

§ 14. MF - MULTIPLE-FAMILY RESIDENTIAL.

- A. PURPOSE. The MF District is established to meet the needs for higher density residential area aesthetics, is environmentally sound, is compatible to the neighborhood, and promotes the character of the community.
- B. USES PERMITTED. The following uses shall be permitted:
- (1) Multiple-family dwellings and clustered multiple-family dwellings, which clustered multiple-family dwellings have a site plan approved by the Planning and Zoning Commission for the particular project in which they are proposed;
 - (2) Townhouses;
 - (3) Two-family dwelling units;
 - (4) Public and private schools;
 - (5) Churches, parish houses, convents;
 - (6) Country clubs, tennis courts, and such additional recreational uses as are for private recreation purposes or private club recreational purposes. Clubhouses and maintenance buildings shall be located not less than two hundred (200) feet from any adjacent lot in an adjoining residence district;
 - (7) Parks and playgrounds;
 - (8) Accessory uses, including but not limited to the following:
 - (a) Athletic field and playfields, noncommercial, including stadiums and grandstands;
 - (b) Temporary buildings for storage of building materials and equipment and construction purposes, when on the same or adjoining lot as the principal use, for a period not to exceed the duration of such construction;
 - (9) Day care center; subject to the following conditions, and upon approval of a Specific Use Permit, subject to the provisions of Section 6:
 - (a) Hours of operation not to exceed 6:00 a.m. to 10:00 p.m.;
 - (b) Adherence to all state requirements that govern day care centers for children and adults;
 - (c) Day care center should provide adequate outdoor recreation space.
 - (10) Government use, as defined in section 4.
- C. CONDITIONAL USES. The following conditional uses may be allowed in the MF District subject to the provisions of Section 6:
- (1) One-family dwelling units.

- D. AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS. The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), and maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 22, “Schedule of District Regulations,” and other applicable provisions of Section 23, “Supplementary District Regulations.”
- E. AUTOMOBILE PARKING SPACE REGULATIONS. For parking space regulations, see Section 25.
- F. ADDITIONAL REQUIREMENTS. Any multiple-family dwelling which accepts children shall provide designated playground areas with not less than one thousand (1,000) square feet of usable area per ten (10) units of living area. For each additional unit, twenty-five (25) square feet per unit shall be required. Playground areas shall not be more than three hundred (300) feet from any individual multiple-family unit.
(Ordinance 135-87 adopted 4/14/87 ; Ordinance 579-16, sec. 3, adopted 12/15/15 ; Ordinance 643-18, sec. 2, adopted 9/28/18 ; Ordinance 776-23 adopted 1/26/2023)

§ 22. SCHEDULE OF DISTRICT REGULATIONS.

	AG-R	SF1	SF10	SF75	SFAC	MF	GR	SC	C	IND	MH
Maximum height (feet)	45	35	35	35	45	45	45	50	50	50	35
Side yard width (feet)	30	25	8	8	8	8	B	B	B	B	C
Rear yard (feet)	50	30	25	25	25	25	B	B	B	B	C
Front yard (feet)	45	30	25	25	25	25	B	B	B	B	C
Lot area (square feet)	1 acre	1 acre	10,000	7,500	7,500	A	B	B	0	0	C
Minimum lot width (feet)	150	150	70	60	60	75	B	B	B	B	C
Minimum lot depth (feet)	225	225	150	120	120	120	B	B	B	B	C
Minimum structure size (square feet)	2,000	2,000	1,500	1,200	1,200	D	E	E	E	0	C
Maximum lot coverage (%)	40%	40%	40%	35%	45%	50%	B	B	B	B	C

- A - Total lot area shall not be less than 9,000 square feet for dwelling unit construction. For each dwelling unit over three (3) in number, no less than 1,500 square feet of additional lot area is required. A maximum of ten (12)[sic] units may be constructed per acre.
- B - None required except where a nonresidential use abuts a residential lot in which case the requirement shall be the same as the adjoining residential zone and shall comply with visibility and parking requirements as provided within this ordinance.
- C - See Section 19 for Mobile Home District regulations.

D - Minimum structure size shall be for one-bedroom unit: 650 square feet; two-bedroom unit: 800 square feet; three-bedroom unit: 900 square feet.

E - Requirements for residential construction shall be the same as for the R3 District; nonresidential construction shall be 500 square feet.

(Ordinance 135-87 adopted 4/14/87)

§ 23. SUPPLEMENTARY DISTRICT REGULATIONS.

A. BUFFERS.

(1) Requirements.

(a) Purpose. The purpose of the buffer requirements is to provide for the orderly and aesthetic development of the City. It is the intent of these requirements to:

(i) Provide for the separation and buffering of incongruous uses and intensity of activities and provide for the visual softening of building masses.

(ii) Promote a flexible attitude of enforcement sufficient to meet the spirit and intent of these requirements.

(iii) Promote mutually beneficial improvements by utilizing incentives rather than penalties.

(iv) Reduce dust nuisances and the impact of noise.

(v) Protect and promote the value of residential and commercial properties within the City.

(vi) Promote a positive image for the attraction of new business enterprises within the City.

and

(vii) Encourage the protection of healthy trees and vegetation and promote the natural ecological, environmental and aesthetic qualities of the City.

(b) Bufferyards Required. The requirements of this Section shall apply to all new nonresidential and multifamily construction. Buildings in existence on the effective date of this ordinance shall be considered legally nonconforming. Any new construction that exceeds 2,000 square feet, or more than a 30 percent expansion of an existing building, shall be required to meet the requirements herein.

Bufferyards shall be required in accordance with this Section to separate different land uses from each other to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor or danger from fire or explosions. Both the amount of land and the type and amount of planting and specified structures for each bufferyard are

designed to lessen nuisances between adjacent land uses or between a land use and a public road.

- (c) Location. Bufferyards shall be located within and along the outer perimeter of a lot or boundary line. Bufferyards may overlap drainage and/or utility easements; however, plantings should not impede the flow of water within a drainage easement nor conflict in any way with the utility contained within the overlapping easement. Bufferyards shall not be located on any portion of an existing or dedicated public street or right-of-way.
- (d) Bufferyard Requirements. Table 2-1 is a summary of the bufferyards and requirements. Tables 2-3 and 2-4 determine the type of bufferyard required between two adjacent parcels or a parcel and a roadway. The letter designations contained in the tables refer to the different bufferyards described in Figure 2-1, Illustration of Bufferyards in this Section.

Table 2-1 Bufferyard Summary					
Bufferyard Required	Width (feet)	Plantings per 100 feet			Fence Requirements
		Canopy Trees	Accent Trees	Shrubs	
A	5	1	2	8	none
B	10	2	3	10	none
C	10	3	4	12	none
D	10	4	5	18	none
E	10	1	2	8	Berm-B1
F	10	4	8	12	Fence-F2

- (i) Plantings shall be credited to meet only one bufferyard (i.e. plants on corners do not satisfy two bufferyards).
- (ii) Existing Plant Credits: Existing trees, anticipated to be preserved, which are located on the subject property, are within fifty feet (50') of the property line and have a minimum of 50 percent of the dripline within a bufferyard area shall be granted credits toward reducing the required plantings as follows:

Table 2-2 Existing Plant Credits		
Size of Tree Saved	Canopy Tree	Understory Tree
6" to 12" caliper	2	3
12" caliper or greater	3	4

Table 2-3 Bufferyards Adjacent To Other Land Uses					
Zoning of Developing Tract	Zoning or Existing Use of Adjacent Tract				
	SF-1, SF-10, SF-75, AG	SFAC, MF	GR, SC, C	IND	MH
SF-1, SF-10, SF-75, AG	*	*	*	*	*
SFAC, MF	F	A	A	F	F
GR, SC, C	F	F	A	A	F
IND	F	F	F	A	F
MH	F	F	F	F	E

* No bufferyard required

Table 2-4 Bufferyards Required Adjacent To Streets				
Zoning of Developing Tract	Frontage On State Highway	Frontage on Thoroughfares and Collectors		Frontage on Residential Street
		Across From Commercial or Industrial	Across From Residential	
SF-1, SF-10, SF-75, AG	B	*	*	*
SFAC, MF	C	A	A	A
GR, SC, C	E	E	E	E
IND	D	E	E	E
MH	C	B	C	D

* No bufferyard required

- (iii) All bufferyards, unless lawn grass or ground cover is already established, shall be seeded with lawn grass or planted with ground cover so as to assure coverage within three years. Hardscape ground cover measures may be substituted for lawn grass, with Site Plan approval from the Planning and Zoning Commission.

