



“A GREAT PLACE TO LIVE”

**AGENDA
PLANNING AND ZONING COMMISSION
TUESDAY, OCTOBER 4, 2016
CITY HALL COUNCIL CHAMBER, 7105 WHITLEY ROAD
REGULAR MEETING
6:00 P.M.**

CALL TO ORDER

INVOCATION

APPROVAL OF MINUTES

1. Minutes of the regular meeting of September 6, 2016

PRESENTATION

1. Presentation of an award to the City of Watauga for Planning Excellence
Jacquelyn Reyff, AICP Planning and Development Manager

PUBLIC HEARING

1. **Planning and Zoning Case 16-08:** Consider amendments to the City of Watauga Code of Ordinances specific to Zoning Ordinance, Chapter 115, Section 115-63-Supplemental Regulations (8) and, Section 115-117–Landscape Regulations (b) Landscaping Standards for one and two family dwellings (2) Right-of-way (a.) 3; (c) (11) Maintenance; and Right-of-way (c) (12) a,b,c,d.- City of Watauga, applicant
 - a. Open Public Hearing-allow for staff comments
 - b. Public Comments
 - c. Close Public Hearing

NEW BUSINESS

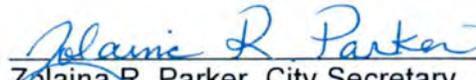
1. **Consideration and action on Planning and Zoning Case 16-08:** amendments to the City of Watauga Code of Ordinances specific to Zoning Ordinance, Chapter 115, Section 115-63-Supplemental Regulations (8) and, Section 115-117–Landscape Regulations (b) Landscaping Standards for one and two family dwellings (2) Right-of-way (a.) 3; (c) (11) Maintenance; and Right-of-way (c) (12) a,b,c,d

ADJOURNMENT

NOTICE

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

I, Zolaina R. Parker, City Secretary for the City of Watauga, Texas, do hereby certify that this agenda was posted on the official bulletin board at City Hall, 7105 Whitley Road, Watauga, Texas, on Monday, September 26, 2016 before 6:00 p.m., in accordance with Chapter 551 of the Texas Government Code.


Zolaina R. Parker, City Secretary



MINUTES OF SEPTEMBER 6, 2016



“A GREAT PLACE TO LIVE”

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

Larry Clark	Chairman
Brad Hearne	Vice-Chairman
Sergio Molina	Secretary
Kay Ivey	Member
William Boese	Member
Cristy McCauley	Member

And

Paul Hackleman	Director of Public Works
Jacquelyn Reyff, AICP	Planning & Development Manager
Patricia Rodriguez	Planning & Development Specialist
Denise Wilkinson	Economic Development Coordinator
Councilman Patrick Shelbourne	Primary Council Liaison
Mark Daniel	City Attorney

With

Member Ron Holland absent with notice.

CALL TO ORDER

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

INVOCATION

Mr. Hearne gave the invocation.

APPROVAL OF MINUTES

1. Minutes of regular meeting of July 11, 2016

Mr. Boese made a motion to approve the minutes of the meeting of July 11, 2016 as written. Ms. Ivey seconded the motion with all members present voting aye.

Chairman Clark announced that a change of order had been suggested. Mr. Hearne made a motion to move Unfinished Business to follow New Business. Ms. McCauley seconded with the following vote:

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

PUBLIC HEARING

Planning and Zoning Case 16-06 Request for a Specific Use Permit (SUP) for Watauga Automotive, an existing Auto, repair garage business for an expansion of 2,400 SF at 5757 Watauga Road, legally described as Block 6, Lot 8 of the I. J. Schellinger Subdivision; located near the northwest corner of Watauga Road and Patsy Lane. The property is zoned C-Commercial. Michael Brown and Donna L. Wagner, owners and Thomas Hoover Engineering, is the applicant.

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

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

Mr. Tom Hoover with Thomas Hoover Engineering was present for questions.

There being no public comment received, Chairman Clark closed the public hearing at 6:08 p.m.

NEW BUSINESS

- 1. Consideration and action on Planning and Zoning Case 16-06:** Request for a Specific Use Permit (SUP) for Watauga Automotive, an existing Auto, repair garage business for an expansion of 2,400 SF at 5757 Watauga Road, legally described as Block 6, Lot 8 of the I. J. Schellinger Subdivision; located near the northwest corner of Watauga Road and Patsy Lane. The property is zoned C-Commercial. Michael Brown and Donna L. Wagner, owners and Thomas Hoover Engineering, is the applicant.

After discussion, Ms. Ivey motioned to recommend approval of Planning & Zoning Case 16-06 for a Specific Use Permit (SUP) for an expansion of 2,400 SF at 5757 Watauga Road, legally described as Block 6, Lot 8 of the I. J. Schellinger Subdivision. Mr. Hearne seconded with all present voting aye.

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

UNFINISHED BUSINESS

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

After discussion, Chairman Clark suggested voting on each of the options.

Ms McCauley made a motion to eliminate Option 1. Ms. Ivey seconded with the following vote:

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

Ms. McCauley made a motion to eliminate Option 4. Mr. Hearne seconded with the following vote:

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

Ms. McCauley made a motion to select Option 3, which allows for no new trees within the right-of-way, update visibility triangle in the right-of way language, move landscaping maintenance to property maintenance section of Code of Ordinances, with attention to dead/dying plantings. Mr. Hearne seconded and the motion carried with the following vote:

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

2. Discussion and Action on selection of Planning and Zoning Officers

a) Chairperson

Mr. Hearne made a motion to appoint Larry Clark as Chairperson. Ms. Ivey seconded the motion with all members present voting aye.

b) Vice-Chairperson

Ms. Ivey made a motion to appoint Brad Hearne as Vice-Chairperson. Ms. McCauley seconded the motion with all members present voting aye.

c) Secretary

Ms. Ivey made a motion to appoint Sergio Molina as Secretary. Mr. Hearne seconded the motion with all members present voting aye.

ADJOURNMENT

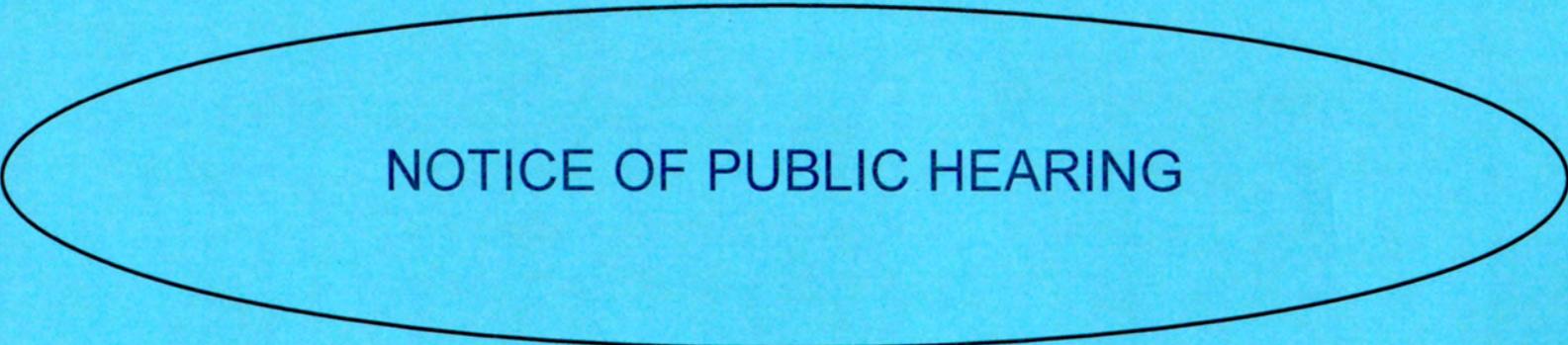
With there being no further business to discuss, Chairman Clark adjourned the meeting at 7:21 p.m.

APPROVED: this the _____ day of _____, 2016.

SIGNED: this the _____ day of _____, 2016.

APPROVED: _____
Larry Clark, Chairperson

ATTEST: _____
Sergio Molina, Secretary



NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

Notice is hereby given of a public hearing of the Planning and Zoning Commission of the City of Watauga to be held in the City of Watauga Council Chamber located at 7105 Whitley Road, on Tuesday, October 4, 2016 at 6:00 p.m. for the purpose of hearing the following planning and zoning case.

