



*Development
Regulation
Packet*

ARTS, CULTURAL AND
ENTERTAINMENT (“ACE”)

This district is intended to foster the development of highly compatible and mutually supportive land uses in the downtown area.

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ARTS, CULTURAL AND ENTERTAINMENT (ACE)

APPENDIX A - UNIFIED LAND DEVELOPMENT CODE

ARTICLE II. - USE DISTRICTS

DIVISION 3. - LAND USE TABLES AND CONDITIONS

SEC. 2.09 - LAND USE TABLES.

- (a) *Uses.* This subsection sets forth the land uses allowed in each zoning district. In the following tables "P" means permitted use and "PC" means permitted use with conditions as set forth in the conditions tables in division 3 of this article. Where neither a "P" nor a "PC" exists in the table, the use is prohibited. To the extent that there is a conflict between the use tables and the conditions, the use table controls.
- (b) *Prohibited uses.* In all residential zoning districts, the use of containers for any purpose is expressly prohibited.

Table 2-2. Non-residential uses.

USES	ACE	COND REF
Community services	P	
Dwelling unit	PC	A44
Entertainment facilities, including bars and lounges	PC	A45
Food service establishment	PC	A9-10, A11, A12
Grocery stores	PC	A19
Hotel	PC	A13
Manufacturing (custom)	PC	A49
Office	PC	A27, A28
Outdoor sales and display	PC	A50
Personal service	P	

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USES	ACE	COND REF
Pet stores	PC	A32
Places of assembly	PC	A30, A30A
Repair business	PC	A55
Retail, General	P	A18

Accessory uses are uses incidental and subordinate to the principal use, located on the same lot as the principal use and in the same zoning district as the principal use.

Table 2-3. Non-residential accessory use table.

ACCESSORY USE	ACE	COND REF
Dwelling unit	PC	A44
Residential accessory structures	PC	B2
Sandblasting	PC	A56, A57
Storage Building	PC	A51

Table 2-4. Residential uses.

USES	ACE	COND REF
Community services	PC	B6-7
Multifamily dwelling	PC	B11
Single-family residential attached	PC	B14, B21
Single-family residential detached	PC	B17

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Two-family dwelling duplex	PC	B18, B19
Public park	P	
Places of assembly	PC	B12

Accessory uses are uses incidental and subordinate to the principal use, located on the same lot as the principal use and in the same zoning district as the principal use.

Table 2-5. Residential accessory use table.

ACCESSORY USE	ACE	COND REF
Accessory dwelling	PC	B1, B2, B10
Family home day care	PC	B2, B8
Garage sale	PC	B2, B20
Gazebo	P	B2
Home occupation	PC	B2, B10
Non-commercial solar energy facilities	PC	B2, B15
On-site management office for multifamily or single-family attached dwellings	PC	B7
On-site storage of a personal pleasure boat or recreational vehicle	PC	B2, B22
Pool, pool house, hot tub and their equipment	P	B2
Private open space	PC	B13, B23
Private recreation space	PC	B2, B13
Sports court	P	B2

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SEC. 2.10 - LAND USE CONDITIONS.

This section sets forth the conditions associated with identified land uses in section 2.05. The conditions expressed in the use table are cumulative of applicable conditions contained elsewhere in the Code.

	Land Use	Applicable Zoning District	Conditions	
A. Non-Residential Categories				
11	Food service establishments	All, where permitted	Mobile food establishments are subject to the restrictions under chapter 42 of the Code of Ordinances.	
12	Food service establishments	ACE	Drive-through restaurants within ACE district requires the issuance of a special use permit in accordance with section 1.26 of this ULDC.	
13	Hotel	GC, ACE, MU, LC	Hotels shall be located on property that is at least one acre in size.	
		GC, ACE, MU, LC	Interior access	A hotel shall (i) only permit controlled access to rooms via a lobby and interior hallways; and (ii) include place(s) of assembly, including but not limited, to, spa room, fitness room, game room and/or cocktail lounge with a combined minimum of 2,000 square feet.
18	General retail	NSC, ACE	General retail shall not exceed 10,000 square feet in building size.	
19	Grocery stores	ACE, NSC	(a)	Grocery stores shall not exceed 10,000 square feet in building size in NSC.
			(b)	Grocery stores shall not exceed 40,000 square feet in building size in ACE.
28	Office	NSC, ACE	Office shall not exceed 10,000 square feet in building size in NSC. Office shall not exceed 4,000 square feet in building size in ACE.	
30	Places of assembly	All, where permitted	(a)	Direct vehicle access shall be provided from a collector or higher classification street.
			(b)	Outdoor uses associated with places of assembly shall

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	Land Use	Applicable Zoning District	Conditions	
				be setback at least 300 feet from any residential property line. If a place of assembly has an outdoor use, there shall be opaque screening along the common property line with any adjacent residential uses.
30A	Places of assembly	ACE	(a)	Places of assembly cannot be located therein if its presence precludes the sale of alcoholic beverages for on-premises consumption elsewhere in the ACE district.
			(b)	Direct vehicle access shall be provided from a collector or arterial street unless the point of access to the off-street parking area serving the use is located within 1,500 feet of a collector or arterial street, as measured along the centerline of the place of assembly.
			(c)	Property not subject to a valid recreational vehicle park operating license pursuant to chapter 58 on April 13, 2013, must be a minimum of five acres in size.
32	Pet stores	All, where permitted	A dog run may be placed on site at a pet store, where it is not adjacent to any dwelling unit and it may not be used for overnight sleeping of animals.	
44	Dwelling Unit	MU, ACE, LC, GC, LI, HI	(a)	New dwelling units are allowed in MU where the residential lot provides an open space setback of 20 feet from any adjacent, existing non-residential use.
			(b)	New residential subdivisions proposed in MU shall only be approved where the subdivision is rezoned to an appropriate residential zoning district.
			(c)	Dwelling units are allowed in ACE following the standards set forth in this ULDC.
			(d)	Live-work uses may be located in an ACE district:

