ORDINANCE NO. G-12-03-08-8B3

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (2010 EDITION) CHAPTER 46, ARTICLE I, IN GENERAL, SECTION 46-5 TO AMEND EXISTING AND ADD NEW DEFINITIONS; CHAPTER 46, ARTICLE IV. DEVELOPMENT STANDARDS, SECTION 46-195, REGARDING LANDSCAPING AND SECTION 46-199(d) REGARDING SCREENING OF OUTDOOR STORAGE; AND CHAPTER 10, SECTION 10-56 (d) TEMPORARY CERTIFICATE OF OCCUPANCY; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That Chapter 46, Article I, In General, Section 46-5. Definitions, Code of Ordinances (2010 Edition), City of Round Rock, Texas is hereby amended to add the following new or revised definitions to be placed in their proper alphabetical order in said section:

Berm	An earthen mound designed to screen views, provide topographic variety and promote visual interest. A berm shall have a minimum height of 36 inches with a maximum side slope of four horizontal feet to one vertical foot.
Caliper	The diameter of a tree to be planted in the ground. The caliper is measured six inches above the root ball for trees that are up to and including four-inch caliper size. For trees that are larger than four-inch caliper, measurement shall be twelve inches above the root ball.
Critical Root Zone (CRZ)	A region measured outward from the trunk of a tree representing the essential area of the roots that must be preserved for the tree's livelihood. The CRZ is measured as one foot of radial distance outward from the trunk for every inch of the tree's diameter, but may not be less than a radius of eight feet.
Decorative ground cover	Assorted aggregate materials that are intended to create decorative, pervious or semi-pervious areas within the landscape. Typical materials used as decorative groundcover are; decomposed granite, crushed granite gravel, river rock, pea gravel, tumbled glass, and bark mulch. Decorative groundcover shall be shown graphically by a delineated boundary of the area to be covered and an associated call-out that includes the

	name of the material, depth of material and square footage of area to be covered.
Decorative paving	Modular paving or custom finishes and textures for cast-in-place concrete. Modular paving includes but is not limited to brick, tiles, stone, and concrete pavers. Decorative paving for concrete includes textured finishes, integrated color, exposed aggregate, scoring patterns, and stamped patterns.
Developed Lot	A lot that has a fully constructed building or other site improvements, such as parking, whether occupied or not.
Diameter	A form of measurement of an existing tree trunk. Diameter is measured at 4 1/2 feet above the ground level. Trees that split into multi trunks below 4 1/2 feet shall use the sum the largest trunk and one-half of the diameter of each additional trunk measured 4.5 feet above the natural grade level to determine the diameter.
Drought tolerant turf grasses	Turf grass varieties and mixes that have been developed to minimize, once established, the requirements for irrigation, mowing, weeding, and fertilizer in Central Texas landscapes. Drought tolerant turf grasses include species such as Buffalo and Bermuda. St. Augustine is not considered a drought tolerant turf grass.
Forestry manager	The person who oversees the urban forestry program and all aspects of public tree planting, public tree care, and other duties as provided in Chapter 43.
Improved soils	Soil mixture that is intended to sustain plant growth within planted beds, usually a mixture of 1/3 organic compost, 1/3 sandy loam, and 1/3 native soil.
Landscape architect	A person who is licensed and registered to engage in the practice of landscape architecture in the state.
Ornamental Grasses	A large or small shrub.
Planting ground cover	A ground cover consisting of live plant material that is low growing and spreading that is generally maintained at a height of six inches (6") to eighteen inches (18") and is intended to completely cover the area with no bare earth visible between plants when established.
Protected tree	A tree eight inches in diameter or greater, except as otherwise provided in Sec. 43.22. The following species of trees are not included in the definition of protected tree: *Celtis occidentalis* (Hackberry), *Melia azedaragh* (China-Berry), *Sapium sebiferum* (Chinese Tallow), *Maclura pomifera* (Osabe-orange) and *Juniperus ashei* (Texas Common Cedar).
Redevelopment or redeveloping	Construction activities that result in a significant modification to a previously developed site. Any one of

	the following activities will be considered redevelopment: (1) replacing a previously demolished building with a newly constructed building, (2) demolishing a parking lot and replacing it with a newly constructed parking lot; or (3) the removal and replacement of water and wastewater utilities to serve a more intense development.
Shade Structure	Gazebos, arbors, pergolas or similar structures intended as decorative features to provide respite from the sun and partial protection from the elements while still out of doors. Shade structures may include vines that are native or adapted to the Central Texas region.
Shrub, large	A woody ornamental landscape plant whose natural form is generally maintained at a height and spread of more than three feet (3') and is a species that is native or adapted to the Central Texas region.
Shrub, small	A woody ornamental landscape plant whose natural form is generally maintained at a height and spread of three feet (3') or less and is a species that is native or adapted to the Central Texas region.
Site Furniture	Permanently installed commercial grade site features such as benches, tables, trash receptacles, bike racks with a minimum of five spaces, umbrellas, and similar features.
Site Plan, Small Project	A site plan with a limited development scope that does not require a traffic impact analysis, a floodplain analysis, and construction of subdivision improvements, and consists of at least one of the following development activities: (1) the construction on a vacant legal lot or redevelopment of a previously developed legal lot with an area of .5 acres or less, (2) the expansion or addition of not more than 20% of the existing building square footage of a previously developed legal lot, (3) the conversion of a single family or two-family residence to a commercial use, (4) the expansion or addition of a parking lot, or (5) the construction of a temporary building, a Wireless Telecommunication Facility, or an area identification sign.
Site Plan, Standard	A site plan with a complex development scope that requires any of the following: (1) a traffic impact analysis, (2) a floodplain analysis, (3) construction of subdivision improvements, (4) construction on a lot that is larger than .5 acres that is either vacant or being redeveloped, or (5) an expansion or addition of more than 20% of the