Planning and Zoning Case 16-08: Consider amendments to the City of Watauga Code of Ordinances specific to Zoning Ordinance, Chapter 115, Section 115-63-Supplemental Regulations (8) and, Section 115-117-Landscape Regulations (b) Landscaping Standards for one-and two-family dwellings(2)Right-of-way(a.)3; (c)(11) Maintenance; and, Right-of-way(c)(12)a,b,c,d. City of Watauga, applicant. Contact – 817-514-5838 for information.

Published on Friday, September 16, 2016, in the Star Telegram, Legal Notices Section.

I, Zolaina R. Parker, City Secretary for the City of Watauga, Texas, hereby certify that this notice was posted on the official bulletin board at City Hall, 7105 Whitley Road, Watauga, Texas, on Thursday, September 15, 2016 before 6:00 p.m., in accordance with Chapter 551 of the Texas Government Code.


Zolaina R. Parker, City Secretary





NEW BUSINESS 1



Planning & Zoning Commission Staff Report

October 4, 2016

Case# 16-08

Prepared by: Jacquelyn Reyff, AICP

Applicant	City of Watauga
Applicable Zoning Ordinance Section	City of Watauga Code of Ordinances specific to Zoning Ordinance, Chapter 115, Section 115-63-Supplemental Regulations (8) and, Section 115-117–Landscape Regulations (b) Landscaping Standards for one-and two-family dwellings(2)Right-of-way(a.)3;(c)(11) Maintenance; and, Right-of-way(c)(12)a,b,c,d.
Notification Requirements	15-day legal ad in Ft. Worth Star Telegram
Action Required	Approval or Denial of Amendments to Zoning Ordinance

Request:

This is a city initiated zoning ordinance amendment to consider allowing tree and shrub plantings in the right-of-way by residential property owners. Staff was charged with presenting this proposed amendment to the Planning and Zoning Commission at a public hearing during a special called meeting on July 11, 2016. Action taken by the commission was (1) direction to Staff to research the ordinance(s) and; (2) present at the next meeting options for the Commission to consider and formulate a recommendation to the City Council.

The following options were considered at the discussion during a P&Z meeting on September 6, 2016:

- Option 1: No changes to landscaping ordinance, no new trees and shrubs in ROW;
- Option 2: Allow trees and shrubs in ROW in residentially zoned properties, modify tree and shrub list, update language for visibility triangles, move landscaping maintenance to property maintenance section of Code of Ordinances;
- Option 3: No new trees and shrubs within ROW, update visibility triangle in the right-of-way language, move landscaping maintenance to property maintenance section of Code of Ordinances, and attention to dead/dying plantings;
- Option 4: Revert landscaping ordinance back to 2001 ordinance with additional staff and Planning and Zoning Commission review.

After discussion and voting on each of the options, the Commission directed Staff to prepare a proposed ordinance amendment for Option 3. A public hearing to consider this option as an amendment was scheduled and; staff has prepared a draft ordinance for your review and action as a recommendation to the City Council. The draft ordinance and a redlined exhibit Option 3 are included in your exhibit.

The exhibit details the existing section of the ordinance and; proposed amendment(s) as discussed by the Commission, are in red.

Planning & Zoning Commission Review Options:

Consider a recommendation for or denial of an amendment to City of Watauga Code of Ordinances specific to Zoning Ordinance, Chapter 115, Section 115-63-Supplemental Regulations (8) and, Section 115-117–Landscape Regulations (b) Landscaping Standards for one-and two-family dwellings(2)Right-of-way(a.)3;(c)(11) Maintenance; and, Right-of-way(c)(12)a,b,c,d.

Redlined Exhibit

Option 3 - Visibility Triangle Language Updated and Relocation of Landscaping Maintenance to Property Maintenance Chapter Code of Ordinances

Chapter 40 - TRAFFIC AND VEHICLES^[1]

ARTICLE I. - IN GENERAL

Sec. 40-1. - Uniform act adopted.

All provisions of the Uniform Act Regulating Traffic on Highways, being V.T.C.A., Transportation Code title 7, subtitle C (V.T.C.A., Transportation Code ch. 541 et seq.), are hereby adopted and are supplemented by the regulations set forth in this chapter.

(Code 2001, art. 12.300; Code 2010, § 12.01.001)

Sec. 40-4. - Visibility Triangles,

(a) The term "intersection visibility triangle" means a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two property lines 25 feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersection of the curblines. The term "driveway visibility triangle" means an area measuring seven feet by 60 feet for all driveways along street right-of-way shall be maintained (see diagrams A & B).

(b) Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as materially to impede vision between a height of 2½ and ten feet above the centerline grades of the intersecting streets or driveways within the visibility triangle for intersections or driveways.

(c) Landowners are prohibited from obstructing the vision in the visibility triangles. This prohibition shall also not apply to permanent structures authorized by the zoning

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ordinance, mailboxes, traffic-control signs and signals, street signs, or utility poles placed within the right-of-way area by duly authorized personnel.

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(d) In connection with shrubbery, trees, or ornamental trees already in place on private property or in the public right-of-way areas prior to the passage of this article, it shall be unlawful to maintain, or permit or cause to be maintained, any tree, shrub, or plant within any right-of-way area, including within the intersection visibility triangle, which would interfere with the vehicular traffic on any adjacent or any intersecting street, obscure the view of persons lawfully operating motor vehicles on any adjacent or intersecting streets or interfere with or obstruct the accessibility or passage by pedestrians on public sidewalks. Tree limbs or branches on trees or ornamental trees (regardless of whether such existed prior to the passage of this article) shall be no less than 10 feet in height within the visibility triangle and 14 feet in height if overhanging into the street section above the street as measured from the nearest top of pavement surface or natural ground whichever is higher so as not to interfere with the free passage of vehicles, obscure the view of motor vehicle operators, interfere with or obstruct the ability to view any traffic-control device or street sign, cause or create a traffic hazard, or interfere with or obstruct the accessibility or passage of pedestrians on public sidewalks.

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(Code 2001, art. 12.1200; Code 2010, § 12.01.004)

Secs. 40-5—40-26. - Reserved.

Sec. 115-63. - Supplemental regulations.

The following supplemental regulations are established for each designated zoning district listed herein. District specific regulations are located within the zoning district sections for each zoning district.

(8) *Visibility at intersections.* Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as materially to impede vision within the visibility triangle (see Visibility Triangles Chapter 40 Code of Ordinances).

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Sec. 115-117. - Landscape regulations.

- (a) Purpose. The purpose and intent of this section is as follows:
- (1) Stabilizing ecological balance. To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge, and stormwater runoff retardation, while at the same time aiding in noise, glare and heat abatement.
 - (2) Retention of native vegetation. To ensure that the local stock of native trees and vegetation is retained and replenished.
 - (3) Adequate light and air. To assist in providing adequate light and air and in preventing overcrowding of land.
 - (4) Visual buffering. To provide visual buffering and enhance the beautification of the city.
- (b) Landscaping standards for one- and two-family dwellings.
- (1) All one- and two-family dwellings shall have installed not less than 14 locally adapted shrubs and two two-inch caliper locally adaptable large trees to be located within the front yard. All lawns shall be hydromulched or block sodded covering 100 percent of the front and side yards. Such required landscaping shall be in a thriving condition at the time of final inspection of the main structure.
 - (2) Right-of-way.
 - a. Landowners are encouraged to install and maintain turf grass native to the North Texas region in non-paved publicly owned street right-of-ways abutting their land; provided, however:
 1. Removal of landscaping. The city may at any time remove or require the landowner to remove any landscaping located within any right-of-way or public easement for the purpose of public safety, access to utilities and to perform any public improvements within said right-of-way or public easement.
 2. Landowners are prohibited from planting shrubbery, trees, or ornamental trees in publicly owned right-of-way areas. This prohibition shall not apply to shrubbery, trees and ornamental trees already in place in the public right-of-way prior to the passage of this chapter. This prohibition shall also not apply to permanent structures authorized by the zoning ordinance or to traffic-control, signs and signals, street signs, or utility poles placed within the right-of-way area by duly authorized personnel.
 3. In connection with shrubbery, trees, or ornamental trees already in place in the public right-of-way areas prior to the passage of this chapter, it shall be unlawful to maintain, or permit or cause to be maintained any tree, shrub, or

plant within any right-of-way area, including within the intersection visibility triangle, which would interfere with the vehicular traffic on any adjacent or any intersecting street, obscure the view of persons lawfully operating motor vehicles on any adjacent or intersecting streets or interfere with or obstruct the accessibility or passage by pedestrians on public sidewalks.