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Land Use	Applicable Zoning District	Conditions
		<ul style="list-style-type: none"> i. Behind a business on its first floor as long as: <ul style="list-style-type: none"> • The exterior wall of the residential area is not along Texas Avenue; • The exterior wall of the commercial use and the primary entrance to the commercial use is along Texas Avenue; and • The commercial use occupies at least 25% of the area of the first floor; and ii. Above the first floor where the residential unit has frontage on Texas Avenue.
		(e) When a mixed-use building fronts on Texas Avenue in the ACE district, a residential use is allowed only
		<ul style="list-style-type: none"> i. If: <ul style="list-style-type: none"> • No residential dwelling unit on the first floor has a door opening onto the primary street; • Less than 50% of the mixed-use building's frontage on the first floor along a primary street is used for residential dwelling unit(s); and • The mixed-use building is not new construction; or ii. If the residential unit is above the ground floor.
		(f) Dwelling units are allowed in LC in cases in which they are allowed in an approved planned unit development.
		(g) A dwelling unit is allowed in GC, LI, and HI as an accessory use for on-site security and management purposes.
		(h) A dwelling unit is allowed in MU as an accessory use for on-site security and management purposes when used as a commercial use.
		(i) Except as provided in condition A44(g), new dwelling units cannot be constructed after April 13,

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	Land Use	Applicable Zoning District	Conditions	
				2013, in GC.
45	Entertainment facilities, including bars and lounges	All, where permitted	Entertainment facilities, including bars and lounges, are subject to the restrictions under chapter 6 of the Code of Ordinances.	
49	Manufacturing (custom)	All, where permitted	(a)	All manufacturing (custom) activities are to be contained entirely within a building.
			(b)	Storage or manufacturing of hazardous cargo and/or materials is prohibited.
			(c)	All manufacturing (custom) activities shall be limited to 10,000 square feet of floor area or less.
50	Outside sales and display	All, except LI and HI	Outside sales and displays are limited in area to 500 square feet or 10% of the gross floor area of primary uses, whichever is greater, and shall be considered as retail sales floor area for purposes of calculating parking.	
51	Storage building	All, except LI and HI	(a)	Storage buildings are limited in area to 500 square feet or 10% of the gross floor area of the primary use, whichever is greater, and shall be considered as retail sales floor area for purposes of calculating parking.
			(b)	Storage buildings must be placed behind the front building frontage of the structure housing the primary use.
55	Repair Business	All, where permitted	(a)	Outdoor storage shall be separated by opaque screening from all adjacent uses and all public rights-of-way.
			(b)	Repair work shall be performed wholly inside of an enclosed structure.
56	Sandblasting	MU, GC, NSC, ACE, LC	Sandblasting must be conducted wholly within an enclosed structure.	

SEC. 3.01 - LOTS.

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- (a) *Previously platted lots.* No requirement of this section shall prevent the development of a legally platted lot approved by the planning and zoning commission prior to April 13, 2013, so long as the development meets all other applicable provisions of this ULDC.
- (b) *Area.* Each lot shall have a minimum area as set forth in table 3-1.
- (c) *Required frontage.*
 - (1) Each lot shall have frontage on a dedicated public right-of-way on which a street is accepted and built to the city's engineering standards or on a private, platted street that is built to the city's engineering standards as set forth in table 3-1.
 - (2) Each lot shall have a minimum width no less than the lot's minimum frontage width as set forth in table 3-1.
 - (3) Radial lots shall have at least 20 feet of frontage.
- (d) *Layout.* Where lot lines intersect the right-of-way, the lot lines shall be at a 90-degree angle with the right-of-way.

SEC. 3.02 - SETBACKS.

- (a) Double frontage lots shall have setbacks that are at least equal to the required front or side yard setbacks of adjacent lots.

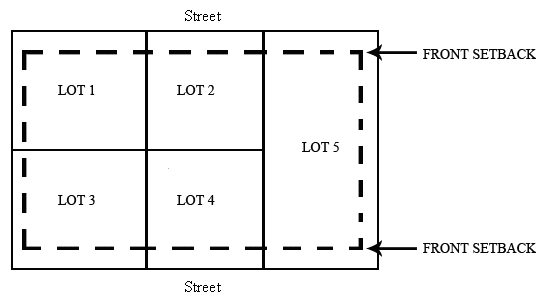
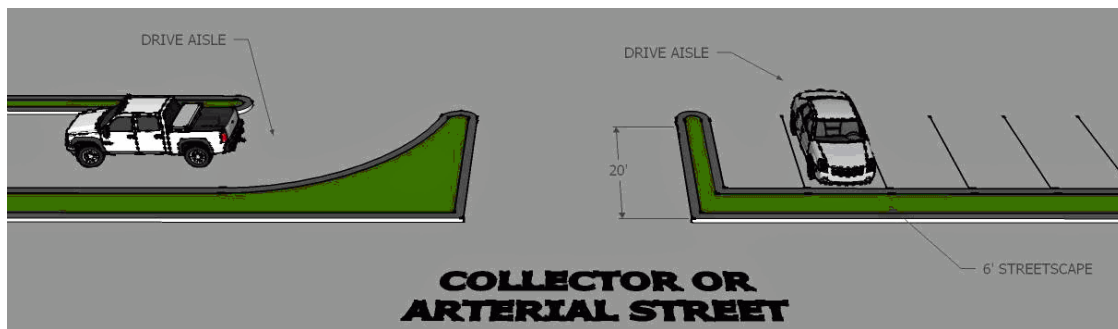