	existing building square-footage of a previously developed site.
Tree	A self-supporting, woody perennial plant usually having a single trunk with a diameter of no less than two inches at maturity, measured at one foot above grade, and which normally grows to an overall height of no less than twelve (12) feet in Central Texas.
Tree, Large	Any species of tree that typically reaches a height of 40 feet or more upon maturity, and is included in the City's list of approved large species trees as identified in the tree technical manual.
Tree, Medium	Any species of tree that typically reaches a height of 25 feet to 40 feet upon maturity, and is included in the City's list of approved medium species trees as identified in the tree technical manual.
Tree, Small	Any species of tree that typically reaches a height of eight feet up to 25 feet upon maturity, and is included in the City's list of approved small species trees as identified in the tree technical manual.
Tree, Specimen	A tree that is of exceptional quality in terms of form, structure, health and general condition, from the City's list of approved species trees in the tree technical manual, or is otherwise approved by the Zoning Administrator. A specimen tree shall have a caliper of at least six inches at the time of planting.
Tree technical manual	The standards and specifications based on generally accepted practices developed by the forestry manager for sound arboricultural practices, techniques and procedures which shall serve as guidelines for trees regulated by this article, including but not limited to tree selection, planting, pruning, alteration, treatment, protection, and removal, as approved by city council, maintained by the city clerk and available through the forestry manager.
Tree topping	The severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree that removal of the top canopy disfigures and invites disease to the tree.

II.

That Chapter 46, Article IV, Development Standards, Section 46-195 Landscaping, Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby replaced in its entirety and shall read as follows:

ARTICLE IV.

DEVELOPMENT STANDARDS

Sec. 46-195. Landscaping.

(a) *Purpose.*

The physical appearance of the built environment is an important component of the character, value, and human experience of a community. Landscape treatment and site design function to integrate natural elements into these manmade systems, particularly architectural features and transportation infrastructure. The intent is to make Round Rock a more sustainable and attractive place in which to live, visit and do business.

Regulations must serve to provide attractive, functional and efficient landscaping, the cost of which is justified by the enhancement of property values and the creation of a sense of place through the cumulative impact of development.

(b) *Intent.*

(1) To ensure that all planting requirements serve not only to benefit the community aesthetically, but also contribute functionally whenever opportunities to do so are presented.

(2) To utilize planting and landscape elements to mitigate the negative impacts of development by screening unsightly features and buffering incompatible uses.

(3) To provide incentives for creative subdivision and site design.

(4) To implement site design and planting requirements that minimize the need for maintenance and the use of limited resources.

(5) To provide for landscaping regulations that encourage the preservation of protected trees as defined in Chapter 43.

(c) *Applicability.* This section shall apply to all land area (public and private) within the zoning jurisdiction of the city and in areas where this section is in effect by contractual agreement.

(1) *Application of landscape requirements.* The requirements of this section shall apply to:

a. All new development or construction on vacant or previously developed land, that requires site plan approval;

b. Any change of land use that results in redevelopment of a residential use to a nonresidential use;

c. Any change, conversion, or addition of commercial land uses that result in the requirement for additional parking to be constructed. In this case, the landscape requirements shall apply to only the newly proposed parking area and other areas of the site being modified by development activities; and

d. Detention ponds and water quality ponds that are part of any development including residential subdivisions. Common development that encompasses

more than one lot shall be treated as one for the purposes of application of this section. Split ownership, planning in phases, construction in stages, or multiple building permits for a project shall not prevent it from being considered a common development, provided that a comprehensive site plan is submitted for all portions of the development being considered as a common development.

(2) *Exemption from landscape requirements.* The requirements of this section specifically shall not apply to the following:

a. One detached single-family residence constructed on its own lot;

b. A two unit, single-family attached structure with each dwelling unit constructed on its own lot;

c. Restoration of a building or structure which has been damaged, destroyed or demolished to an extent less than 50 percent of its fair market value (as determined by the most recent appraised value of the appraisal district in which the building or structure is located);

d. Exterior or interior restoration of a designated historic structure;

e. Medians in street rights-of-way;

f. Ground-mounted equipment located in street rights-of-way.

(d) *Landscape Plans.* The submittal of landscape plans shall be required with the following:

(1) *Standard Site Plan.* Landscape requirements identified in this section and in the format specified by the Development Packet necessary to obtain a Standard Site Plan approval shall be depicted on a Landscape Plan. This Landscape Plan shall be signed and sealed by a Landscape Architect.

(2) *Small Project Site Plan.* Landscape requirements identified in this section and in the format specified by the Development Packet necessary to obtain a Small Project Site Plan approval shall be depicted on a Site or Landscape Plan. If the plan includes ten or more trees, the plan shall be signed and sealed by a Landscape Architect. If the plan includes less than ten trees, the plan shall be signed and sealed by a Landscape Architect, Professional Engineer, Landscape Design Professional, Licensed Nurseryman, or Urban Forester.

(e) *General planting requirements.*

(1) The planting specifications and standards included in the tree technical manual are applicable unless otherwise stated herein.