- (c) Landscaping standards for buildings and structures other than one- or two-family dwellings.
- (1) Area required. On all lots, not less than 15 percent of the area of the front and side yards visible from an adjacent street shall be landscaped area. All of the required landscaped areas shall be located in the front and side yards visible from an adjacent street and parking lots.
 - (2) Trees required. At least one large tree of at least three inches in diameter and 12 feet in initial height shall be provided as follows:
 - a. Street yards less than 10,000 square feet. In front and side yards visible from the adjacent street totaling less than 10,000 square feet, one tree per 1,000 square feet, or fraction thereof, of the street yard.
 - b. Street yards more than 10,000 square feet. In front and side yards visible from adjacent street totaling more than 10,000 square feet, ten trees plus one per 2,000 square feet, or fraction thereof, of the street yard.
 - c. Credit for existing trees. An existing or planted tree of at least six inches in diameter and at least 15 feet in height shall be considered as two trees for purposes of satisfying this requirement. All newly planted trees shall be planted in permeable areas of not less than three feet in diameter.
 - d. Ornamental trees. In lieu of one large tree, two small or ornamental trees (as listed on the plant list contained herein) may be used. Said small trees shall be a minimum of six feet in height at the time of planting. Not more than 50 percent of the required large trees may be substituted by installing ornamental trees at a rate of two ornamental trees to one large tree.
 - e. Right-of-way. No trees shall be planted in the right-of-way.
 - (3) Shrubbery required. Not less than one shrub shall be required for every 50 square feet of the area required to be landscaped. Placement of such shrubbery shall be taken into consideration as to the plant at full maturity, and be located in the right-of-way or so as not to conflict with vehicular or pedestrian traffic visibility.
 - (4) Groundcover required. Not less than ten percent or more than 40 percent of the landscape shall be maintained in groundcover. The remaining landscaped area shall be maintained in lawn grasses and mulch used around bedding plants, shrubs and trees. All groundcover areas shall be kept clear of weeds and undergrowth.

Comment [JR1]: Remove for clarification

Deleted: Tree limbs or branches on trees or ornamental trees (regardless of whether such existed in the public right-of-way prior to the passage of this chapter) shall be no less than 14 feet in height above any portion of a street, or eight feet in height above any portion of a sidewalk so as not to interfere with the free passage of vehicles, obscure the view of motor vehicle operators, interfere with or obstruct the ability to view any traffic-control device or street sign, cause or create a traffic hazard, interfere with or obstruct the accessibility or passage of pedestrians on public sidewalks. ¶
4. For purposes of this section, the term "intersection visibility triangle" means a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two property lines 25 feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersection of the curblines.

- (5) Parking lots and vehicular use areas. A minimum amount of the total area of all vehicular use areas shall be devoted to landscaped islands, peninsulas, or medians.
- a. Street and yard area. The minimum total area in such islands, peninsulas, and medians in the street yard shall be 90 square feet for each 12 parking spaces. Landscape islands, peninsulas, and medians located in the street yard may be included in calculating the minimum required landscape in the street yard.
 - b. Non-street yard area. The minimum total area in such islands, peninsulas, and medians in the non-street yard shall be 60 square feet for each 12 parking spaces.
 - c. Distribution of islands, medians and peninsulas. The number, size, and shape of islands, peninsulas, and medians, in both street and non-street yards shall be at the discretion of the applicant. All required islands, peninsulas, and medians shall be more or less evenly distributed throughout such parking areas, respectively. However, the distribution and location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features so long as the total area requirements for landscaped islands, peninsulas and medians for the respective parking areas above is satisfied.
 - d. Construction and landscaping of islands, medians, and peninsulas. Whenever the design and construction of islands, medians, and peninsulas permits, the same shall be landscaped with grass, shrubbery, or groundcover, and construction of the same in solid concrete or blacktop should be avoided whenever possible.
- (6) Indiscriminate clearing prohibited. The existing natural landscape character (especially native oak, elm, and pecan trees) shall be preserved to the extent reasonable and feasible. In an area of the street yard containing a stand of trees, the applicant shall use his best good faith efforts to preserve such trees. In determining compliance with this subsection, the director of public works shall consider topographical constraints on design, drainage, access and egress, utilities, and other factors reasonably related to the health, safety, and welfare of the public which necessitated disturbance of the existing natural character, the nature and quality of the landscaping installed to replace it, and such other factors as may be relevant and proper. Indiscriminate clearing or stripping of the natural vegetation is prohibited.
- (7) Irrigation. All required landscaping shall be irrigated by an underground irrigation system approved by the administrator.
- (8) Erosion control. All impervious areas shall be maintained with groundcover and shrubbery in a manner to control erosion.
- (9) Protection. All required landscaped areas which are adjacent to the pavement shall be protected with concrete curbs or equivalent barriers (such as railroad ties, continuous border plants, or hedgerows).
- (10) Obstruction prohibited. It shall be unlawful to set out, maintain, or permit or cause to be set out or maintained any shrubbery, flowers, or plants within any right-of-way**

area or public easement area or the intersection visibility triangle, which exceeds two feet in height above curb level.

Comment [JR2]: Move to Ordinance Section 26-97. Exterior Property areas.(h)

(11) Maintenance. Refer to Chapter 26. ARTICLE II. – PROPTERY MAINTENANCE. Section 26. DIVISION 3. STANDARDS. Sec. 26- 97. (h)- All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaping areas shall be kept free of trash, litter, weeds, and other such materials or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant material which dies shall be replaced with plant material of similar variety and size.

Comment [JR3]: Move this to Ordinance Section 26-97 Exterior Property areas (i)

(12) Right-of-way. Landowners are permitted to landscape non-paved publicly owned street right-of-way abutting their land; provided, however:

- a. Removal of landscaping. The city may remove or require the landowner to remove any landscaping located within any right-of-way or public easement for the purpose of public safety, access to utilities and to perform any public improvements within said right-of-way or public easement. Costs of replacement of landscaping, other than turf grass, removed or relocated by the city from or within the right-of-way or public easement, shall be borne by the property owner.
- b. Limbs or branches on trees or ornamental trees, regardless of whether such existed in the public right-of-way prior to the passage of this chapter, which encroach into or over a street or right-of-way shall be permitted in the following configuration on residential streets:

Comment [JR4]: Move to Ordinance Section 26-97 Exterior Property areas (k)(l)

	Minimum Height Above Street
At curbline	8 feet
One foot out from curb	9.5 feet
Two feet out from curb	11 feet
Three feet out from curb	12.5 feet
Four feet out from curb	14 feet
Five feet out from curb	15.5 feet

Six feet out from curb	17 feet
Seven feet out from curb	18.5 feet
Eight feet out from curb	20 feet

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

Comment [JR5]: Move to Ordinance Section 26-97 Exterior Property areas (m)(n)

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

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

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

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

(13) Parking lot lighting. Landscaping provided in vehicular and pedestrian use areas shall be designed so that the maturing of the landscaping will not conflict with the lighting scheme.

(14) Recommended plants. All plants used to satisfy this chapter shall be a species common or adaptable to this area of Texas. The following is a list of recommended plant material type. The applicant may propose plants other than those listed if the plant is appropriate for the intended use.