Figure 2-1 Illustration of Bufferyards

Bufferyard “A”

* Minimum Width is five feet (5')

* A minimum width of ten feet (10') may be used in combination with a twenty percent (20%) reduction in planting density

* Required Plants per 100 Linear Feet:

Canopy trees	1
Understory Trees	2
Shrubs	8

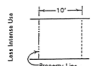
Figure 2-1 Illustration of Bufferyards



Bufferyard “B”

- * Minimum Width is ten feet (10')
- * A minimum width of twenty feet (20') may be used in combination with a twenty percent (20%) reduction in planting density
- * Required Plants per 100 Linear Feet:

Canopy trees	2
Understory Trees	3
Shrubs	10



Bufferyard “C”

- * Minimum Width is ten feet (10')
- * A minimum width of twenty feet (20') may be used in combination with a twenty percent (20%) reduction in planting density
- * Required Plants per 100 Linear Feet:

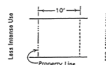
Canopy trees	3
Understory Trees	4
Shrubs	12



Bufferyard “D”

- * Minimum Width is ten feet (10')
- * A minimum width of twenty feet (20') may be used in combination with a twenty percent (20%) reduction in planting density
- * Required Plants per 100 Linear Feet:

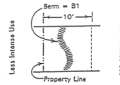
Canopy trees	4
Understory Trees	5
Shrubs	18



Bufferyard “E”

- * Minimum Width is ten feet (10')
- * A minimum width of twenty feet (20') may be used in combination with a twenty percent (20%) reduction in planting density
- * Required Plants per 100 Linear Feet:

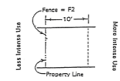
Canopy trees	1
Understory Trees	2
Shrubs	8



Bufferyard “F”

- * Minimum Width is ten feet (10')
- * A minimum width of twenty feet (20') may be used in combination with a twenty percent (20%) reduction in planting density
- * Required Plants per 100 Linear Feet:



Canopy trees	4
Understory Trees	8
Shrubs	12



(e) Required Structures.

- (i) Walls and Fences: Whenever a wall or fence is required within a bufferyard, it shall be six feet (6') in height and constructed in accordance with specifications set forth in the City’s Design Standards. A “F2” fence shall be of masonry construction. A “finished side” of a wall or fence shall face the residential or less intense land use side. Wood fences (stockade fences, etc.) are not considered adequate screening devices in the City of Aubrey, therefore, where a screening structure is required, a wooden fence shall not be allowed. With Site Plan approval from the Planning and Zoning Commission, a required screen wall may be substituted for a solid landscape screen, a minimum 4-foot tall berm and double the landscaping required for the required bufferyard.
- (ii) Berms: Whenever a berm is required in a bufferyard, it shall be a minimum of three feet in height and constructed in accordance with the specifications set forth in the City’s Design Standards. Berms shall have side slopes no steeper than 2:1. When possible, all berms shall be curvilinear, rather than straight. Berms are not required to be continuous and are preferred to be broken periodically, but must cover a minimum of

75 percent of the length of the property line to be buffered.

Figure 10-1 Required Structures			
Structure Type	Additional Requirements	Minimum Height	Graphical Representation
F2	Poured concrete, brick, etc. Concrete block or hadite block allowed with ornamental/textured face towards less intensive use	Six feet (6') minimum height	
B1	Curved layout covering a minimum of seventy-five percent (75%) of total length with Plantings along a minimum of fifty percent (50%) of the length of the berm.	Three foot (3') minimum height of berm Two foot (2') minimum height of plantings	

(f) Uses of Bufferyards. A bufferyard may be used for passive recreation, such as pedestrian, bike or equestrian trails, provided that (a) no plant material is eliminated, (b) the total width of the bufferyard is maintained, and all other requirements of this section are met. Bufferyards may not be used for play fields, stables, swimming pools, tennis courts, accessory buildings, parking facilities or trash dumpster locations.

(2) Maintenance.

- (a) General: The owner, tenant and the agent, if any, shall be jointly and severably responsible for the maintenance of all landscaping and irrigation located within the bufferyard. 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. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping, all plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. All irrigation heads or lines that are broken and flow water shall be replaced or repaired immediately to prevent the waste of water.
- (b) Plant Replacement: The owner shall be responsible for replacing all plant materials which shows dead branching over 30 percent or more of the normal branching pattern and repair irrigation system for a period of one year from the date of issuance of the Certificate of Occupancy. Plant materials that die shall be replaced with plant material of similar variety and similar initial size. The Owner shall make such necessary replacements within 30 days of notification by the City.

Editor’s note—The subsection numbering of Ordinance 494-13 was changed at the editor’s discretion to be consistent with the subsection numbering throughout the zoning ordinance.

- B. ACCESSORY BUILDINGS. The following regulations shall govern the location, size, and use of any accessory buildings:
- (1) No accessory building shall be erected in any required yard area as stipulated in this Ordinance, except as allowed in the following paragraphs.
 - (2) No accessory building shall be erected within ten (10) feet of any other building, except detached residential garages may be located within five (5) feet of the main dwelling and except as the provisions of paragraph (5) below are met.
 - (3) No detached residential garage or carport shall be erected or placed closer to any street or alley right-of-way line than the minimum yard requirements (building setback line) governing the district in which such garage or carport is located.
 - (4) No detached residential garage or carport shall be erected or placed within eight (8) feet from any side lot line.
 - (5) Residential accessory buildings and sheds housing domestic lawn and garden equipment and all other household effects may be detached or attached to the main building, but shall not encroach in any required front yard and may not occupy more than thirty percent (30%) of the rear yard.
 - (6) No accessory building shall be used for dwelling purposes other than by domestic servants employed on the premises, as provided in the applicable zoning district.
 - (7) No accessory building shall be higher than the main building and in no case be in excess of eighteen (18) feet in height.
 - (8) No accessory building shall be erected or placed within five (5) feet of any side or rear lot line and shall not encroach upon any easement.
- C. FRONT YARD ADJUSTMENTS. Front yard requirements as established in Section 22, “Schedule of District Regulations” may be adjusted where forty percent (40%) or more of the frontage on the same side of a street between two (2) intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of ten (10) feet or less) a front yard greater or lesser in depth than herein required; new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
- D. PROJECTIONS OF BUILDINGS, STRUCTURES, AND APPURTENANCES INTO REQUIRED YARDS.
- (1) Open or lattice-enclosed fire escapes may project into a required yard not to exceed five (5) feet. The ordinary projections of chimney’s pilasters shall be permitted by the city’s building official when placed so as not to obstruct light and ventilation.
 - (2) Terraces, balconies, decks, uncovered porches and ornamental features which do not extend more than four (4) feet from the side wall line and being at least seven (7) feet above the floor level of the ground (first) story, may project into a required side yard, provided these projections be a distance at least four (4) feet from any adjacent side lot line. Such features may not project onto a required front or rear yard more

than eight (8) feet from the front or rear wall line.

- (3) An unenclosed porch containing not more than forty (40) square feet may project into a required front yard for a distance not to exceed five (5) feet.
- (4) A carport or canopy may project into a required side yard, provided every part of such carport or canopy is unenclosed except for necessary structural supports, and not less than five (5) feet from any side lot line.
- (5) Every part of a required yard shall be open to the sky, unobstructed by a building, except for the ordinary projections of sills, belt courses, cornices, and ornamental features not exceeding twelve (12) inches, or as otherwise excepted in paragraphs (1) through (4) above.

E. MULTIFAMILY DEVELOPMENT STANDARDS.

(1) Location Criteria:

- (a) Apartment development should generally be no greater in size than either 20-acres or 400 dwelling units and shall be located at major thoroughfare intersections rather than between intersections (i.e. not mid-block).
- (b) Multifamily zoning shall not be located within 1,320 feet (one-quarter mile) of any other multifamily zoning district.
- (c) Vertical developments (i.e. nonresidential use, typically retail or office, on the lower floors and residential uses on the upper floors) shall not be considered multifamily for the purposes of the location criteria contained herein. The mixing of rental units with other land uses is encouraged.

(2) Uses Permitted:

- (a) Multifamily residential dwellings and related accessory structures
- (b) Attached single-family residential dwellings (Townhomes) and related accessory structures
- (c) Detached single-family residential dwellings and related accessory structures
- (d) Athletic facilities (noncommercial)
- (e) Schools (private or public)
- (f) Public libraries, municipal or county administrative offices, police substations, and fire stations
- (g) Public works, including without limitation drainage facilities, water wells, and water and wastewater treatment, pumping, storage, and transmission facilities
- (h) Home occupations
- (i) Parks, playgrounds, trails, swimming pools and other forms of improved and unimproved open space

- (j) Recreational centers, pools
- (k) Local utility lines
- (l) Franchise utilities (public or private)
- (m) Houses of worship
- (n) Day care centers
- (3) Permitted Accessory Uses:
 - (a) Private garage and parking area.
 - (b) Other necessary uses and buildings customarily appurtenant to a permitted use, including, but not limited to, associational meetings, religious gatherings, and social activities.
- (4) Conditional Uses. The following conditional uses may be allowed in the MF District subject to the provisions of Section 6:
 - (a) Any uses allowed as a conditional use in the SFAC District unless permitted above.
 - (b) One-family dwelling units.
 - (c) Retail/office/restaurant uses on the first floor (i.e., mixed uses), with approval of a Specific Use Permit, per the provision of Section 6.
- (5) Development Standards:

