residential or multifamily property.

Curvilinear Edge: A curvilinear edge is an undulating line where the planting bed and or groundcover/shrubs meet the lawn area. Curvilinear lines in a natural landscape are considered more aesthetically pleasing.

District Arterials: District Arterials mentioned in the Lakeside Business and Denton Creek Districts, refers to the four lane; 90' R.O.W. Urban minor arterials from the Thoroughfare Plan.

Drifts: A grouping of trees consisting of two to three different species. This condition is found in natural settings, large shade trees are to be randomly spaced ~~for a more natural design (as a standard) at 15' minimum to 35' maximum.~~

Earthen Berm: An earthen berm is a small man made earth mound that is usually elongated and natural in shape and character, as a landscape element, a berms primary purpose is to both limit views in a natural way and to enhance the ground plane vegetation.

Gateways: Gateways are referred to the impression upon entering the town limits of Flower Mound. A statement of rural character is emphasized by the use of groves and/or drifts, a standard rural fence or other similar fencing and landscape elements, signage and plantings dependant on which district within which they occur. **Please see the Town's Median and Right of Way Design Guideline for additional information.*

Groves: A grouping of trees comprised of the same species. Large shade trees are to be randomly spaced ~~(as a standard) at 15' minimum to a 35' maximum spacing distance for a more natural design.~~



Standard Rural Fence

~~**Standard Rural Fence:** A multi-railed or pipe fence, with a minimum of two rails or pipes, with the bottom rail/pipe at least twelve inches (12") above ground for a two-rail/pipe fence, in white, black, dark green, or an earth tone color used to reinforce the rural and equestrian nature of the Cross Timbers Conservation Development District.~~

Street Buffer: A landscape screening element located on private property adjacent to the street right of way line.

Town Entrance Landscape: The Town Entrance Landscape is the R.O.W. area in principal arterials located in both Lakeside Business & Denton Creek districts.

4.0 URBAN DESIGN PLAN

~~Cross Timbers Conservation Development District~~

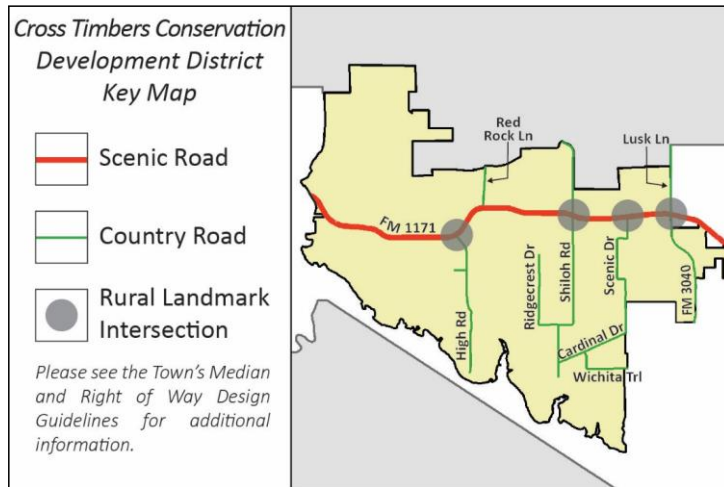
~~The Cross Timbers Conservation Development District (CTCDD) is predominantly a residential area, typically being single family residential development in combination with conservation easements that preserve the Cross Timbers ecosystem and other natural systems. Recreation uses, such as riding stables, golf courses and other uses compatible with the conservation goals of the district are also suitable. The Cross Timbers Conservation Development District is located in central Flower Mound with FM 1171 providing good access. Lake Grapevine is located to the south and provides a unique environmental resource.~~

~~The Urban Design Plan addresses four major elements which affect the overall image of the Cross Timbers Conservation Development District. These elements were developed with community participants as part of development of the Area Plans in the district, and also are derived from the scenic qualities identified in the Open Space Plan.~~

~~The elements are:~~

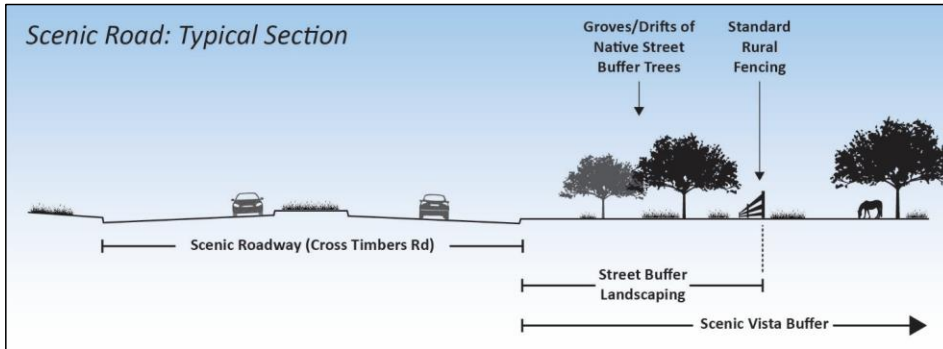
- ~~• Scenic Road (F.M. 1171)~~
- ~~• Country Roads (Rural Collectors)~~
- ~~• Scenic Corridors and Vistas~~
- ~~• Landscape and Setback Buffers~~

Commented [JC1]: The CTCDD section is recommended to be moved to the Area Plan. The Urban Design Plan should contain design standard for more urban, nonresidential areas of Town.



4.0 URBAN DESIGN PLAN

18. Scenic Roads



Scenic Road Public Landscape (within the right-of-way)

- Trees to be planted in odd-numbered groves or drifts of no less than five trees, informal native tree plantings randomly spaced from 15' min. to 35' max.
- Random grove or drift spacing should be a minimum of 100', maximum 350', except where scenic views are compromised.
- Groves are defined as a grouping of trees comprised of the same species.
- Drifts are defined as a grouping of trees consisting of several (two to three) species.
- No newly planted tree groves within 130' of rural landmark intersections.
- Protect existing trees; if trees are removed for road construction, trees must be replaced as per Flower Mound's Tree Preservation code.
- 50' Street Buffer shall remain open scenic corridor with native species only.

Scenic Road Standard Rural Fence

- Existing fences along Scenic Roads should be preserved and maintained by private landowners; however, all new proposed fences shall be multi-railed or pipe styled and either white, black, dark green, or an earth-tone in color along Scenic Roads only.
- Standard Rural Fences should be used in conjunction with the rural landmark intersection.



Standard Rural Fence example

Access onto Scenic Roads

- Discourage new developments having direct access onto Scenic Roads, as described in the Flower Mound Area Plans.
- It is preferred that internal entrance roadways feed into country roads except where noted in the Flower Mound Area Plans.
- Goal is to avoid excessive congestion, traffic conflicts and signalization of intersections on the Scenic Road.

4.0 URBAN DESIGN PLAN

~~Scenic Road Subdivision Entrances~~

- ~~• Subdivision Entrances should reinforce Texas Ranch entrances, elements such as open rail fencing, metal signage, limited use of masonry columns are acceptable, solid masonry walls are not acceptable.~~
- ~~• Planting for new Tree-lined drive entrances are only acceptable if the trees are native species and do not obstruct views of open spaces in the scenic corridor, (i.e. drives can be located directly alongside a substantial existing tree stand or grove).~~



Ranch Entrance Example



~~Ranch Subdivision Entrance~~

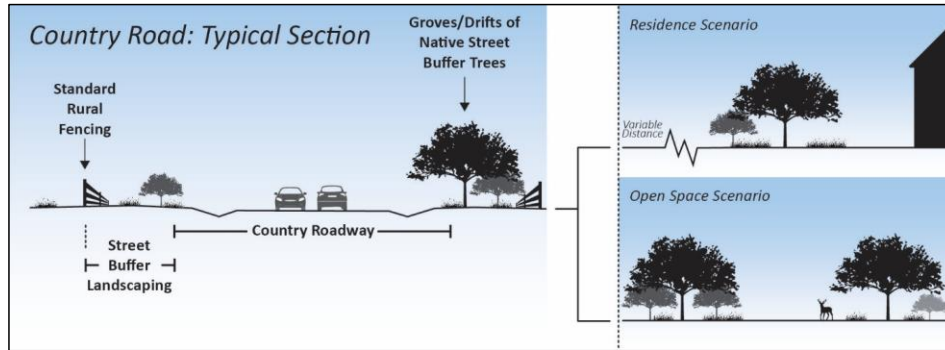


~~Tree-Lined Driveway~~

4.0 URBAN DESIGN PLAN

Country Roads

Country Roads provide preservation of the natural landscape, naturalized new landscape, and



design features to preserve the country atmosphere and natural environment which distinguishes the Cross Timbers Conservation Development District. Country Roads include the Town's Rural Collectors and High Road.

Country Road Public Landscape Treatment (within the right of way)

- Limited native tree plantings to preserve scenic views.
- Trees to be planted in odd numbered groves or drifts of no less than three trees.
- Native low habit shrub and/or ground cover plantings in association with intersections.

Country Road Standard Rural Fence



Multi-rail Fencing Ranch



Pipe Fencing Ranch Entrance

- Either white, black, dark green, or an earth tone color, multi rail or pipe styled fences (photo examples above) will be allowed along Country Roads except where code prescribes otherwise.

4.0 URBAN DESIGN PLAN

~~—Scenic Corridors and Vistas~~

~~A Scenic Corridor is comprised of any land, whether public or private, that is visible from scenic or country roads, and that possesses any of the open space or natural elements indicative of the country atmosphere and natural environment as described in the Flower Mound Open Space Plan.~~



Open Space Scenic

~~Scenic Corridor Development Patterns~~

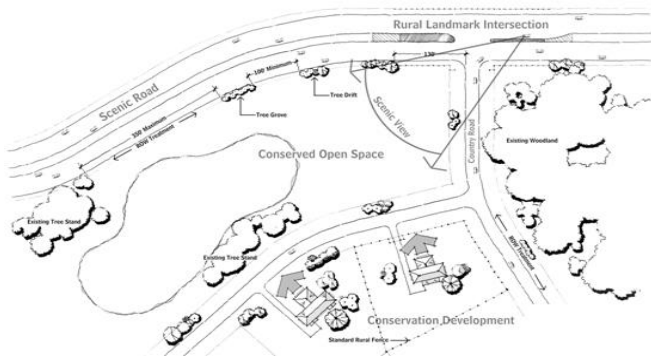
- ~~• Placement of new house lots should be outside of the view area if feasible, or sited so that any new houses face toward the Scenic or Country Road across conserved open space.~~
 - ~~• New house lots should be accessed by internalized roadways, and not directly from Scenic or Country Roads.~~
- ~~House lots should be grouped and dispersed to minimize linear relationships visible inside of the scenic corridor.~~

~~Scenic Corridor Perimeter Fencing Elements~~

- ~~• Views of scenic corridors and vistas should be retained by the limited use of foreground plantings.~~
- ~~• No earthen berm or solid masonry walls will be allowed within this district; however, multi-rail or pipe fencing with stone columns in either white, black, dark green, or an earth tone color is allowable for new development.~~
- ~~• Plantings should include native species only and arranged in groupings (groves or drifts) verses a continuous massing screen.~~
- ~~• Implementation will be provided at the time of development by the private developer.~~



Country Road examples



Scenic Corridor/ Open Space Typical Plan

4.0 URBAN DESIGN PLAN

~~—Landscape and Setback Buffers~~

~~These buffers will help to maintain the country atmosphere of the Cross Timbers Conservation Development District, and to protect existing neighborhoods as new development occurs.~~



Land Planning for Conservation Development Typical Plan

~~Landscape and Setback Buffer Elements~~

- ~~• In instances where existing tree stands or other natural features do not provide a natural buffer, the land plan for proposed development should site proposed residential lots in a manner which respects the privacy and individual features of adjacent residences.~~
- ~~• If the land is developed as a conservation development, the conserved open space system should be integrated into this buffer if appropriate.~~
- ~~• If the land is not developed as a conservation development, land acquired through the park land dedication requirements should be incorporated into this buffer.~~
- ~~• All new Landscape plantings should be native species only.~~

Flower Mound Land Map Clarification

The purpose of this land use map clarification is to show the Rural Residential land use designation within the Cross Timbers Conservation Development District area. Additionally, land identified within specific Area Plans are now bound by a distinct boundary.

