

ORDINANCE NO. 2018-4018

AN ORDINANCE AMENDING APPENDIX A, “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 7, “GENERAL DEVELOPMENT STANDARDS”, SECTION 7.6 “LANDSCAPING AND TREE PROTECTION”, AND SECTION 7.7 “BUFFER REQUIREMENTS”, OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS RELATING TO NON-RESIDENTIAL LANDSCAPING AND BUFFER REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Appendix A, “Unified Development Ordinance,” Article 7, “General Development Standards”, Section 7.6 “Landscaping and Tree Protection”, and Section 7.7 “Buffer Requirements”, of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit “A”, and Exhibit “B”**, attached hereto and made a part of this Ordinance for all purposes.

PART 2: If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.

PART 3: That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00) or more than two thousand dollars (\$2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 4: This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

PASSED, ADOPTED and APPROVED this 14th day of June, 2018.

ATTEST:

APPROVED:


Tanya Smith (June 5, 2018)

City Secretary



Mayor

APPROVED:



City Attorney

Exhibit A

That Appendix A, “Unified Development Ordinance,” Article 7, “General Development Standards”, Section 7.6 “Landscaping and Tree Protection”, of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

Sec. 7.6. - Landscaping and Tree Protection.

A. Purpose and Intent.

The purpose and intent of this Section is to regulate the manner in which land in the City is used and developed, to minimize adverse effects on surrounding property owners or the general public, and ensure that high quality development is maintained throughout the community.

For the purpose of landscaping, College Station, Texas falls within Zone 8 of the United States Department of Agriculture (USDA) Hardiness Zone Map. Also, dwarf plants will not be allowed in required screening or buffer areas.

B. Application of Section.

The landscaping requirements of this Section apply to all land located in the City of College Station proposed for site development with the exception of those zoned NG-1, NG-2, and NG-3. The requirements also do not apply to single-family, duplex, townhouse, or mixed use developments in the MU district, except as follows:

1. The requirements of this Section have limited application to properties developed for duplexes, as follows:
 - a. A minimum of two hundred (200) points of landscaping as calculated in this Section shall be provided for each new duplex unit;
 - b. Where parking is provided in the front yard, an eight-foot landscaped setback shall be required between the property line and the nearest side of the parking pad. This eight-foot setback area must be landscaped and contain a three-foot high screen consisting of a continuous berm, hedge, or wall. In addition, an eight-foot landscaped setback shall be required between the dwelling unit and the nearest side of the parking pad; and
 - c. The maintenance and completion requirements of this Section also apply to duplex uses. Every development must employ an irrigation system. All new plantings must be irrigated. An irrigation system shall be designed so that it does not negatively impact existing trees and natural areas. Soaker hose and drip irrigation system designs may be permitted as the Administrator deems appropriate.
2. The requirements of this Section have limited application to properties developed for **single-family and townhouse** uses, as follows:
 - a. A minimum of two (2) trees of at least two (2) inches in caliper or one (1) tree of four-inch caliper shall be planted on each lot with every new single-family home.
 - b. For townhouse developments, the Administrator may allow the required trees to be dispersed throughout the development, including common areas.
 - c. The landscaping requirements of this Section shall apply to manufactured home parks, but not to individual manufactured homes on separate lots.
3. The requirements of this Section have limited application to properties developed in the **MU Mixed-Use** district, as follows:
 - a. Within fifty (50) feet of the property line along the street, and located between the structure and the public right-of-way, street, or public way, one (1) canopy tree for every twenty-five