Max. Height	Min. Side Yard (1, 2)	Min. Rear Yard (1)	Min. Front Yard	Min. Lot Width	Min. Lot Depth	Min. Unit Size (Sq. ft.)	Max Lot Coverage	Max. number of units per gross acre (3)
45-feet	8-feet 15-feet adjacent to street	25-feet	25-feet	75-feet	120-feet	1 bedroom: 650 sf 2 bedroom: 850 sf 3 bedroom: 1,000 sf	50%	18

- (a) The minimum setback shall be increased to 60 feet for multifamily structures adjacent to property that is zoned or developed for single-family uses.
- (b) A minimum of ten feet of building separation shall be provided between buildings of two stories or less. For buildings greater than two stories, a minimum building separation of 20 feet shall be provided.
- (c) Maximum number of units per gross acre may be increased to 21 if four (4) of the following are provided:
 - (i) Day care (on-site)

- (ii) Exercise facility
 - (iii) Gazebo
 - (iv) Improved picnic areas
 - (v) Multiuse trails (including required landscaping and easement)
 - (vi) Lake with constant water level (minimum size of 0.5 acres)
 - (vii) Developed and equipped children play areas greater than one thousand (1,000) square feet of usable area
 - (viii) Putting green
 - (ix) Multiuse areas / sports courts and fields (including but not limited to tennis, volleyball, baseball, basketball, etc.)
 - (x) Swimming pool and/or spa
 - (xi) Theater
- (6) Parking Requirements: The minimum parking requirements shall be as follows:
- (a) 1.5 spaces per efficiency unit or one-bedroom unit
 - (b) 1.75 spaces per two-bedroom unit
 - (c) 2 spaces per three-bedroom unit
 - (d) 3 spaces per unit with four or more bedrooms
 - (e) Tandem parking spaces shall only count toward required parking when located in front of a garage. Tandem parking spaces shall be a minimum of nine by twenty (9 x 20) feet.
 - (f) On-street parking spaces shall not be permitted.
 - (g) Covered or enclosed parking shall not be required. Where provided, covered or enclosed parking shall be counted to satisfy the minimum off-street parking requirements.
- (7) Usable Open Space and Children's Play Area, Required. Usable Open Space and Children's Play Area requirements shall be applicable to any multifamily or attached single-family dwellings.
- (a) A minimum of 20% of Usable Open Space shall be provided. Usable Open Space must be a minimum of 30 feet wide, and must have a slope no greater than 10%. The City Council may allow full or partial credit for open areas that exceed the 10% maximum slope if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development or the surrounding area, with Site Plan approval.

- (b) Any multifamily or single-family attached dwelling which allows and/or accepts children shall provide designated and equipped playground areas with not less than one thousand (1,000) square feet of usable area for developments of ten dwelling units or more. For each additional dwelling unit above the initial ten dwelling units, an additional five square feet of playground area shall be required.
- (8) Minimum Standards for Provided Amenities.
 - (a) Swimming pools and/or spas
 - (i) Shall comply with ADA (Americans with Disabilities Act) and the Texas Department of State Health Services most recent set of standards regulating all public and semi-public pools and spas.
 - (b) Developed and equipped children's play areas
 - (i) Shall comply with ADA (Americans with Disabilities Act), ASTM International (American Society for Testing and Materials) and CPSC (Consumer Product Safety Commission) guidelines as relating to playground equipment and safety surfacing.
 - (c) Multiuse trails
 - (i) Shall consist of an open space corridor with a paved path, a soft surface path, landscape improvements, and/or other optional amenities.
 - (ii) The minimum width of a multiuse trail easement (including trail surface and landscaping) shall have no dimension less than 15 feet.
 - (iii) The trail surface shall be of native material or paved surface, with a minimum 8-foot width.
 - (d) Multiuse areas/sports courts and fields (including but not limited to tennis, volleyball, baseball, basketball, and similar activities)
 - (i) Shall comply with the minimum standards for each proposed facility as set in the National Recreation and Park Association (NRPA) standard guidelines for recreation, park, and open space standards. Alternative industry standards may be utilized in lieu of NRPA standard guidelines, as mutually agreed to by the City Mayor or his/her designee.
- (9) Mail Kiosks. Mail kiosks shall have a minimum of five of the required parking spaces for the development within 50 feet, unless a drive-through facility is provided.
- (10) Landscaping. Landscaping requirements shall be applicable to any multifamily or attached single-family dwellings.
 - (a) All required landscaping must be located within the required Usable Open Space, exclusive of required perimeter or parking landscaped areas.

- (b) One (1) large tree, defined as a tree three (3) inches in caliper, shall be provided per dwelling unit. The alternative to one large tree is three (3) ornamental trees, defined as a tree one (1) inch in caliper, however the same number of total caliper inches shall be provided. A minimum of ten large trees must be planted for any development of multifamily or attached single-family dwellings.

Editor's note—The subsection numbering of Ordinance 495-13 was changed at the editor's discretion to be consistent with the numbering throughout the zoning ordinance.

F. NONRESIDENTIAL DESIGN STANDARDS.

- (1) Design Standards. All properties developed for non-Single-Family purposes shall meet all Base Standards provided in this Section for Architectural Features. In addition, properties shall achieve the required minimum number of Enhancing Elements from each category. Base Standards and Enhancing Elements are summarized in Figure 1 and detailed in Subsection (5). Additional Requirements [are] detailed in Subsection (6).
- (2) Purpose. The purpose of the Design Standards is to provide for exterior building materials, building articulation, form and massing, and architectural compatibility.
- (3) General Provisions. Design review is required for new construction and substantial renovation of existing buildings in the form of a Site Plan with a table which describes clearly how the site meets the requirements of this section. Site Plans shall be reviewed as per the standard requirements for Site Plans according to this Chapter. Substantial renovation means:
 - (a) Alterations to the exterior of existing buildings that change the placement or design of windows, doors or other exterior features of the building such as coping or pilasters;
 - (b) An increase in the floor area of the building greater than thirty percent (30%).
 - (c) Alterations of the exterior of existing building materials greater than thirty percent (30%) of the surface area of the front facade, excluding painting of existing painted exterior materials where paint colors fall within those described in this Section.

Color elevations of all four facades should be submitted for each building, listing each proposed exterior material, with a percentage breakdown of each material used, exclusive of windows and doors. A listing of the selected auxiliary design standards, described herein, should also be included to illustrate compliance. For any proposed streetscape elements (such as bike racks, trash receptacles, lampposts, tree grates, bollards, outdoor seating, and/or other street furniture) or screening devices (masonry walls screening dumpsters, mechanical equipment, residential subdivision, etc.), graphics should also be submitted showing the material, color, height, and any other pertinent details.

All requests for exterior building materials not specifically described herein (including roof pitch and roof materials) shall be clearly noted and described in detail on a color Facade Plan submitted along with the Site Plan. Submission of actual samples of the proposed exterior finish material(s) may be required along with the Facade Plan and the Site Plan. As part of the site plan approval process, the Planning and Zoning Commission may recommend, and the City Council may approve, exterior building materials not specifically described herein, if it is determined to be equivalent or better than the exterior building materials otherwise required by this Subsection.

Consideration for exterior building materials not specifically described herein, shall be based only upon the following:

- (a) Architectural design, creativity and innovation;
- (b) Compatibility with surrounding structures;
- (c) Relative ease of maintenance of the material(s);
- (d) Long-term durability and weather-resistance of the material(s); and
- (e) Long-term stability in property value due to the high quality of the material(s).

Interior renovations of existing buildings that do not alter the exterior appearance of the building do not require site plan and design review under the provisions of this Section. (e.g., a drop ceiling that covers part of an existing window would alter the exterior appearance and require review.)

Original brick or masonry surfaces should be maintained and not covered or removed. It is not the intent of this Section to require replacement of original brick or masonry, if the existing building exterior material is in good repair. It is not appropriate to paint unpainted brick. If the brick is already painted, paint removal is preferred. Avoid paint removal procedures that damage the original brick finish such as sand blasting or caustic chemicals. Before removing paint, conduct a test to determine detrimental effects. If the existing paint on the brick is in poor condition and paint removal will damage the underlying brick, the brick should be repainted.

- (4) Variiances. In conjunction with site plan approval, a variance to the provisions of this subsection may be allowed by the City Council, with a recommendation to grant such variance from the Planning and Zoning Commission, unless otherwise specified herein. The applicant shall prove that the variance from the regulations

herein is warranted under the circumstances presented. A variance may be granted if the Planning and Zoning Commission and/or City Council finds that:

- (a) Unique circumstances exist on the property that make application of specific items in this section unduly burdensome on the applicant;
- (b) The variance will have no adverse impact on current or future development;
- (c) The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses;
- (d) The variance will have no adverse impact on the public health, safety and general welfare.

A financial hardship shall not be considered a basis for the granting of a variance.

FIGURE IS INTENDED FOR SUMMARY ONLY. DETAILED REQUIREMENTS CAN BE FOUND IN THE VERBIAGE, BELOW.