(2) All trees shall be planted in a pervious area no less than four feet (4') wide in any direction measured from the center of the tree, unless otherwise stated herein.

(3) No more than fifty percent (50%) of the required trees and shrubs shall be of the same species without the approval of the Zoning Administrator. Such approval may only be granted in order to achieve a specific design intent of the Landscape Architect.

(4) Improved Soils shall be provided in all required landscape areas to a depth of at least three inches (3").

(5) All landscaping shall be separated from vehicular use areas by some form of barrier such as raised concrete curbing, bollards, curb stops, or other suitable permanent alternative.

(6) All landscape beds shall be separated from sod areas by some form of barrier such as steel edging, masonry materials, or another equivalent durable material as approved by the Zoning Administrator. No plastic materials shall be allowed. Provided however, the barriers may be designed in such a way to capture, filter, reuse or infiltrate rainwater with the purpose of protecting and conserving water resources.

(7) Landscaping shall not obstruct the view between access drives and parking aisles.

(8) Nothing shall be erected, placed, allowed to grow, or planted so that it impedes vision between the height of three feet and ten feet above the curb within a Sight Triangle.

(9) No artificial plant material may be used in any form to satisfy the requirements of this section.

(10) Berms shall not encroach upon the critical root zones of existing trees, as regulated by Chapter 43, Tree Protection and Preservation.

(10) Wherever sod or turf grass is used, such grass shall be of a drought tolerant species.

(12) Any landscaping placed in utility easements shall not be counted towards the minimum landscaping requirements.

(13) Notwithstanding the requirements of the tree technical manual, the Zoning Administrator may allow large trees to be placed closer to a building in order to achieve an urban streetscape.

(f) *Interior parking lot landscape requirements by Zoning District.*

(1) *OF (Office), C-2 (Local Commercial), C-1a (General Commercial – Limited), C-1 (General Commercial), LI (Light Industrial), and MF (Multi-Family) Zoning Districts.*

a. Large trees shall be provided in parking areas. The construction of off-street parking areas requires the planting of one (1) large tree per ten (10) new parking spaces, or portion thereof. Each tree shall be planted in an island so that there are no more than ten (10) contiguous parking spaces between islands, except as otherwise provided herein.

b. End islands shall be provided at the terminus of each parking bay, Interrupting islands shall be provided within each parking bay as required herein. End islands and interrupting islands shall have a minimum width of nine feet (9') from face of curb to face of curb. Head-to-head parking bays shall include two (2) such end islands.

c. In a row of parking immediately adjacent to a perimeter parking lot landscape area, required interrupting islands may be eliminated by planting two (2) additional large trees in the landscape area for each interrupting island so eliminated.

d. A median island with a minimum width of nine (9) feet, from face of curb to face of curb, shall be required between every six (6) single parking bays and along primary internal and external access drives. Medium or large trees shall be planted at a rate of one (1) per each fifty (50) linear feet or fraction thereof. Median island intervals may be expanded in order to preserve existing trees, provided an alternative median location has been approved by the Zoning Administrator.

e. Other plant materials may be substituted for a large tree between the building and the first drive aisle as per the foundation landscape requirements provided in Section 46-195 (h) below. Specifically, plant materials totaling 30 Foundation Treatment Points as set out in the table in (h)(1) c. below shall be required for each large tree to be substituted.

f. The preservation of existing healthy trees of a protected species, as set forth in the definition of "protected tree" in Chapter 43, may be used as credits towards the landscaping required by this subsection. These credits may not be used to replace an end island or median island tree unless the preserved tree is located within the required end island or median island. Each preserved tree is credited towards the adjacent ten (10), twenty (20), or thirty (30) parking spaces, accordingly:

1. Each healthy large tree with a diameter of at least four inches (4") but less than eight inches (8") within ten feet (10') of a parking area will be counted as a credit towards one (1) required parking lot tree.

2. Each healthy protected large tree with a diameter of eight inches (8") to twenty inches (20") preserved within fifteen feet (15') of a parking area will be counted as a credit towards two (2) required parking lot trees.

3. Each healthy protected large tree with a diameter of more than twenty inches (20") preserved within twenty feet (20') of a parking area will be counted as a credit towards three (3) required parking lot trees.

g. The area within islands and medians shall not include sod or turf grass, and shall not include more than fifty percent (50%) decorative ground cover material, unless approved by the Zoning Administrator. The remainder of the area shall consist of planting ground cover.

h. Notwithstanding the requirements of the tree technical manual, large trees required to meet the tree island requirements may be planted closer than thirty (30) feet from a building, but in no event closer than twelve (12) from a building.

(2) *I (Industrial) Zoning District.*

a. End islands shall be provided at the terminus of each parking bay, End islands shall have a minimum width of nine feet (9') from face of curb to face of curb. Head-to-head parking bays shall include two (2) such end islands. A large tree shall be planted in each end island.

b. The area within islands and medians shall not include sod or turf grass, and shall not include more than fifty percent (50%) decorative ground cover material, unless approved by the Zoning Administrator. The remainder of the area shall consist of planting ground cover.

c. Notwithstanding the requirements of the tree technical manual, large trees required to meet the tree island requirements may be planted closer than thirty (30) feet from a building, but in no event closer than twelve (12) from a building.