Figure 3-1. Double Frontage Lots

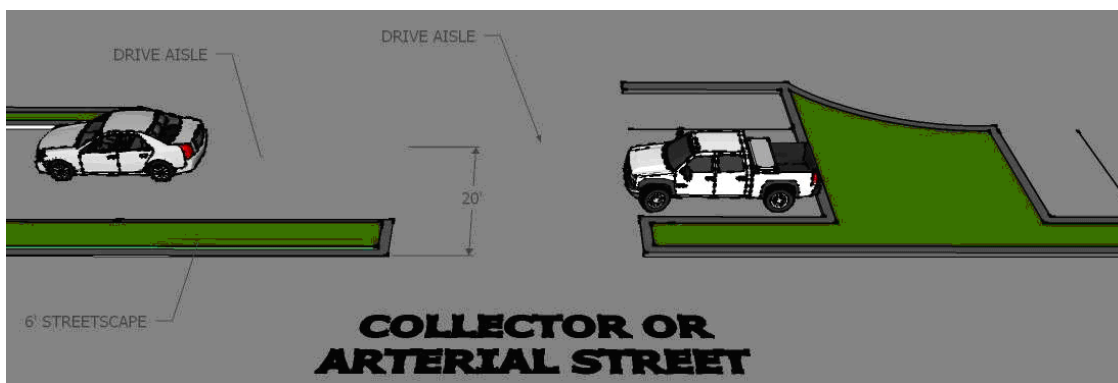
- (b) Parking stalls and drive aisles shall be allowed within all setbacks. Drive aisles with ingress/egress access to a collector or arterial street shall not be located parallel to a street so that turning movements occur within 20 feet of the property line. There shall be no parking stalls located along the entrance driveway/apron to the drive aisle, which may interfere with stacking of vehicles upon entrance to the property.

Figure 3-2. Parking Stalls and Drive Aisles

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Examples of Allowable Configurations



Examples of Configurations that are Not Allowed

- (c) The following features may be located within required setbacks so long as they are in conformance with the visibility triangle standards in section 122-3 of the Code of Ordinances:
- (1) Trees, shrubbery or other features of natural growth;
 - (2) Fences or walls may be placed in the front, side or rear yard setbacks provided that they do not violate sight triangles and provided that fences in the front yard setback are non-opaque;
 - (3) Off-street parking areas and sidewalks;
 - (4) Signs, if permitted by chapter 118 of the Code of Ordinances;
 - (5) Bay windows, architectural design embellishments and cantilevered floor areas of buildings that do not project more than two feet into the required setback;
 - (6) Eaves that do not project more than two feet into the required setback;
 - (7) Open outside stairways, entrance hoods, terraces, canopies, carports and balconies that do not project more than five feet into a required front or rear setback or more than two feet into a required side setback;

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- (8) Chimneys, flues and ventilating ducts that do not project more than two feet into a required setback and when placed so as not to obstruct light and ventilation;
- (9) Open, unenclosed porches that do not project more than five feet into a required front or rear setback or more than two feet into a required side setback;
- (10) Utility lines, wires and associated structures, such as power poles; and
- (11) Mechanical equipment, such as air conditioning units, pool filtering and heating equipment, water softeners and similar equipment, if the equipment does not restrict pedestrian access through such setbacks and if it is totally screened from view from abutting property and rights-of-way by fences, walls or landscaping.

SEC. 3.03 - HEIGHT.

- (a) *Buildings.* Each zoning district shall have a maximum building height as specified in table 3-1.
 - (1) Building height shall be measured as the vertical distance between the average finished grade at the base of the building and the mean height of the roof. The mean height of the roof is determined by averaging the highest and lowest points of the roof.
 - (2) For fences or walls, height shall be measured on the side with the least vertical exposure above the finished grade to the top of the fence or wall.
 - (3) Buildings in the heavy industrial (HI) zoning district have a maximum height of 60 feet unless the entire building is equipped with a National Fire Protection Association ("NFPA") 13 fire sprinkler system, then the maximum height shall be 75 feet.
- (b) *Exemptions.* The following structures and features shall be exempt from the height requirements of this ULDC to the extent indicated:
 - (1) Chimneys;
 - (2) Cupolas, widow walks;
 - (3) Utility poles and support structures;
 - (4) Cooling towers and ventilators;
 - (5) Municipal or other state or county government utility infrastructure; and
 - (6) Spires and church steeples.

SEC. 3.04 - LOT COVERAGE.

Each lot or tract shall conform to the maximum lot coverage standard set forth in table 3-1.

DIVISION 2. - OPERATIONAL PERFORMANCE STANDARDS

SEC. 3.08 - STANDARDS.