FIGURE 1 ARCHITECTURAL FEATURE		
DESIGN ELEMENT	BASE STANDARD (ALL DEVELOPMENT MUST COMPLY FULLY WITH ALL LISTED BELOW)	ENHANCING ELEMENTS
Building Materials	<p>(1) Buildings in the GR, SC, and C Districts, and in the IND District (where adjacent to residential or Main Street or other thoroughfare with a right-of-way width of 80-feet or greater), shall be constructed of: 90% masonry and 75% brick.</p> <p>(2) Buildings in the IND District (where not adjacent to residential or Main Street or other thoroughfare with a right-of-way width of 80-feet or greater), shall be constructed of: 25% brick.</p> <p>(3) Historically compatible accent materials for architectural details, trim, window or door framing.</p> <p>(4) Roof and cornice lines shall be horizontal or triangular.</p> <p>(5) Primary building colors shall be softer, muted colors such as brick red, brown, etc.; use of brighter colors shall be limited to accents.</p> <p>(6) Provide no less than 4, 'downtown' detail devices such as:</p> <ul style="list-style-type: none"> a. Kick plates b. First Floor Display Windows c. Recessed central entrance areas or angled entrances on corners d. Transoms windows above entrance doors e. or similar 	<p>EACH DEVELOPMENT MUST SELECT 2 OF THE 3 ELEMENTS LISTED BELOW</p> <p>(1) Use of two complementary primary facade materials to help achieve facade articulation, visual variety and/or architectural detailing.</p> <p>(2) Application of base standards to facades not adjacent to a public street.</p> <p>(3) Provide no less than 6, but no more than 8, 'downtown' detail devices such as:</p> <ul style="list-style-type: none"> a. Kick plates b. First Floor Display Windows c. Recessed central entrance areas or angled entrances on corners d. Transoms windows above entrance doors e. or similar
Building Articulation, Form and Massing	<p>For facades facing a public street:</p> <p>(1) Walls shall not exceed a height to width ratio of 1:2 without variation in massing of facade, both horizontally and vertically.</p> <p>(2) Entrances must be emphasized with architectural elements.</p> <p>(3) Ground floor facades in GR, SC, and C Districts require specified features (along 75% of length) as specified in 5. Architectural Features, below.</p>	<p>EACH DEVELOPMENT MUST SELECT 2 OF THE 3 ELEMENTS LISTED BELOW</p> <p>(1) Application of base standards to facades not adjacent to a public street.</p> <p>(2) Articulation of bays to reflect a smaller building massing to more accurately mimic early 1900's style downtowns.</p> <p>(3) Use of Architectural detailing and/or materials to provide variety in visual appearance.</p>

FIGURE 1 ARCHITECTURAL FEATURE		
DESIGN ELEMENT	BASE STANDARD (ALL DEVELOPMENT MUST COMPLY FULLY WITH ALL LISTED BELOW)	ENHANCING ELEMENTS
Additional Requirements	Requirements specifically related to: Accessibility and Layout, Mechanical Equipment and Utilities, Sanitation Containers, Drive-Thru Facilities, and Gas pumps and fueling stations	

(5) Architectural Features.

Design requirements are achieved by projects in accordance with the following:

(a) Building Materials.

(i) Base Standard (ALL DEVELOPMENT MUST COMPLY FULLY WITH ALL LISTED BELOW)

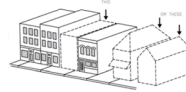
1. Primary materials for exterior facades of buildings in the GR, SC, and C Districts, and in the IND District (where buildings are adjacent to residential or Main Street or other thoroughfare with a right-of-way width of 80-feet or greater), shall be constructed of the following:
 - a. Ninety percent (90%) masonry including, but not limited to: brick, cast brick, decorative concrete, or tilt wall. Note: Tilt wall construction shall suffice as masonry construction, provided that facing material is elastometric, non-EFIS stucco, or a variant thereof.
 - b. The facade adjacent to a street shall be constructed of a minimum of seventy-five percent (75%) of the following materials including, but not limited to:
 - i. Brick.
 - ii. Cast brick.
 - iii. Decorative concrete stamped and stained to resemble the appearance of brick.
 - iv. Or similar.
 - c. The following materials are generally not acceptable:
 - i. Coarsely finished, “rustic” materials, such as wood shakes, shingles, barn board or stained for plywood. Poorly crafted or “rustic” woodworking and finishing techniques
 - ii. Indoor-outdoor carpeting or astro-turf
 - iii. Corrugated metal and fiberglass. (unless used sparingly)

- iv. Moss rock
 - v. “Antique” or old brick with partial paint, mottled light variegated brick, oversized brick and white brick mortar
 - vi. Ornate wrought-iron, “New Orleans” style grille and rail work
 - vii. Stucco surfaces that are highly textured such as those sometimes associated with a “hacienda” or “Mediterranean” style
 - viii. Expanded metal
 - ix. Silver or clear anodized aluminum sheets
 - x. Silver or clear aluminum extrusions for windows and doorways
 - xi. Residential type sliding glass doors
 - xii. Imitation wood siding or stone
 - xiii. Flat or molded plastic sheeting in quantities exceeding five square feet when used as primary facade materials
 - xiv. Imitation metal “rock work”
 - xv. Plastic molded imitations of any conventional building material
 - xvi. Mirror or metalized reflective glass
 - xvii. Glass block
2. Primary materials for buildings in the IND District (where buildings are not adjacent to residential or Main Street or other thoroughfare with a right-of-way width of 80-feet or greater), shall be constructed of the following:
- a. The facade adjacent to a street shall be constructed of a minimum of twenty-five percent (25%) of the following materials including, but not limited to:
 - i. Brick.
 - ii. Cast brick.
 - iii. Decorative concrete stamped and stained to resemble the appearance of brick.
 - iv. Or similar.

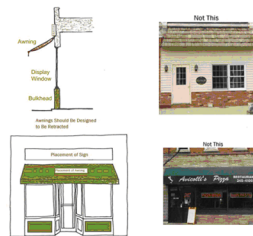
- b. Exteriors of buildings in the IND District may be constructed of metal materials for the remaining portion of the facade, but shall meet the requirements of the Building Code.
- c. The following materials are generally not acceptable:
 - i. Coarsely finished, “rustic” materials, such as wood shakes, shingles, barn board or stained for plywood. Poorly crafted or “rustic” woodworking and finishing techniques
 - ii. Indoor-outdoor carpeting or astro-turf
 - iii. Corrugated metal and fiberglass. (unless used sparingly)
 - iv. Moss rock
 - v. “Antique” or old brick with partial paint, mottled light variegated brick, oversized brick and white brick mortar
 - vi. Ornate wrought-iron, “New Orleans” style grille and rail work
 - vii. Stucco surfaces that are highly textured such as those sometimes associated with a “hacienda” or “Mediterranean” style
 - viii. Expanded metal
 - ix. Silver or clear anodized aluminum sheets
 - x. Silver or clear aluminum extrusions for windows and doorways
 - xi. Residential type sliding glass doors
 - xii. Imitation wood siding or stone
 - xiii. Flat or molded plastic sheeting in quantities exceeding five square feet when used as primary facade materials
 - xiv. Imitation metal “rock work”
 - xv. Plastic molded imitations of any conventional building material
 - xvi. Mirror or metalized reflective glass
 - xvii. Glass block
- 3. Accent materials for architectural details, trim, window or door framing may be wood (painted or stained), brick, cast brick, wrought iron, or other materials compatible with the historic and architectural character of the early 1900’s downtown style. Permanent bars over

windows or doors shall not be allowed under any circumstances.

4. Roof and cornice lines shall be horizontal or triangular, as shown below:

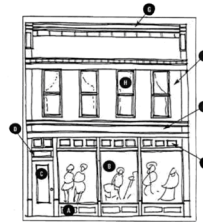


5. Primary building colors shall be red brick, brown or variants thereof, specifically excluding white, yellow or pink. Vibrant accents may be used in limited quantities at appropriate locations. Accents are to be of high quality materials and are used to promote a vibrant street life in a manner compatible with the “civic” nature of the street. Accent and highlight building colors shall equal no more than twenty-five percent (25%) of the front facade of and shall allow the full spectrum of colors. Original brick or masonry surfaces should be maintained and not be painted, unless severe deterioration of the brick or brick can be shown to require painting and other consolidation or stabilization methods cannot be shown to be appropriate.
6. Along the facade adjacent to a street, buildings shall provide an awning for a minimum of seventy-five percent (75%) of the entire length of the frontage which projects no less than six feet (6') from the building face, designed to be retracted and constructed with placement of the signage and windows in mind.



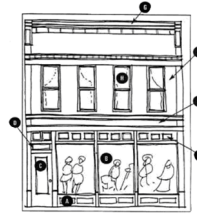
7. Each building shall provide a minimum of four (4), a maximum of eight (8) ‘early 1900’s downtown’ detail devices. No more than one (1) of any one device shall be counted toward meeting the minimum. Acceptable devices include, but are not limited to, the following:
- Kick plates
 - First Floor Display Windows
 - Recessed central entrance areas or angled entrances on corners
 - Transoms windows above entrance doors

- e. Clerestory portions of display windows
- f. Sign bands
- g. Parapet walls with caps or cornices
- h. Vertical window patterns, shapes, window sills on 2nd floor
- i. Pilasters and decorative brick or stone
- j. Decorative Street Lamps
- k. Or similar device.