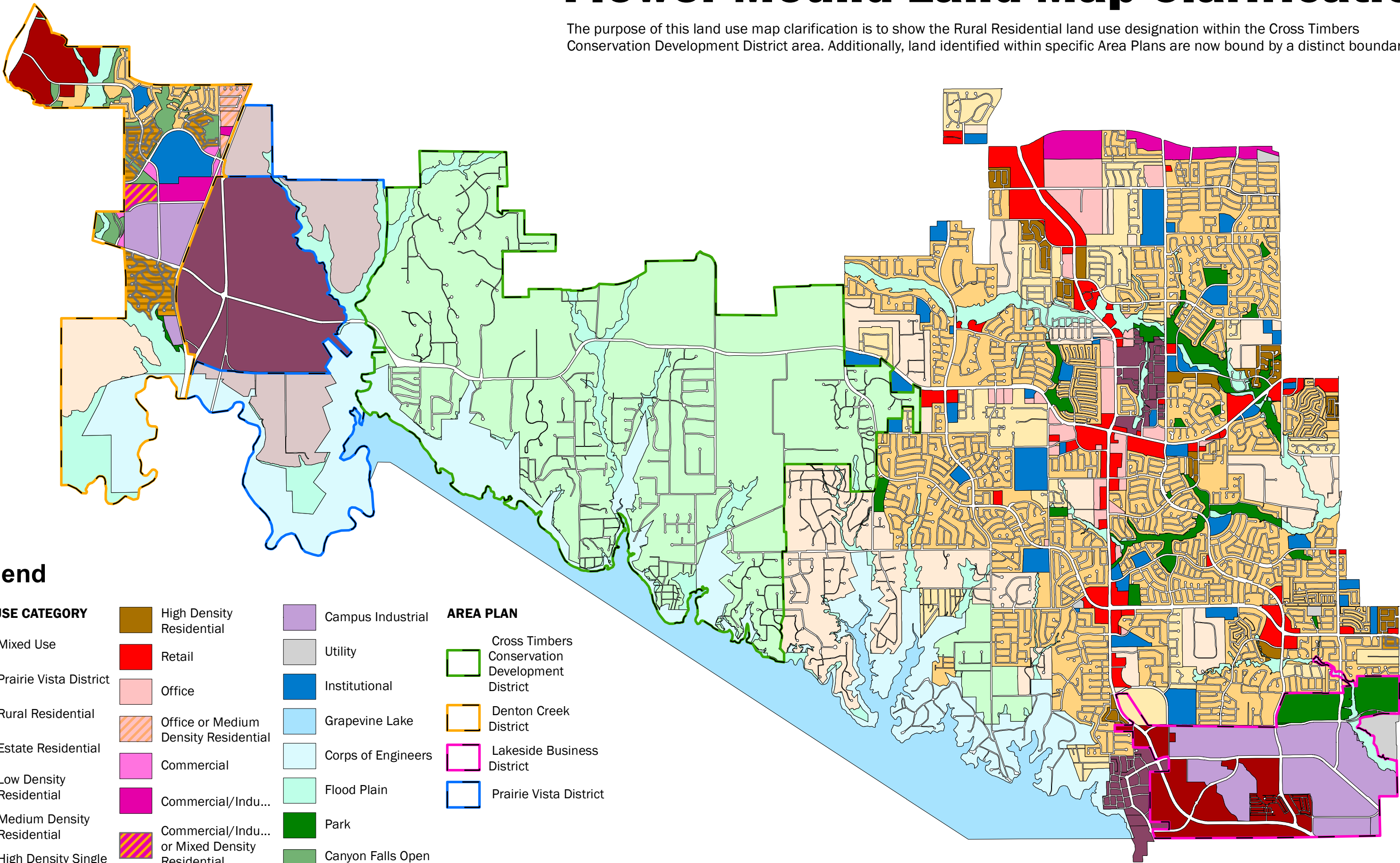
Legend

LAND USE CATEGORY

	Mixed Use		High Density Residential		Campus Industrial
	Prairie Vista District		Retail		Utility
	Rural Residential		Office		Institutional
	Estate Residential		Office or Medium Density Residential		Grapevine Lake
	Low Density Residential		Commercial		Corps of Engineers
	Medium Density Residential		Commercial/Indu...		Flood Plain
	High Density Single Family Detached		Commercial/Indu... or Mixed Density Residential		Park
			Campus Commercial		Canyon Falls Open Space

AREA PLAN

	Cross Timbers Conservation Development District
	Denton Creek District
	Lakeside Business District
	Prairie Vista District



N





PLANNING AND ZONING COMMISSION

AGENDA ITEM: 5

REGULAR ITEM

DATE: October 10, 2022

FROM: Lexin Murphy, Director of Planning Services

ITEM: Consider an ordinance amending the Land Development Regulations (LDR22-0002 – Cross Timbers Conservation Development District Update) by amending Chapter 98 “Zoning,” of the Town's Code of Ordinances to amend conservation development standards within the Cross Timbers Conservation Development District.

I. ITEM SUMMARY

This Town-initiated item proposes to amend the Town's Land Development Regulations by updating and introducing language related to development standards for the Cross Timbers Conservation Development District. The proposed amendment focuses on elements related to conservation development such as density, minimum lot size, open space characteristics, landscaping, and buffers.

The project has a companion application, Master Plan Amendment (MPA22-0001), for consideration on the same agenda.

This item will require final action by the Town Council, which is scheduled for October 17, 2022.

BACKGROUND

Town Council was provided with an overview of the CTCDD and the three primary development patterns during the 2021 Strategic Planning Session (SPS). Following the presentation, Council's discussion ultimately led to the call for a future work session. Since then, several work sessions and public input opportunities have taken place. Following these opportunities, and the 2022 SPS, Council signaled for the item to be reviewed by the Planning and Zoning Commission for recommendations. The Commission was presented a work session item on this subject during their August 29, 2022, meeting.

To learn more about the CTCDD Update process to date, visit <https://www.flower-mound.com/2148/2022-CTCDD-Review>.

II. ANALYSIS

Town staff will provide a presentation to discuss recommendations to the following sections related to the CTCDD:

Section 98-277. Conservation development option and standards.

- Recommend simplifying paragraph by removing statements related to development requirements that are cited elsewhere.
- Based on feedback from the Commission, the following minimum development standards are being proposed:
 - Minimum 0.75 acre or 32,670 square-foot lot size
 - Minimum lot width of 150 feet
 - Minimum 25% of proposed lots must be at least 1 acre or 43,560 square feet
 - No less than 45 percent open space based on the project's gross area
- Recommend a scenic corridor buffer measuring 200 feet from Cross Timbers Road.
- Recommend clarifying how open space may be dedicated.
- Recommend codifying language related to acceptable parks within open space and a limitation on the amount of land parks may occupy.
- Recommend codifying a 20-foot eco-fringe requirement.
- Recommend codifying that the front of homes are to be visible from the scenic road (Cross Timbers Rd/FM 1171) and country roads (rural collectors).
- Recommend unique public outdoor lighting within the CTCDD.
- Recommend codifying requirements for an open space management plan.
- Recommend codifying the enhanced public notification requirement cited from the Town's Master Plan.

III. CORRESPONDENCE

The Town Code requires public notice in a newspaper of general circulation (Denton Record Chronicle). At the time this report was written, the Town had not received any inquiries about this item.

IV. ATTACHMENTS

1. Draft Redline Ordinance

Sec. 98-167. Conservation development.

- (a) No development application or project shall be approved for a conservation development unless it complies with applicable requirements set forth in the land development code for a conservation development within an A agricultural district ~~and/or SF-E single-family estate district. Conserved areas must be in conservation easement. Conservation development will be considered for conservation incentives commensurate with the quality and character of the open or natural lands to be placed within a conservation easement or otherwise conserved and the extent to which the conveyed land contributes to the preservation of the country character, including its open, natural, scenic and ecological values. Incentives will be considered on a project-by-project basis and will be approved by the town council only after community input and public hearing. Expedited development review shall be approved administratively. Such incentives may include but are not limited to: expedited development review, permit fee waivers, reduced street infrastructure requirements, reduced park land dedication requirements, and reduction of monetary assessments relative to agricultural rollback taxes. Reduction of parkland dedication to correspond to percentage of conserved area. The purpose of this criterion is to mitigate the ill effects of rapid and intense urbanization in Flower Mound by protecting the open lands, natural land forms, agricultural landscapes and scenic vistas that create and define Flower Mound's unique community character and quality of life.~~
- (b) *Application.* For residential projects, applicable to applications for zoning amendments, development plans and record plats. This criterion is not applicable to nonresidential projects.

DIVISION 3. A, AGRICULTURAL DISTRICT, CONSERVATION DISTRICT, AND RURAL DEVELOPMENT¹

Sec. 98-271. Purpose and intent.

The A agricultural district is designed primarily for agricultural uses and for single-family detached development ~~on lots of two acres, or greater than two acres if required by on-site sewage facility requirements.~~ It is intended for ~~application in~~ areas designated as "rural residential" land use or within the "Cross Timbers Conservation Development District" area on the land use plan map of the comprehensive master plan, as amended, ~~and/or any areas zoned A agricultural district.~~ In addition to the use and area regulations of this division, development in the A agricultural district ~~shall must~~ be in compliance with all other applicable provisions of this chapter.

Sec. 98-276. Minimum dimensions.

- (a) *Minimum lot area per dwelling.* The minimum lot area per dwelling unit for residence uses in the A agricultural district shall be two acres or 87,120 square feet, unless otherwise provided by section 98-277.

¹Editor's note(s)—Ord. No. 40-02, § 1, adopted July 15, 2002, amended the title of div. 3 to read as set out herein. The former title read "A Agricultural District and Conservation Development".

Cross reference(s)—Animals, ch. 6.

- (b) *Minimum lot width.* The minimum lot width for residential uses in the A agricultural district shall be 200 feet unless otherwise provided by section 98-277, subject to section 98-1024.
- (c) *Minimum floor area per unit.* The minimum floor area per dwelling unit in the A agricultural district shall be 1,800 square feet, subject to section 98-1025.
- (d) *Minimum front yard.* The minimum front yard for all uses in the A agricultural district shall be 40 feet, subject to section 98-1026.
- (e) *Minimum side yard.* The minimum side yard in the A agricultural district shall be 25 feet for residential uses, and 25 feet for nonresidential uses, subject to section 98-1027.
- (f) *Minimum rear yard.* The minimum rear yard in the A agricultural district shall be 20 feet, subject to section 98-1028.

Sec. 98-277. Conservation development option and standards.