- (25) linear feet of frontage shall be installed. One (1) existing tree (minimum four-inch caliper) may be substituted for a new tree.
- b. Canopy trees must be selected from the College Station Streetscape Plant List and may be grouped as desired so long as the canopy trees are reasonable dispersed across each public right-of-way, street, or public way frontage.
 - c. Parking areas adjacent to a right-of-way shall be screened from the right-of-way. Screening is required along one hundred (100) percent of the street frontage (such as ten (10) shrubs for every thirty (30) linear feet of frontage), with the exception of areas within the visibility triangle. Screening may be accomplished using plantings, berms, structural elements, or combinations thereof, and must be a minimum of three (3) feet above the parking lot pavement elevation. Walls and planting strips shall be located at least two (2) feet from any parking area. Where the street and the adjacent site are at different elevations, the Administrator may alter the height of the screening to ensure adequate screening. Fifty (50) percent of all shrubs used for screening shall be evergreen.
 - d. One hundred (100) percent coverage of groundcover, decorative paving, decorative rock, or a perennial grass is required in parking lot islands, swales and drainage areas, and the parking lot setback unless otherwise landscaped or existing plants are preserved. One hundred (100) percent coverage of groundcover or perennial grass is also required in all unpaved portions of street or highway right-of-way or on adjacent property that has been disturbed during construction. If grass is to be used for groundcover, one hundred (100) percent live grass groundcover is required whether by solid sod overlay or pre-planting and successful takeover of grasses. No point value shall be awarded for ground cover.
 - e. All new plantings must be irrigated. An irrigation system shall be designed so that it does not negatively impact existing trees and natural areas. Soaker hose and drip irrigation system designs may be permitted as the Administrator deems appropriate.
4. All landscaping/streetscaping requirements under this Section shall run with the land once the development has begun and shall apply against any owner or subsequent owner.
 5. The landscaping requirements of this Section apply to all unsubdivided property, improved subdivided lots and to other improved lands where buildings or structures are being added or replaced within the City.
 6. Each phase of a multi-phase project shall comply with this Section.
 7. All plantings must be in accordance with the College Station Plant List, or as deemed appropriate by the USDA for Zone 8 in their Hardiness Zone Map. The plant list is approved and amended as needed by the Administrator.
- C. Landscaping Point Requirements.**
1. The landscaping point requirements for a site is determined by the combined point total of Site Area and Streetscape subtotals.
 2. **Site Area Points.**
 - a. Minimum thirty (30) landscape points per one thousand (1,000) square feet of site area.
 - b. The minimum total number of points for any development is eight hundred (800) points;
 - c. Undeveloped floodplains may be removed from site size calculations; in such case, existing trees within that floodplain shall not be claimed for points; and
 - d. Projects may be phased with the phase lines being drawn twenty (20) feet beyond any new site amenity. The portion left for subsequent phases shall be of developable size and quality.
 3. **Streetscape Points.**
 - a. Six (6) additional landscape points shall be required for every one (1) linear foot of frontage on a right-of-way or public way; and

- b. Driveway openings, visibility triangles, and other traffic control areas may be subtracted from total streetscape frontage.

4. Point Credits.

The following point credits will apply to the total landscaping point requirement so long as the total reduction does not cause the development to have a point total lower than the minimum 800 point requirement:

- a. A twenty (20) percent point credit will be awarded where the irrigation system employed is a recognized water-conserving system as defined in the Site Design Standards, or utilizes a commercial soil moisture meter.
- b. A ten (10) percent point credit will be awarded if twenty-five (25) percent or more of parking area consists of enhanced paving.
- c. A ten (10) percent point credit will be awarded for every one (1) percent of site area devoted to special facilities including water features, public art, or other public features determined by the Administrator.
- d. A ten (10) percent point credit will be awarded for landscape plans that are prepared by a landscape architect registered in Texas, an International Society of Arboriculture (ISA) certified arborist or other professional as deemed appropriate by the Administrator.
- e. A ten (10) percent point credit will be awarded where berms are utilized for parking screening.

5. Point Values.

- a. Point values will be awarded for any type of canopy tree, non-canopy tree, or shrub, except for those listed on the Non-Point Tree List as prepared by the Administrator. No point value shall be awarded for ground cover. For the purpose of this Section, Texas Native, as referenced in the College Station Site Design Standards, shall be considered those notated as both native to Texas and recommended by the Texas Forest Service for Brazos County.
- b. All caliper measurements shall be twelve (12) inches above grade. The minimum caliper for non-canopy trees are measured on a single cane of a multi-trunk tree.
- c. Landscaping points are accrued as follows:

Plant Material Point Values		
Plant Material	Points Accrued (per Plant)	Installed Size Caliper (Inches)
New Plantings		
Canopy Tree	75	1.5 to 2
	150	2.1 to 3.4
	300	3.5 and larger
Texas Native Canopy Tree	110	1.5 to 2
	225	2.1 to 3.4
	450	3.5 and larger
Non-Canopy Tree	40	1.25 and larger
Shrubs	10	Min. 5 gallon
Shrubs, not for screening	1	Min. 1 gallon
Existing Trees with no Barricade Protection Area		
Canopy Tree	40	4 to 14.5

Non-Canopy Tree	35	2 and larger
Existing Trees Within Barricade Protection Area		
Canopy Tree	800	Between 4 and 8
	1000	8 and larger
Non-Canopy Tree	300	Between 2 and 4
	400	4 and larger

- d. To receive landscape points for existing trees, all existing trees must be in good form and condition and reasonably free of damage by insects and/or disease.
- e. To receive additional points for barricaded trees, such trees must be barricaded to the dripline of the tree. A barricade detail must be provided on the landscape plan. Barricades must be in place prior to any activity on the property including, but not limited to, grading. If the required barricades are not in place prior to any activity and maintained during construction, barricaded points will be forfeited.
- f. No points shall be awarded for existing Post Oak trees.