(g) *Parking Lot Landscaping along Public Streets by Zoning District.*

(1) *OF (Office), C-2 (Local Commercial), C-1a (General Commercial – Limited), C-1 (General Commercial), LI (Light Industrial), and MF (Multi-Family) Zoning Districts*

a. Landscaping shall be provided between parking areas and all public streets in an eight-foot (8') wide linear landscaped area. The minimum landscaping required for this purpose shall be based on the measured linear footage of parking including vehicular circulation routes that extend along the length of the property line (excluding ingress/egress to the public road) adjacent to the public right-of-way.

b. The required minimum quantity of landscaping is as follows:

1. One (1) large tree or two small trees per forty (40) linear feet, or fraction thereof;

2. One (1) small tree per sixty (60) linear feet, or fraction thereof; and

3. One (1) large shrub, small shrub, or ornamental grass per four (4) linear feet, or fraction thereof. Any combination of the foregoing is acceptable.

c. There shall be no gap between required landscaping exceeding twenty-five percent (25%) of the length of the landscaped area, unless approved by the Zoning Administrator.

d. Notwithstanding the requirements of the tree technical manual, small trees may be grouped no closer than (12) feet apart and large tree may be grouped no closer than thirty (30) feet apart for the purpose of meeting the requirements of this subsection (g).

e. If there are overhead utilities above the landscape area, then the required large and/or small trees may be placed in end islands or interrupting islands within the first row of parking adjacent to the public street. Such islands shall have a minimum width of nine feet (9') from face of curb to face of curb. In addition, the owner shall the option of reducing the eight-foot (8') wide linear landscaped area described in a. above to a four-foot (4') wide area to accommodate only shrubs.

f. The area within islands and medians shall not include sod or turf grass, and shall not include more than fifty percent (50%) decorative ground cover material, unless approved by the Zoning Administrator. The remainder of the area shall consist of planting ground cover.

(2) *I (Industrial) Zoning District.*

a. Landscaping shall be provided between parking areas and all public streets in an eight-foot (8') wide linear landscaped area. The minimum landscaping required for this purpose shall be based on the measured linear footage of parking including vehicular circulation routes that extend along the length of the property line (excluding ingress/egress to the public road) adjacent to the public right-of-way.

b. The required minimum quantity of landscaping is as follows:

1. One (1) large or medium tree per forty (40) linear feet (75 percent of the these trees shall be of a large tree);

2. One (1) small tree per thirty (30) linear feet; and

3. One (1) large shrub per eight (8) linear feet.

c. Notwithstanding the requirements of the tree technical manual, small trees may be grouped no closer than (12) feet apart and large tree may be grouped no closer than thirty (30) feet apart for the purpose of meeting the requirements of this subsection (g).

d. If there are overhead utilities above the landscape area, then the required large trees may be placed in end islands or interrupting islands within the first row of parking adjacent to the public street. Such islands shall have a minimum width of nine (9) feet from face of curb to face of curb. In addition, the owner shall the option of reducing the eight-foot (8') wide linear landscaped area described in a. above to a four-foot (4') wide area to accommodate only shrubs.

(3) *MU-1a (Mixed Use Southwest Downtown) Zoning District.*

a. Landscaping shall be provided between parking areas and all public streets. The required planting area shall have a minimum width of six feet (6') and shall be free of utilities, sidewalks, obstructions and easements. The minimum landscaping required for this purpose shall be based on the measured linear footage that extends along the length of the property line (excluding driveways) adjacent to the public right-of-way. The required minimum quantity of landscaping is as follows:

1 One (1) small tree per twenty (20) linear feet or one (1) medium tree every forty (40) linear feet;

2. One (1) large shrub per four (4) linear feet, which may be grouped to encourage strategic views into the site; and

3. A three-foot (3') high fence constructed of wrought iron or similar material, as approved by the Zoning Administrator; or an additional large shrub per four (4) linear feet.

(h) *Foundation Treatment by Zoning District.*

(1) *<u>OF (Office), C-2 (Local Commercial), C-1a (General Commercial – Limited), C-1 (General Commercial), and LI (Light Industrial), Zoning Districts</u>*

a. The purpose of this subsection (h) is to outline requirements for the treatment of landscape areas adjacent to buildings in the OF (Office), C-2 (Local Commercial), C-1a (General Commercial – Limited), C-1 (General Commercial), and LI (Light Industrial), Zoning Districts. The intent of this section is to allow a variety of landscape treatments in order to achieve particular design goals, e.g. increased building visibility, view corridors to signage, and highlighting special architectural features. Minimum requirements are determined based on the arrangement of parking in the street yard and vary according to the site plan layout. A minimum number of *Foundation Treatment Points (FTP's)* must be provided based on the site layout and the categories set forth in b. below. Notwithstanding the requirements of the tree technical manual, large trees required to meet the foundation treatment requirements may be planted closer than thirty (30) feet to a building, but in no event closer than twelve (12) from a building.

b. Foundation Treatment Points (FTP) determination by category.

1. Category 1 - Building with three or more single parking bays in the street yard.

For Category 1 site plans, FTP requirements are determined by multiplying the linear footage of the building's street-facing façades by a factor of four (4). For example, a Category 1 building with one-hundred (100) linear feet of street-facing façade requires 400 FTPs (100 x 4 = 400).

2. Category 2 - Building with one or two single parking bays in the street yard.
For Category 2 site plans, FTP requirements are determined by multiplying the linear footage of the building's street-facing façades by a factor of three (3). For example, a Category 2 building with one-hundred (100) linear feet of street-facing façade requires three hundred (300) FTPs. (100 x 3 = 300)

3. Category 3 - Buildings with no parking in the street yard.
For Category 3 site plans, FTP requirements are determined by multiplying the linear footage of the building's street-facing façades by a factor of two (2). For example, a Category 3 building with one hundred (100) linear feet of street-facing façade requires two hundred (200) FTPs. (100 x 2 = 200)

c. Foundation Treatment Point Credits.