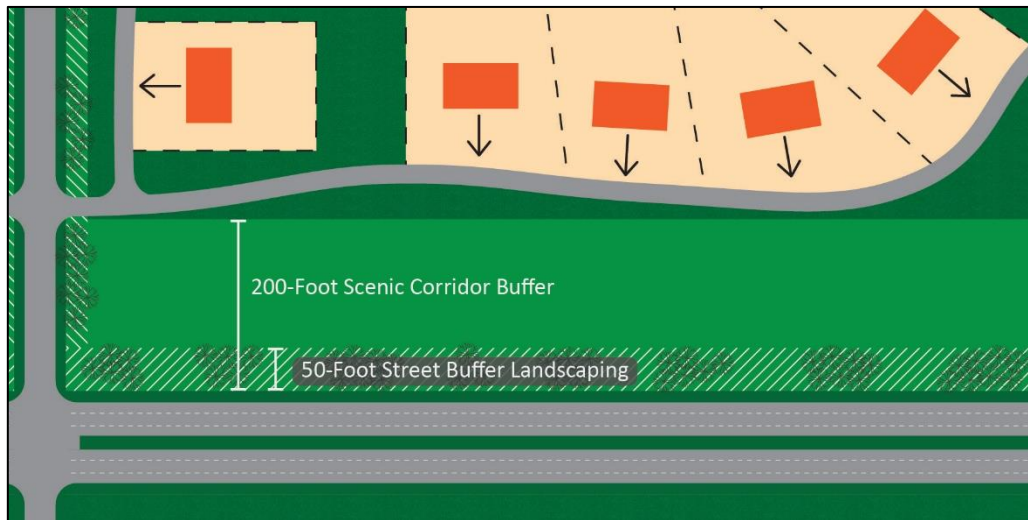
(a) Purpose and definition. ~~The provisions of this section implement the goals and policies of the comprehensive plan concerning residential densities in areas zoned A agricultural district. The following standards, and all conditions necessary to ensure compliance therewith, shall~~ shall apply to any proposed conservation developments in the any areas zoned A agricultural district as part of a planned development application, and ~~to all uses in that district, when approved pursuant to the conservation development procedures set forth in this section its associated uses.~~ The term "conservation development" means a residential development project in which dwelling units are clustered-constructed on smaller lots than otherwise ~~would be allowed~~ permitted within tracts of land zoned by the A agricultural district, for the purpose of preserving, open or natural lands as an integral component of the development. ~~The net density of development shall remain one unit per two acres. Conserved lands shall be placed in a conservation easement. A "conservation easement" is defined as a voluntary and permanent deed restriction which limits the development and/or subdivision of property for the purposes of protecting conservation values in the land. The easement is a recorded restriction, applies to and binds all subsequent owners, and may be held by either a nonprofit entity or organization that manages open space, such as a land trust or other qualified entity, pursuant to section 170(h) of the Internal Revenue Code, as amended, or a governmental entity.~~

(b) Development standards. This subsection describes standards related to lot size, lot width, and project density.

- (1) *Project density.* The maximum allowable residential density for a conservation development project ~~shall be one unit per two acres, expressed as the number of residential dwelling units permitted per acre of land, is one dwelling unit (du) per acre exclusive of all rights of way or easements for streets and alleys; land dedicated for public use; or open space, park land and buffer areas, unless otherwise stated in the regulations of this section.~~
- (2) *Minimum land area per dwelling unit.* ~~The Minimum minimum~~ land area per dwelling unit ~~of one acre for residential uses~~ shall be 0.75 acres or 32,670 square feet ~~exclusive of all rights of way or easements for streets and alleys; land dedicated for public use; or open space, park land and buffer areas, unless otherwise stated in the regulations of this section.~~
 - a. *Lot size variety.* No less than 25 percent of the proposed lots in a development must be at least one acre or 43,560 square feet in size.
- (3) *Minimum lot width.* The minimum lot width for residential uses shall be 150 feet, subject to section 98-1024.
- (4) *Street buffer yard.* Development must comply with section 82-241 and 94-62.
 - a. *Trees.* The number of trees required must comply with sections 82-242; the placement of trees must comply with section 94-62.

(5) Scenic corridor buffer. A 200-foot scenic corridor buffer is required along the scenic roadway. The required street buffer yard may be used to partially satisfy this requirement.

(6) Illustration.



(b)(c) Open space standards. This subsection describes standards for dedication of land for and improvement of public and private open space for conservation development projects.

(1) Preservation of natural features.

- a. Preservation of the following areas shall be counted towards fulfillment of open space requirements.
 - i. ~~All significant natural features, as defined in the open lands plan and comprehensive plan, shall be preserved and, where necessary, protected by setbacks from development.~~
 - ii.i. Development ~~shall~~ must be designed and sited to preserve and protect the 100-year floodplain, consistent with applicable provisions of this chapter.
 - ii. Significant stands of native trees and any other areas of substantial vegetation ~~shall~~ must be preserved and protected from alteration or destruction, unless a mitigation plan is approved in conjunction with the ~~concept or planned~~ development zoning application. The plan must propose for the project, which proposes replacement of the trees or vegetation to be removed with equivalent ~~vegetation landscaping~~ or vegetation from section 94-68 that which is denoted appropriate within the Cross Timbers Conservation Development District, better suited to existing natural conditions. The establishment of new vegetative communities is encouraged.
 - iii. All other significant natural features should be preserved and, where necessary, protected by setbacks from development.
- b. ~~Preservation of such areas shall be counted toward fulfillment of open space requirements subject to the following limitations:~~
 - i. ~~Floodplain areas.~~ Adjacent floodplain land may be included as project open space in conservation developments.
 - ii. ~~Other areas.~~ Significant stands of vegetation must be incorporated in areas to be dedicated to common open space, so as to prevent fragmentation, in order to be counted toward project open space.
- b. Minimum project open space. ~~Applications~~ Wherever an applicant requesting approval for a conservation development must propose an appropriate percentage of project elects to provide open

~~space based on the character of natural features in order to satisfy these conservation development standards, a minimum of 50 percent of the site. In no instance shall the percentage be less than 45 percent of the gross project area must be preserved as open space for the project.~~

c. *Open space dedication.* In meeting requirements for open space, the developer must dedicate land or convey open space using one of the following methods.

i. *Conservation easement.* Land ~~must-to~~ be held within a conservation easement by a qualified nonprofit entity or organization that manages open space, such as a land trust, or other qualified entity, pursuant to section 170(h) of the Internal Revenue Code, as amended, ~~and as may be approved and accepted by the town, or a governmental entity.~~

ii. *Homeowners' association.* Conserved land conveyed as open space must be platted into an x lot and be maintained by the homeowner's association.

iii. *Dedicated to governmental entity.* Land proposed to be used as parkland may be approved and accepted by the town.

~~c. *Open space allocation in phased projects.* In a phased conservation development project, all open space shall be conserved in a conservation easement in conjunction with the development of the first phase of the project.~~

d. *Open space design and improvements.* The design and improvements of open space shall be in accordance with the following standards. These standards may be supplemented by administrative guidelines.

i. *For land to be considered open space, the following must be met.*

(a) *Minimum area.* Must be equal to or greater than 15,000 square feet or one percent of the project's gross area.

(b) *Minimum width.* Must not have a width or length less than 40 feet.

ii. *Open space areas* in a conservation development ~~shall-must~~ be linked to any existing and planned public open space ~~or-and~~ conserved areas to provide an overall open space system within the Cross Timbers Conservation Development District ~~wherever possible.~~

(a) *Eco-fringe buffers, required by subsection f below, meeting the minimum width standard used to satisfy this requirement may count towards meeting the open space requirement.*

(b) *Open spaces divided by necessary roadways, as determined by the town manager or their designee, shall be considered linked for the purpose of this subsection.*

iii. *Open spaces shall be arranged to maximize reasonable access, equity, and utilization for all residential lots within the proposed development.*

e. *Parks.* Parks may be proposed and approved as part of a conservation development.

i. *Active parks.* Such parks must be limited to an area no greater than the minimum parkland area required by section 90-443.

(a) *Permitted parks.* Examples of appropriate active parks include fishing piers and neighborhood playgrounds.

(b) *Restricted parks.* Playing fields, motorized vehicle trails, and campgrounds are not permitted.

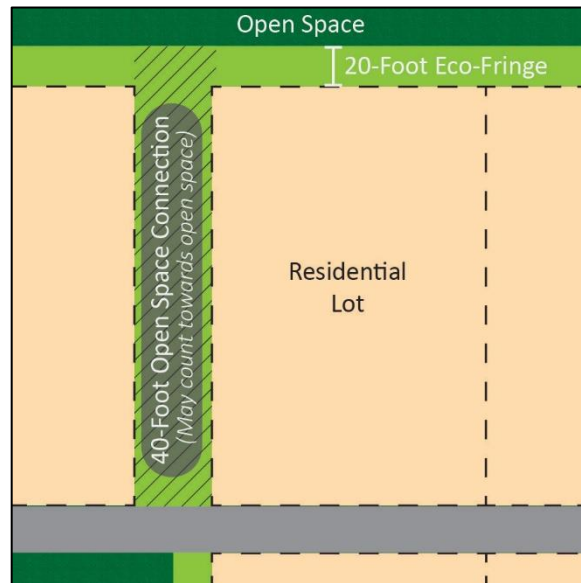
ii. *Passive parks.* Passive parks such as walking, running, and equestrian trails shall be permitted as identified on the town's master plan and throughout the development as appropriate. Such trails should be planned to minimize disturbances to environmentally sensitive areas.

f. Eco-fringe buffer. An eco-fringe buffer extending 20 feet from all exterior side and rear property lines adjacent to open spaces is required.

i. The eco-fringe buffer shall not count towards meeting open spaces requirements, unless otherwise provided by subsection d above.

ii. Maintenance for eco-fringe buffers must be documented within the required open space management plan, subject to subsection h of this section.

iii. Illustration.



~~(c)(d)~~ Project design.

- (1) ~~It is the intent of the following regulations of this section is to encourage outstanding project design for conservation development projects in order to implement the policies contained in the town's comprehensive plan. The town recognizes that project design is an important and variable element in implementing comprehensive plan policies relating to conservation developments and overall community objectives. It is the town's intent to promulgate administrative guidelines to illustrate preferred design methods. It is acknowledged that other design alternatives may be superior for a particular project. The~~ following standards will be used to evaluate project design:

- a. The arrangement of all uses and improvements should reflect the natural capabilities and limitations of the site as well as the characteristics and limitations of adjacent property.
- b. Development must be compatible with the immediate environment of the site and neighborhood relative to existing adjacent residential densities unless otherwise buffered in an acceptable manner; scale, bulk and building height; historical character; and disposition and orientation of buildings on the lot.

c. Buildings, roadways, open space, and landscaping must be:

- i. ~~d~~Designed and arranged to produce an efficient, functionally organized and cohesive development.

- ii. ~~Buildings, roadways, open space and landscaping must be in~~ In favorable relationship to the existing natural topography, ~~water bodies of water and watercourses,~~ exposure to sunlight and wind, and view corridors; ~~and-~~
- iii. ~~Buildings, roadways, open space and landscaping must be d~~ Designed and arranged to maximize the opportunity for privacy by the residents of the project and surrounding areas.
- d. Building sites must be located to minimize their impact on view corridors.
 - i. To protect the integrity of the view corridors and the scenic corridor buffer, homes closest to the scenic roadway or a country roadway should face towards either roadway so the rear of homes are not visible.
- ~~(e) For any conservation development project submitted to the town for approval, a development agreement shall be entered into between the town and the developer of the conservation development project. The development agreement shall set forth specific development standards and other applicable conditions for the conservation development project; however, no development standard or other applicable condition shall be less restrictive than those contained in this section or chapter. Such development agreement shall be subject to town council approval and may be filed in the deed records of the county.~~
- ~~(e) Outdoor lighting.~~ New residential subdivisions with five or more buildable lots within the CTCDD must comply with the following outdoor lighting standards.
 - ~~(1) Applicability.~~ The following standards do not apply to lighting on residential lots.
 - ~~(2) New public outdoor lighting, including street lighting, must make use of timers, dimmers, motion sensors and other adaptive controls and must be substantially dimmed or extinguished by 11 P.M., unless public safety concerns demand otherwise, as determined by council.~~
 - ~~(3) Lighting for public and private outdoor facilities must be shielded such that no light-emitting part of fixtures is visible from any other property.~~
 - ~~(4) Outdoor lighting fixtures using lamps or bulbs, regardless of the number of bulbs and level of initial lamp lumens, must not exceed 3,000 kelvins and meet the following:~~
 - ~~a. If the initial lamp lumens are equal to or greater than 1,500, the fixture must be fully shielded. No shielding is required for fixtures with an initial lamp lumens less than 1,500.~~
 - ~~b. Outdoor lighting fixtures must be sufficiently shielded and aimed such that spillage of light onto adjacent properties is minimized and glare from the light emitting and/or reflecting parts of a luminaire is not visible from an adjacent property.~~
 - ~~c. Sag-lens, drop-lens, searchlights, beacons, laser sources, and mercury vapor fixtures are prohibited.~~
 - ~~d. Outdoor uplighting is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structural shield that will not cause light to extend beyond the structural shield.~~
- ~~(f) Subdivision entry and signage.~~ Applications for a conservation development must include design standards for subdivision entries and signage. The design should include elements of wood, stone or rock, and integrate fencing complying with section 98-1143(b).
 - ~~(1) Maximum height.~~ Subdivision entries shall not exceed 12 feet in height.
 - ~~(2) Maximum sign face.~~ Subdivision entry sign faces shall not exceed 60 square feet.
 - ~~(3) Exception.~~ The town council may grant an exception to the subdivision entry and signage standards contained in this subsection, provided that the proposed modification conforms with the vision of the CTCDD area plan.
- ~~(g) Scenic roadway fencing.~~ Fencing along scenic roadways must comply with section 98-1143(b).