D. Planting and Screening Requirements .

1. General Requirements .

- a. Every project must expend a minimum of fifty (50) percent of its point total on canopy trees.
- b. Landscaping must be reasonably dispersed throughout all visible areas of the site.
- c. One hundred (100) percent coverage of groundcover, decorative paving, decorative rock, or a perennial grass is required in parking lot islands, swales and drainage areas, and the parking lot setback unless otherwise landscaped or existing plants are preserved. When decorative rock is used, it shall be designed such that it will not migrate into sidewalks or other paved areas. One hundred (100) percent coverage of groundcover or perennial grass is also required in all unpaved portions of street or highway right-of-way or on adjacent property that has been disturbed during construction. If grass is to be used for groundcover, one hundred (100) percent live grass groundcover is required whether by solid sod overlay or pre-planting and successful takeover of grasses.
- d. All landscape materials shall be installed in accordance with the current planting procedures established by the most recent addition of The American Standard for Nursery Stock, as published by the American Association of Nurserymen.
- e. For existing plantings, the Administrator may require a health appraisal if the applicant wishes to receive point credits.
- f. All new plantings must be irrigated. An irrigation system shall be designed so that it does not negatively impact existing trees and natural areas. Soaker hose and drip irrigation system designs may be permitted as the Administrator deems appropriate.

2. Streetscape .

- a. Within fifty (50) feet of the property line along all major arterials, freeways, and expressways as designated on the Thoroughfare Plan, one (1) canopy tree for every twenty-five (25) linear feet of frontage shall be installed;
- b. Within fifty (50) feet of the property line along all other roadways including public ways, one (1) canopy tree for every thirty-two (32) feet of frontage shall be installed;

- c. Fractional amounts shall be increased to the nearest whole number;
- d. Two (2) non-canopy trees may be substituted for one (1) canopy tree;
- e. Trees used to meet the requirement along one (1) streetscape frontage shall not be counted toward another frontage;
- f. Canopy and non-canopy trees must be selected from the Administrator's Streetscape Plant List and may be grouped as desired so long as the trees are reasonably dispersed across each frontage; and
- g. One (1) existing tree (minimum four-inch caliper) may be substituted for a new tree. Existing trees must be of acceptable health, as determined by the Administrator.

3. Additional Landscaping along Large Building Façades .

This subsection applies to sites subject to the Non-Residential Architectural Standards of this UDO:

- a. Sites with building façades that face a public right-of-way or public way and that exceed two hundred (200) feet in length shall place landscaping between the façade and roadway;
- b. One (1) canopy tree is required for every forty (40) feet of façade length. Fractional amounts shall be increased to the nearest whole number;
- c. The trees shall be placed within fifty (50) feet of the building facade;
- d. Two (2) non-canopy trees may be substituted for one (1) canopy tree; and
- e. Trees counting toward Streetscape planting requirements may also count toward the Additional Landscaping along Large Building Façades requirement.

4. Parking Screening .

- a. Parking areas adjacent to a right-of-way or public way shall be screened from the right-of-way or public way.
- b. Screening may be accomplished using plantings, berms, structural elements, or combinations thereof as described below, and must be a minimum of three (3) feet above the parking lot pavement elevation.
- c. Walls and planting strips shall be located at least two (2) feet from any parking area.
- d. Where the street and the adjacent site are at different elevations, the Administrator may alter the height of the screening to ensure adequate screening.
- e. A minimum fifty (50) percent of all shrubs used for screening shall be evergreen.
- f. The following options are allowed as parking lot screening methods:
 - i. A solid hedgerow (such as ten (10) shrubs for every thirty (30) linear feet of frontage) to screen the parking to a height of three (3) feet. The screening must be a minimum of twenty-four (24) inches at planting and reach thirty-six (36) inches within one (1) calendar year of planting, and such method is certified to meet these requirements by a registered Landscape Architect, landscape designer, or landscape contractor;
 - ii. Berms with a minimum height of three (3) feet as measured from the parking lot pavement, and a maximum slope of 1:3. Berms may be designed around trees that are barricaded for tree preservation. Where there will be gaps in berm screening for the preservation of existing trees, other screening methods shall be used to meet the minimum three-foot screening requirement; or
 - iii. Half-berms with a minimum height of three (3) feet as measured from the parking lot pavement, and a maximum allowable slope of 1:3. Retaining walls shall be designed to face the parking lot and sidewalks located between the retaining wall and right-of-way or public way may not be closer than three (3) feet to the top of a retaining wall.