The number of required FTP's shall be achieved by providing a combination of no less than three (3) of the following elements contained in the table below to be located between the building and the first drive aisle. Additional elements may be considered and a point value will be established by the Zoning Administrator on a case by case basis.

Landscape Feature	**Points Credited**
Specimen tree	60
Medium or Large tree	30
Ornamental tree	15
Large shrub	5
Small Shrub	3
Groundcover planting	2 (per sq. ft.)
Groundcover – decorative	1 (per sq. ft.)
Perennials and annuals	0.5 (per sq. ft.)
Permanently Irrigated Container Plantings	5 (per sq. ft.)
Decorative paving	2.5 (per sq. ft.)
Shade structure	30
Shade structure with vines	33
Site furniture	30
Bike rack	20
Trash receptacle	20

(i) *Screening.*

(1) The purpose of this subsection (i) is to establish requirements to screen specific uses or structures from public view. All landscape material required in this subsection shall be provided in an eight-foot (8') wide linear landscaped area unencumbered by easements. Buffers shall provide a visual barrier between land uses, enhance the streetscape, and provide privacy. The spacing requirements between trees in the tree technical manual shall not apply to this subsection. Compliance with this subsection requires that all detention ponds, water quality ponds, ground-mounted equipment (i.e., transformers, air

conditioner units), dumpsters, trash receptacles, refuse storage containers, outdoor storage, loading docks, substations, large utility cabinets, water and wastewater pumping stations, storage sites, and other similar uses be sufficiently screened. Required landscape material shall be located to maximize the screening of these facilities.

(2) All proposed detention and water quality facilities shall be screened from public view by means of the following landscape elements:

a. Water Quality Ponds/ Detention Ponds with Structured Walls.

1. One (1) medium tree shall be planted for every forty (40) linear feet or portion thereof around the boundary of the pond;

2. One (1) small tree shall be planted for every thirty (30) linear feet portion thereof around the boundary of the pond; and

3. One (1) large shrub shall be planted for every eight (8) linear feet or portion thereof around the boundary of the pond;

or

4. The foregoing tree and shrub requirements may be eliminated and replaced with the following:

(i) The exterior walls of the pond shall be clad with limestone and/or other textured design features; and

(ii) If a chain link fence is utilized, a native/adapted vine in at least a five (5) gallon container shall be planted for every eight (8) linear feet of fence.

b. Water Quality Ponds/ Detention Ponds with earthen berms shall be planted with one (1) large tree for every forty (40) linear feet around the boundary of a non-structured detention/retention pond.

(3) Dumpster and trash receptacles. All dumpsters, trash receptacles, and refuse storage containers shall be located within an enclosure providing screening by means of one or both of the following landscape elements:

a. A decorative masonry wall (minimum six feet (6') in height) on three sides and a gate on the fourth side. The gate shall be constructed with an opaque non-masonry material. The construction materials of the wall shall match material used on the principal building located on the same lot.

b. Small shrubs shall be arranged as foundation planting around the perimeter of the pad area except the side where the gate is located. One (1) small shrub shall be planted at each end of and every three (3) linear feet in a three-foot (3') wide landscape area. The landscape requirements of this subsubsection do not apply when the enclosure is an architectural extension of a principal building.

(4) Ground-mounted equipment. All proposed ground-mounted equipment shall be screened by the planting of one (1) large shrub every four (4) linear feet around the boundary of the equipment.

(5) Substations, water/wastewater stations. Proposed electric substations, water pump stations and wastewater lift stations shall be screened from public views by means of a

six-foot (6') decorative masonry wall on a minimum of three sides. Standard concrete masonry units are prohibited. The following landscape elements shall be incorporated:

a. An eight foot (8') wide landscape area with one (1) small evergreen tree per twelve (12) linear feet; provided that said trees shall be planted no closer than eight (8) feet and no more than sixteen (16) feet apart; or

b. A five foot (5') wide landscape area with one large shrub for every four (4) linear feet; provided that said shrubs shall be planted no closer than six (6) feet apart.

(6) Outdoor storage. All outdoor storage shall be screened in accordance with the requirements of Section 46-199. In addition, outdoor storage shall be screened as follows:

a. Limited outdoor storage.

1. An eight foot (8') wide landscape area with one (1) small evergreen tree per twelve linear feet (12') of wall constructed; provided that said trees shall be planted no closer than eight (8) feet and no farther than sixteen (16) feet apart; or

2. A five foot (5') wide landscape area with one (1) large shrub for every four (4) linear feet; provided that said shrubs shall be planted no closer than (6) feet apart.

b. General outdoor storage.

An eight foot (8') wide landscape area with one (1) small evergreen tree per fifteen linear feet (15') and one (1) large evergreen tree per thirty linear feet (30') of wall constructed; provided that said trees shall be planted no more than fifteen (15) feet apart.