- (ii) Enhancing Elements (EACH DEVELOPMENT MUST SELECT 2 OF THE 3 ELEMENTS LISTED BELOW).
1. Provide two complementary primary facade materials to achieve facade articulation, visual variety and/or architectural detailing buildings.
 2. Application of base standards to facades not facing a public street.
 3. Provide a minimum of six (6), a maximum of eight (8) 'early 1900's downtown' detail devices. No more than two (2) of any one device shall be allowed. Acceptable devices include, but are not limited to, the following:
 - a. Kick plates
 - b. First Floor Display Windows
 - c. Recessed central entrance areas or angled entrances on corners
 - d. Transoms windows above entrance doors
 - e. Clerestory portions of display windows
 - f. Sign bands
 - g. Parapet walls with caps or cornices
 - h. Vertical window patterns, shapes, window sills on 2nd floor

- i. Pilasters and decorative brick or stone
- j. Decorative Street Lamps
- k. Or similar device.



- 4. Buildings with cornice line, parapet wall, gable roof, pediment, corbel, and/or coping.

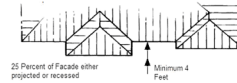
(b) Building Articulation, Form and Massing.

(i) Base Standard (ALL DEVELOPMENT MUST COMPLY FULLY WITH ALL LISTED BELOW).

- 1. In order to avoid large blank building facades, variations in the elevation of building facades adjacent to a public street shall be provided in both the vertical and horizontal dimensions. Walls shall not exceed a height to width ratio of 1 to 2 without substantial variations in massing that include a change in height and either a projective or recessed element, as follows:
 - a. At least fifteen percent (15%) of the roof line of the facade adjacent to a public street shall be offset a minimum of four feet (4') in height, in a form compatible with traditional downtown-style architecture of the early 1900's, as illustrated below:



- b. At least fifteen percent (15%) of the facade adjacent to a public street shall be offset a minimum of four feet (4') either protruding from or recessed back from the remainder of the facade in GR, SC, and C Districts. At least ten percent (10%) of the facade adjacent to a public street shall be offset a minimum of four feet (4') either protruding from or recessed back from the remainder of the facade in the IND District where buildings are adjacent to residential or Main Street or other thoroughfare with a right-of-way width of 80-feet or greater. This concept is illustrated below:



2. Entrances to buildings shall be emphasized through providing projections, recessed areas, canopies, projections in height, or other architectural elements.
3. Ground floor facades adjacent to a public street in a GR, SC, and C Districts shall have arcades, display windows, entry areas, awnings, or other such features along at least seventy-five percent (75%) of their horizontal length (listing of feature labels can be found above).



(ii) Enhancing Elements (EACH DEVELOPMENT MUST SELECT 2 OF THE 3 ELEMENTS LISTED BELOW)

1. Application of the base standard to facades not adjacent to a public street, but visible from a public street.
2. Articulation of bays to reflect a smaller building massing to more accurately mimic early 1900's style downtowns.
3. Use of architectural detailing to provide variety in the visual appearance of the facade of the building. Architectural detailing may be achieved by the harmonious use of materials, colors, or textures.

(6) Additional Requirements.

(a) Gas pumps and fueling stations

- (i) Roofs of the associated pump canopy of convenience store buildings shall not be flat or straight-lined, and should be noticeably pitched or otherwise distinguished, subject to review and approval by the City Planner.
- (ii) Canopy columns shall be fully encased with masonry materials that are complimentary to the material and color used on the main building.
- (iii) The canopy band face shall be flat with no projections or stripes, be non-plastic and generally a metal or masonry based material, be primarily one earth-tone color that matches or accents the primary building, may not be backlit or otherwise illuminated or used as signage, and should generally be no greater than 4 feet in size, except as follows:
 1. The canopy band face may utilize one small button logo on each face

that can be internally illuminated, as long as each button logo does not exceed 15 square feet for bands 3' in size and 20 square feet for bands 4' in size, is generally as tall as it is wide, and does not protrude more than 18 inches from the canopy in any direction.

2. The canopy band face may utilize an external LED halo type light, if properly shielded/recessed and oriented downward/upward so that only the “wash” is visible.
 3. The canopy band face may utilize internally illuminated rings, as long as the source is LED, it is flush with the band face and only protrudes nominally (up to a maximum of 6"), and the size of the ring does not exceed more than 25% for single rings and 50% for multiple rings of the thickness of the canopy band face.
- (iv) Exhaust valves for underground fuel storage tanks shall be designed to be located against a building, sanitation container screening wall, or other structure to mitigate their visual impact and should be an earth-tone color. If impractical, the exhaust valves may be located in an interior landscape area, if properly screened, but should not be located in the exterior landscape buffer adjacent to the public right-of-way.

(b) Drive-Thru Facilities.

- (i) Drive-thru facilities shall provide sufficient stacking spaces, as determined by the City Planner.
- (ii) Drive-thru facilities with a side egress onto the drive-thru shall provide the following:
 1. A minimum 4' wide curbed sidewalk separating the drive-thru from the pedestrian entrance.
 2. A minimum 4' high safety railing, comprised of black tubular steel or similar material, that stretches a minimum 10' along the curb.
 3. A stamped and stained cross-walk from the entrance across the drive-thru.
 4. Signage effectively warning of pedestrians that includes a minimum hanging/projecting sign, a stand-up sign on the sidewalk, and a minimum 2" tall door sign for patrons exiting the building.

(c) Sanitation Containers.

- (i) Garbage, trash, or refuse containers (generally known as “sanitation containers”) shall be screened on all sides. Screening materials shall be masonry of the same material and color as the main exterior facade of the main structure.
- (ii) Sanitation containers shall not be located in front of the main building

unless no other option is available and shall only be allowed with Site Plan approval from City Council.

- (iii) A solid metal gate shall be provided. Gates shall be kept closed except when in use for access.
- (iv) Sanitation containers shall be subject to the following design specifications:
 - 1. Single container enclosures shall be a minimum of 12 feet wide by 14 feet deep, as measured from the inside of the enclosure's walls.
 - 2. Double container enclosures shall be a minimum of 25.5 feet wide by 14 feet deep, as measured from the inside of the enclosure's walls.
 - 3. Trash compactor enclosures and all other enclosure types shall be constructed to the manufacturer's specifications.
 - 4. All enclosure types shall be required a minimum of 40 feet of straight backing, as measured from the front gates of the enclosure, to accommodate a sanitation truck's maneuverability. If special circumstances prevent straight backing from being provided, the City Planner shall have the authority to approve angled or alternative backing movements.
 - 5. All enclosure types shall be required to provide a 24-foot vertical clear zone.
- (d) Mechanical Equipment and Utilities.
 - (i) Exposed conduits, ladders, exhaust valves, utility boxes and drain spouts shall be a color matching the building, an accent color, or earth-tone color.
 - (ii) All new utilities shall be underground.
 - (iii) Mechanical and heating and air conditioning equipment in nonresidential and multifamily uses shall be screened from view from the public right-of-way and from adjacent residential property with a solid masonry wall of the same material and color as the main exterior facade of the main structure. For such equipment located on the roof of a nonresidential or multifamily structure, the screening of the equipment shall be a minimum of one foot higher than the height of the equipment.
- (e) Accessibility and Layout.
 - (i) Walkways.
 - 1. Shaded walkways shall be at least six feet in width and shall not include street or access laneway crossings.
 - 2. All commercial buildings shall be connected by a shaded walkway that also connects to the public right-of-way in at least one location

per drive opening onto the public right-of-way.

3. In parking lots with greater than fifty parking spaces, there shall be provided a central shaded walkway located between parking rows in a minimum of two locations, unless otherwise approved with Site Plan approval from City Council.
4. Shading may be accomplished through the use of trees planted 30 feet on-center, or awnings, canopies or shade structures.
 - (ii) Vehicular cross-access to adjacent lots shall be provided at all times.
 - (iii) Bay doors shall not be oriented toward the right-of-way and shall be screened from view from adjacent residential properties per requirements contained herein, unless otherwise approved with Site Plan approval from City Council.