- g. For redeveloping sites maintaining existing parking lot perimeters, the Administrator may authorize the use of masonry walls, or lower the minimum berm height to a height that may be safely maintained in the existing parking setback when additional parking lot screening is provided. The cumulative height of plant material and berm shall be a minimum of three (3) feet.
- h. Variations to the requirements of this section may be approved if the landscape/streetscape plan is sealed by a registered Landscape Architect and approved by the Administrator. Such plans must show reasonable evidence that the requirements, as set forth in this section were used as a guide.






5. Detention Ponds .

Detention ponds shall be integrated into the overall landscaping theme and design of the site as described in Section 7.9.B. Detention Pond Aesthetic Design.

E. Landscape/Streetscape Plan Requirements.

When a Landscape/Streetscape Plan is required, the landscape/streetscape plan shall contain the following:

1. The location of existing property lines and dimensions of the tract;
2. A north arrow and scale;
3. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection;
4. Location and dimensions of existing and proposed structures, parking lots and drives, sidewalks, refuse disposal areas, fences, and other features as determined necessary by the Administrator;
5. Location, size, spread, type, and quantity of all proposed landscaping and screening materials, along with common and botanical names;
6. The location of existing and proposed utilities and all easements on or adjacent to the lot;
7. An indication of adjacent land uses, existing development and roadways;
8. An irrigation system plan or a general note indicating that an irrigation system to service all new plantings will be installed by a certified installer before a certificate of occupancy will be issued; and
9. **Landscape Information.**
 - a. Landscape points required for site and calculations shown in the landscape legend.
 - b. A legend showing the size, type (canopy, non-canopy, shrub) and points claimed for proposed landscaping.
 - c. Location of landscape plants on plan identified by a symbol defined in a landscape legend (see sample legend below).

City of College Station SAMPLE LEGEND LANDSCAPING POINT CALCULATIONS					
<u>SYMBOL</u>	<u>SIZE</u>	<u>NAME & TYPE</u>	<u>QUANTITY</u>	<u>POINT VALUE</u>	<u>POINT</u>
	6" AND LARGER EXISTING W/BARRICADE	LIVE OAK TREE (Quercus Virginiana) Canopy tree	2	300	600
	4" TO 6" EXISTING W/BARRICADE	LIVE OAK TREE (Quercus Virginiana) Canopy tree	13	200	2600
	2" TO 14.5" CALIPER EXISTING W/O BARRICADE	LIVE OAK TREE (Quercus Virginiana) Canopy tree	8	35	280
	1.25" CALIPER AND LARGER	TREE CREPE MYRTLE (Lagerstroemia Indica) Non-canopy tree	6 (NEW)	40	240
	5 GAL	WAX LEAF LIGUSTRUM (Ligustrum texanum) Shrub	45 (NEW)	10	450
<small>NOTE: Symbols are for reference. Any symbols used must be distinguishable at any scale.</small>					
<p>BARRICADE FOR INDICATED TREES TO BE CONSTRUCTED WITH 48" HIGH ORANGE PLASTIC CONSTRUCTION NETTING AND SECURED TO STEEL T-POSTS. BARRICADE TO BE PLACED IN A CIRCLE AROUND INDICATED TREES A RADIAL DISTANCE OF 1' FOR EVERY 1" CALIPER OF TREE. BARRICADE MUST BE IN PLACE PRIOR TO ANY DEVELOPMENT ACTIVITY AS WELL AS THROUGHOUT THE CONSTRUCTION PROCESS.</p>					
<p>STREETSCAPE: (136.57' / 50) x 300 PTS = 820 PTS (136.57' / 25) = 6 CANOPY TREES POINTS PER PROJECT AREA: 26,416.3 SQUARE FEET OF SITE AREA 26,416.3 / 1,000 = 26.42 26.42 x 30 = 792.6 = 793 POINTS</p>					
TOTAL POINTS REQUIRED: 1,613			TOTAL POINTS PROPOSED: 4,180		

10. **Streetscape Information.**

- a. Streetscape points required for site and calculations shown.
- b. A table showing the scientific and common plant names, size, type (canopy, non-canopy, and shrub), and points claimed for proposed streetscaping.
- c. Location of streetscape plants on plan identified by a symbol defined in a landscape legend (see sample legend above).