(7) *Loading areas.* All loading areas visible from public view shall be screened by means of the following screening and landscaping elements:

a. Decorative masonry wall (minimum six feet (6') in height). If the wall includes a gate, it shall be constructed with an opaque non-masonry material. The construction materials of the wall shall match material used on the principal building located on the same lot;

b. One (1) medium or large tree per forty linear feet (40') of wall constructed (seventy-five percent (75%) of selected trees shall be of an evergreen species);

c. One (1) small tree per fifteen linear feet (15') of wall constructed (seventy-five percent (75%) of selected trees shall be of an evergreen species); provided that said trees shall be planted no more than fifteen (15) feet apart; and

d. One (1) large shrub per four linear feet (4') of wall constructed; provided that said shrubs shall be planted no more than six (6) feet apart.

(j) *Additional Street Yard Landscaping Requirements*

(1) The purpose of this subsection (j) is to establish additional minimum landscaping requirements for relatively large undeveloped areas within street yards. The additional landscaping requirements do not apply to any portion of a street yard which is within the following:

a. the parking lot areas described in subsection (f) above;

b. the eight foot (8') wide landscaped area described in subsection (g) (1) a. and in subsection (g) (2) a. above;

c. the foundation treatment area described in subsection (h) above; and

d. any area subject to a public or private utility easement.

In addition, these requirements apply to only that portion of the street yard which is outside of the foregoing, but is within sixteen (16) feet of the eight (8) foot landscaped area described in subsection (g) (1) a. and in subsection (g) (2) a. above.

(2) For every 2,000 square feet, or fraction thereof, of the street yard subject to these requirements, additional landscaping shall be required as follows:

a. one (1) large tree with a minimum caliper of three (3) inches; and

b. two (2) small trees with a minimum caliper of one (1) inch.

(k) *Irrigation*

(1) *Underground Automatic System.* All required landscape areas shall be irrigated by an underground automatic system that may include a drip irrigation system. This system shall adhere to manufacturer specifications and the rules and regulations established by TCEQ or successor agency. In addition, an irrigation system must be designed by a landscape architect or irrigator licensed by the state. An irrigation system shall comply with the following:

a. Sprinkler head spacing shall be designed for head-to-head coverage and adjusted for prevailing winds. The system shall promote minimum runoff and minimum over spray onto non-irrigated areas (i.e., paving, walkway, buildings).

b. Sprinkler heads shall have matched precipitation rates within each control valve circuit.

c. Adjustable flow controls shall be required on circuit remote control valves. Pressure regulation components shall be required where static pressure exceeds manufacturer's recommended operating range.

d. Valves and circuits shall be separated based on water use requirements, so that turf areas can be watered separately from shrubs, trees, and groundcover areas. A minimum of one bubbler each shall be provided for all large and medium size trees.

e. Serviceable check valves shall be required where elevation differential may cause low head drainage adjacent to paving areas.

f. All automatic irrigation systems shall be equipped with an electronic controller capable of dual or multiple programming. Controller(s) shall have multiple cycle start capacity and a flexible calendar program, including the capability of being set to water every five days.

g. All automatic irrigation systems shall be equipped with a rain and freeze sensor shut-off device.

(l) *Alternative Compliance.*

(1) In cases where a particular site opportunity exists; a creative design has been proposed; or where there is an unusual site encumbrance, an application for an alternative landscape plan which does not strictly comply to the standards of this section may be submitted for approval to the Zoning Administrator. If the Zoning Administrator denies the application for the alternative plan, the applicant may, within 15 business days after receipt of notice of such denial, appeal the decision to the Zoning Board of Appeals (ZBA).

(2) An application for alternate compliance must include a letter stating how the plan meets the purpose and intent of the Code and the details of the methods used to meet such intent. In addition, a comparison detailing the landscape elements required to satisfy strict compliance versus the alternative plan must be provided.

(3) In rendering a decision on an alternate compliance plan, the Zoning Administrator shall consider appropriate circumstances including, but not limited to:

a. Does the plan result in a creative arrangement of new large or medium trees;

b. Does the plan maximize water conservation;

c. Does the plan minimize the removal of existing trees or alteration of other significant natural features, such as rock outcroppings, floodplain or waterways;

d. Is the plan contextually comparable to surrounding developments in the immediate area; and

e. Is the site encumbered by easements that prohibit placement of landscaping as required by this Section?

(m) *Implementation.*

(1) Inspection. Prior to the issuance of a Certificate of Occupancy for the project, a landscape architect, or the identified professional as determined for small project site plans, shall inspect each site and certify on the appropriate city form that the site meets the requirements of this section and conforms to the approved site plan and/or landscape plan. Upon receipt of the certification, the Zoning Administrator shall verify that all requirements have been met.

(2) Certificates of occupancy.

a. Prior to the issuance of a Certificate of Occupancy, the developer/owner shall either have completed the installation of all required landscaping or shall file with the Zoning Administrator fiscal security (by bond, certificate of deposit, letter of credit or cash security) satisfactory to the city, in the amount of a contractor's estimate using current market prices for materials and installation of the required landscaping plus a twenty percent (20%) contingency. The contractor's estimate shall be subject to the approval of the Zoning Administrator.

b. Any developer/owner wishing to file fiscal security must also grant license to the city to enter upon the land for the purposes of installing the required landscaping in the event of nonperformance.

c. Except as provided in paragraph d. below, all required landscaping must be installed or planted no later than forty-five (45) days from the issuance of a Certificate of Occupancy unless otherwise approved in writing by the City.

d. In the event that mandatory water restrictions have been implemented by the City Council or City Manager in accordance with Sec. 44-233, the developer/owner shall comply with the applicable restrictions and regulations contained therein.