G. NONRESIDENTIAL LANDSCAPE REQUIREMENTS.

- (1) Purpose. The purpose of the landscaping requirements is to provide for the orderly and aesthetic development of the City. It is the intent of these requirements to:
 - (a) [Provide] a balance between the need for landscape treatments and the need for commercial growth in the City.
 - (b) Promote a flexible attitude of enforcement sufficient to meet the spirit and intent of these requirements.
 - (c) Promote mutually beneficial improvements by utilizing incentives rather than penalties.
 - (d) To aid in stabilizing the environmental balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge, stormwater runoff retardation and erosion control.
 - (e) Provide for the separation and buffering of incongruous uses and intensity of activities and provide for the visual softening of building masses.
 - (f) Reduce glare from paved surfaces, dust nuisances and the impact of noise.
 - (g) Protect and promote the value of residential and commercial properties within the City.
 - (h) Promote a positive image for the attraction of new business enterprises within the City.and
 - (i) Encourage the protection of healthy trees and vegetation and promote the natural ecological, environmental and aesthetic qualities of the City.
- (2) Landscaping Required. The requirements of this Section shall apply to all new

nonresidential and multifamily construction. Buildings in existence on the effective date of this ordinance shall be considered legally nonconforming. Any new construction that exceeds 5,000 square feet, or more than a 30 percent expansion of an existing building, shall be required to meet the requirements herein. Pad site developments or ground lease developments shall be required to provide landscaping in accordance with the landscaping requirements herein. Landscaping requirements include detention pond landscaping and parking lot landscaping. Each requirement is in addition to the others.

(3) Xeriscaping.

- (a) Texas has an abundance of native plants which are naturally adapted to the region. Most native or adapted plants are drought tolerant or have lower water demands, and by combining Texas natives with well adapted exotic plants, water is conserved. The use of xeriscape can:
 - (i) Reduce landscape water and maintenance use by 60 percent or more, which helps extend limited water supplies and conserve water resources;
 - (ii) Provide an enhanced regional identity for Aubrey;
 - (iii) Lower pest problems and require less fertilizer needs than many non-adapted, exotic plants brought into Texas landscapes. By eradicating weeds, competition for available water resources is diminished;
 - (iv) Lower monthly water bills for users;
 - (v) Reduce runoff through the plants root system, which helps water percolate into the soil, reducing erosion and runoff, improving water quality.
- (b) In order to promote prudent use of the City's water resources and reduce the need for additional water system infrastructure, additional water resources and water purification systems, and to help ensure viability of required plantings during periods of drought, all required landscaping shall comply with the following requirements designed to reduce water usage:
 - (i) All landscaping shall be from the recommended plant material list, which is comprised of native and adapted vegetation, unless alternate plant materials are approved through the landscape plan.
 - (ii) For maximum reduction in water usage, xeriscape plants shall not be interspersed in plant massing with plants requiring higher water usage.
 - (iii) Irrigation systems shall be designed to provide the appropriate amount of water without over watering.
 - (iv) Lawn or turf is not permitted in areas with a dimension of less than eight square feet.

(4) Detention Pond Landscaping Requirements.

- (a) Stormwater control devices, such as detention/retention basins and ponds, shall be landscaped to reduce their visual impacts. Such landscaping shall not negatively impact the operation of such devices, but may include suitable planting materials that will control siltation and erosion, and in all cases shall be sodded. Ponds shall be designed in one of the following ways, subject to review and approval by the City Engineer:
- (i) Basic (dry) ponds shall have a decorative retaining wall or slopes no greater than 4:1, shall provide a large canopy tree each 30 linear feet of the perimeter, shall provide a large canopy tree each 100 square feet of the basin, and shall provide a minimum four-inch high black tubular metal (wrought iron style) fence around the perimeter with evergreen screening.
 - (ii) Amenity detention (dry) ponds shall be designed in a manner to be an amenity to the development by providing a gentle 6:1 slope (a partial decorative stone retaining wall may be allowed), shall provide a large canopy tree for each 30 linear feet of the perimeter (which may be clustered), shall provide a large canopy tree each 100 square feet of the basin (which may be clustered), shall provide a public-access path the full circumference of the pond, and shall provide benches and trash receptacles.
 - (iii) Amenity retention (wet) ponds shall be designed in a manner to be an amenity to the development by providing a gentle 6:1 slope (a partial decorative stone retaining wall may be allowed), shall provide a large canopy tree for each 30 linear feet of the perimeter (which may be clustered), benches and trash receptacles. Such ponds shall include aeration to ensure water quality.

(5) Parking Lot Landscaping Requirements.

- (a) Planter Islands. Planter islands shall be provided in parking areas on the basis of ten (10) square feet of landscape area for each parking stall provided (approximately one island per 16 stalls.) The City Planner may modify the island requirement for each row in situations where it would be beneficial to combine islands into a larger island.
- (i) Each row of parking stalls shall terminate in a landscape area containing a tree.
 - (ii) Planter islands shall have a minimum width of 8 feet back to back, if curbed, or 9 feet edge to edge if no curb is provided.
 - (iii) No parking space shall be placed greater than 100-feet from a landscaped area containing a tree.
 - (iv) Each planter island in parking areas shall contain a minimum of one canopy tree. Planter islands that have light poles may substitute two understory/accent trees for the required canopy tree.

- (v) Big boxes may, in lieu of providing a tree every 12 spaces, choose to provide a minimum ten-foot wide continuous landscape island every eight single rows of parking, with a large canopy tree each 30 linear feet, subject to review and approval by the Director. This does not waive the requirement for terminus islands and trees on parking rows.
 - (vi) In retail developments of 15,000 square feet or more, an urban tree shall be placed in a tree grate or tree well each 30 feet on center within a minimum 12-foot wide sidewalk along active storefronts and mixed-use building fronts. Trees may be clustered so not to block the main vestibule. Facade trees are not required in areas with an architectural arcade.
- (b) Screening from Abutting Properties and Rights-of-Way. All vehicular use areas with more than 10 parking spaces located within 50-feet of an abutting property or public right-of-way shall be screened from the abutting properties and the public right-of-way with a wall, fence, evergreen hedge, berm or other durable landscape barrier. Use of berms and other hardscape materials to meet this requirement are strongly encouraged. Plants and shrubs used in living barriers shall be at least 24 inches high at time of planting and shall be a type and species from the recommended plant list that will attain a minimum height of three feet within 18 months of planting and will form a continuous hedge. Sporadic breaks in the hedge row may be approved to achieve unique designs, but breaks must be screened using hardscape devices such as decorative fencing or berms. Any landscape barrier not containing live plants or trees shall be a minimum of three feet high at time of installation.
- (i) For all nonresidential and multiple-family parcels, a minimum 20-foot landscape buffer adjacent to the right-of-way is required.
 - (ii) For all nonresidential and multifamily parcels located at the intersection of two dedicated public streets (rights-of-way), a 20-foot landscape buffer shall be provided parallel to the corner clip right-of-way dedication.
 - (iii) Landscape buffers adjacent to the public right-of-way shall contain at least one large canopy tree each 20 linear feet or fraction thereof of street frontage, inclusive of driveways. Trees may be grouped or clustered to facilitate site design. A permanent public art item of greater than 5-feet in height (i.e. obelisks, sculptures, statues, clock towers, water fountains, etc.) may be placed prominently on a site in lieu of up to 3 required trees.
 - (iv) A perimeter landscape buffer of at least ten feet in width shall be maintained between adjacent properties. This landscaping can be reduced to five feet when abutting property of the same zoning. Access ways between lots may be permitted through all perimeter landscape areas.
 - (v) Perimeter landscape buffers not adjacent to the public right-of-way shall contain at least one large canopy tree each 50 linear feet or fraction thereof when adjacent to another commercial use, and at least one large canopy tree each 30 linear feet when adjacent to residential uses or zoning. Trees

may be grouped or clustered to facilitate site design and shall be appropriately staggered when adjacent to property of the same zoning.

(vi) For every five large canopy trees or fraction thereof required along the street frontage and perimeter, one small ornamental tree shall also be provided.

(c) Existing Trees: The City Planner may approve variations to the planter island requirements to preserve existing trees in interior parking areas. For existing trees, the minimum width of the planter island shall be as follows:

6" caliper or less	8' minimum width
6" to 12" caliper	12' minimum width
more than 12" caliper	18' minimum width

(6) Plant Materials.

(a) Quality Standard: All plant material shall be of No. 1 grade, free from plant disease, of typical growth for the species, have a healthy, normal root system, rounded branching pattern, and shall conform to the code of standards set forth in the current edition of the American Standard for Nursery Stock.

(b) Recommended Plants: A list of recommended plants within each plant material type is included in Table 10-3. The applicant may propose plants other than those listed if the plant is appropriate for the intended use or the applicant maintains a plant care program sufficient to properly care for the proposed plant material. Plant materials shall be appropriate for the region and local soil conditions and shall be planted in accordance with good horticultural practice. Plants selected should require only low maintenance and should be temperature and drought tolerant.

(c) Size Requirements when Planted: All plants shall equal or exceed the following measurements when planted. Plants larger than specified may be used, but use of such plants shall not decrease the size requirements of other proposed plants.

(i) Tree measurement: Canopy and understory trees with single trunks shall be measured by caliper size one foot (1') above the ground line. Multi-trunk trees shall be measured by the height of the tree.