RECOMMENDED PLANTS

Large Trees

Common Name	Botanical Name	Comments	Evergreen	Height	Growth	Water
Afghan Pine	Pinus elderica	Fast growing, drought tolerant	No	25-50'	Rapid	Mod
Bald Cypress	Taxodium distichum	Likes wet feet, fall color	No	50+	Mod	Moist
Bradford Pear	Pyrus calleryan "Bradford"	Shiny foliage, disease resistant	No	25-50'	Mod	Mod
Bur Oak	Quercus macrocarpa	Nice branching shade tree	No	50+	Rapid	Mod
Cedar Elm	Ulmus crassifolia	Nice for shade	No	25-50'	Mod	Mod

Lacebark Elm	<i>Ulmus pavifolia</i>	Fast growth, disease resistant	No	25-50'	Rapid	Mod
Live Oak	<i>Quercus virginiana</i>	Long lived	Yes	25-50'	Slow	Dry
Pecan	<i>Carya illinoensis</i>	Texas state tree, great for shade	No	70'	Mod	Moist
Pistache	<i>Pistachia chinensis</i>	Fall color, rapid growth	No	25'	Rapid	Mod
Red Oak	<i>Quercus shumardii</i>	Red fall color, excellent shade	No	50+	Rapid	Mod
Southern Magnolia	<i>Magnolia grandiflora</i>	Large evergreen	Yes	60-70'	Mod	Moist

Small Trees

Common Name	Botanical Name	Comments	Evergreen	Height	Growth	Water
Crepe Myrtle	<i>Lagerstroemia indica</i>	Summer blooms in many colors	No	<25'	Rapid	Mod
Japanese Black Pine	<i>Pinus thunbergi</i>	Evergreen ornamental	Yes	<25'	Mod	Mod
Mexican Plum	<i>Plumus mexicana</i>	Bright white flowers	No	<25'	Mod	Mod
Purpleleaf Plum	<i>Prunus cerasifera</i>	Purple foliage, flowers in spring	No	<25'	Rapid	Mod-dry

Redbud	<i>Cercis canadensis</i>	Pink flowers in spring	No	<25'	Mod	Mod
Yaupon Holly	<i>Ilex vomitoria</i>	Very hardy, great in small area	Yes	<25'	Rapid	Mod-dry

Shrubs

Common Name	Botanical Name	Comments	Evergreen	Height	Growth	Water
Dwarf Burford Holly	<i>Ilex cornuta</i> "Burfordii nana"	Shiny green leaf	Yes	5'	Mod	Mod
Dwarf Chinese Holly	<i>Ilex cornuta</i> "Rotunda"	Low rounded growth, tough	Yes	3'	Slow	Mod
Dwarf Yaupon	<i>Ilex vomitoria</i> "Nana"	Dense rounded growth	Yes	3'	Slow	Mod
Flowering Quince	<i>Chanomeles</i> "Texas Scarlet"	Red flower, early spring	No	6'	Mod	Mod
Forsythia	<i>Forsythia intermedia</i>	Yellow flower in early spring	No	6'	Mod	Mod
Japanese Barberry	<i>Berberis thunbergii</i>	Thorns, red foliage	Yes	2-5'	Slow	Mod
Nandina	<i>Nandina domestica</i>	Red winter foliage	Yes	6'	Rapid	Mod
Pampas Grass	<i>Cordateria selloana</i>	Fall flower	Yes	6'	Rapid	Mod

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

Groundcovers

Common Name	Botanical Name	Comments	Evergreen	Height	Growth	Water
Asian Jasmine	<i>Trachelospermum</i>	Rapid spread	Yes	1.5'	Rapid	Mod
<i>Euonymus coloratus</i>	<i>Euonymus fortunei</i> "Coloratus"	Winter color	Yes	1.5'	Mod	Mod
Juniper species	<i>Jun. horizontalis</i> , <i>procumbens</i>	Tolerates heat/drought	Yes	1.5'	Slow	Mod
Mondo grass	<i>Ophiopogon japonicus</i>	Small dark leaves	Yes	8"	Rapid	Mod
Monkey grass	<i>Liriope muscari</i>	Hardy, blue	Yes	1.5'	Rapid	Mod

		flower				
Vinca/periwinkle	Vinca minor	Shade, blue flowers	No	1.5'	Rapid	Mod

(d) Approval procedures.

- (1) Landscape plan required. A landscape plan shall be required containing the following information:
 - a. Date, graphic scale, north arrow, title and name of applicant/owner.
 - b. Location of existing boundary lines and dimensions of the tract.
 - c. Approximate centerline of existing watercourses; location of significant drainage features; and the location and size of existing and proposed streets, alleys, utility and emergency access easements and sidewalks.
 - d. Location, size, and type (tree, shrub, groundcover, or grass) of landscaping in proposed areas and location and size of proposed landscaped areas.
 - e. Location and species of existing trees having trunks of six inches or larger in diameter and the approximate size of their crowns.
 - f. Information necessary for verifying the required minimum amount of landscaped area.
 - g. Plans for protecting retained existing trees from damage during construction.
 - h. Location and size of the proposed irrigation system.
- (2) Professional requirement. Landscape plans for projects which incorporate more than two acres of lot area shall be prepared and signed by a licensed professional landscape architect. All irrigation plans shall be prepared and signed by a licensed irrigator or other professional authorized by the state to design such system.
- (3) Plan approval. Landscaping and irrigation shall be installed in accordance with plans upon review and approval by the director of public works. Should the director of public works deny a landscaping scheme for noncompliance with the requirements, the applicant may, within seven days of the decision, appeal that decision to the board of adjustment. The board of adjustment shall be the final judge as to whether the proposed landscape plan complies with the intent of this chapter.
- (4) Fee required. An inspection fee in an amount set by city council resolution shall be collected by the director of public works at the time of application for a building permit.

- (5) Fiscal arrangements. If, at the time of an application for a certificate of occupancy, required landscaping is not yet in place for seasonal consideration, the applicant shall make fiscal arrangements (by bond, certificate of deposit or letter of credit) satisfactory to the city in the amount of \$2.00 per square foot of required landscaping not yet in place to ensure that such shall be installed. Any applicant making such fiscal arrangements shall also grant to the city a license to enter upon the land for the purpose of installing the required landscaping in the event that such landscaping is not installed by the applicant within nine months. Such fiscal arrangements shall be for a period of not less than 12 months.

(e) Screening requirements.

- (1) Applicability. These regulations shall apply to all land within the city. Such screening regulations shall become applicable upon any change of use, ownership, occupancy or at such time as a building permit is applied for, except as otherwise specified by this chapter.
- (2) Types of screening (in general). Where required, screening fences and walls shall be erected to a height not less than six feet and provide a visual barrier from adjacent properties and streets. Such screening shall be permanently and adequately maintained by the owner of the property on which the screening is required. Except for the landscape buffer, no screening fence or wall shall have more than 40 square inches of openings over any one square foot of fence or wall surface. Only the following types of screening shall qualify as meeting the requirements of this chapter:
 - a. Landscaped buffer. This type of screening shall consist of a landscaped strip of not less than five feet in width and shall include hedge-like shrubbery of evergreen planting materials capable of obtaining a minimum height of six feet within the first three years of initial planting. Such evergreen planting materials shall be planted at a minimum spacing of four feet on centers and be a minimum height of 2½ feet at initial planting. An automatic underground drip irrigation or sprinkler system shall be provided for all required landscaped buffer screens. Any landscaped buffer required by this chapter shall be maintained in a healthy thriving condition.
 - b. Fencing regulations.
 1. Fencing shall consist of wood panel, brick, rock, stone, wrought iron, fiberglass, vinyl, galvanized chain link, and wood composite material. The public works director may approve other materials provided the material is expressly designed for fence installation and is resistant to sunlight and moisture.
 2. Fences shall not exceed eight feet in height.
 3. Newly constructed fences, or existing fences being repaired or replaced, shall be constructed with minimum 13 gauge metal posts for vertical supports. Hollow metal posts shall be capped. Wrought iron posts that are three inches square by 12 gauge, 2½ inches square by 14 gauge, or 2½ inches square by 13 gauge may also be used. Posts shall be set in concrete at least two feet in the ground. Metal posts shall be filled with concrete two feet above ground for fences that are eight feet in height.
 4. Wood fences may be stained or have a clear sealer applied. Fiberglass, wrought iron, wood composite or vinyl fencing shall be a color compatible with the adjoining structures and shall be a subdued color to blend with surrounding neighborhood previously approved by the director of public works. When erected on residential