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Under this division, the following standards shall apply:

- (a) *Noise.* Sites shall be laid out and uses shall be operated to prevent noise from becoming a nuisance to adjacent single-family and duplex uses;
- (b) *Vibration.* All uses shall be operated so that ground vibration is not perceptible outside the lot lines of the site on which the use is located;
- (c) *Fire and explosive hazards.* Underground storage tanks for flammable liquids and gasses shall be located at least 50 feet from the lot line of lots that contain a single-family or duplex use; aboveground tanks shall be set back at least 100 feet from such lot lines, unless the board of adjustment determines, based on information provided by the applicant, that a 50-foot setback will ensure compliance with all applicable state standards. The storage tank setback requirements of this subsection shall not apply to tanks that are necessary to single-family or duplex units; and
- (d) *Light and glare.* The following operational performance standards shall apply:
 - (1) All exterior lighting shall be hooded or otherwise shielded so that the light source is not directly visible from property that contains a single-family or duplex;
 - (2) All lighting shall be shielded so that substantially all emitted light falls within the property line of the property from which the light emanates;
 - (3) All exterior building floodlights shall be shielded so that all emitted light falls upon the property from which the light emanates;
 - (4) No illumination shall produce direct, incident or reflected light that interferes with the safe movement of motor vehicles on public streets. The types of lighting that shall be prohibited by this subsection shall include but not be limited to any light that may be confused with or construed as a traffic control device and any animated, flashing or changing intensity lights, except for temporary holiday displays; and
 - (5) Electromagnetic interference. No operations or activities shall be conducted that cause electrical disturbances to be transmitted across lot lines.
- (e) *Screening.* Non-residential and multifamily residential development, including off-street parking areas associated with such developments, shall be screened from view of adjacent single-family or duplex use and any property zoned SFE, SF1, SF2, or OR. Such visual screening shall be accomplished through the use of opaque fence meeting the requirements of division 2 of article X of chapter 18, pertaining to buffer fencing, along the lot line that is adjacent to the single-family or duplex use or property zoned SFE, SF1, SF2 or OR. Mechanical equipment, outdoor storage areas and refuse collection areas shall be completely shielded from view of adjacent single-family or duplex uses, scenic corridors or property zoned SFE, SF1, SF2 or OR by an opaque fence or wall made of material specified in division 2 of article XII of chapter 18 that is at least one foot taller than the site feature being screened from view, provided this shall not be interpreted as requiring screening, fences, or walls to be taller than ten feet. Fences, walls and buffers must comply with all other requirements of the ULDC.

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- (f) *Drilling, oil or gas operations.* Subsection (e) of this section shall not apply to drilling, oil or gas operations. All drilling, oil or gas operations must be in compliance with the Code, including chapter 62 and this ULDC.

SEC. 3.09 - COMPLIANCE.

Any use existing on April 13, 2013, that does not comply with one or more of the operational performance standards of this section shall not be deemed a nonconforming use for the purposes of this ULDC.

DIVISION 3. - NON-RESIDENTIAL ZONES

SEC. 3.10 - APPLICABILITY.

Any parcel zoned one or more of the non-residential zoning categories shall comply with the architectural and site design standards listed in this section.

- (b) *Architectural.* The following standards apply only to all building facades that face a street or public right-of-way and to each whole story that is completely or partially within 40 feet in height as measured from the finished floor elevation:
- (1) *Articulation and relief.*
 - a. Buildings over 40 feet in length shall have some sort of building relief of at least 12 inches which may include pilasters, columns, niches, or other variations in building plane.
 - b. Buildings over 25 feet in height shall utilize ledges, brick or stone courses, or other variations in building plane in order to delineate each story.
 - (2) *Style elements.* Style elements affect the building(s) entrance treatment and hierarchy, provide for architectural embellishment, or enhance the transition from public property to private property.
 - a. Buildings facing any street or public right-of-way, except public alleys, shall be required to utilize two different style elements.
 - b. Acceptable style elements include, but are not limited to, recessed entries, stoops, storefront bay windows, public/private entrance differentiation, permanent decorative awnings, canopies, overhangs, porches, arcades, balconies, outdoor patios, public art displays, and plaza space.
- (c) *Site design.*
- (1) Sidewalks in conformance with chapters 18 and 122 of the Code of Ordinances shall be installed from property line to property line at the expense of the property owner in all adjacent rights-of-way prior to the issuance of a certificate of occupancy or completion for a new commercial building.
 - (2) A connection from the primary building entrance to the public sidewalk system shall be provided using an all-weather surface.

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- (3) Detention facilities shall be setback at least 30 feet from all public rights- of-way and shall be screened from view from public streets. Detention facilities may encroach into the required 30-foot setback if they are designed and maintained as a landscaped feature. Detention facilities must be separated from all adjacent uses by an opaque screen.
- (4) Commercial waste enclosure(s). Commercial waste enclosures shall be incorporated into the overall design of the building and landscape so that visual impact of brush and commercial waste containers are fully contained and out of view from adjacent properties and public rights-of-way. Commercial waste enclosures shall be:
- a. Located in the rear or side yard;
 - b. Subject to setback standards described in Table 3.1;
 - c. Placed a minimum distance of 20 feet from any public right-of-way, public sidewalk, or property line that abuts a residential zoning district or any residential use;
 - d. Constructed of any one or more of the following materials and include an opaque gate:
 - Redwood;
 - Rough cedar;
 - Pressure treated lumber;
 - Brick;
 - Concrete; and
 - Masonry materials as defined within article IV of the ULDC.Metal and plastic are prohibited materials for any visible exterior wall of the commercial waste enclosure, except for the required opaque gate; and
 - e. A minimum height of the greater of (i) six feet or (ii) one foot taller than the waste container; provided that the maximum height shall not exceed ten feet in height.
- (d) *Landscape*. The standards for landscaping are set forth in chapter 18 of the Code of Ordinances.