Table 10-3 Recommended Plants			
Canopy Tree	Accent/Understory Trees	Shrubs	Ground Covers
Pecan	Mexican Buckeye	Agarita	Sideoats Grama
Cedar Elm	Red Buckeye	American	Silver Bluestem
Texas Red	Texas Buckeye	Beautyberry	Splitbeard Bluestem
Oak Live Oak (also	Carolina Buckthorn	Coral Berry	Switchgrass
Southern Live Oak)	Desert Willow	Texas Nolina	Mexican Feather
Bur Oak	Eastern Red Cedar	Red Yucca	Grass
Western Soapberry	Hawthorn	Skeletonleaf	
Texas Ash	Honeylocust	Goldeneye	
American Elm	Mexican Plum	Texas Sage	
Chinquapin Oak	Possumhaw Holly	Japanese Barberry	
Lacey Oak	Redbud	Pampas Grass	
Shumard Oak	Roughleaf Dogwood		
	Rusty Blackhaw		
	Viburnum		
	Texas Persimmon		
	Yaupon Holly (not		
	dwarf species)		

The City reserves the right to approve plants and planting through an appointed horticulturist, landscape architect, or other persons so qualified.

- (ii) Minimum sizes: The minimum plant size when planted shall be as follows:

Plant Material Type	Minimum Size
Single Stem/trunk Canopy Tree	3" caliper
Multi-trunk clump Canopy Tree	6 feet high
Understory Tree	4 feet high
Shrub	15 inches high
Groundcover	4 inch containers

The City Planner may approve smaller size shrubs based on unusual growing circumstances and/or on a specific design that reflects the overall intent of this Section.

(7) Landscape/Irrigation Plan Requirements.

- (a) Qualification to Prepare Plans: Landscape plans shall be prepared by a Registered Landscape Architect, a Landscape Designer or Landscape Contractor, knowledgeable in plant materials and landscape design may also prepare the landscape plan. Irrigation plans shall be prepared by a Licensed Irrigator or Landscape Architect.

- (b) Landscape Plan Requirements. The following items shall be provided on the required landscape plan:
- (i) Sheet size 24" by 36", or as approved,
 - (ii) Acceptable scale: 1"=10', 1"=20', 1"=40', or as approved.
 - (iii) North arrow, graphic and written scale
 - (iv) Appropriate title (i.e. "Landscape Plan")
 - (v) Title block, including street address, legal description, and date of preparation.
 - (vi) Name and address of owner
 - (vii) Name, address and telephone number of person preparing plan.
 - (viii) Property line shown with dimensions
 - (ix) Existing utilities (water, sewer, storm drain, gas, electric, cable TV, etc.)
 - (x) Width and type of bufferyards labeled on all sides
 - (xi) Location, caliper size and species of all existing trees 6" caliper or greater which are to be preserved,
 - (xii) Location, quantity, size and species of all proposed plant materials.
 - (xiii) Maintenance Note (see paragraph H.1 [subsection (9)])
 - (xiv) Label type of any enhanced pavement proposed.
 - (xv) Visibility triangles shown
 - (xvi) Seal and dated signature of Landscape Architect (if applicable)
 - (xvii) Plant list, and
 - (xviii) Any berms delineated with one-foot (1') contours
- (c) Irrigation Plan Requirements. The following items shall be provided on the required irrigation plan:
- (i) Sheet size 24" by 36", or as approved
 - (ii) Acceptable scale: 1" = 10', 1"=20', 1"=40', or as approved (Must be at same scale as landscape plan)
 - (iii) North arrow, graphic and written scale
 - (iv) Appropriate title (i.e. "Irrigation Plan")
 - (v) Title block including street address, legal description, and date of preparation.

- (vi) Name and address of owner
 - (vii) Name, address and telephone number of person preparing plan.
 - (viii) Property line with dimensions
 - (ix) Location of all existing trees 6" caliper or larger which are to be saved
 - (x) All pipes labeled as to size
 - (xi) All sprinkler heads labeled as to type (key is acceptable)
 - (xii) Backflow prevention device labeled with type and size
 - (xiii) Location of water meter and connection to water service
 - (xiv) Any existing utilities (water, sewer, storm drain, gas, electric, cable TV, etc.)
 - (xv) Note indicating that installation must be inspected by the City of Aubrey
 - (xvi) Maintenance Note indicated.
 - (xvii) Seal and dated signature of professional who prepared plan.
- (8) Visibility Triangles. In complying with the landscaping requirements set forth herein, no landscaping shall be permitted or allowed to cause visibility obstructions and/or blind corners at intersections.
- (a) Whenever an access way intersects with a public right-of-way or when the subject property abuts the intersection of two or more public right-of-ways a triangular visibility area, as described below in subsection (e) of this section, is created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between three feet and six feet in height. Trees may be permitted in this area provided they are trimmed in a manner that prevent limbs or foliage from extending into the triangular visibility area.
 - (b) All sight/visibility triangle distances herein shall be measured from the intersection edges of the curb or, where there is no curb, from the end of the pavement or gravel, unless otherwise specified.
 - (c) Street intersections - Each such intersection shall have a sight triangle of 45 feet on each leg from the point of intersection.
 - (d) Driveway - Each driveway intersection shall have a sight triangle of 45 feet along the street and 20 feet along the driveway from the point of intersection.
 - (e) Landscaping, except required grass and low groundcovers, shall not be located closer than three feet from the edge of any access way pavement.
 - (f) In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the Director, the minimum landscape area requirements

set forth herein may be reduced to the extent to remove the conflict.

(9) Maintenance.

- (a) General: The owner, tenant and the agent, if any, shall be jointly and severably responsible for the maintenance of all landscaping and irrigation. 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. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping, all plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. All irrigation heads or lines that are broken and flow water shall be replaced or repaired immediately to prevent the waste of water.
- (b) Plant Replacement: The owner shall be responsible for replacing all plant materials which shows dead branching over 25 percent or more of the normal branching pattern and repair irrigation system for a period of one year from the date of issuance of the Certificate of Occupancy. Plant materials that die shall be replaced with plant material of similar variety and similar initial size. The Owner shall make such necessary replacements within 30 days of notification by the City.

H. SCREENING ELEMENTS AND FENCES. In order to provide maximum safety to pedestrians and motorists at intersections and at ingress and egress points from public streets, highways and alleys to private property, to conserve and protect aesthetic views and vistas, to secure hazardous areas from unauthorized entry, to contain livestock and other agricultural activities, and to screen and protect permitted outside materials storage areas, the following regulations are prescribed for the location, type and height of regulated required and nonrequired screening elements and fences. The terms “screening elements” and “fence” as used herein, are defined in Section 4.

- (1) Traffic Visibility at Intersections. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty (20) feet from the point of the intersection.
- (2) Traffic Visibility at Interior Lots. On an interior lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede the vision or in any way create a traffic hazard to motorists entering or exiting any public highway, street, alley, or private street or driveway from or to adjacent private property.
- (3) Residential Districts - General.
- (a) Screening elements and fences shall be restricted to a maximum height of eight (8) feet, measured from the adjacent grade line, except as otherwise allowed.

- (b) Nonresidential uses in a residential district shall be suitably screened from view, to a height not less than six (6) feet of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use. Said screening requirements shall not be mandatory for public schools, parks or churches, except where a parking lot of active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling. Parking lot screening need not be more than three and one-half (3-1/2) feet in height. Off-street loading areas of any nonresidential use shall be adequately screened from view of any residential dwelling or lot or of any other adjacent public or semi-public land use.
 - (c) Where a multifamily use abuts a one or two-family district, the side and rear property lines of said multifamily district shall be suitably screened from view, to a height not less than six (6) feet, of any adjacent dissimilar residential dwelling or lot.
 - (d) Garbage, refuse and trash collection/storage areas in any multifamily development or other nonresidential use permitted in a residential district shall be enclosed on at least three (3) sides by a dense screening element to adequately screen such area from view of the surrounding area.
 - (e) A screening fence may be placed at the front property line of a residential district, measured from the adjacent grade, when (1) the height does not exceed eight (8) feet, and (2) there is minimum transparency of 75%. Masonry columns constructed of brick, stone, or reinforced concrete, ornamental metal rail fencing, or any sustainable material with more than a 30-year life expectancy is allowed as long as the opacity of the screen does not exceed 25%.
 - (f) No screening element comprised of brick, masonry, concrete or solid metal shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service or drainageway, within the easements reserved therefor.
- (4) Nonresidential Districts - General.
- (a) Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use or district shall be suitably screened by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than six (6) feet.
 - (b) Where a district boundary separating a residential district from a nonresidential district is along a street or alley, and an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use or district shall be suitably screened to a height of not less than three and one-half (3-1/2) feet.
 - (c) Where garbage, refuse and trash collection/storage is permitted and the screening thereof is required, then such screening shall be provided around the

exposed perimeter thereof of not less than six (6) feet in height.

- (d) In all districts where open space is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six (6) feet in height.
- (e) Off-street loading areas shall be adequately screened from view of any residential dwelling or any other adjacent residential land use.
- (f) No screening element comprised of brick, masonry, concrete or solid metal shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service or drainageway, within the easements reserve therefor.
- (g) All required screening elements shall be permanently and adequately maintained by the nonresidential property owner.

(5) Barbed Wire Fences.