(h) *Open space management plan.* An open space management plan must accompany all zoning applications for a conservation development and be reviewed yearly by the Environmental Conservation Commission. The plan must include the following:

- (1) Conceptual landscaping associated with the applicant's zoning application that complies with the town's concept landscape plan requirements.
- (2) Location, description, and size of all open spaces.
- (3) Location and description of natural features listed in section 90-449(f) as well as any such features identified in the environmentally sensitive area survey required by the town's SMARTGrowth program.
- (4) Location and preliminary design details of all proposed open space amenities.
- (5) A summary of the perpetual maintenance proposed for each open space area, which must be feasible and appropriate.
- (6) Phasing and location of the open space associated with the overall development and the open space associated with, and integral to, specific bona fide agricultural buildings.

(i) *Enhanced public notification.* The approval of a planned development application for a conservation development is required to complete the following:

- (1) An initial meeting must be coordinated by the property owner or their designee with all interested parties prior to submitting a planned development application.
 - a. The property owner or their designee must present plans to adjacent property owners and homeowner associations for comment and input prior to a public hearing.
- (2) A second meeting with interested parties must be held prior to the Planning and Zoning Commission public hearing to ensure the agenda item will reflect any consensus reached by the group.

~~(e)~~(j) *Alternative proposals and variation from requirements.* The performance standards for conservation development projects contained in this section are considered to be the minimum standards necessary for approval. It is recognized, however, that project size, location and design may necessitate a different arrangement or distribution of open space or buffers than are envisioned in the regulations of this section, and that different amenities than those specified in this section may become valuable options. Consequently, an applicant for a conservation development project may submit an alternative proposal with corresponding variations in the standards applicable to such a development, which alternative shall be evaluated and action taken thereon in accordance with the procedures contained in this chapter; provided, however, that the following limitations apply:

- (1) No variations will be granted from the allowed residential densities for conservation development projects.
- (2) The alternative proposal and variations requested shall achieve the same basic objectives as the particular standards which are to be varied.
- (3) Where the proposal seeks to vary project size limitations, the alternative design shall be evaluated in accordance with standards applicable to larger projects.

(k) *Conservation development incentives.* Conservation development will be considered for conservation incentives commensurate with the quality and character of the open or natural lands to be placed within a conservation easement or otherwise conserved and the extent to which the conserved land contributes to the preservation of the Cross Timbers Conservation Development District's country character, including its open, natural, scenic and ecological values.

- (1) Incentives will be considered on a project-by-project basis and will be approved by the town council only after community input and public hearing. Such incentives may include, but are not limited to:

~~a. expedited development review, permit fee waivers, reduced street infrastructure requirements, as reflected in the town's thoroughfare plan,~~

~~b. up to and including 50 percent reduction in park land dedication requirements, and reduction of monetary assessments relative to agricultural rollback taxes.~~

The purpose of this criterion is to protect the open lands, natural landscapes and ecological resources that create and define the town's unique community character and which are essential to the accomplishment of community character, quality of life and economic development objectives.

Sec. 98-1143. Perimeter and open space walls and fences.

(a) Generally. The following standards shall apply to development not contained within the cross timbers conservation development district (CTCDD).

- (1) Subdivision perimeter fences and walls constructed adjacent and parallel to the rights-of-way of arterial and collector streets shall consist of masonry, stone, wrought-iron or tubular steel, or a combination of such materials. The fences and walls shall be a minimum of six feet in height and shall have masonry or stone columns measuring a minimum of 24 inches by 24 inches, with monolithic tops, placed a maximum of 40 feet apart on center. Vertical or horizontal spacing of members of wrought-iron or tubular steel fencing and their attachment to any column shall not allow passage of a four-inch sphere. Wrought-iron and tubular steel fencing shall be used in conjunction with, and further provide for, approved plantings from section 82-277 of this Code, "Screening plant selection list," placed three feet on center adjacent to all wrought-iron and tubular steel fencing. Such perimeter fencing shall be located within a three-foot wide fence easement dedicated to the mandatory homeowners' association for perpetual maintenance by such association. Parallel privacy fences of wood or other construction shall not be allowed between the perimeter fencing and parallel foundation lines on adjacent or contiguous lots. Notwithstanding the foregoing, wrought-iron or tubular steel fencing of a minimum of four feet in height may be allowed at the open end of cul-de-sacs and between parallel streets, provided that such fencing complies with all of the requirements contained in this section other than height.
- (2) Fences constructed adjacent and parallel to dedicated park, trail, or open space areas shall consist of wrought-iron or tubular steel. Such fences shall be a minimum of four feet in height and shall be of consistent color throughout a development. Vertical or horizontal spacing of members of wrought-iron or tubular steel fencing shall not allow passage of a four-inch sphere. Parallel privacy screening of masonry construction, not exceeding 50 percent of the lot width, shall be allowed between the wrought-iron or tubular steel fencing and parallel foundation lines on abutting lots. Approved plantings from section 82-277, screening plant selection list, shall be placed three feet on center along the entire length of that side of the masonry screening facing the wrought-iron or tubular steel fencing. Such masonry screening shall be located a minimum distance of ten feet from the wrought-iron or tubular steel fencing. Fences of wood shall not be allowed between such perimeter fencing and parallel foundation lines on adjacent or contiguous lots.
- (3) Property owners replacing existing masonry walls in neighborhoods where HOAs were not established and/or designated to provide ongoing fence/wall maintenance and that have no applicable planned development standards, shall either match original construction materials or meet the perimeter fence standards established in section 14-542 of the town's Code of Ordinances.

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- (b) Scenic roadway fencing. New fencing along the scenic roadway within the CTCDD must be multi-railed or pipe-styled and either white, black, dark green, or an earth-tone in color. Wood stockade and masonry perimeter fencing is prohibited, however, masonry column may be used sparingly.



PLANNING AND ZONING COMMISSION

AGENDA ITEM: 6

REGULAR ITEM

DATE: October 10, 2022

FROM: John Chapman, Planner

ITEM: Consider an ordinance amending the Development Regulations (LDR22-0001 – Landscape Ordinance Update) by amending Chapter 74 “General Provisions,” Chapter 82 “Development Standards,” Chapter 94 “Trees,” and Chapter 98 “Zoning,” of the Town’s Code of Ordinances to amend and propose new landscaping standards for the purpose of clarifying and updating certain sections.

I. ITEM SUMMARY

This Town-initiated item proposes to amend the Town’s Land Development Regulations by updating and introducing language related to landscaping standards. The proposed amendment focuses on the following:

- Street buffer landscaping,
- Retention, detention, and water impoundment landscaping,
- Parking area landscaping (traditional parking),
- Large vehicle parking area landscaping, and
- Foundational plantings

This item will require final action by the Town Council, which is scheduled for October 17, 2022.

II. ANALYSIS

Town staff will provide a presentation to discuss several new landscaping standards related to:

1. Foundational plantings,
2. Retention/detention pond trees, and
3. Large vehicle parking area trees.

Additionally, staff will discuss possible updates related to existing landscaping standards:

Section 74-3. Definitions.

- Recommend updating the “*Roadway, country*,” definition to include all existing and future rural collector streets within the Cross Timbers Conservation Development District.

Section 82-73. Computing parking and loading requirements.

- Recommend codifying several mitigation options intended to reduce negative effects of excess pavement for parking.

Section 82-214. Landscape plan.

- Recommend codifying that all landscape plans accompanying a site plan be signed and sealed by a licensed landscape architect.

Section 82-216. Installation.

- Recommend codifying that landscaping may only be delayed pursuant to Section 90-222 of the Town's Code of Ordinances.

Section 82-242. Street buffer landscaping.

- Recommend clarifying street buffer landscaping requirements related to residential subdivisions.

Section 82-277. Screening plant selection list.

- Recommend updating the list to include two sections; one containing screening plants able to meet the contiguous 6-foot screening requirement, and another that cannot.

Section 94-13. Landscape nursery, or replacement trees

- Recommend decreasing the height at which the tree caliper is measured from twelve inches to six inches in accordance with the American Standard for Nursery Stock for Type 1 and Type 2 trees.

Section 94-61. Street yard trees.

- Codify how the number of trees is determined in the event of a fraction.

Section 94-62. Street buffer trees.

- Codify Master Plan recommendations for street buffer trees within the Cross Timbers Conservation Development District (CTCDD).
- Recommend a minimum tree spacing requirement.
- Recommend alternative landscaping options for street buffer areas containing utility easements
- Codify how the number of trees is determined in the event of a fraction.

Section 94-63. Parking area trees.

- Recommend an exception to parking area trees for Campus Commercial, Campus Industrial, Industrial-1, Industrial-2 for the sole purpose of redevelopment scenarios involving restriping of existing pavement from a large vehicle parking area to employee/customer parking.

- Recommend mitigation is satisfied by increasing landscaping on the site comparable to the amount of trees required for new parking spaces.
- Recommend a minimum landscape island area equivalent to a parking space (9' by 18'), minimum tree spacing, and minimum uncompacted soil radius.

Section 94-66. Approved tree planting lists.

- Recommend denoting several tree species that are appropriate within the CTCDD.
- Recommend expanding the approved median and right-of-way tree planting list to include: Eve's Necklace, Yaupon Holly, Carolina Buckthorn, Possum Haw, Plum, and Redbuds/Whitebuds.
- Recommend denoting specific trees from the 'Approved Tree Planting List,' that are not appropriate within the CTCDD.
- Recommend removing Chinese Pistache from the approved median and right-of-way tree planting list.

Section 98-83. Informational assistance.

- Recommend updating the cited resource for minimum tree measurements to the American Standard for Nursery Stock for Type 1 and Type 2 trees; originally Texas Association of Nurserymen Grades and Standards.

Sections 98-846 and 98-876. Landscape standards.

- Recommend removing the 60-foot street buffer landscaping requirement for developments within the Campus Industrial and Campus Commercial Districts, due to the fact that the standard is outdated and there are minimal applicable land areas remaining.

Sections 98-847 and 98-877. Tree planting standards.

- Recommend removing the tree planting standards requirement for developments within the Campus Industrial and Campus Commercial Districts, due to the fact that the standard is outdated and there are minimal applicable land areas remaining.

Section 98-977. Communication tower, commercial.

- Recommend clarifying the purpose for landscaping around commercial communications towers is for concealing grounded mechanical equipment.