11. The location and diameter of protected existing trees claimed for either landscape or streetscape requirements, and an indication of how the applicant plans to barricade the existing trees from damage during construction. Barricading shall be subject to the following requirements:

- a. Prior to land development or redevelopment, or any construction thereof, the developer shall clearly mark all qualifying and significant trees to be preserved;
- b. The developer shall erect a fence around each tree or group of trees to prohibit the placement of debris or fill, or the parking of vehicles within the drip line of any qualifying or significant tree;
- c. During construction, the developer shall prohibit the cleaning of equipment or materials within the drip line of any tree or group of trees that are protected and required to remain. The developer shall not allow to dispose of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, or other harmful liquids or materials within the drip line of any tree or groups of trees that are required to remain;
- d. No attachments or wires of any kind shall be attached to any tree, except those used to stabilize or protect such tree;
- e. With grade changes in excess of six (6) inches, a retaining wall or tree well of rock or brick shall be constructed around the tree not closer than one-half ($\frac{1}{2}$) the distance between the trunk and the drip line. The mid-point of the retaining wall shall be constructed at the new grade. Grade changes greater than one (1) inch may not be made without the prior approval of the Administrator; and,
- f. All vegetation must be planted in accordance with the visibility triangle referenced in Section 7.2.C, Visibility at Intersections in all Districts.

F. Maintenance and Changes.

1. Landscaping/Streetscaping shall be maintained and preserved in accordance with the approved Landscape/Streetscape Plan. Replacement of landscaping/streetscaping must occur within forty-five (45) days of notification by the Administrator. Replacement material must be of similar character and the same or higher point total as the dead or removed landscaping. Failure to replace dead or removed landscaping, as required by the Administrator, shall constitute a violation of this Section of the UDO for which the penalty provision may be invoked.
2. **Landscaping/Streetscaping Changes to Existing Sites.**
 - a. If changes constituting twenty-five (25) percent or more of the number of canopy and non-canopy trees are proposed, a revised Landscape/Streetscape Plan must be submitted for approval and is required to comply with this Section. Planting must occur pursuant to this approved landscape/streetscape plan within forty-five (45) days.
 - b. Revised Landscape/Streetscape Plans shall meet the requirements of the ordinance in effect at the time of the revised Landscape/Streetscape Plan submittal.
 - c. The replacement of existing canopy and non-canopy trees must be replaced caliper for caliper, or as determined by the Administrator.

G. Completion and Extension.

The Administrator shall review all landscaping for completion in compliance with this Section and the approved Landscape/Streetscape Plan. Landscaping/streetscaping shall be completed in compliance with the approved plan before a Certificate of Occupancy will be issued. However, the applicant may receive an extension of four (4) months from the date of the Certificate of Occupancy upon the approval of an application for extension with a bond or letter of credit in the amount of one hundred fifty (150) percent of the landscape/streetscape bid, as well as the irrigation required for the project. Failure to complete the landscaping/streetscaping according to the approved Landscape/Streetscape Plan at the expiration of the bond or letter of credit shall constitute forfeiting the bond or cashing of the letter of credit. Also, failure to complete the approved landscaping/streetscaping shall constitute a violation of this UDO.

H. Review and Approval.

Landscape/Streetscape Plans shall be reviewed and approved by the Administrator.

I. Parking, Storage, or Display.

No parking, storage, or display of vehicles or merchandise shall be allowed in the required landscape/streetscape areas or on required parking islands.

J. Alternative Compliance Permitted.

Variations to the requirements of this Section may be approved if the landscape/streetscape plan is sealed by a registered landscape architect and approved by the Administrator. Such plans must show reasonable evidence that the requirements as set forth in this Section were used as a guide.