- property, painted wooden fences, fiberglass fences, or vinyl fences shall require the prior written approval of the director of public works to ensure compliance with city codes.
5. Fencing shall have the finished side facing out, with the posts placed inside, when facing public property, when facing a public thoroughfare, or when accessible to public view.
 6. When a screen fence is required by ordinance in an LB Local Business District, GB General Business District, or C Commercial District, a masonry wall may be used. Where required, screening fences and walls shall be erected to a height of not less than six feet and shall provide a visual barrier from adjacent properties and streets.
 7. No fence or enclosure shall extend closer to any street right-of-way than the building line in front, building line definition, being the front of the building or structure. On corner lots, the fence may not extend closer than 15 feet from the back of the curb.
 8. No fence or gate shall be allowed to open, or front a channel, from an entrance from or to a side or back yard.
 9. Fence gates shall not be constructed for access to a yard from a street without an approved drive approach.
 10. Where side or rear lot lines of newly constructed residential or commercial property coincide with an adjacent street, a minimum six-foot masonry fence or wall is required as described below.
 11. Masonry fences or walls shall be:
 - (i) Compatible in color with the adjoining structures and subdued in color to blend with the surrounding neighborhood;
 - (ii) Designed by an engineer licensed by the state; and
 - (iii) Properly engineered to withstand wind load, special load conditions and site drainage.
 12. All fences shall be maintained in a good condition by the property owner including compliance with the following standards:
 - (i) The fence must be free of damage, breaks or missing components or parts;
 - (ii) Fence posts and rails with evidence of significant rot or deterioration must be replaced to keep the fence safe and prevent catastrophic failure;
 - (iii) Fences, retaining walls, and decorative walls that lean more than 15 degrees from vertical, buckling, sagging or deteriorating must be repaired or replaced with materials and color similar to its original construction; and
 - (iv) Loose brick, stone, rock, mortar or similar materials on masonry walls and barriers shall be rebonded or similarly repaired.
- c. Prohibited fencing. Prohibited fencing includes, but is not limited to, plywood, corrugated metal, chicken wire, cardboard, barbed wire, or electrical fences.
 - d. Swimming pool, spa, and hot tub fences. A six-foot permanent fence, wall, or bolted screen enclosure must be erected and maintained so as to completely enclose each swimming pool, spa, or hot tub. The fence, wall, or bolted screen enclosure must be constructed and equipped with a self-closing and latching gate, and equipped to accommodate a locking device that shall be located on the pool side of the gate, which must be locked when the swimming pool, spa, or hot tub is not in use. It shall be an affirmative defense to this section that a residential swimming pool has a power safety cover or that a spa or hot tub has a safety cover complying with ASTM F1346.

- e. Fence permits. It is unlawful for any person to construct, replace, or cause to be constructed or replaced, a fence that is over 30 inches in height without first obtaining a fence permit from the public works department. It is an affirmative defense to this section that the person is repairing or partially replacing a residential fence due to deterioration or damage and it is determined by the public works department that a permit is not required. Fence permit fees will be based on the cost of construction per table 1-A in section 12-103.
 - f. Fence maintenance. So as not to be detrimental to public health and safety, all fences shall be maintained by the property owner or lessee and shall be kept clean and free from all hazards including, but not limited to, faulty and loose fastenings, nails, missing panels, missing boards, fiberglass panels, or missing/damaged sections. The director of public works shall be vested with authority to extend the time necessary for fence repairs not to exceed a period of 90 days from the time that the need for repair occurs.
 - g. Ribbed metal panel frame. A ribbed metal panel fence shall be suitably finished to blend with the primary structure and shall be erected on a structurally sound metal frame set in concrete. When a ribbed metal panel fence is required, a masonry wall described below may be used.
 - h. Masonry wall. A masonry fence or wall shall be constructed with the finish side out and of any of the following materials: native stone, brick, precast concrete panels with decorative finish, or decorative masonry unit. In no case shall more than 25 percent of the area of the wall be erected with common smooth-faced masonry units.
- (3) Screening required between uses and similar districts. Screening between an incoming use and a less intensive zoning district shall be provided prior to occupancy of the incoming use. Uses not specifically listed shall comply with the screening requirements for the listed use it most closely resembles. Said screening shall comply with the following table:

MINIMUM SCREENING
BETWEEN USES AND DISTRICTS INCOMING USE

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

3								
C-1	None	None	None	None	None	None	c	c
C-2	None	None	None	None	None	None	c	c
C-3	None	None	None	None	None	None	c	c
M-1	None	c						
M-2	None							

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

(f) Open storage and use areas.

- (1) Applicability. This landscape section shall apply to all land within the city upon the effective date. Planned development, specific use permits, or other plans approved by city council specifically authorizing outside sales, storage, or display shall be permitted in accordance with the provisions established at approval.
- (2) Residential uses. In all residential districts, no open outside accessory storage or display of materials, commodities, or machinery shall be permitted, other than that which is incidental to the primary use of the property as a residence. Incidental storage is permitted behind the main structure provided the area devoted to storage is not more than 60 percent of the required rear yard. Said area shall be kept neat and clean and free of all tall grass and weeds, and must be screened from all adjacent properties and streets with a landscape buffer or screening fence as set forth in the preceding subsection. No materials shall be stacked to a height greater than the visual screen. Materials shall not be stored in a manner which would attract or harbor vermin.

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

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

Diagram A

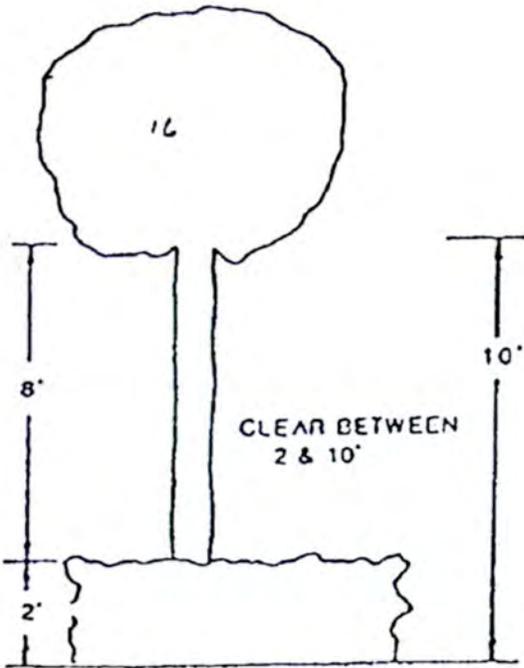
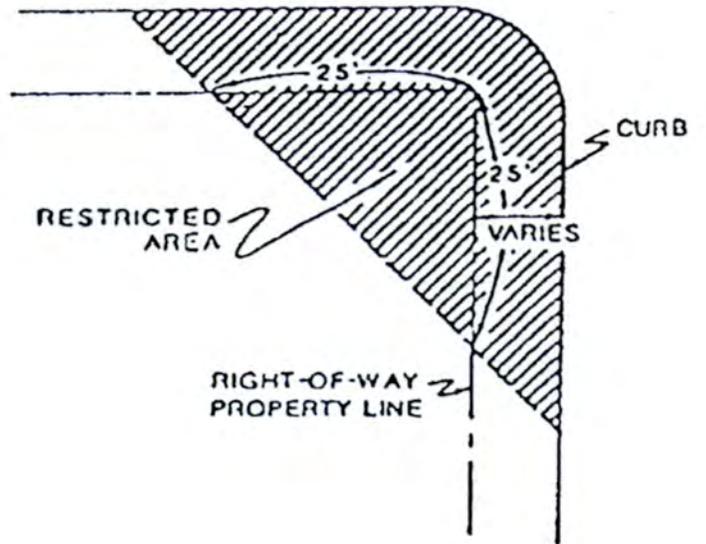


Diagram B



CITY OF WATAUGA, TEXAS
ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WATAUGA AMENDING CHAPTER 40, SECTION 40-4 OF THE CODE OF ORDINANCES FOR THE CITY OF WATAUGA, TEXAS ADDRESSING VISIBILITY TRIANGLES; AMENDING CHAPTER 115, SECTION 115-63(8) FOR ADDRESSING VISIBILITY TRIANGLES; AMENDING CHAPTER 115, SECTION 115-117 DUE TO THE RELOCATION OF SUBSECTIONS TO CHAPTER 26; AMENDING CHAPTER 26, SECTION 26-97 TO ADD SUBSECTIONS RELOCATED FROM CHAPTER 115; PROVIDING THAT ALL ORDINANCES IN CONFLICT HERewith ARE HEREBY REPEALED TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Watauga, Texas recognizes the need to amend Sections 40-4 and 115-63(8) of the Code of Ordinances for the City of Watauga to provide clarification regarding visibility triangles in the City, and to amend Sections 115-117 and 26-97 of the Code of Ordinances for the City of Watauga to provide clarification regarding property maintenance to the City and its citizens.

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

I.

Chapter 40, Section 40-4 of the Code of Ordinances for the City of Watauga is hereby amended to read as follows:

Sec. 40-4. - Visibility triangles.