III. CORRESPONDENCE

The Town Code requires public notice in a newspaper of general circulation (Denton Record Chronicle). At the time this report was written, the Town had not received any inquiries about this item.

IV. ATTACHMENTS

1. Draft Redline Ordinance



DRAFT LDR: Landscaping, Trees, Screening, and Definitions

SUBPART B – LAND DEVELOPMENT REGULATIONS

CHAPTER 74 – GENERAL PROVISIONS

Sec. 74-3. Definitions.

Roadway, country, ~~includes all existing, proposed, and portions of rural collector roadways located within or adjacent to the Cross Timbers Conservation Development District.~~ means the section of Flower Mound Road from Bruton Grand Boulevard to FM 1171/ Cross Timbers Road, and the following road segments or sections:

- ~~(1) Red Rock Lane;~~
- ~~(2) The future connection between Red Rock Lane and Shiloh Road north of FM 1171/Cross Timbers Road;~~
- ~~(3) Lusk Lane;~~
- ~~(4) High Road;~~
- ~~(5) Ridgecrest Drive;~~
- ~~(6) Shiloh Road;~~
- ~~(7) Scenic Drive; and~~
- (1) Skillern Road.

Roadway, principal, means all existing and proposed arterial streets included in the thoroughfare plan which are hereby designated as principal roadways, excluding portions of such streets that are classified as country roadways or scenic roadways ~~or that are situated within specific plan areas,~~ and excluding the following roadways:

- (1) College Parkway;
- (2) Kirkpatrick ~~Road~~ Lane;
- (3) Gerault ~~Road~~ Drive/Morriss Road;
- (4) Dixon Lane/Valley Ridge Boulevard; and
- (5) FM 407/Justin Road.

Roadway, scenic, means the section of FM 1171/Cross Timbers Road ~~from the eastern edge of Specific Plan Area 8 (SPA 8) to Bruton Grand Boulevard~~ located within the Cross Timbers Conservation Development District.

CHAPTER 82 – DEVELOPMENT STANDARDS

ARTICLE III. OFF-STREET PARKING AND LOADING

Sec. 82-73. Computing parking and loading requirements.

The number of parking spaces required for a specific development proposal shall be based on the requirements listed in section 82-74, Off-street parking requirements, and the following provisions:

- (1) Deviation of required spaces. The amount of parking may be reduced or increased by 20 percent. Deviations for all uses, excluding “Religious Assembly/Institution or Rectory,” in excess of 20 percent must be accompanied by a parking study and approved by the town council. Deviations for “Religious Assembly/Institution or Rectory” increasing required spaces in excess of 30 percent, must be accompanied by a parking study and approved by the town council. Any approved parking in excess of 20 percent must be mitigated.

(2) Mitigation. The purpose for mitigating is to reduce adverse effects caused by the excessive use of concrete, which includes but is not limited to: the heat island effect, increased water runoff, and surface pollution. In addition to complying with sections 82-243, 82-271, and 94-63, mitigation may must be achieved by the use of pervious paving, increased landscaping, increased stormwater treatment, or other incorporating at least one of the following methods to reduce the impact of the increased parking.

a. Primary mitigation option. At least one of the following options must be used.

i. Increased tree planting requirement. In addition to section 94-63, provide one tree for every ten parking spaces that exceed the maximum allowable deviation.

ii. Increased stormwater treatment. A stormwater or curb inlet treatment system may be used to mitigate the effects of increased runoff water and surface pollutants, as approved by the town manager or their designee.

iii. Alternative paving. Alternative paving may be approved by the town manager or their designee. The alternative paving must improve performance measures such as reducing the heat island effect and demonstrate durability over time.

b. Secondary mitigation option. In the event a primary mitigation option is not possible due to site restrictions, the following option must be used.

i. Increased landscaping. All parking area screening required for the site must include two rows of vegetation including shrubs, ornamental grasses, and ground cover.

ARTICLE V. LANDSCAPING AND SCREENING¹

DIVISION 1. GENERALLY

Sec. 82-211. Purpose.

This article is designed to provide standards for the installation and maintenance of landscaping, walls and screening devices so as to promote the general welfare of the community. This is accomplished by, encouraging the creation of an attractive appearance along public streets and by screening ~~from view those~~ uses that may be unattractive to the public eye. Landscaping materials, including ground covers, shrubs, and trees, further facilitate the control of erosion, reduce and the reduction of glare and dust, ~~as well as the visual softening of and visually soften~~ building masses. Walls and screening devices allow for the separation of incongruous uses and for the buffering of intensive activities. Landscaping, walls, screening devices, and their combination, help to effectuate privacy, logical development, and the enhancement of property values.

Sec. 82-212. Applicability of article provisions.

This article shall apply to the following:

- (1) *Nonresidential.* New nonresidential development in all districts shall be subject to all provisions of this article, provided that a one-time expansion of the floor area of buildings on a lot or building tract not exceeding 15 percent of the existing floor area shall not be subject to the requirements of this article.
- (2) *Residential subdivisions and multifamily.* New residential development, ~~including new residential subdivisions, but~~ excluding the construction of single-family detached, single-family attached or duplex dwellings on lots of record, or unless otherwise provided, shall be subject to the provisions of this ~~subsection; article.~~
 - ~~a. All such new residential development shall be subject to the standards of section 82-242, street buffer landscaping, and section 94-122, street buffer trees, along the frontage with such roadway.~~
 - ~~b. Multifamily development shall be subject to the standards of section 82-301, residential compatibility standards.~~
- (3) *Residential lots.* The development of single-family, duplex, and multifamily uses shall be subject to the standards of section 94-~~125~~67, tree planting requirements, residential lots.

¹Cross reference(s)—Guidelines on landscape and irrigation improvements, § 14-331 et seq.; environment, ch. 34.

Sec. 82-213. Approving bodies.

The approval of a landscape plan shall be considered a part of the respective application's approval process.

(1) Nonresidential developments shall submit a landscape plan must be submitted and considered in conjunction with any site plan, planned development, or SUP-specific use permit application and be approved in conjunction with the site plan or SUP approval.

(2) For residential developments, A landscape plans shall must be submitted and considered in conjunction with any development plan, and or record platplanned development containing more than 4 lots application and approved in conjunction with those applications.

Sec. 82-214. Landscape plan.

Any proposed building or use shall be shown on a landscape plan indicating and include the location of existing buildings-to-remain and proposed buildings, parking areas, street improvements, locations and types of landscaped areas, walls, and screening devices. The appropriate method of submittingnumber of copies of the landscape plan, as outlined in the application packet, shall be submitted to the town at the time any application for a development plan, record plat, planned development, specific use permit, or site plan is submittedoutlined on the town's website. The approval of a landscape plan shall be considered a part of the respective application approval process.

(1) Licensed Landscape Architect. All landscape plans accompanying a site plan must be signed and sealed by a licensed landscape architect.

Sec. 82-216. Installation.

Landscaping, watering devicesirrigation, trees, walls and screening structures shall be installed in accordance with the approved final landscape and site plan prior to the issuance of a final certificate of occupancy for the building or use. The building official may grant a temporary certificate of occupancy during the months when installation is impractical or not feasible, subject to the filing of a town-approved affidavit with the town manager to this effect, indicating that such installation is to be complete by March 1 of the following year in which the affidavit was filed. Per section 90-222, if extenuating circumstances exist, the Town may allow the developer/owner to delay installation and provide a cash escrow. Failure to comply with the requirements of this article shall be considered a misdemeanor, punishable as such by a fine in accordance with section 1-13 of this Code74-06.

Secs. 82-218—82-23840. Reserved.**DIVISION 2. LANDSCAPING****Sec. 82-239. Applicability.**

This division is not applicable to proposed residential subdivisions with four or less lots that does not require or have a homeowner's association or x-lot.

Sec. 82-240. Foundation Plantings.

(1) This section shall only be required for the following use types from Sec. 98-952:

- a. Educational, institutional, civic uses
- b. Bank or savings and loan
- c. Restaurant, fast food
- d. Restaurant, general
- e. Office, general business and professional

(2) Nonresidential buildings 15,000 square feet or less must install foundation planting areas along the front and side foundation lines where not impeded by building entrances, loading areas, parking spaces, or sidewalks.

Foundation planting areas may also be required at the rear of the building if visible from streets, other buildings, or open spaces.

(3) The minimum width for foundation planting areas is five (5) feet.

(4) Foundation planting areas must include a combination of ground covers, shrubs, and ornamental trees.

(5) Foundation plant material may be installed at grade, in raised planters, or in decorative plant containers.

Sec. 82-241. Street yard landscaping.

All undeveloped areas of the street yard shall be landscaped. In addition, each lot or building tract shall be required to provide landscaped areas within the street yard equal to the following minimum amount:

(1) A minimum of 20 percent of the street yard of each lot or tract shall be landscaped.

(2) A minimum of 50 percent of the street yard of each lot or tract with frontage on a scenic or country roadway shall be landscaped.

(3) Landscaping required to satisfy other provisions of this article and lying within the street yard may be used to satisfy the requirements of this section.

(4) Trees. Street yard landscaping must comply with section 94-61.

Sec. 82-242. Street buffer landscaping.

(1) Generally. The area of the lot adjacent to the street right-of-way line and extending into the lot for a minimum width as provided in subsections (1)–(3) of this section shall be landscaped, except for necessary driveways. Street buffer landscaped area shall be counted towards the street yard landscaping requirement and is located adjacent to the street right-of-way line.

a. Principal streets. The minimum width of the street buffer landscaping shall be 25 feet for all residential and nonresidential development.

(2) Residential subdivisions.

a. The minimum width of the landscaped street buffer from the street right-of-way line adjacent to a scenic roadway shall be 50 feet.

a. The minimum width of the landscaped street buffer from the street right-of-way line adjacent to a principal or country roadway shall be 25 feet. Streets. The minimum width of the street buffer landscaping area is 15 feet. Streets located within a residential subdivision, not considered a principal, collector, scenic, or country roadway, are exempt from this requirement.

b. X lots. Street buffer landscaping areas must be placed within an X lot and be maintained by a homeowners' association.

c. Subdivision entry. Access into a residential subdivision may be located within a street buffer landscaping area; private residential driveways may not.

(3) Nonresidential development. Nonresidential development includes multifamily for landscaping purposes.

a. Streets. The minimum width of the street buffer landscaping area is 15 feet.

b. Necessary driveways. Necessary driveways may be located within a street buffer landscaping area.

(4) Cross Timbers Conservation Development District.

a. Cross Timbers Road (FM 1171). The minimum width of the street buffer landscaping area is 50 feet; shall count towards satisfying scenic buffer requirements.

b. Rural Collectors. The minimum width of the street buffer landscaping area is 25 feet; shall count towards satisfying scenic buffer requirements.

(2) The minimum width of the landscaped street buffer from the street right-of-way line adjacent to all other streets shall be 15 feet.

(5) *Trees.* Street buffer landscaping areas must comply with section 94-62.

Sec. 82-243. Parking area landscaping.

The required amount of parking area landscaping is subject to the following standards:

- (1) *Applicability.* Paved surfaces intended for the parking, storage, or display of vehicles must comply with the following requirements.
- (2) *Generally.* Landscaped areas shall be provided within off-street parking areas at a minimum ratio of 90 square feet per 12 parking spaces.
- (3) *Scenic roadway.* ~~provided that off-street parking areas on lots or building tracts adjacent to a scenic roadway~~ Landscaped areas shall be provided within off-street parking areas at a minimum ratio of 170 square feet of landscaped area per 12 parking spaces.
- (4) *Religious assembly/institution or rectory and/or schools.* ~~However, notwithstanding the foregoing, churches and/or schools shall be required to provide~~ Landscaped areas shall be provided within off-street parking areas at a minimum ratio of 45 square feet per 12 parking spaces.
- (5) Landscaped areas within parking lots shall ~~be counted~~ count towards ~~satisfying the street yard landscaping requirement~~ section 82-241 related to street buffer landscaping.
- (6) *Trees.* Parking areas must comply with section 94-63.