SEC. 18-93. - SIDEWALKS.

- (a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Construction means the building or placement of any structure requiring a permit from the city.

Impervious surface means any type of improvement to real property that will prevent water from passing through to the soil below.

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Primary non-residential structure means the main structure on a lot or parcel that is anything other than a primary residential structure.

Primary residential structure means the main dwelling unit on a lot or parcel that is:

- (1) A detached one- or two-family dwelling; or
- (2) A townhome not more than three stories above grade plane in height, with separate means of egress, and open to a public right-of-way or yard on at least two sides.

Sidewalk means a paved path for the use of pedestrians constructed:

- (1) In the right-of-way between the curb lines or the edge of pavement of a roadway and the adjacent property lines; or
 - (2) In an easement on private property dedicated to the city or the public for which a sidewalk is permitted to be built.
- (b) *Required.* Except as provided in subsection (c) of this section, sidewalks conforming to the requirements of chapter 122 of this Code shall be constructed when a permit is issued for any of the following:
- (1) Construction of a primary residential structure in a subdivision platted after July 26, 2012;
 - (2) Construction of a primary non-residential structure within any zoning district with the exception of a LI or HI zoning district; or
 - (3) Construction on a primary non-residential structure or the parking area serving a primary non-residential structure that would result in either:
 - a. A 30-percent aggregate increase in the existing gross area of impervious surface on the property in any zoning district with the exception of the HI zoning district; or
 - b. Five thousand square feet of new impervious surface area, on the property in any zoning district with the exception of LI or HI zoning district.
- (c) *Exempt.* Construction of sidewalks shall not be required:
- (1) On a property where a primary residential structure in a residential zoning district, as determined by the ULDC, is being constructed but there is not enough space within the right-of-way to construct a sidewalk as determined by the director of engineering;
 - (2) When a residential lot is platted after July 26, 2012, in an existing residential area where less than 80 percent of the existing homes have sidewalks;
 - (3) On property where a governmental agency prohibits the construction of sidewalks and the applicant has provided to the chief building official current documentation to this effect from the governmental agency; or
 - (4) When, in the opinion of the chief building official, the installation of sidewalks would not be feasible due to planned public improvements and the owner or developer, in lieu of constructing a sidewalk, pays at the time of the issuance of a building permit a fee. Such fee shall be in an amount equal to the cost of the construction of the sidewalk per square foot based upon the competitively bid prices obtained by the city for its annual concrete work contract.
- (d) *Appeals.* Appeals from a decision of the chief building official shall be made in accordance with section 18-58.

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- (e) *Violation.* It shall be unlawful for any person to willfully or maliciously tear up, injure, deface or destroy any sidewalk, or any portion thereof.
- (f) *Enforcement.*
 - (1) Any violation of this article shall constitute a misdemeanor punishable, upon conviction, by a fine as provided in section 1-14.
 - (2) In addition to enforcement action taken pursuant to subsection (f)(1), certificates of occupancy and certificates of completion shall be withheld until repairs required in subsection (d) of this section have been made and approved by the chief building official.

ARTICLE XIV. - LANDSCAPING

SEC. 18-1201. - GENERAL REGULATIONS.

- (a) *Title.* This article shall be known and may be referred to as the "Landscaping Ordinance of the City of Baytown" or simply as the "Landscaping Ordinance."
- (b) *Purpose.* This article is adopted for the purpose of promoting the public health, safety and general welfare of the citizens of the city and is intended to achieve one or more of the following:
 - (1) To create an aesthetically pleasing environment that improves the quality of life for citizens;
 - (2) To enhance property values and to protect public and private investment;
 - (3) To promote the beautification of the city;
 - (4) To provide adequate light and air space;
 - (5) To prevent overcrowding of land;
 - (6) To ensure that the local stock of trees and vegetation is replenished; and/or
 - (7) To stabilize the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground water recharge, stormwater runoff, and soil erosion retardation, while at the same time aiding in noise, glare and heat abatement.
- (c) *Applicability.* The provisions of this article shall apply to all nonresidential developments, as that term is defined in section 18-1202, within the city, unless specifically provided otherwise in this article.
 - (1) The landscaping provisions contained in this article shall become applicable to each individual nonresidential lot at the time an application for a new commercial permit is made. When remodeling, redevelopment or reconstruction is proposed on nonresidential property that would result in an expansion of gross floor area, parking lot area, or vehicular surface area, the following provisions apply:
 - a. When remodeling, redevelopment or reconstruction is proposed on nonresidential property that would expand existing gross floor area of the lot's structure or structures by less than 50 percent, only the portion of the site where the expansion is located is subject to the provisions of this article.
 - b. When remodeling, redevelopment, reconstruction or expansion is proposed on nonresidential property that would expand existing gross floor area of the lot's structure or

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structures by 50 percent or more, the entire property must comply with the provisions of this article. The removal of any portion of an existing building is not required for compliance with this subsection (c)(1)b.

