

CHAPTER 20 - DESIGN STANDARDS

20.1 PURPOSE AND APPLICABILITY

A. General Purpose.

The general purpose of this chapter is to encourage and promote high quality residential and commercial development within the Town of Sunnyvale which is compatible with the Town's rural character. Specific purposes relating to substantive standards are set forth in individual sections that follow.

B. Applicability.

Design standards included in this chapter apply to all new residential and non-residential developments in the Town. The time for satisfying the design requirements of this chapter varies according to whether the design standard applies to the entire project (project requirements); to the development of a particular lot or tract (lot requirements); or to the construction of a building or structure (architectural requirements).

C. Exemptions.

Design standards apply to all residential and non-residential developments within Sunnyvale, except:

1. remodeling of existing residential structures
2. commercial remodeling involving floor area additions less than 10% of floor area that existed along with any additions that were approved at the effective date of this ordinance.

20.2 GENERAL REQUIREMENTS AND PROCEDURES

A. Elements of Design Review.

New developments shall meet design standards for the project, lot or structure for the following elements of design:

1. open space and recreation
2. natural features, tree preservation, and reclamation of flood plains
3. landscaping and planting
4. screening, fencing and buffering
5. infrastructure design features, including but not limited to design of streets, culverts, bridges, and sidewalks; entry treatment and lighting
6. lot design features, including but not limited to lot perimeter treatment and garage access for residential uses
7. architectural design for structures, including but not limited to repetition of building form, facade treatment and construction materials.

B. Project Requirements.

1. For purposes of project review, new developments may be classified as follows:
 - a. residential projects proposed as base density developments;
 - b. residential projects proposed as planned residential developments;
 - c. non-residential projects in standard zoning districts; and
 - d. non-residential projects in planned residential overlay districts, planned commercial districts, or design review districts.
2. Project plans shall be reviewed under the following procedures:
 - a. Projects requiring amendment of the comprehensive plan or zoning map shall satisfy the project requirements of this chapter at the time of approval of the comprehensive plan or zoning map amendment.
 - b. Planned residential projects shall satisfy the project requirements of this chapter at three stages of the development process: establishment of the district and approval of concept plan; approval of tentative development plan; and approval of final development plan, as set forth in Chapter 10. Except as expressly provided in this chapter, standards contained in this chapter apply to residential development at base densities; additional standards apply to planned residential developments, as set forth in Chapter 10 and the Town Design Criteria Manual.
 - c. Residential subdivisions at base density shall satisfy the project requirements of this chapter at the time of site development plan review and prior to preliminary and final plat approval.
 - d. Non-residential projects in planned commercial districts shall satisfy the project requirements of this chapter at the time of establishment of the planned commercial district and at the time of site plan approval.
 - e. Non-residential projects in standard non-residential districts or in design review districts involving the development of more than one primary structure shall satisfy the project requirements of this chapter at the time of preliminary plat approval and site plan approval.
 - f. Non-residential projects in standard non-residential districts or in design review districts involving the development of one primary structure shall satisfy the project requirements of this chapter at the time of site plan approval.

C. Lot and Architectural Requirements.

1. Lot requirements for non-residential developments involving construction or modification of only one primary structure shall be satisfied at the time of site plan approval.
 2. Lot requirements and architectural requirements for a single-family residential use, and architectural requirements for a non-residential structure shall be satisfied at the time of building permit approval.
- D. Approval of plans demonstrating compliance with design requirements of this chapter shall be made by the official or entity designated in this ordinance to approval the type of application with which the design plans are submitted, and shall be subject to any appeals or requests for exceptions provided for in conjunction with such application. Unless otherwise stated to the contrary in these zoning regulations, appeals from decisions on project and lot plans and requests for exceptions shall be to the Town Council.
- E. The requirements of this chapter shall be supplemented by the Town Design Criteria Manual containing (a) illustrations of mandatory design requirements for new developments and (b) guidelines for projects that require rezoning, planned residential projects and planned non-residential projects.
- F. The requirements of this chapter also may be supplemented by specific standards contained in design review overlay districts, as provided for in Chapter 18.
- G. The Town Design Criteria Manual constitutes a part of the zoning regulations for the Town of Sunnyvale and hereby is incorporated by reference.