Sec. 82-244. Large vehicle parking area landscaping.

The required amount of large vehicle parking area landscaping is subject to the following standards:

- 1) *Applicability.* Paved surfaces including spaces intended for vehicles not commonly associated with a 9-foot by 18-foot parking space. Additionally, this section shall only apply to spaces adjacent to the site's property line, compatibility buffer, or street buffer; spaces adjacent to primary structures or internal to the parking lot are not required to meet this section.
- 2) *Large landscape island.* Applicable parking spaces must be within 75 feet of a large landscape island; measured from the landscape island's back of curb. The landscape island must have a minimum radius of 29 feet and be at least 55 feet in length or the length of the large vehicle parking space, whichever is less.
- 3) *Trees.* Large vehicle parking areas must comply with section 94-64.

Sec. 82-24~~5~~4. Irrigation.

All required landscaped areas shall include an irrigation system to ensure the health and growth of the landscape. Medians, rights-of-way, visibility clips and other common areas that are landscaped shall be irrigated ~~, with~~ irrigation plans for such landscaped areas must be approved by the town prior to the acceptance of public improvements for the development.

Sec. 82-24~~6~~5. Maintenance requirements.

- (a) Landscaped areas shall be reasonably maintained by the owner or the lessee of the property, including pruning, trimming, watering and other requirements necessary to create an attractive appearance for the development.
- (b) Any plant material not surviving shall be replaced within 30 days of its demise. Variances because of seasonal requirements can be granted by the town manager or designated representative.
- (c) Lack of maintenance of required landscaping material shall be considered a misdemeanor, punishable as such by a fine in accordance with section 74-06 ~~shall constitute a violation of subpart B of this Code.~~

Sec. 82-24~~7~~6. Outdoor patios and seating areas.

Outdoor patios and seating areas associated with nonresidential uses shall be shown on ~~a~~ the site plan and ~~or~~ landscape plan. These regulations do not apply to sidewalks or other pedestrian spaces. An elevation drawing may be required to determine compliance with this section. In addition, outdoor patios and seating areas are subject to the following standards:

- (1) The area must be clearly defined as part of the plan. The area must be clearly defined through the use of ornamental fencing or similar fencing that is consistent and complementary to the building or development in which it is located. ~~Outdoor patios and seating area for restaurants that serve alcoholic beverages shall be required to physically define the space by using one of the options listed herein above.~~
- (2) Additional elements such as roofs, arbors, trellises, tables, chairs, umbrellas, and awnings, shall be consistent and complementary in material, design, and color to the building or development in which it is located.
- (3) ~~The area shall~~ Outdoor patios must not impede pedestrian circulation or encroach into a designated parking area or fire lane.

Sec. 82-24~~87~~98. Aggregate or inorganic materials.

Aggregate or inorganic materials (AIM) may be used to satisfy the landscape requirements of this article if such materials do not predominate over plant-organic material. For the purposes of this requirement, the following more particularly describes the criteria applicable for use of AIM as a soil cover:

- (1) The use of AIM shall be restricted by the following requirements:

- d. Synthetic turf is restricted only to outdoor recreation and play areas. Town council may approve additional locations and coverage amounts for properties located in areas master planned for campus industrial uses within the lakeside business district. All synthetic turf applications must meet the criteria for synthetic turf installation as maintained by the town manager or ~~his~~ their designee.

Secs. 82-24~~98~~98—82-270. Reserved.

DIVISION 3. SCREENING

Sec. 82-271. Parking areas.

Parking areas shall be screened from street view to a minimum height of three feet above the highest finished grade adjacent to the street or curblin of the parking area. Such screening may be accomplished by the use of plants, earth berms, walls or fences, or natural topography, provided that walls or fences shall not be used for screening parking areas from principal, country or scenic roadways. However, notwithstanding the foregoing, schools shall be exempt from the requirements of this division.

- (1) Parking mitigation requirement. Developments approved for excess parking under section 82-73 must comply with section 82-73.

Sec. 82-272. Outdoor storage areas.

All outdoor storage areas for materials, trash, mechanical equipment (to include ground-based satellite dishes), vehicles, and fountain equipment (retention ponds) or other similar items shall be screened by a screening device of sufficient height, and subject to the following conditions.

- (2) Smaller items measuring less than three-four feet in height ~~or less~~ may be screened by either plant material or a wall constructed of or finished with materials that match the main building of the site.

Sec. 82-275. Outdoor lighting.

- (b) Luminaires or lighting standards installed for the purpose of illuminating a private outdoor recreational activity shall be subject to the following standards:

- (3) When permanent or temporary luminaires or lighting standards are installed for the purpose of illuminating private outdoor recreational activities and do not comply with subsection (b)(2), a waiver will be required, as set forth herein, prior to installation.

- ii. A waiver is permissible as to the requirements set forth in subsection (b)(2) only where application by the property owner or ~~his~~their designee has been submitted to the town. Upon recommendation by the planning and zoning commission, the town council may grant a waiver if the town council determines that the permanent or temporary luminaires or lighting standards would not:

Sec. 82-277. Screening plant selection list.

- (a) ~~When the Code requires a contiguous dense six-foot screen, the following Pplants may be used to satisfy screening standards may include, but shall not be limited to, the following species:~~

~~Arborvitae (Arborvitae sp.)~~

~~Azaleas (Rhododendron sp.)~~

Cherry Laurel (Prunus caroliniana)

Chinese Photinia (Photinia serratifolia)

Elaeagnus (Elaeagnus sp.)

Glossy Abelia (Abelia x grandiflora)

Glossy Privet (Ligustrum lucidum)

Hollies (Ilex sp.)

Nellie R. Stevens Holly

Oakland Holly

Mary Nell Holly

Willow Leaf Holly

~~Indian Hawthorn (Raphiolepis indica)~~

Junipers (Juniperus sp.)

~~Oleander (Nerium oleander)~~

~~Pampas grass (Cortaderia selloana)~~

~~Photinia (Photinia fraseri)~~

Pittosporum (Pittosporum tobira)

Privet (Ligustrum sp.)

~~Pyracantha (Pyracantha sp.)~~

Sweet Viburnum (Viburnum sp.)

~~Texas Purple Sage (Leucophyllum frutescens)~~

- (b) In no instance shall the following plants be used to satisfy the requirement of a contiguous dense six-foot screen.

Arborvitae (Arborvitae sp.)

Azaleas (Rhododendron sp.)

Indian Hawthorn (Raphiolepis indica)

Oleander (Nerium oleander)

Pampas grass (Cortaderia selloana)

Photinia (Photinia fraseri)

Pyracantha (Pyracantha sp.)

Texas Purple Sage (Leucophyllum frutescens)

DIVISION 4. RESIDENTIAL COMPATIBILITY STANDARDS

Sec. 82-302. Compatibility buffer.

A landscaped buffer shall be located on the site of the nonresidential or multifamily use along all property lines adjacent to the existing or proposed residential uses, subject to the following standards:

- (1) A brick wall or masonry wall with stucco or mortar wash finish, both exterior finishes being the same, shall be constructed along the property line. Such walls shall have no vehicular access point into or from an alley and shall be a minimum of six feet in height, except that the first 25 feet in from the street line may be stepped down to a minimum height of four feet. However, notwithstanding the foregoing, ~~churches~~ religious institutions and/or schools shall be exempt from the requirements of this division.
- (2) For nonresidential development, except ~~for churches and/or schools~~ those provided below, the landscaped setback shall consist of a minimum 25-foot landscaped buffer. Understory plants of species included in section 82-277, Screening plant selection list, shall be provided in order to achieve a continuous dense six-foot screen. Native shade trees, a minimum of three-inch caliper and of species included in section 94-~~66-68~~ of this Code, Approved tree lists, shall be provided at a ratio of one tree per 400 square feet of buffer area.

- (4) For ~~churches~~ religious institutions, the landscape setback shall consist of a minimum 25-foot landscape buffer, with native shade trees, a minimum three-inch caliper and of species included in section 94-66 of this Code, approved tree lists, provided at a ratio of one tree per 500 square feet of buffer area. Additionally, ~~churches~~ religious institutions shall be exempt from the requirements of subsection (1) of this section, requiring the construction of a brick wall or masonry wall with stucco or mortar wash finish.

CHAPTER 94 – TREES**ARTICLE II. MEASUREMENT****Sec. 94-13. Landscape nursery, or replacement trees.**

Unless specified otherwise, tree caliper (diameter) or circumference shall be measured at a height of ~~12-six~~ inches above ground level. The caliper of multi-trunk trees shall be measured by determining the diameter or circumference of the largest trunk at full caliper added to one-half of the diameter or circumference of each remaining trunk, measured at a height of ~~12-six~~ inches above ground level.

ARTICLE III. PRESERVATION**Sec. 94-22. Protected trees.**

- (b) *Lists of trees that are protected.* Unless otherwise specified in this chapter, only those tree species found on the following lists shall be subject to the preservation, protection and replanting requirements of this section.

Small Tree List

Common Name	Scientific Name
Carolina buckthorn	(Rhamnus caroliniana)
Yaupon holly	(Ilex vomitoria)
Possum haw	(Ilex deciduas)
Redbud	(Cercis species)
Texas buckeye	(Aesculus glabra variety arguta)
Chickasaw plum	(Prunus agustifolia)

Mexican plum	(Prunus mexicana)
Eve's necklace	(Styphnolobium affine)

ARTICLE VI. TREE PLANTING REQUIREMENTS AND PLANTING LISTS

Sec. 94-61. Street yard trees.

Trees shall be planted or existing trees preserved within the street yard of a nonresidential lot or building tract according to the following provisions:

- (6) When calculating the number of required street yard trees results in fractions, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall be rounded upward to the next highest full number.

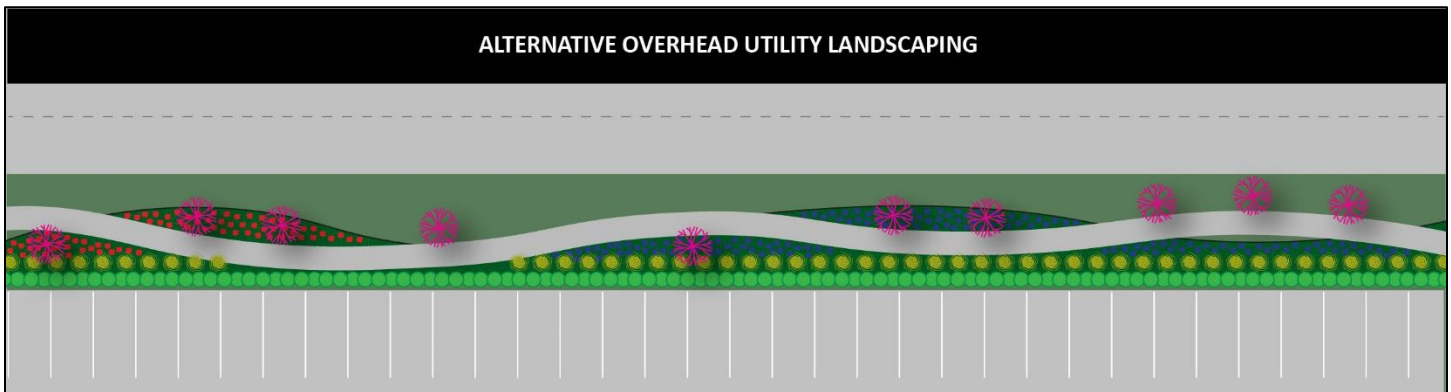
Sec. 94-62. Street buffer trees.