- (a) The term "intersection visibility triangle" means a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two property lines 25' (twenty five feet) from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersection of the curblines. The term "driveway visibility triangle" means an area measuring 7' (seven feet) by 60' (sixty feet) for all driveways along street right-of-way shall be maintained (see diagrams A & B).
- (b) Nothing shall be erected, placed, parked, planted, or allowed to grow in a manner as materially to impede vision between a height of 2½ (two and one half) and 10 (ten) feet above the centerline grades of the intersecting streets or driveways within the visibility triangle for intersections or driveways.
- (c) Landowners are prohibited from obstructing the vision in the visibility triangles. This prohibition shall not apply to permanent structures authorized by the zoning ordinance, mailboxes, traffic-control signs and signals, street signs, or utility poles placed within the right-of-way area by duly authorized personnel.
- (b) In connection with shrubbery, trees, or ornamental trees already in place on private property or in the public right-of-way areas prior to the passage of this Article, it shall be unlawful to maintain, or permit or cause to be maintained, any tree, shrub, or plant

within any right-of-way area, including within the intersection visibility triangle, which would interfere with the vehicular traffic on any adjacent or any intersecting street, obscure the view of persons lawfully operating motor vehicles on any adjacent or intersecting streets or interfere with or obstruct the accessibility or passage by pedestrians on public sidewalks. Tree limbs or branches on trees or ornamental trees (regardless of whether such existed prior to the passage of this Article) shall be no less than 10' (ten feet) in height within the visibility triangle and 14' (fourteen feet) in height if overhanging into the street area above the street as measured from the nearest top of pavement surface or natural ground whichever is higher so as not to interfere with the free passage of vehicles, obscure the view of motor vehicle operators, interfere with or obstruct the ability to view any traffic-control device or street sign, cause or create a traffic hazard, or interfere with or obstruct the accessibility or passage of pedestrians on public sidewalks.

II.

Chapter 115, Section 115-63(8) of the Code of Ordinances for the City of Watauga is hereby amended to read as follows:

- (8) *Visibility at intersections.* Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as materially to impede vision within the visibility triangle (see Visibility triangles, Chapter 40, Section 40-4, Code of Ordinances).

III.

Chapter 115, Section 115-117 of the Code of Ordinances for the City of Watauga is hereby amended to read as follows:

Sec. 115-117. - Landscape regulations.

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

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

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

- (1) All one- and two-family dwellings shall have installed not less than 14 (fourteen) locally adapted shrubs and two 2" (two-inch) caliper locally adaptable large trees to be located within the front yard. All lawns shall be hydromulched or block sodded covering 100% (one hundred percent) of the front and side yards. Such required landscaping shall be in a thriving condition at the time of final inspection of the main structure.
- (2) *Right-of-way.*

- a. Landowners are encouraged to install and maintain turf grass native to the North Texas region in non-paved publicly owned street right-of-ways abutting their land; provided, however:
 1. Removal of landscaping. The City may at any time remove or require the landowner to remove any landscaping located within any right-of-way or public easement for the purpose of public safety, access to utilities and to perform any public improvements within said right-of-way or public easement.
 2. Landowners are prohibited from planting shrubbery, trees, or ornamental trees in publicly owned right-of-way areas. This prohibition shall not apply to shrubbery, trees and ornamental trees already in place in the public right-of-way prior to the enactment of this Section. This prohibition shall also not apply to permanent structures authorized by the zoning ordinance or to traffic-control, signs and signals, street signs, or utility poles placed within the right-of-way area by duly authorized personnel.
 3. In connection with shrubbery, trees, or ornamental trees already in place in the public right-of-way areas prior to the enactment of this Section, it shall be unlawful to maintain, or permit or cause to be maintained any tree, shrub, or plant within any right-of-way area, including within the intersection visibility triangle, which would interfere with the vehicular traffic on any adjacent or any intersecting street, obscure the view of persons lawfully operating motor vehicles on any adjacent or intersecting

streets or interfere with or obstruct the accessibility or passage by pedestrians on public sidewalks.

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

(1) *Area required.* On all lots, not less than 15% (fifteen percent) of the area of the front and side yards visible from an adjacent street shall be landscaped area. All of the required landscaped areas shall be located in the front and side yards visible from an adjacent street and parking lots.

(2) *Trees required.* At least one large tree of at least 3" (three inches) in diameter and 12' (twelve feet) in initial height shall be provided as follows:

a. *Street yards less than 10,000 square feet.* In front and side yards visible from the adjacent street totaling less than 10,000 (ten thousand) square feet, 1 (one) tree per 1,000 (one thousand) square feet, or fraction thereof, of the street yard.

b. *Street yards more than 10,000 square feet.* In front and side yards visible from adjacent street totaling more than 10,000 (ten thousand) square feet, 10 (ten) trees plus 1 (one) per 2,000 (two thousand) square feet, or fraction thereof, of the street yard.

c. *Credit for existing trees.* An existing or planted tree of at least 6" (six inches) in diameter and at least 15' (fifteen feet) in height shall be considered as 2 (two) trees for purposes of satisfying this requirement. All newly planted trees shall be planted in permeable areas of not less than 3' (three feet) in diameter.

- d. *Ornamental trees.* In lieu of 1 (one) large tree, 2 (two) small or ornamental trees (as listed on the plant list contained herein) may be used. Said small trees shall be a minimum of 6' (six feet) in height at the time of planting. Not more than 50% (fifty percent) of the required large trees may be substituted by installing ornamental trees at a rate of 2 (two) ornamental trees to 1 (one) large tree.
 - e. *Right-of-way.* No trees shall be planted in the right-of-way.
- (3) *Shrubbery required.* Not less than 1 (one) shrub shall be required for every 50 (fifty) square feet of the area required to be landscaped. Placement of such shrubbery shall be taken into consideration as to the plant at full maturity, and be located in the right-of-way or so as not to conflict with vehicular or pedestrian traffic visibility.
- (4) *Groundcover required.* Not less than 10% (ten percent) or more than 40% (forty percent) of the landscape shall be maintained in groundcover. The remaining landscaped area shall be maintained in lawn grasses and mulch used around bedding plants, shrubs and trees. All groundcover areas shall be kept clear of weeds and undergrowth.
- (5) *Parking lots and vehicular use areas.* A minimum amount of the total area of all vehicular use areas shall be devoted to landscaped islands, peninsulas, or medians.
- a. *Street and yard area.* The minimum total area in such islands, peninsulas, and medians in the street yard shall be 90 (ninety) square feet for each 12 (twelve) parking spaces. Landscape islands, peninsulas, and medians located in the

street yard may be included in calculating the minimum required landscape in the street yard.

- b. *Non-street yard area.* The minimum total area in such islands, peninsulas, and medians in the non-street yard shall be 60 (sixty) square feet for each 12 (twelve) parking spaces.
 - c. *Distribution of islands, medians and peninsulas.* The number, size, and shape of islands, peninsulas, and medians, in both street and non-street yards shall be at the discretion of the applicant. All required islands, peninsulas, and medians shall be more or less evenly distributed throughout such parking areas, respectively. However, the distribution and location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features so long as the total area requirements for landscaped islands, peninsulas and medians for the respective parking areas above is satisfied.
 - d. *Construction and landscaping of islands, medians, and peninsulas.* Whenever the design and construction of islands, medians, and peninsulas permits, the same shall be landscaped with grass, shrubbery, or groundcover, and construction of the same in solid concrete or blacktop should be avoided whenever possible.
- (6) *Indiscriminate clearing prohibited.* The existing natural landscape character (especially native oak, elm, and pecan trees) shall be preserved to the extent reasonable and feasible. In an area of the street yard containing a stand of trees, the applicant shall use good faith efforts to preserve such trees. In determining

compliance with this Subsection, the Director of Public Works shall consider topographical constraints on design, drainage, access and egress, utilities, and other factors reasonably related to the health, safety, and welfare of the public which necessitated disturbance of the existing natural character, the nature and quality of the landscaping installed to replace it, and such other factors as may be relevant and proper. Indiscriminate clearing or stripping of the natural vegetation is prohibited.

(7) *Irrigation.* All required landscaping shall be irrigated by an underground irrigation system approved by the administrator.

(8) *Erosion control.* All impervious areas shall be maintained with groundcover and shrubbery in a manner to control erosion.

(9) *Protection.* All required landscaped areas which are adjacent to the pavement shall be protected with concrete curbs or equivalent barriers (such as railroad ties, continuous border plants, or hedgerows).

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

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

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

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

Other species of trees shall be subject to variance application and approval of the City Council.

(12) *Parking lot lighting.* Landscaping provided in vehicular and pedestrian use areas shall be designed so that the maturing of the landscaping will not conflict with the lighting scheme.

(13) *Recommended plants.* All plants used to satisfy this Chapter shall be a species common or adaptable to this area of Texas. The following is a list of recommended plant material type. The applicant may propose plants other than those listed if the plant is appropriate for the intended use.