20.3 OPEN SPACE STANDARDS

A. Purpose.

It is the purpose of this section to protect and enhance the Town's unique rural character through the provision of open space areas which are designed and located in a manner to compliment the Town's rural setting. Provision of open space is intended to:

1. Minimize the ill effects of congestion and overcrowding, particularly within residential areas;
2. Enhance the sense of community and belonging that is shared by residents of the Town by creating venues for recreation and social interaction;
3. Preserve and protect mature trees, flood plains, natural areas and wildlife habitat;
4. Minimize the ill effects of excessive coverage of the land by impervious surfaces, such effects being increased storm water run-off, erosion, and non-point pollution;

5. Protect against floods and prevent loss of lives and/or property due to flooding through provision of adequate pervious land surface for absorption of storm water;
6. Preserve views from and enhance the rural appearance of the Town=s roadways;
7. Provide visual buffering and screening between land uses of differing character and intensity; and
8. Integrate the Town’s requirements for open space, preservation of trees and natural areas, and screening/buffering of adjacent uses.

B. Applicability and General Requirements.

1. The standards in this section apply to planned residential developments, to any project to be located on a development site for which the Town’s adopted Open Space Master Plan identifies as open space, to any trails that are constructed as shown on the Town’s adopted Open Space Master Plan or to any facilities that are built in open space that is voluntarily contributed to the Town, a homeowner’s association or other similar entity, to the extent proposed. The standards in this section apply to provision of required open space, or where open space is proposed as a project amenity.
2. Provision of open space shall be required for new developments in accordance with standards set forth in the zoning district regulations, consistent with the locations and specifications of the Open Space Master Plan.
3. In meeting requirements for open space, the developer may dedicate land to the public or convey open space to be held in common by the subsequent owners of lots or parcels in the development, as may be required in the regulations for the district or as may be approved and accepted by the Town.
 - a. Where proposed open space areas are designated in the Town’s adopted Open Space Master Plan for public use, or constitute integral linkage between public open spaces, open space shall be dedicated to the Town.
 - b. Dedication of open space for public use shall be in accordance with procedures specified in the Town Code of Ordinances.
4. The Town Council may authorize credits against on-site open space requirements, not to exceed thirty percent (30%) thereof, for dedication of off-site open space that meets the project’s needs in terms of adjacency, accessibility, usability, and design integration. In granting any off-site

credit for open space, the Council, acting in its sole discretion, may consider the following factors.

- a. Adjacency - whether at least fifteen percent (15%) of the project's boundary is adjacent to park land;
 - b. Accessibility - whether there are defined pedestrian connections between the project and the proposed off-site open space;
 - c. Usability - whether the off-site open space is suitable for use by residents of the project;
 - d. Design Integration - Whether the design of the projects provides a significant visual and pedestrian connection to the off-site open space.
5. Open space requirements shall be satisfied at the time of project review. An open space plan must be prepared, demonstrating the following:
- a. The proposed on-site open space network serving the project consistent with the Town's Open Space Master Plan;
 - b. The character and location of all natural features of the site and the manner in which such features have been integrated into the proposed open space network serving the project;
 - c. Trails and other connective features proposed, including dimensions and proposed construction design;
 - d. All proposed recreational improvements within the open space;
 - e. Connections of the on-site open space network to the off-site open space network of the Town consistent with the Town's Open Space Master Plan;
 - f. Existing and finished grade contours shown with a contour interval of one foot.
 - g. A copy of the tree survey and tree protection plan; and
 - h. A copy of the proposed landscape plan.
6. Trails shown on the Town's adopted Open Space Master Plan shall be constructed by developers of all residential and nonresidential property whether the property is developed at base density or is a part of a Planned Residential Overlay District, Planned Commercial District or Design Review District. All such trails shall be located in a 15-foot access easement dedicated to, but not necessarily maintained by, the Town of Sunnyvale.

C. Usable Open Space.

Open space requirements shall be satisfied only from usable open space.

1. For purposes of this section, the term usable open space means an open area, including natural areas, or recreational facility which is designed and intended to be used for outdoor living and/or recreation. Usable open space includes but is not limited to the following features:
 - a. Areas required for project landscaping pursuant to section 20.5, which are dedicated to the public;
 - b. Significant natural features, which must be preserved under Section 20.4;
 - c. Flood fringe areas;
 - d. An area of land encumbered by a reservation of record, restricting all or a portion of the property from development, or encumbered as a power line easement, provided that (1) active recreational facilities are installed on the encumbered property, which link the encumbered property with other open space or public areas and (2) the encumbered property does not exceed the lesser of (a) 25% of the total open space requirements for the project or (b) 25% of the gross area of the encumbered land;
2. The following features shall not be considered usable open space.
 - a. No credit shall be given for encumbered property lying within a floodway or wetland;
 - b. Usable open space shall not include: rooftops, accessory buildings, except those portions of any building designed specifically for recreational purposes; parking areas; driveways; turn-around areas; or the right-of-way or easement for streets or alleys.
3. Areas provided as usable open space shall meet the following criteria:
 - a. All residential lots must be located within one thousand two hundred feet (1,200') of a usable open space area as measured along a street. The Planning and Zoning Commission may increase this distance to one thousand eight hundred feet (1,800') if the shape of the subdivision is irregular or if existing trees/vegetation on the site can be preserved by increasing distance.
 - b. Individual usable open space areas shall be at least twenty thousand (20,000) square feet in size. Usable open space must be a minimum of forty feet (40') wide, and must have no slope greater