Trees shall be planted or existing trees preserved within the street buffer landscaping area required by section 82-242 of this Code, street buffer landscaping, according to the following provisions:

- (1) Generally. Street buffer trees shall be provided ~~at a~~ a ratio of one tree for every 30 feet of ~~linear~~ linear frontage excluding any necessary driveways, unless otherwise provided.
- (2) Cross Timbers Conservation Development District.
- a. Cross Timbers Road (FM 1171). Street buffer trees shall be provided ~~at except that~~ a ratio of one tree for every ~~25-25~~ feet of ~~linear~~ linear frontage and contain native species only shall be provided along scenic roadways.
- i. Spacing. ~~Native tree plantings are to be randomly spaced every 15 to 35 feet max.~~
- ii. Groves or drifts. Random groves, which is a grouping of trees comprised of the same species, or drifts, which is a grouping of trees consisting of several species, of not less than three trees should be spaced every 100 to 350 feet.
- iii. Ornamental trees. Trees from subsection 94-68(2) may make up thirty percent of the required trees and be incorporated within the groves or drifts.
- b. Rural Collectors. Street buffer trees shall be provided at a ratio of one tree for every 30 feet of linear frontage and must contain native species only. Trees are to be randomly spaced in odd numbered groves or drifts of no less than three trees every 100 to 150 feet.
- (3) All ~~S~~street buffer trees shall be a minimum of three-inch caliper at the time of installation.
- (4) All street buffer trees shall have a minimum spacing of 20 feet on center.
- (5) Utility easements and overhead utilities.
- a. Generally. Trees planted in utility easements, where required, must use trees from section 94-68(4) and be planted at a ratio of three ornamental trees for each tree required.
- b. Alternative. Trees planted in utility easements may use trees from section 94-68(4) and be planted at a ratio of one ornamental tree for each tree otherwise required within the easement; with one additional tree from section 94-68(1) planted elsewhere on the site. A landscaped area with a mixture of groundcover, native grasses, and shrubs incorporated into a curvilinear design must be included. The landscaped area must span the length of the utility easement within the street buffer, and be at least 5 feet in width. In no instance shall parking area screening count towards meeting the required minimum width, however, parking area screening and sidewalks are encouraged to be incorporated into the design.

(6) When calculating the number of required street buffer trees results in fractions, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall be rounded upward to the next highest full number.

(7) Illustration.



Sec. 94-63. Parking area trees.

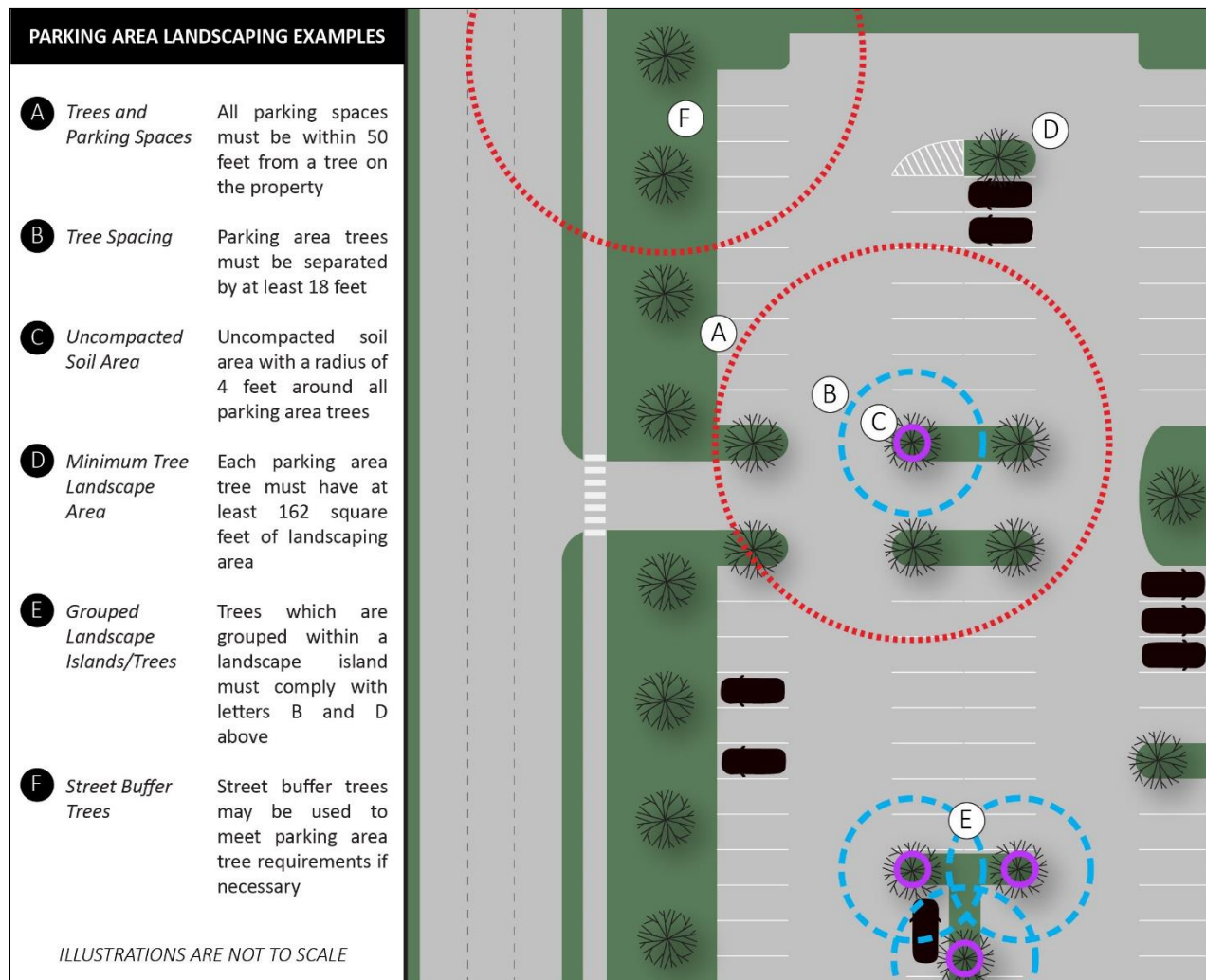
Trees ~~shall~~must be planted or existing trees preserved within off-street parking areas according to the following provisions:

- (1) One tree shall be provided for each ten parking spaces ~~provided~~ on the site; provided, however, that ~~churches religious institutions and/or~~ schools shall be required to provide one tree for each 20 parking spaces ~~provided~~ on the site, at a minimum.
- (2) Parking area trees ~~shall~~must be a minimum of three-inch caliper, except as provided in subsection ~~4(4) of this section, when planted.~~
- (3) All parking spaces ~~shall~~must be located within 50 feet of a tree ~~that is located within the same parking area on the site,~~ measured from the trunk of the tree; provided, however, ~~that for churches all parking spaces for religious institutions and/or schools, all parking spaces shall~~ must be located within 100 feet of a tree ~~that is located within the same parking area on the site,~~ measured from the trunk of the tree.

(a) Exception. An exception to this requirement may be approved by the town council for any redevelopment or restriping of parking lots located within the campus commercial, campus industrial, industrial district-1, or industrial district-2 zoning district. Requests for an exception must be mitigated by increasing landscaping comparable to the new parking area tree requirement.

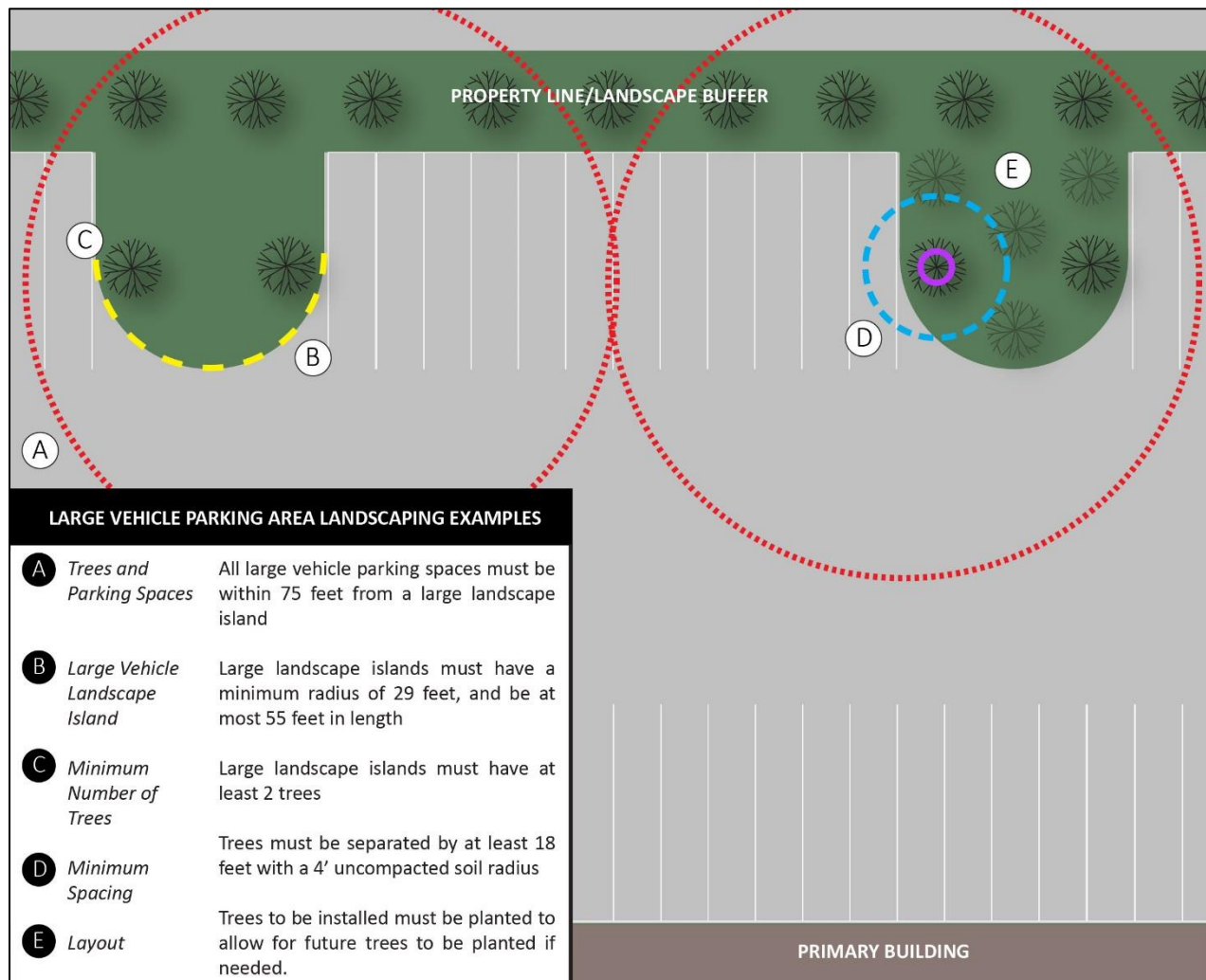
i. Fees in lieu. In the event an applicant can demonstrate there is inadequate space to allow for planting of a comparable number of trees, fees in lieu of planting must be paid to the town's tree preservation fund.

- (4) A maximum of 30 percent of the trees used to satisfy the requirements of this section may come from subsection 94-66(~~2b~~), approved median and right-of-way planting list.
- (5) A landscaped area not less than 162 square feet must be provided for each parking area tree and be surrounded by uncompacted soil with a radius not less than four feet on center, measured from the trunk of the tree. In instances where a contiguous landscape island is used, trees shall be spaced eighteen feet on center.