(3) Maintenance.

a. All required landscaping, irrigation systems, fences, walls, berms, vegetation and other landscape components shall be maintained by the owner or agent in a healthy, safe and operating condition.

b. Maintenance practices shall consist of all regular and normal maintenance operations of landscaping including, but not limited to, weeding, irrigation, fertilizing, pruning, mowing and litter pick-up. Plant material that exhibits severe levels of insect or pest infestation, disease and/or damage, shall be appropriately treated, and all dead plant material shall be removed and replaced with living plant material where required according to the city approved plan for the site.

c. Street right-of-way between a property line and curb or street pavement adjoining the property shall be maintained by the adjacent landowner.

d. It shall be the responsibility of the owner to maintain and properly irrigate all landscaping required by this section. Failure to replace dead or diseased plant material within thirty (30) days of written notification by the city shall constitute a violation of the zoning ordinance.

e. It shall be unlawful for any person to damage required landscaping through tree topping, over-pruning or chemical poisoning. It shall be an affirmative defense that a maintenance/pruning plan was approved by the Zoning Administrator and that the work was performed in compliance with said approved plan. In the event that required landscaping has been so severely damaged due to tree topping, over-pruning or chemical poisoning that it has died, the developer/owner shall replace the landscaping within forty-five (45) days of written notice from the City.

III.

That Chapter 46, Section 46-199 (d), Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

(d) *Additional outdoor display and storage requirements.*

(1) *Required to show on-site plan.* All limited outdoor storage and general outdoor storage areas shall be clearly shown on the site plan submitted for the property.

(2) *Right-of-way.* Unless specifically authorized elsewhere in the city's ordinances, all outdoor storage and display shall be located outside the public right-of-way.

(3) *Landscaping requirements.* Outdoor storage shall meet the applicable screening requirements of Section 146-195 (i) (6).

IV.

That Chapter 10, Section 10-56 (d) Temporary certificate of occupancy, Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

(d) *Temporary certificate of occupancy.*

(1) A temporary certificate of occupancy shall not be issued for single-family and two-family occupancies.

(2) For all occupancies other than single-family and two-family occupancies, a temporary certificate of occupancy may be considered for issuance by the building official where all of the following conditions are met:

a. Site construction is substantially complete in conformance with approved plans;

b. Any incomplete improvements are not related to the Americans with Disabilities Act (ADA) barrier free compliance requirements;

c. The building official determines that such building or structure or portion thereof may be occupied and used safely;

d. Any site improvements not completed are minor in nature and are related to ~~landscaping,~~ paving, utility adjustments, or similar features;

e. A placement/completion schedule is submitted and approved by the city;

f. A performance guarantee, letter of credit or other form of financial assurance, in a form acceptable to the city attorney, which is equal to 120 percent of the cost of all incomplete site improvements listed in paragraph d. above, as estimated by the developer or owner and concurred with by the building official, is submitted with the application for a temporary certificate of occupancy;

g. The city's fire marshal has concurred with the issuance of the temporary certificate of occupancy; and

h. The water and wastewater systems serving the building or structure and the water system providing fire protection to the building or structure have been completed, tested and are fully operational.

(3) Temporary certificates of occupancy shall not be issued in the event that landscaping is not completed. If the owner wishes to occupy a building for which the landscaping requirement has not been completed, the owner shall comply with Chapter 46, Article IV, Sec. 46-195 (m)(2).

(~~3~~4) Temporary certificates of occupancy shall be valid for a period of time determined by the building official, but not to exceed 60 days. Said period shall be based upon a reasonable estimate of the time necessary to complete all remaining improvements and to satisfy all remaining requirements.

(~~4~~5) When circumstances beyond the control of the owner or developer warrant, the building official may grant an extension of the temporary certificate of occupancy for one

additional period of time not to exceed 60 days. Any further extension of a temporary certificate of occupancy requires the approval of the city council.

(~~6~~6) The building official shall maintain a record of all temporary certificates of occupancy.

V.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.

By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, **PASSED**, and **ADOPTED** on first reading this 8th day of March, 2012.

Alternative 2.