- c. If within a three-year period the impervious surface area of a nonresidential development is increased by 25 percent or more or if within a three-year period 25 percent or more of the impervious surface area of a nonresidential development is reconstructed, the requirements of section 18-1206 shall be applied only to the area where the expansion or reconstruction occurs. This provision shall apply only when such expansion or reconstruction is not a part of a structural remodeling, redevelopment or reconstruction project.
- (2) All landscaping requirements under this article shall run with the land and shall apply against any owner or subsequent owner.
- (3) Each phase of a phased project shall comply with the requirements of this article. If the nonresidential development is to be construed in phases, phase lines shall be drawn 20 feet or more from developed site elements (parking, buildings, ponds, etc.). The portion of the land remaining for subsequent phases shall be no less than three-fourths of an acre.
- (4) This article shall have no application to nonresidential developments with parking lots of less than 5,000 square feet.
- (d) *Inconsistent provisions and conflict with other regulations.* In the event that any provision of this article is inconsistent or in conflict with any other provision of this article or any other ordinance or regulation of the city, the more stringent provision shall control, unless otherwise specifically stated.
- (e) *Transitional provisions.*
 - (1) *Building permits.* Except as specifically provided in this article, the provisions of this article shall not affect any valid building permit issued or any valid building permit application filed prior to August 2, 1998, provided that construction pursuant to such permit, is commenced within six months of the date of issuance of the permit and diligently pursued, as determined by the chief building official, to completion in accordance with the applicable regulations of the city.
 - (2) *Subdivision plats.* Except as specifically provided in this article, the provisions of this article shall not affect any preliminary plat or final plat approved pursuant to the regulations of chapter 126.

SEC. 18-1202. - DEFINITIONS.

For the purpose of interpreting and administrating the provisions of this article, the words defined in this section shall be given the meanings set forth below. All other words shall be given their common, ordinary meanings, as the context may reasonably suggest.

Caliper means the diameter of a tree at 18 inches above ground level.

Commission means the city's planning and zoning commission as presently constituted, or any successor commission.

Developed land means that portion of real property which has been altered from its natural landscape by the construction or reconstruction of any structure, parking lot, or other improvement.

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Director means the director of planning and development services.

Duplex dwelling use means the use of a lot for two dwelling units within a single building or structure.

Dwelling unit means a building or portion of a building that is arranged, occupied or intended to be occupied as a residence and includes facilities for sleeping, cooking and sanitation.

Evergreen tree means a tree that retains some or all of its leaves throughout the year, which can be used for the purposes of providing a visual screen.

Existing tree means a tree which is located on the property prior to a new construction permit being issued by the city.

Groundcover means a spreading plant including sods and grasses less than 18 inches in height that may be used for erosion control.

Impervious surface area means any surface area that prevents infiltration of water into the soil. Impervious surface may include, but not be limited to, those surfaces covered by asphalt, concrete, crushed stone, clay, bedrock, limestone and compacted soil.

Landscape reserve means undeveloped property which is left in its natural state and is of sufficient size for the growth of plants and trees.

Large tree means a tree, under normal growth conditions, that reaches a mature height at or above 40 feet. A tree that, at the time of planting, is at least 12 feet tall above grade and has a minimum caliper of three inches.

Mulch means various substances that are placed around plants to prevent evaporation, to control weeds and to control soil erosion. Mulch material includes, but is not limited to, organic substances and various forms and sizes of natural rocks.

Multi-family dwelling means the use of a lot for three or more dwelling units within a single building.

New commercial permit means a building permit required for the construction and/or development of all new nonresidential developments. Nonresidential means any use other than single-family or duplex dwelling use, and expressly includes, but is not limited to, uses associated with multi-family dwellings, manufactured home parks, mobile home parks, RV parks and commercial developments within the city.

Parking space means a space used for parking a motor vehicle and satisfying all of the applicable requirements for off-street parking contained in chapter 112.

Shade tree means any self-supporting woody plant with one well-defined trunk and a distinct definite formed crown.

Shrub means a woody perennial plant differing from a perennial herb by its more woody stem and from a tree by its low stature and habit of branching from the base.

Single-family dwelling use means the use of a lot for one dwelling unit.

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Small tree means a type of tree that, under normal growth conditions, that reaches a mature height between 20 and 40 feet. A tree that, at the time of planting, is at least six feet tall above grade and has a minimum caliper of two inches.

Streetscape means the landscaping along the property adjacent to the street rights-of-way as required to be landscaped pursuant to this article.

Tree means any self-supporting woody plant with one well-defined trunk two inches in diameter or greater.

SEC. 18-1203. - ELIGIBLE TREES, SHRUBS, AND GROUNDCOVER.

All forms of landscaping are suitable including flowers, ground cover, shrubs, trees and the various forms and sizes of mulch. Unless expressly stated otherwise, all trees shall be a minimum of five feet in height immediate upon planting and have a minimum 1½-inch caliper. All shrubs must be a minimum size of one gallon and be a minimum of 1½ feet in height when planted. Plant height shall be measured from average grade after planting.

SEC. 18-1204. - LANDSCAPE PLAN REQUIREMENTS.

When a new commercial permit is required, the owner shall provide the director as part of his construction documents a landscape plan containing the following information:

- (1) The location of existing boundary lines and dimensions of the tract and the square footage of the total off-street parking area;
- (2) The location of existing and proposed utility easements on or adjacent to the lot and the location of overhead power lines and any underground utilities;
- (3) A description of adjacent land uses, existing developments and roadways;
- (4) The location, size and type of proposed landscaping in areas to be landscaped and the size of proposed landscaped area;
- (5) The location, species and diameter of existing trees having a caliper of 1½ inches or larger. Landscape reserves with numerous trees may be outlined with a description of existing trees to be preserved; and
- (6) All other information necessary for verifying that the minimum landscaping requirements have been satisfied pursuant to this article.