RECOMMENDED PLANTS

Large Trees

Common Name	Botanical Name	Comments	Evergreen	Height	Growth	Water
Afghan Pine	Pinus elderica	Fast growing, drought tolerant	No	25-50'	Rapid	Mod
Bald Cypress	Taxodium distichum	Likes wet feet, fall	No	50+	Mod	Moist

		color				
Bradford Pear	<i>Pyrus calleryana</i> "Bradford"	Shiny foliage, disease resistant	No	25-50'	Mod	Mod
Bur Oak	<i>Quercus macrocarpa</i>	Nice branching shade tree	No	50+	Rapid	Mod
Cedar Elm	<i>Ulmus crassifolia</i>	Nice for shade	No	25-50'	Mod	Mod
Lacebark Elm	<i>Ulmus pavifolia</i>	Fast growth, disease resistant	No	25-50'	Rapid	Mod
Live Oak	<i>Quercus virginiana</i>	Long lived	Yes	25-50'	Slow	Dry
Pecan	<i>Carya illinoensis</i>	Texas state tree, great for shade	No	70'	Mod	Moist
Pistache	<i>Pistachia chinensis</i>	Fall color, rapid growth	No	25'	Rapid	Mod
Red Oak	<i>Quercus shumardii</i>	Red fall color, excellent shade	No	50+	Rapid	Mod
Southern Magnolia	<i>Magnolia grandiflora</i>	Large evergreen	Yes	60-70'	Mod	Moist

Small Trees

Common Name	Botanical Name	Comments	Evergreen	Height	Growth	Water
Crepe Myrtle	<i>Lagerstroemia indica</i>	Summer blooms in many colors	No	<25'	Rapid	Mod
Japanese Black Pine	<i>Pinus thunbergii</i>	Evergreen ornamental	Yes	<25'	Mod	Mod

Mexican Plum	<i>Plumus mexicana</i>	Bright white flowers	No	<25'	Mod	Mod
Purpleleaf Plum	<i>Prunus cerasifera</i>	Purple foliage, flowers in spring	No	<25'	Rapid	Mod-dry
Redbud	<i>Cercis canadensis</i>	Pink flowers in spring	No	<25'	Mod	Mod
Yaupon Holly	<i>Ilex vomitoria</i>	Very hardy, great in small area	Yes	<25'	Rapid	Mod-dry

Shrubs

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

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

Groundcovers

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

		flowers				
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(d) *Approval procedures.*

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

- a. Date, graphic scale, north arrow, title and name of Applicant/Owner.
- b. Location of existing boundary lines and dimensions of the tract.
- c. Approximate centerline of existing watercourses; location of significant drainage features; and the location and size of existing and proposed streets, alleys, utility and emergency access easements and sidewalks.
- d. Location, size, and type (tree, shrub, groundcover, or grass) of landscaping in proposed areas and location and size of proposed landscaped areas.
- e. Location and species of existing trees having trunks of 6" (six inches) or larger in diameter and the approximate size of their crowns.
- f. Information necessary for verifying the required minimum amount of landscaped area.
- g. Plans for protecting retained existing trees from damage during construction.
- h. Location and size of the proposed irrigation system.

(2) *Professional requirement.* Landscape plans for projects which incorporate more than two acres of lot area shall be prepared and signed by a licensed professional

landscape architect. All irrigation plans shall be prepared and signed by a licensed irrigator or other professional authorized to design such system.

- (3) *Plan approval.* Landscaping and irrigation shall be installed in accordance with plans upon review and approval by the Director of Public Works. Should the Director of Public Works deny a landscaping scheme for noncompliance with the requirements, the Applicant may, within seven days of the decision, appeal that decision to the Zoning Board of Adjustment.
- (4) *Fee required.* An inspection fee in an amount set by City Council resolution shall be collected by the Director of Public Works at the time of application for a building permit.
- (5) *Fiscal arrangements.* If, at the time of an application for a certificate of occupancy, required landscaping is not yet in place for seasonal consideration, the Applicant shall make fiscal arrangements (by bond, certificate of deposit or letter of credit) satisfactory to the City in the amount of \$2.00 (two dollars) per square foot of required landscaping not yet in place to ensure that such shall be installed. Any Applicant making such fiscal arrangements shall also grant to the City authority to enter upon the land for the purpose of installing the required landscaping in the event that such landscaping is not installed by the Applicant within 9 (nine) months. Such fiscal arrangements shall be for a period of not less than 12 (twelve) months.

(e) *Screening requirements.*

(1) *Applicability.* These regulations shall apply to all land within the City. Such screening regulations shall become applicable upon any change of use, ownership, occupancy or at such time as a building permit is applied for, except as otherwise specified by this Chapter.

(2) *Types of screening (in general).* Where required, screening fences and walls shall be erected to a height not less than 6' (six feet) and provide a visual barrier from adjacent properties and streets. Such screening shall be permanently and adequately maintained by the owner of the property on which the screening is required. Except for the landscape buffer, no screening fence or wall shall have more than 40 (forty) square inches of openings over any one square foot of fence or wall surface. Only the following types of screening shall qualify as meeting the requirements of this Chapter:

a. *Landscaped buffer.* This type of screening shall consist of a landscaped strip of not less than 5' (five feet) in width and shall include hedge-like shrubbery of evergreen planting materials capable of obtaining a minimum height of 6' (six feet) within the first three years of initial planting. Such evergreen planting materials shall be planted at a minimum spacing of four feet on centers and be a minimum height of 2½ (two and one half) feet at initial planting. An automatic underground drip irrigation or sprinkler system shall be provided for all required landscaped buffer screens. Any landscaped buffer required by this Chapter shall be maintained in a healthy thriving condition.

b. *Fencing regulations.*

1. Fencing shall consist of wood panel, brick, rock, stone, wrought iron, fiberglass, vinyl, galvanized chain link, and wood composite material. The Public Works Director may approve other materials provided the material is expressly designed for fence installation and is resistant to sunlight and moisture.
2. Fences shall not exceed 8' (eight feet) in height.
3. Newly constructed fences, or existing fences being repaired or replaced, shall be constructed with minimum 13 (thirteen) gauge metal posts for vertical supports. Hollow metal posts shall be capped. Wrought iron posts that are three inches square by 12 gauge, 2½ inches square by 14 gauge, or 2½ inches square by 13 gauge may also be used. Posts shall be set in concrete at least 2' (two feet) in the ground. Metal posts shall be filled with concrete 2' (two feet) above ground for fences that are 8' (eight feet) in height.
4. Wood fences may be stained or have a clear sealer applied. Fiberglass, wrought iron, wood composite or vinyl fencing shall be a color compatible with the adjoining structures and shall be a subdued color to blend with surrounding neighborhood previously approved by the Director of Public Works. When erected on residential property, painted wooden fences, fiberglass fences, or vinyl fences shall require the prior written approval of the Director of Public Works to ensure compliance with City codes.

5. Fencing shall have the finished side facing out, with the posts placed inside, when facing public property, when facing a public thoroughfare, or when accessible to public view.
6. When a screen fence is required by ordinance in an LB Local Business District, GB General Business District, or C Commercial District, a masonry wall may be used. Where required, screening fences and walls shall be erected to a height of not less than 6' (six feet) and shall provide a visual barrier from adjacent properties and streets.
7. No fence or enclosure shall extend closer to any street right-of-way than the building line in front, building line definition, being the front of the building or structure. On corner lots, the fence may not extend closer than 15' (fifteen feet) from the back of the curb.
8. No fence or gate shall be allowed to open, or front a channel, from an entrance from or to a side or back yard.
9. Fence gates shall not be constructed for access to a yard from a street without an approved drive approach.
10. Where side or rear lot lines of newly constructed residential or commercial property coincide with an adjacent street, a minimum 6' (six-foot) masonry fence or wall is required as described below.
11. Masonry fences or walls shall be:
 - (i) Compatible in color with the adjoining structures and subdued in color to blend with the surrounding neighborhood;

- (ii) Designed by an engineer licensed by the state; and
 - (iii) Properly engineered to withstand wind load, special load conditions and site drainage.
12. All fences shall be maintained in a good condition by the property owner including compliance with the following standards:
- (i) The fence must be free of damage, breaks or missing components or parts;
 - (ii) Fence posts and rails with evidence of significant rot or deterioration must be replaced to keep the fence safe and prevent catastrophic failure;
 - (iii) Fences, retaining walls, and decorative walls that lean more than 15 (fifteen) degrees from vertical, buckling, sagging or deteriorating must be repaired or replaced with materials and color similar to its original construction; and
 - (iv) Loose brick, stone, rock, mortar or similar materials on masonry walls and barriers shall be rebonded or similarly repaired.
- c. *Prohibited fencing.* Prohibited fencing includes, but is not limited to, plywood, corrugated metal, chicken wire, cardboard, barbed wire, or electrical fences.
- d. *Swimming pool, spa, and hot tub fences.* A 6' (six-foot) permanent fence, wall, or bolted screen enclosure must be erected and maintained so as to completely enclose each swimming pool, spa, or hot tub. The fence, wall, or bolted screen enclosure must be constructed and equipped with a self-closing and latching

gate, and equipped to accommodate a locking device that shall be located on the pool side of the gate, which must be locked when the swimming pool, spa, or hot tub is not in use. It shall be an affirmative defense to this section that a residential swimming pool has a power safety cover or that a spa or hot tub has a safety cover complying with ASTM F1346.