(6) Illustration.**Sec. 94-64. Large vehicle parking area trees.**

Trees must be planted or existing trees preserved according to the following provisions:

- (1) *Trees.* Two trees must be provided within the landscape island from section 94-68. Trees must have an uncompacted soil radius of 4 feet and be spaced 18 feet on center from other trees.
- (2) *Layout.* New trees must be installed in such a way to allow for future trees to be planted within the landscape island if desired.
- (3) *Illustration.*



Secs. 94-658. Detention, retention, and water impoundment areas.

All detention, retention, and water impoundment areas must comply with the following landscaping requirements.

1. *Purpose.* The purpose of this section is to beautify detention and retention ponds, and water impoundments. Required landscaping is intended to amenitize ponds and is not intended to screen from public view.
2. *Placement.* Trees should be placed to provide a natural design and provide access for necessary maintenance equipment.
3. *Perimeter trees.* Perimeter trees must be provided based on the following surface areas:
 - a. *Surface area.* For the purpose of this section, "surface area" shall be defined as the 100-year flood event capacity of the retention or detention pond, or water impoundment.
 - b. For retention or detention surface areas less than 10,000 square feet, one tree shall be provided for each 500 square feet of surface area, or fraction thereof, with a minimum of one tree.
 - c. For retention or detention surface areas between 10,000 and less than 20,000 square feet, 20 trees must be provided for the first 10,000 square feet, plus one additional tree for each 700 square feet of remaining retention or detention surface area, or fraction thereof.
 - d. For retention or detention surface areas between 20,000 and less than 35,000 square feet, 34 trees must be provided for the first 20,000 square feet, plus one additional tree for each 1,000 square feet of remaining retention or detention surface area, or fraction thereof.

e. For retention or detention surface areas greater than 35,000 square feet, 49 trees must be provided for the first 35,000 square feet, plus one additional tree for each 1,400 square feet of remaining retention or detention surface area, or fraction thereof.

4. *Alternative trees.* Trees from section 94-66(4) may be used and must not account for more than 15 percent of the required trees.

5. *Location.* All required perimeter trees must be located within 50 feet of the detention or retention pond surface area.

6. Trees required to satisfy other provisions of this article and lying within 50 feet of the detention or retention pond's surface area, may be used to satisfy the requirements of this section.

7. When calculating the number of required street buffer trees results in fractions, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall be rounded upward to the next highest full number.

Sec. 94-~~66~~64. Median and right-of-way trees.

Trees may be planted in medians and rights-of-way only with the approval of the town, provided that such trees are selected from subsection 94-~~66~~68(~~2b~~), approved median and right-of-way planting list.

Sec. 94-~~67~~5. Residential lots.

The following tree planting requirements shall be satisfied prior to the issuance of a certificate of occupancy for a single-family, ~~duplex~~duplex, or multi-family use:

- (1) A minimum of three trees, with a minimum caliper width of two and one-half inches to three inches, and at least ~~six~~eight feet in height, shall be provided on each 10,000 square foot and greater single-family and duplex lot prior to the issuance of a certificate of occupancy. A minimum of two trees, with a minimum caliper width of two and one-half inches to three inches, and at least eight ~~six~~ feet in height, shall be provided on each single-family and duplex lot between 5,000 and 10,000 square feet prior to the issuance of a certificate of occupancy. At least one of the required trees shall be located within the front yard area of the lot.

Sec. 94-~~68~~6. Approved tree planting lists.

Unless otherwise specified in this chapter, only those tree species included in this section shall satisfy the tree planting requirements of this article.

Generally. The tree species lists contained in this section have been developed and will be periodically updated by the town's environmental conservation commission and shall be maintained and distributed to the public by the tree preservation and enforcement officer or authorized designee as guides for the identification and selection of tree species that meet the various standards and requirements of this article. Trees included on these tree species lists were selected on the basis of one or more of the following criteria or factors: hardiness, resistance to disease, suitability relative to local climate and soil conditions, adaptability for transplantation, longevity, adaptability to various landscape conditions, resistance to drought, aesthetic qualities, shade provision, windbreak provision, and screening qualities. To promote biodiversity, there shall be no more than 20 percent of a tree species, and no more than 50 percent of any tree genus permitted to satisfy the planting requirements on all new developments.

~~(1)~~—*Approved tree planting list.* Only those tree species found on the following approved tree planting list shall satisfy the tree planting standards and requirements of this article.

a) * Denotes trees not appropriate within the CTCDD.

Approved Tree Planting List

Common Name	Scientific Name
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Southern live oak	(Quercus virginiana)
Escarpment live oak	(Quercus fusiformis)
Shumard oak	(Quercus shumardi)
Chinkapin oak	(Quercus muehlenbergii)
Monterrey oak	(Quercus polymorpha)
Bur oak	(Quercus macrocarpa)
Texas red oak	(Quercus texana)
Water oak	(Quercus nigra)
American elm	(Ulmus americana)
Cedar elm	(Ulmus crassifolia)
Winged elm	(Ulmus alata)
Lacebark elm*	(Ulmus parvifolia)
Bald cypress	(Taxodium distichum)
Pecans and hickories	(Carya species)
Juniper tree	(Juniperus species)
White ash*	(Fraxinus americana)
Green ash*	(Fraxinus pennsylvanica)
Texas ash*	(Fraxinus texensis)
Western soapberry	(Sapindus drummondii)
Sweet gum	(Liquidambar styraciflua)
Eastern red cedar	(Juniperus virginiana)
Pines	(Pinus species)
Leyland cypress	(Cypressocyparis leylandi)
Black walnut	(Juglans nigra)
Magnolia*	(Magnolia grandiflora)

(4) (2) *Approved median and right-of-way tree planting list.* The following tree species shall be allowed to be planted in medians and rights-of-way when approved by the town. Additional tree species with non-aggressive root systems/deep root systems maybe authorized for planting in such areas by the ~~director of recreational services~~ town manager or their designee.

- a. ** Denotes trees appropriate within the CTCDD.*

*Approved Median and ROW Tree
Planting List*

Common Name	Scientific Name
Sweet gum	(Liquidambar styraciflua)
Crepe myrtle	(Lagerstroemia indica)
Wax myrtle	(Myrica cerifera)
Plum*	(Prunus species)
Holly	(Ilex species)
Possum haw*	(Ilex decidua)
Native pecan	(Carya species)
Redbuds/whitebuds*	(Cercis species)
Fruitless crabapples	(Malus species)
Southern live oak	(Quercus virginiana)
Escarpment live oak	(Quercus fusiformis)
Texas red oak	(Quercus texana)
Shumard oak	(Quercus shumardi)
Chinkapin oak	(Quercus muehlenbergii)
Bur oak	(Quercus macrocarpa)
Water oak	(Quercus nigra)
Winged elm	(Ulmus alata)
Cedar elm	(Ulmus crassifolia)
Lacebark elm	(Ulmus parvifolia)
Slippery elm	(Ulmus rubra)
Bald cypress	(Taxodium distichum)
Hickories	(Carya species)
Pines	(Pinus species)
Chinese pistache	(Pistachia chinensis)
Juniper tree	(Juniperus species)
Texas buckeye	(Aesculus glabra variety arguta)
Common persimmon	(Diospyros virginiana)
Texas ash	(Fraxinus texensis)
White ash	(Fraxinus Americana)

Green ash	(Fraxinus pennsylvanica)
Western soapberry	(Sapindus drummondii)
Black walnut	(Juglans nigra)
Magnolia	(Magnolia grandiflora)
Yaupon holly *	(Ilex vomitoria)
Carolina buckthorn *	(Rhamnus caroliniana)
Thornless honey locust	(Gleditsia triacanthos variety inermis)
<u>Eve's Necklace*</u>	<u>(Styphnolobium affine)</u>

- (3) *Approved mitigation and replacement tree planting list.* The following list of tree species shall be allowed to be planted to satisfy mitigation and replacement standards for trees removed from the buildable area on sites, trees removed with approved tree removal permits, and/or trees removed without authorization.

*Approved Mitigation and Replacement
Tree Planting List*

Common Name	Scientific Name
Native pecan	(Carya species)
Texas red oak	(Quercus texana)
Shumard oak	(Quercus shumardi)
Bur oak	(Quercus macrocarpa)
Water oak	(Quercus nigra)
Winged elm	(Ulmus alata)
Slippery elm	(Ulmus rubra)
Post oak	(Quercus stellata)
Cedar elm	(Ulmus crassifolia)

- (4) *Approved overhead utility easement tree planting list.* The following list of tree species shall be allowed to be planted in overhead utility easements where required. These species were selected due to their relatively small mature size and growth characteristics. ~~Trees planted in these areas shall be planted at a ratio of three trees for every one tree required.~~

Common Name	Scientific Name
Yaupon holly	(Ilex vomitoria)
Carolina buckthorn	(Rhamnus caroliniana)
Possum haw	(Ilex decidua)

Plum	(Prunus species)
Redbuds/whitebuds	(Cercis species)
Wax myrtle	(Myrica cerifera)
Crepe myrtle	(Lagerstroemia indica)

Sec. 94-697. Limits on credit for preservation of existing or established trees.

Secs. 94-70—94-80. Reserved.

ARTICLE VII. MISCELLANEOUS

Sec. 94-83. – Informational assistance.

- (c) A current edition of the ~~Texas Association of Nurserymen Grades and Standards~~American Standard for Nursery Stock for Type 1 and Type 2 trees, as applicable to the tree species on the town's protected tree list and approved tree planting and replacement list, shall be maintained by the ~~tree preservation and enforcement officer or his authorized town manager or their~~ designee and made available to applicants for building permits, tree removal permits or tree replanting permits and to the general public, as only those trees meeting and planted or replanted in accordance with the applicable ~~Texas Association of Nurserymen Grades and Standards~~American Standard for Nursery Stock for Type 1 and Type 2 trees shall satisfy the tree planting, replanting and/or replacement standards and requirements contained in this chapter.

CHAPTER 98 – ZONING

ARTICLE III. DISTRICT REGULATIONS

DIVISION 22. CC CAMPUS COMMERCIAL DISTRICT

~~Sec. 98-846. – Landscaping standards. –~~

~~Sec. 98-847. – Tree planting standards. –~~

Sec. 98-8468. – Compliance with area plan components.

Secs. 98-8479 – 98-870. - Reserved.

DIVISION 23. CI CAMPUS INDUSTRIAL DISTRICT

~~Sec. 98-876. – Landscaping standards. –~~

~~Sec. 98-877. – Tree plantings standards. –~~

Sec. 98-87~~68~~. – Compliance with area plan components.

Secs. 98-87~~79~~ – 98-889. – Reserved.**DIVISION 25. MU MIXED USE DISTRICT****Sec. 98-903. – Performance and design standards.**

(h) Landscaping standards.

(3) Proposed landscaping shall meet the following standards:

f. Meet the standards for maintenance in section 82-~~245~~246.

ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS**DIVISION 2. USES****Sec. 98-977. Communication tower, commercial.**

A commercial communication tower shall comply with the following standards:

(6) *Fencing*. A solid fence or wall of brick, stonestone, or approved masonry construction not less than eight feet in height from finished grade for the purpose of concealing grounded mechanical equipment shall be constructed around each commercial communication tower and around each guy anchor, if used. Access to the tower shall be through a locked gate. Barbed wire shall be used along the top of the fence or wall if it is necessary to preclude unauthorized access to the tower.

(8) *Landscaping and screening*. Commercial communication towers shall comply with the screening requirements of section 82-301 of this Code, residential compatibility standards, for the purpose of concealing grounded mechanical equipment subject to the following provisions:

a. The landscape screen or wall shall be placed around the perimeter of the tower and any accessory structures, including guy anchors, provided that the screening requirement shall be waived when the base of the tower is not visible from adjacent lots or rights-of-way. Landscaping shall be placed on the outside of fences.

b. The requirements of section 82-303 of this Code, compatibility setback, shall not apply to commercial communication towers.