SEC. 18-1205. - LANDSCAPING REQUIREMENTS.

- (a) The owner of the property on which an off-street parking area is located shall be required to provide interior landscaped open spaces for any parking lot 5,000 square feet or larger. All areas within the parking lot's perimeter are counted toward the landscape requirement, including the planting islands, curbed areas, parking spaces, and all interior driveways and aisles. The required landscape open space area shall be calculated as follows:

Total Off-street Parking	Percent of the Off-street Parking Area that must be a Landscaped Open
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Area	Space Area
5,000—9,999 square feet	5 percent
Over 9,999 square feet	7 percent

At least 50 percent of the required landscaped open space shall be located within the parking lot as an island or as a peninsula in order to be applied towards the landscaped requirements of this section. The remaining 50 percent of the required landscape open space may be located outside of the parking lot, but must be located forward of the rear building line of the primary structure and be visible from the public street.

- (a) A minimum of one shade tree and four shrubs shall be planted and maintained for each 350 square feet or portion thereof of landscaped open space area. Credit may be given or received for preservation of existing trees as follows; provided, that the existing trees are located near or within the parking lot's perimeter, in good form and condition and reasonably free of damage by insect, disease or other affliction, as determined by the director:

Existing Tree Caliper	Tree Credit
1½—6 inches	1
Over 6—12 inches	2
Over 12 inches	3

(c) Groundcover or mulch is required in swales, drainage areas, parking lot islands, landscape reserves and all unpaved portions of the property that is not otherwise used for a parking lot, building site or other improvement.

(d) All persons subject to this ordinance must replace dead landscaping or landscaping that has been removed by any means and for any reason within 45 days of receipt of written notification by the director. Failure to replace landscaping as required by this section shall constitute a violation of this article punishable as provided in section 18-1208.

(e) That portion of any off-street parking area, not otherwise required by section 112-4 that is located at a site primarily used for the storage of vehicles is exempt from the requirements of this section. Additionally, public schools of an elementary or secondary level and recreational areas owned by such schools shall be exempt from the requirements of this section.

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- (f) The landscaping requirements of this section shall not be required for heavy industry uses in a HI zoning district.

SEC. 18-1206. - STREETScape.

- (a) In addition to the landscaping requirements of section 18-1205, the owner of nonresidential property subject to this article shall be required to provide streetscape as described in this section and as depicted in Figure 18-1 "Streetscape Layout." Nothing in this subsection shall be construed as to require streetscape on undeveloped land. Streetscapes shall be no less than six feet wide.
- (b) Streetscape shall be required along the entire length of the property which is adjacent to a street right-of-way, except that streetscape shall not be required across driveways.
- (c) Streetscape shall include an area beginning at the property line which is adjacent to a street right-of-way, extending into the private property to establish the required width as listed in this section.
- (d) The streetscape's trees, shrubs, ground cover, and other landscaping shall be placed and maintained so as not to cause a visual obstruction and so as not to violate section 122-3.
- (e) Streetscapes shall be adequately watered using one of the following methods:
- (1) Automatic irrigation system; or
 - (2) Manual watering, if all parts of the landscape improvements are within 100 feet of one or more hose bibs, and if a nonresidential streetscape improvement does not exceed 1,500 square feet.
- (f) Streetscape width shall be determined by the street classification as identified by the city's major thoroughfare plan and shall be as follows:

Classification	Minimum Streetscape Width	
Local	6 feet	
Collector	6 feet	
Minor Arterial	<i>Lot Size</i>	<i>Minimum Street Width</i>
	1 acre or less	6 feet
	More than 1 acre	12 feet
Major Arterial	<i>Lot Size</i>	<i>Minimum Street Width</i>
	1 acre or less	6 feet