- (a) Barbed wire fences used in conjunction with permitted agricultural and related activities and in industrial districts are permitted without restrictions, but are expressly prohibited in all other districts.

(Ordinance 135-87 adopted 4/14/87 ; Ordinance 494-13, ex. A, adopted 3/19/13 ; Ordinance 495-13, ex. A, adopted 3/19/13 ; Ordinance 503-13, ex. A, adopted 6/18/13 ; Ordinance 504-13 adopted 6/18/13 ; Ordinance 549-15 adopted 1/20/15)

§ 25. PARKING SPACE REGULATIONS.

A. AUTOMOBILE PARKING SPACE REGULATIONS. Whenever any ordinance, regulation, or plan enacted or adopted by the City Council is for the purpose of providing off-street automobile parking spaces or of establishing requirements that such spaces be provided within any section or sections of the city, then such plan or requirements shall govern within such sections. Otherwise off-street automobile parking spaces shall be provided as follows, applicable to buildings hereafter erected and uses hereafter established, to such nonconforming uses as may be required to conform to the regulations hereof, and to extensions and enlargements of buildings and uses.

- (1) Except as otherwise provided in this section, off-street parking spaces shall be provided as follows:

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING SPACES REQUIRED
Residential:	
Single-Family	2.0 per dwelling unit
Two-family	2.0 per dwelling unit
Multifamily:	
Efficiency and one bedroom	2.0 per dwelling unit

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING SPACES REQUIRED
Two or more bedrooms	2.0 per dwelling unit
Commercial:	
Offices, General	1.0 per 300 sq. ft. gross floor area
Banks and Savings and Loan	1.0 per 600 sq. ft. gross floor area plus 1.0 space per employee
Clinics and Doctor's Offices	1.0 per 300 sq. ft. gross floor area
General Retail	4.0 per 1,000 sq. ft. gross floor area
Shopping Centers	3.0 per 1,000 sq. ft. gross floor area
Carwash	0.3 per employee, plus 1.0 for owner or manager, plus reservoir parking as provided below
Restaurants	1.0 per 3 seats
Hotels, Motels	1.0 per rentable room plus 0.5 per employee on any one shift
Halls for meeting, dancing, social events	1.0 per 4 persons accommodated
Entertainment:	
Bowling Alleys	6.0 per lane
Pool Hall	6.0 per 1,000 sq. ft. gross floor area
Industrial:	1.0 per 2 employees on any one shift
Auditoriums and Theaters:	1.0 per 3 seats
Churches:	1.0 per 3 seats
Day Care Center or Nursery:	1.0 space for every ten (10) children or clients, based on maximum occupancy and licensing capacity; plus 1.0 space per employee; plus 1.0 space for each bus or van parked on property; and adequate stacking spaces for pick-up and drop-off.
Elementary and Jr. High Schools:	1.0 per classroom plus 1.0 space per 4 seats in auditorium
High School:	1.0 per classroom plus 1.0 per 3 students in instruction plus 1.0 space per 4 seats

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING SPACES REQUIRED
Hospitals:	1.0 per 2 beds plus 1.0 per 3 staff members on any one shift
Nursing Homes:	1.0 per five beds plus 1.0 per 2 staff members on any one shift
Wholesale Storage and Jobbing:	1.0 per employee, plus 1.0 per business vehicle parked on premises, plus 2.0 for visitor or customer parking

Off-street reservoir parking shall be provided for an automatically operated carwash equal to three (3) times the maximum capacity of the carwash, and for a manually operated carwash equal to six (6) times the maximum capacity of the carwash, for automobiles awaiting entrance. "Maximum Capacity" shall mean the greatest number of automobiles undergoing some phase of washing at the same time.

The required yard setbacks for any building shall not be included in calculating the minimum space requirements for off-street parking.

- (2) Where a building or a site contains two (2) or more uses, the off-street parking requirement shall be computed as the sum of the required off-street parking spaces for each individual use.
- (3) Each business, commercial, manufacturing or industrial use having deliveries made by truck more than once a day between the hours of 8:00 a.m. and 6:00 p.m., or where the time of loading and unloading materials or goods exceeds ten (10) minutes between those hours, shall provide off-street truck loading space on the lot, such space to be not less than thirty-five (35) feet in length, twelve (12) feet in width, and fifteen (15) feet in height.
- (4) For the purpose of this subsection, one parking stall shall be not less than one hundred seventy-five (175) square feet in area, together with whatever area is required for means of ingress and egress thereto, except that in the case where attendants perform the act of parking in defined and adequate stalls then each such stall shall be considered a parking stall as required herein.
- (5) A driveway for access to any single parking space or to a parking lot shall be not less than twenty (20) feet in width nor more than thirty (30) feet in width at the property line along the street and shall be so located as to minimize traffic hazard and congestion.
- (6) All required parking stalls shall be located on the premises to which such requirement applies or within an off-street space distance not more than five hundred (500) feet from such premises, provided that such stalls as are required for employees and proprietors of any premises may be located within an off-street space distance not more than one thousand (1,000) feet from such premises except as otherwise provided in this subsection or other subsections of this Ordinance.

- (7) Provision of parking stalls shared jointly by several persons in the same block or in the same vicinity is permissible, in which case the number of stalls required shall be the sum total of the individual requirements, provided that where it is found by the board of adjustment, upon application thereto, that the parking demand generated by the different uses included in any joint arrangement to provide parking stalls required herein occurs at distinctly different times, as in the case of a theater generating demand for parking during such daytime hours, and in similar cases, the board of adjustment may reduce the total number of parking stalls to be jointly provided.
- (8) All parking spaces required for any use and provided in compliance with the provisions of this subsection on the same lot or plot as that occupied by such use shall be considered to be required spaces for the use or uses to which appurtenant and shall not be reduced or encroached upon in any manner.
- (9) The surface of parking stalls and aisles, truck standing spaces, and access driveways therefor shall be treated, prepared and maintained for adequate drainage and the elimination of dust, dirt, and mud, according to city specifications.
- (10) In a case where existing off-street parking facilities have unused parking capacity and where such facilities are open to the use of the public free of charge or at reasonable rates, the board may reduce the parking space requirements for any use [at a] distance not more than eight hundred (800) feet from such facility or facilities, provided that the total number of stalls in such reduction shall be not greater than the total number of stalls of unused capacity.
- (11) In a case where any public or private off-street parking facility, to be open to the use of the public free of charge or at a reasonable rate, is planned or is in process of development and where the board has reasonable assurance that such development will be carried to completion and will when completed relieve the parking demand in an area within five hundred (500) feet thereof in some measure or in full measure, the board may establish a reasonable time period within which any use or uses within such area shall provide required space for parking stalls. Upon completion of all or a portion of such development, the provision of paragraph (10) above may be applied by the City Council.
- (12) In a case where the customary mode of transportation of a majority of the patrons, employees, and proprietors of any use, to and from the area in which such use is located, is other than by private automobile, the board may reduce by an amount not to exceed fifty percent (50%) the space required for parking stalls for such use.
- (13) In a case where it is clearly shown by the applicant to the satisfaction of the board that the provision of the amount of space required herein for parking stalls, due to the particular nature of the proposed use or other condition, would be unnecessary hardship, the City Council may reduce such requirement.

B. RECREATIONAL VEHICLES.

- (1) With property owner consent, a recreational vehicle may be used as a temporary

dwelling on private property only if permitted by the City by the granting of a Temporary Recreational Vehicle Permit, for a period not to exceed fourteen days. For a Temporary Recreational Vehicle Permit to be granted, an applicant must provide the property owner's written consent. For any given lot or tract of privately owned real property, a Temporary Recreational Vehicle Permit may be granted up to four times per calendar year. The Permit must be clearly displayed in the window of the RV.

- (2) Under circumstances of force majeure, an RV may be used as a temporary dwelling in excess of the fourteen-day time period with approval from the City Administrator and subsequent approval by City Council at the next available Council meeting.
- (3) A recreational vehicle parked in accordance with a Temporary Recreational Vehicle Permit may not discharge gray water or toilet waste on the ground or in violation of any applicable state laws or regulations. An RV, if connected to an electrical outlet, shall be connected to a minimum 30 amp or 50 amp outlet for purposes of storage.
- (4) A recreational vehicle parked in accordance with a Temporary Recreational Vehicle Permit shall be parked on a driveway, outside of the public right-of-way, or in the side or rear yard of the property owner's residence. A recreational vehicle stored on private property or parked for long-term storage (not used for dwelling purposes) does not require a Temporary Recreational Vehicle Permit.
- (5) On-street parking of any recreational vehicle shall be limited to a 72-hour period for purposes of loading and unloading.
- (6) A recreational vehicle parked or stored at an otherwise legally operating RV park or RV storage business is not required to obtain a Temporary Recreational Vehicle Permit.

(Ordinance 135-87 adopted 4/14/87 ; Ordinance 474-12, sec. 2.05, adopted 8/21/12 ;
Ordinance 593-16, sec. 3, adopted 7/19/16 ; Ordinance 643-18, sec. 7, adopted 9/28/18)