- e. *Fence permits.* It is unlawful for any person to construct, replace, or cause to be constructed or replaced, a fence that is over 30" (thirty inches) in height without first obtaining a fence permit from the public works department. It is an affirmative defense to this section that the person is repairing or partially replacing a residential fence due to deterioration or damage and it is determined by the public works department that a permit is not required. Fence permit fees will be based on the cost of construction per table 1-A in section 12-103.
- f. *Fence maintenance.* So as not to be detrimental to public health and safety, all fences shall be maintained by the property owner or lessee and shall be kept clean and free from all hazards including, but not limited to, faulty and loose fastenings, nails, missing panels, missing boards, fiberglass panels, or missing/damaged sections. The Director of Public Works shall be vested with authority to extend the time necessary for fence repairs not to exceed a period of 90 (ninety) days from the time that the need for repair occurs.
- g. *Ribbed metal panel frame.* A ribbed metal panel fence shall be suitably finished to blend with the primary structure and shall be erected on a

structurally sound metal frame set in concrete. When a ribbed metal panel fence is required, a masonry wall described below may be used.

h. *Masonry wall.* A masonry fence or wall shall be constructed with the finish side out and of any of the following materials: native stone, brick, precast concrete panels with decorative finish, or decorative masonry unit. In no case shall more than 25% (twenty-five percent) of the area of the wall be erected with common smooth-faced masonry units.

(3) *Screening required between uses and similar districts.* Screening between an incoming use and a less intensive zoning district shall be provided prior to occupancy of the incoming use. Uses not specifically listed shall comply with the screening requirements for the listed use it most closely resembles. Said screening shall comply with the following table:

MINIMUM SCREENING
BETWEEN USES AND DISTRICTS INCOMING USE

	Single-Family Detached	Single-Family Attached	Duplicate	Townhouse	Multifamily	Office Retail	Warehouse/Storage	Manufacturing Assembly
	SFD	SFA	DUP	TH	MF	COMM	WH	MFG
R-1	None	b	b	a & b	a & b	a & b	a & b	a & d
R-1	None	None	b	b	a & b	a & b	a & b	a & d

A								
R-2	None	None	None	b	a & b	a & b	a & b	a & d
R-3	None	None	None	None	b	a & b	a & b	a & d
C-1	None	None	None	None	None	None	c	c
C-2	None	None	None	None	None	None	c	c
C-3	None	None	None	None	None	None	c	c
M-1	None	None	None	None	None	None	None	c
M-2	None	None	None	None	None	None	None	None

(4) *Trash collection areas other than single-family or two-family uses.* No trash collection areas shall be located within the required front or street side yard or within 10' (ten feet) of any property zoned for residential purposes. Trash collection areas shall be screened from adjacent properties and streets on a minimum of three sides with a screening fence meeting the standards of Section 115-117(e), Screening fence. If the trash receptacle is to be a dumpster, it shall have wheel stops or bollards on all four sides to contain the dumpster and be located a minimum of 2½ (two and one-half) feet inside the screening fence or wall. Said wheel stops shall be securely affixed to the pavement and shall be spaced to allow for drainage. A concrete pad

shall be contained within the screened area and extend not less than 12' (twelve feet) in front of the screen. Said concrete pad shall be not less than 6" (six inches) thick and made of 3,000 (three thousand) psi concrete with number three rebar placed at 18" (eighteen inches) on center. Additionally, each screened area shall have constructed adjacent thereto a concrete approach ramp not less than 6" (six inches) thick and made of 3,000 (three thousand) psi concrete with number three rebar placed at 12" (twelve inches) on center.

(f) *Open storage and use areas.*

- (1) *Applicability.* This landscape section shall apply to all land within the City upon the effective date. Planned development, specific use permits, or other plans approved by City Council specifically authorizing outside sales, storage, or display shall be permitted in accordance with the provisions established at approval.
- (2) *Residential uses.* In all residential districts, no open outside accessory storage or display of materials, commodities, or machinery shall be permitted, other than that which is incidental to the primary use of the property as a residence. Incidental storage is permitted behind the main structure provided the area devoted to storage is not more than 60% (sixty percent) of the required rear yard. Said area shall be kept neat and clean and free of all tall grass and weeds, and must be screened from all adjacent properties and streets with a landscape buffer or screening fence as set forth in the preceding Subsection. No materials shall be stacked to a height greater than the visual screen. Materials shall not be stored in a manner which would attract or harbor vermin.

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

IV.

Chapter 26, Section 26-97 of the Code of Ordinances for the City of Watauga is hereby amended to add the following:

- (h) *Obstruction prohibited.* It shall be unlawful to set out, maintain, or permit or cause to be set out or maintained any shrubbery, flowers, or plants within any right-of-way area or public easement area or the intersection visibility triangle, which exceeds 2' (two feet) in height above curb level.
- (i) *Maintenance.* All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaping areas shall be kept free of trash, litter, weeds, and other such materials or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing

condition as is appropriate for the season of the year. Plant material which dies shall be replaced with plant material of similar variety and size.

(j) *Right-of-way*. Landowners are permitted to landscape non-paved publicly owned street right-of-way abutting their land; provided, however:

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

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

	Minimum Height Above Street
At curbline	8 feet
One foot out from curb	9.5 feet
Two feet out from curb	11 feet
Three feet out from curb	12.5 feet
Four feet out from curb	14 feet

Five feet out from curb	15.5 feet
Six feet out from curb	17 feet
Seven feet out from curb	18.5 feet
Eight feet out from curb	20 feet

- (3) Limbs or branches on trees or ornamental trees, regardless of whether such existed in the public right-of-way prior to the passage of this Chapter, which encroach into or over a collector or arterial street or right-of-way shall be maintained at a minimum height of 14' (fourteen feet) above the street.
- (4) Notwithstanding the above, no tree or ornamental tree shall be permitted to extend over a street or public right-of-way in a manner that obstructs or interferes with the passage of vehicles used in rendition of law enforcement, emergency, medical, emergency fire or refuse services. It shall be the responsibility of the property owner to adhere to and comply with the above standards.

V.

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

VI.

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

VII.

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

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas on the _____ day of _____, 2016.

APPROVED:

HECTOR F. GARCIA, Mayor

ATTEST:

ZOLAINA R. PARKER, City Secretary

APPROVED AS TO FORM AND LEGALITY:

MARK G. DANIEL, City Attorney

Diagram A

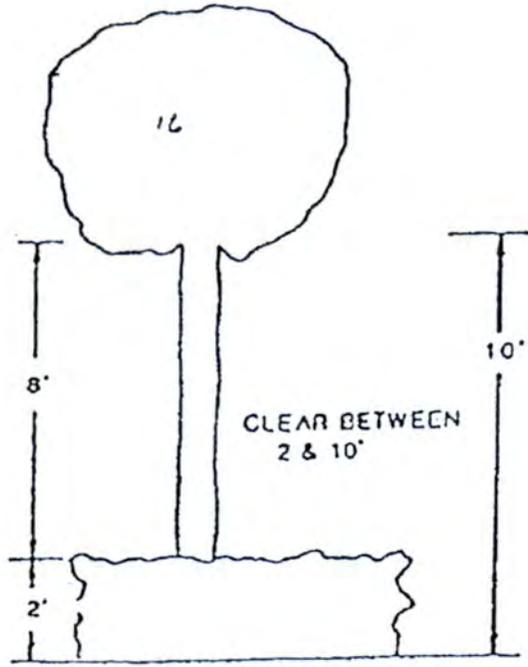


Diagram B