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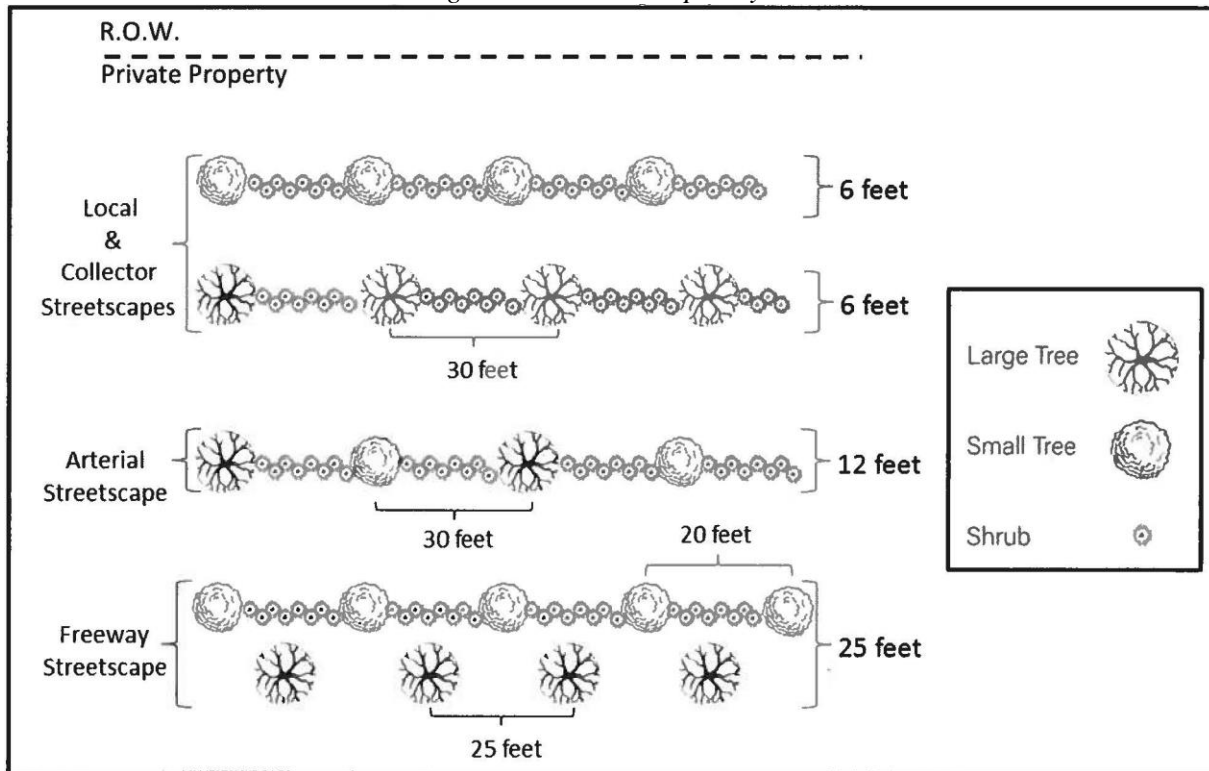
	More than 1 acre	12 feet
Freeway	25 feet	

(g) Streetscape planting installation.

- (1) Within a streetscape, large trees can be substituted with small trees where overhead utility lines will conflict with the large tree at or before the tree grows to its mature height.
- (2) All trees and shrubs are to be planted in an organized fashion and in such a way as to facilitate the creation of a visual screen.
- (3) Local and/or collector. The streetscape along local and collectors street shall be planted with either large or small trees, planted 30 feet on center, with eight shrubs, not less than two feet in height, for every 30 feet.
- (4) Minor and major arterials. The streetscape along a major and/or minor arterial street shall be planted with either large or small trees, planted 30 feet on center, with eight shrubs not less than two feet in height for every 30 feet to form an intermittent hedge. No less than 50 percent of the tree plantings shall be large trees along minor and major arterials.
- (5) Freeway.
 - a. The streetscape along a freeway shall be planted as a staggered double row consisting of small evergreen trees on the front row, and large trees on the back row.
 - b. The front row of trees shall be planted 20 feet on center.
 - c. A minimum of 50% of the back row shall be planted with evergreen trees. This row shall consist of large trees planted 25 feet on center.
 - d. A minimum of 8 shrubs, not less than two feet in height, for every 20 feet forming an intermediate hedge, shall be planted in the front row.

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Figure 18-1. Streetscape Layout



- (6) Appropriate tree planting species. Appropriate shade tree species for streetscape and buffers include the following:

Tree Species	Local/ Collector Streetscape	Arterial Streetscape	Freeway Streetscape	Vegetative/ Transition Buffer
Lacebark Elm (Ulmus parvifolia) ◆(1)	x	x	x	
Southern Magnolia (Magnolia grandiflora) ◆◆ (1)		x	x	x
Live Oak (Quercus virginiana) ◆◆ (1)		x	x	x
American Holly (Ilex opaca) ◆◆ (1)		x	x	x
Montezuma Cypress (Taxodium mucronatum) ◆ (1)		x	x	x

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Tree Species	Local/ Collector Streetscape	Arterial Streetscape	Freeway Streetscape	Vegetative/ Transition Buffer
Eastern Redcedar ♦♦ (l) (Juniperus virginiana)		x	x	x
Common Crapemyrtle ♦(s) (Lagerstroemia indica)	x	x		
Waxmyrtle ♦♦(s) (Myrica cerifera)	x	x	x	x
Yaupon ♦♦(s) (Ilex vomitoria)	x	x	x	x
Little Gem Magnolia ♦♦(s) (Magnolia grandiflora)	x	x	x	
Sweetbay Magnolia ♦♦(s) (Magnolia virginiana)	x	x	x	x
Foster Holly ♦♦(s) (Ilex x attenuata 'Fosteri')	x	x	x	
Flowering Dogwood ♦(s) (Cornus florida)	x	x		
Nelly Stevens Holly ♦♦(s) (Ilex x)	x	x	x	

(s) - small tree (l) - large tree ♦ - deciduous tree ♦♦ - evergreen tree

(h) Variances.

- (1) The director has the authority to approve variations to the streetscape tree species and the layout of the streetscape plantings as set forth in this section, so long as the number of required plantings and the size of the required plantings meet the intent of this article.
- (2) Any person, wishing to appeal the director's denial of a variance pursuant to subsection (h)(2), may file a completed application for a variance pursuant to section 18-1207 within 30 days after the director's decision. Such variance request shall follow the process and procedures therein established.

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- (i) Exceptions. The following shall be exempt from the streetscape requirements set forth in this section:
- (1) A lot that is permitted to have a lot coverage greater than 91%, or
 - (2) A lot that is:
 - a. 21,780 square feet or less and
 - b. Adjacent to property developed with nonresidential land uses, which adjacent property does not have an existing streetscape.

CHAPTER 118 - SIGNS

Link Only