(Ord. No. [2012-3449](#), Pt. 1(Exh. I), 9-27-2012; Ord. No. [2014-3624](#), Pt. 1(Exh. L), 12-18-2014; Ord. No. 2015-3633, Pt. 1(Exh. G), 5-28-2015; Ord. No. [2017-3906](#), Pt. 1(Exhs. A, B), 7-27-2017)

Exhibit B

That Appendix A, “Unified Development Ordinance,” Article 7, “General Development Standards”, Section 7.7, “Buffer Requirements”, of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

Sec. 7.7. - Buffer Requirements.

A. Purpose.

The purpose of buffer requirements, which generally include a buffer yard, plantings, and a fence or wall, is to provide a visual barrier between different zoning districts and to help mitigate any negative impacts of adjacent land uses on developed or developing properties. A buffer should visibly separate one (1) use from another and shield or block noise, glares, or other nuisances.

B. Applicability.

1. Perimeter buffers shall be provided on building plots abutting developed or developing sites in accordance with the standards of this Section, as outlined in Section 7.7.F, Minimum Buffer Standards. The following shall provide buffers:
 - a. Vacant sites that develop;
 - b. Existing sites when additions, expansions, and/or redevelopments equal or are greater than twenty-five (25) percent of the existing improvements;
 - c. Existing sites when cumulative additions, expansions, and/or redevelopments total twenty-five (25) percent or more of the existing improvements;
 - d. Existing sites when a change of use intensifies the development in terms of elements such as traffic, processes, noise, water or air pollution, etc.;
 - e. Existing sites with lawfully established nonconforming uses when the use is expanded; and
 - f. Sexually-oriented businesses.
2. Exceptions to the terms of this Section will be made when:
 - a. The adjacent developed use is nonconforming;
 - b. The adjacent developed use is agricultural;
 - c. The Land Use Plan designates the area as Redevelopment;
 - d. The property is zoned P-MUD or PDD and the buffer requirement was determined through the rezoning process;
 - e. The developing use is a Primary or Secondary Educational Facility containing a building with a Group "E" occupancy as defined in the International Building Code; or
 - f. Properties in NG and RDD districts.
Per Ordinance No. 3280 (September 9, 2010)
 - g. The required buffer yard is adjacent to FEMA designated 100-year floodplain or residential common area, with approval by the Administrator.

C. Relationship to Other Landscaping Standards.

All buffer requirements shall be included on a development's Landscaping Plan. Landscaping provided to meet the buffer landscaping standards of this Section may not be counted towards meeting a

project's landscape point requirements. The area of a site dedicated to a perimeter buffer shall not be included in calculating a site's minimum landscaping point requirements.

D. Location.

The buffer shall abut property boundaries shared with less intense uses or zoning districts as shown in Section 7.7.F, Minimum Buffer Standards. In the event that a property abuts a less intense use and a less intense zoning district, the more stringent buffer shall be required along the shared boundary.

E. Permitted Uses.

1. A buffer yard may be used for passive recreation or stormwater management. It may contain pedestrian, bike, or equestrian trails provided that:
 - a. No plant material is eliminated;
 - b. The total width of the buffer yard is maintained; and
 - c. All other regulations of this Section are met.
2. No active recreation area, storage of materials, parking, driveways, or structures, except for approved pedestrian, bike or equestrian trails and necessary utility boxes and equipment, shall be located within the buffer yard.
3. Pedestrian access through a perimeter fence or wall and buffer yard may be provided at the abutting resident's, homeowners association's, or the Administrator's option to provide convenient pedestrian access to nonresidential uses such as commercial areas or schools.

F. Minimum Buffer Standards.

The buffer requirements are designed to permit and encourage flexibility in the widths of buffer yards, the number of plants required in the buffer yard, and opaque screens. Standard buffer requirements are depicted in the table below. The numbers shown are the required buffer widths.

DEVELOPING USE (Classification)	ABUTTING PARCEL* (Use more restrictive of the zoning or the developed use.)		
	Single-Family Residential (ii)	Multi-Family Residential (i)	Non-Residential (iii)
Single-family (ii)	N/A	N/A	N/A
Multi-Family (i) (iii)	10' (1)	N/A	N/A
Office	10' (1)	N/A	N/A
Commercial ***	15' (2)	10' (1)	N/A
Industrial	25' (2)	15' (2)	5'
Business Park	50' (2)	15' (2)	5'
Business Park – Industrial	50' (2)	30' (2)	10'**
SOB	50' (2)	50' (2)	50' (2)

(i) Includes duplexes.

(ii) Includes manufactured homes, mobile homes, manufactured home parks, and townhouses.

(iii) Includes commercial and other non-residential uses developed in the MF Multi-Family district.