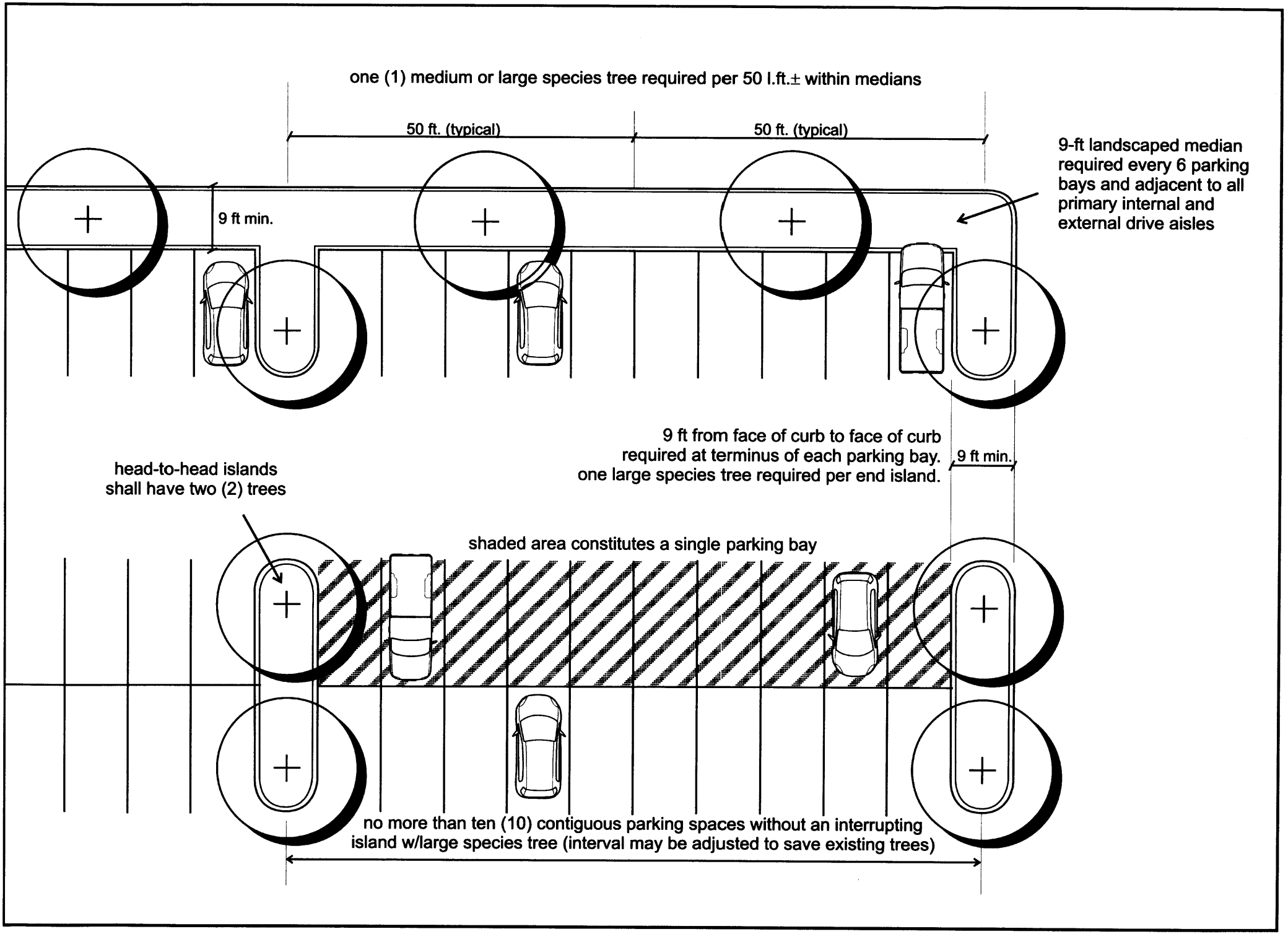
READ and **APPROVED** on first reading this the _____ day of _____, 2012.

READ, **APPROVED** and **ADOPTED** on second reading this the _____ day of _____, 2012.

ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk


one (1) medium or large species tree required per 50 l.ft.± within medians
50 ft. (typical)
50 ft. (typical)
9-ft landscaped median required every 6 parking bays and adjacent to all primary internal and external drive aisles
9 ft min.
9 ft from face of curb to face of curb required at terminus of each parking bay. one large species tree required per end island.
9 ft min.
head-to-head islands shall have two (2) trees
shaded area constitutes a single parking bay
no more than ten (10) contiguous parking spaces without an interrupting island w/large species tree (interval may be adjusted to save existing trees)

ROUND ROCK, TEXAS
PURPOSE. PASSION. PROSPERITY.

City Council Agenda Summary Sheet

Agenda Item No.	8B3.
Agenda Caption:	Consider public testimony and an ordinance amending Chapter 46, Zoning, Code of Ordinances (2010 Edition), regarding landscaping regulations and Chapter 10 regarding landscaping and temporary certificates of occupancy. (First Reading)
Meeting Date:	March 8, 2012
Department:	Planning and Development Services
Staff Person making presentation:	Peter Wysocki
	Planning and Development Services Director

Item Summary:
The proposed new Landscape Ordinance replaces the existing landscaping regulations set forth by the Code of Ordinances. The new Landscape Ordinance is applicable to commercial, industrial and multi-family developments. (Single-family standards are not part of this Ordinance). The impetus for this amendment is as follows: address concerns raised in the 2009 Development Survey; align with the City's Development Philosophy; the need for periodic ordinance evaluation and improvement; address changing development patterns; water conservation; and improve development quality.

This amendment process began in late 2010. Staff from Planning & Development Services, Parks & Recreation, and Utilities, as well as local landscape architects met to identify areas of improvement. An open house was held on May 9, 2011. This public meeting gave the community an opportunity to identify desirable landscaping on development sites. Each HOA and city utility customer received a mailed notification and invite to the open house. A Technical Advisory Committee (TAC) was then assembled to guide the amendments. The TAC consisted of a civil engineer, architect, forester, realtor, developer, three landscape architects, and staff. The TAC met on seven different occasions. The Planning & Zoning Commission discussed the Ordinance at two retreats, two public hearings, and at a joint meeting with the City Council on November 17, 2011. The public was also invited to comment on the draft Ordinance via a notification mailed with December utility bills - public response was very minimal. The staff and the Planning and Zoning Commission considered all public comments, and some minor changes were made to the draft Ordinance. The Planning and Zoning Commission unanimously recommended approval of the new Landscape Ordinance at their February 15, 2012 Special Called meeting. If approved by the Council, the new standards would apply to all new projects filed after the effective date of the Ordinance. However, applicants that have pending development applications can voluntarily comply with the new standards.

Cost:	N/A
Source of Funds:	N/A
Date of Public Hearing (if required):	March 8, 2012
Recommended Action:	Approval