* When an abutting parcel is vacant and zoned R Rural, the Administrator shall use the future land use of the property as designated on the Comprehensive Land Use Plan in lieu of the zoning category in determining the buffer requirement.

** When an abutting parcel is zoned BP Business Park or BPI Business Park Industrial, the buffer width shall be reduced to five feet (5').

*** When a developing parcel is zoned WC Wellborn Commercial and adjacent to single-family, the buffer width shall be twenty (20) feet with a fence.

(1) Fence

(2) Wall

1. **Buffer Yards.**

- a. Buffer yards shall be measured from the common property line and may be located within established building setbacks.
- b. Where utility or drainage easements or other similar situations exists in the required buffer yard, the buffer yard may be reduced by the width of the easement; however, an additional five (5) feet may be required beyond the width of the easement in these situations to allow for the required plantings and fence or wall. All new plantings and irrigation shall be located outside of the easement. The Administrator has the discretion to allow a required fence or wall within the easement.
- c. In WC Wellborn Commercial:
 1. Buffer required plantings shall be doubled along property lines adjacent to single-family residential zoning or land use. In lieu of a fence, plantings may be tripled.
 2. When adjacent to single-family use, zoning, or future Land Use and Character designation, a buffer wall is required for the length of any adjacent parking, loading areas, or dumpster uses (including required maneuvering space).
- d. In BP Business Park, required buffer plantings shall be doubled along property lines adjacent to single-family residential zoning or development.
- e. In BPI Business Park Industrial, required buffer plantings shall be doubled along property lines adjacent to any zoning district or use other than BP Business Park or BPI Business Park Industrial.
- f. In MF Multi-Family and MU Mixed-Use, buffer yards shall only be required along the perimeter of the development, unless otherwise exempted in this Section. No buffer yards are required between uses contained within the development.

2. **Plantings.**

- a. If a fence or wall is not required per the table above, the following plantings shall be installed in the buffer yard:
 1. A minimum of one (1) five-gallon shrub at a minimum of three (3) feet in height per three (3) linear feet of landscaping buffer; and
 2. A minimum of one (1) two-inch caliper canopy tree per twenty-five (25) linear feet of landscape buffer.
- b. If a fence or wall is required per the table above, the following plantings shall be installed in the buffer yard, unless expressly provided for otherwise in this UDO:
 1. A minimum of one (1) 1.25-inch caliper non-canopy tree per fifteen (15) linear feet of landscaping buffer. The Administrator may allow the substitution of a minimum of one

- (1) five-gallon shrub at a minimum of three (3) feet in height per three (3) linear feet of landscaping buffer for the non-canopy tree requirement, or may require the substitution to mitigate potential negative impacts of a development; and
 2. A minimum of one (1) two-inch caliper canopy tree per twenty-five (25) linear feet of landscape buffer.
 - c. All buffer yard landscaping areas not dedicated to trees or shrubs shall be landscaped with grass, ground cover, or other appropriate landscape treatment in accordance with Section 7.6.C.3, Landscaping and Tree Protection.
 - d. Fifty (50) percent of all required shrubs within the buffer yard shall be evergreen.
 - e. Plant materials shall show a variety of texture, color, shape, and other characteristics. Recommended buffer materials can be found in the College Station Plant List or in those listed as appropriate for Zone 8 on the USDA Hardiness Zone Map.
 - f. The arrangement of trees and shrubs in the buffer area shall be done in a manner that provides a visual separation between abutting land uses. Shrubs shall be massed in rows or groups to achieve the maximum screening effect.
 - g. Irrigation is required for all new plantings.
 - h. Existing vegetation may count toward the planting requirement if:
 1. The vegetation is in good health and the landscaping plan verifies that it will meet the plantings criteria listed above (non-point trees may count towards a natural buffer); and
 2. The vegetation is protected in accordance with Section 7.6.C.2.c, Landscaping and Tree Protection, of this UDO.
 - i. Plantings will not be allowed to encroach into a required visibility triangle for a public or private right-of-way except as provided for in Section 7.2.C, Visibility at all Intersections in All Districts.
- 3. Fences and Walls.**
- a. Fences may be solid wood or solid wood accented by masonry, stone, EIFS (Exterior Insulation and Finish System), or concrete columns. Walls may be masonry, stone, EIFS, concrete, or a combination of these materials, and shall be finished on both sides (framing not visible). Walls and masonry columns for fences must meet the footing standards prescribed by the Building Code for such structures.
 - b. Fences and walls shall be a minimum of six (6) feet in height and a maximum of eight (8) feet. Walls over six (6) feet must obtain a building permit. When the adjacent property and the buffer yard are at different elevations, the Administrator may require a greater fence or wall height to ensure adequate buffering.
 - c. Fences and walls shall be placed within one (1) foot of the common boundary line when physically possible. In the event that there is a physical constraint that will not allow the construction of a fence on the common boundary line (including, but not limited to, the existence of a creek, access easement, or existing vegetation), the Administrator may authorize an alternative fence location.
 - d. Fences or walls will not be allowed to encroach into a required visibility triangle for a public or private right-of-way.
- 4. Substitutions.**
- a. Existing natural vegetation may be used in lieu of plantings and a fence or wall under the following circumstances:
 1. The existing vegetation consists of canopy and non-canopy trees which are shown through a tree survey to meet the minimum buffer planting requirements (non-point

trees may be considered) and is of sufficient density to provide one hundred (100) percent opacity to a height of six (6) feet; and

2. The vegetation is protected in accordance with Section 7.6.C.2.c, Landscaping and Tree Protection, of this UDO.
- b. Fences and walls may be substituted with a solid plant or hedge wall that is greater than six (6) feet in height with approximately one hundred (100) percent opacity. All shrubs planted for a hedge wall must be a minimum of fifteen (15) gallons each. The solid plant or hedge wall must be evergreen and may not be counted towards meeting the buffer planting requirement.
- c. Fences and walls may be substituted with a landscaped earthen berm if the combination of berm and landscaping is not less than six (6) feet in height from the elevation at the property line with approximately one hundred (100) percent opacity. The berm plantings must be evergreen and may not be counted towards meeting the buffer planting requirement. Berms must be a minimum of four (4) feet in height with a maximum slope of 3:1. Berms in excess of six (6) feet in height shall have a maximum slope of 4:1 as measured from the exterior property line.
- d. The required height of fences or walls may be reduced if used in combination with an earthen berm or a landscaped earthen berm if the height of the screening is six (6) feet from the elevation at the property line with approximately one hundred (100) percent opacity. The berm plantings must be evergreen and may not be counted towards meeting the buffer planting requirement.
- e. Walls may be substituted with fences if the required buffer yard area and plantings are doubled.
- f. Walls and fences may be omitted if the required buffer yard area and plantings are tripled.
- g. Walls and fences may be omitted if two rows of evergreen plantings (minimum 6 feet in height at time of planting) are provided to create a solid screen along the common property line.
- h. Buffer plantings may be reduced by half if providing a wall where a fence is required.

G. Maintenance and Replacement.

1. Upon installation or protection of required landscape materials, appropriate measures shall be taken to ensure their continued health and maintenance. Required landscape areas and buffers shall be free of garbage and trash, weeds, pests, and disease. Required plant materials that do not remain healthy shall be replaced consistently with these provisions.
2. All landscaping materials and/or fences, walls, or berms shall be maintained by the owner(s) of the property that was required to install such landscaping materials and/or fences, walls, or berms under this Section.
3. Any canopy tree removed or otherwise destroyed by the willful act or negligence of the property owner, tenant, or contractor shall be replaced by a tree of the same or larger caliper.

H. Appeals.

1. Appeals of the terms of this Section, with the exception of Section G, Maintenance and Replacement, shall be to the Design Review Board (DRB).
2. An appeal shall be made within thirty (30) days of the date of the notification of the decision by filing with the Administrator a notice of appeal specifying the grounds thereof.
3. The DRB may authorize on appeal alternative buffer standards for a specific property or a waiver to the Buffer Requirements of this Section when such standards or variance will not be contrary to the public interest where, owing to unique and special conditions not normally found in like areas, a strict enforcement of the provisions of the ordinance by the Administrator would result in

unnecessary hardship, and so that the spirit of this Section shall be observed and substantial justice done.

(Ord. No. [2012-3449](#), Pt. 1(Exh. I), 9-27-2012; Ord. No. [2012-3450](#), Pt. 1(Exh. E), 9-27-2012; Ord. No. [2013-3521](#), Pt. 1(Exh. K), 9-12-2013; Ord. No. [2014-3624](#), Pt. 1(Exh. M), 12-18-2014; Ord. No. [2016-3792](#), Pt. 1(Exh. E), 7-28-2016)