than ten percent (10%). The Town Council may give 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 and/or the surrounding area.

- c. Pools, tennis courts, walkways, improved trails, patios and similar outdoor amenities may be located within areas designated as usable open space. Areas occupied by enclosed buildings (except for gazebos and pavilions), driveways, parking lots, overhead electrical transmission lines, drainage channels and antennas may not be included in calculating usable open space.
- d. Within usable open space areas, there shall be at least one (1) large tree for every one thousand (1,000) square feet of space. New trees planted to meet this requirement shall be a minimum three-inch (3") caliper. Existing trees shall be six inches in caliper or larger to meet this requirement.
- e. A usable open space area must have street frontage on at least thirty-three percent (33%) of the area's perimeter to ensure that the area is accessible to residents of the subdivision.
- f. Usable open space areas must be easily viewed from adjacent streets and homes.

D. Open Space Design and Improvements.

The design and improvement of open space, trails and pathways shall be in accordance with the following standards. These standards may be supplemented in the Town's Design Criteria Manual. Trails and pathways shall be as shown on the town's adopted Open Space Master Plan. For residential developments at base densities that propose open space features, these standards apply only to the extent of the feature proposed.

- 1. Open space areas shall be linked to existing and planned public open space areas to provide an overall open space network for the Town consistent with the Open Space Master Plan.
- 2. Open space areas shall be arranged so as to maximize access and utilization by residents of the project.
- 3. Where open space improvements are to be provided, active recreation facilities shall be installed. Active recreation facilities include, but are not limited to, the following:
 - a. Pedestrian pathways, located in street rights-of-way or pedestrian easements

- b. Multi-purpose trails located in street rights-of-way or other open space.
 - c. Trails for equestrians
 - d. Nature trails.
4. A safe, secure and barrier-free system of walking or equestrian trails, pathways, multi-purpose trails, and/or walkways shall be designed. The system shall link residences with recreation areas, schools, commercial areas and public facilities. Design of specific facilities shall be in accordance with the following standards.
- a. Multi-purpose trails shall be a minimum of eight feet (8") in width; pedestrian pathways shall be a minimum of four feet (4') feet in width.
 - b. Pedestrian pathways and multi-purpose trails shall be paved with concrete;
 - c. Equestrian trails shall be paved with at least six inches of soft materials such as granite dust, cinders, pea gravel, or wood or asphalt shingle chips. Equestrian pathways shall be at least ten feet wide and be edged on both sides with 3/4" x 5 1/2" redwood securely staked and anchored. Equestrian trails shall be constructed on a well drained compacted soil base.
 - d. Nature trails shall be paved with at least four inches of all-weather materials such as cinders, or flexible base material. Nature trails shall be at least four feet wide and be constructed on compacted soil base. Drainage across the trails shall be carried in pipes or stone culverts.
 - e. Pedestrian crosswalks shall be a minimum of four feet (4') in width and be striped with white reflective paint. Adjacent to the paint shall be a decorative stone paving. This paving shall be natural stone or pattern colored concrete. Colored, patterned concrete is to be sealed, stained, and maintained. All pedestrian crosswalks are to be designed within ADA recommendations and the Texas Accessibility Standards. All crosswalks must attach to a sidewalk circulation system and have an accessible ramp, if needed, to reach the height of the curb and gutter.
 - f. Pedestrian trail crossings at sidewalks shall be constructed of concrete and shall be a minimum of four feet in width and shall have 3" x 1" tool control joints 2'-6" on center lengthwise. Control joints 1'-6" from the side of the sidewalk, alternating side to side, shall be provided.

g. Concrete Sidewalk, Pedestrian Trails and Multi-purpose Trail Construction

- (1) All concrete depths shall be four inches and shall be reinforced with #3 bars at 18" centers, each way.
- (2) Provide expansion joints at twenty foot centers with premolded expansion joint material. Expansion joint materials shall be undercut one-half inch below the concrete surface and sealed with urethane self-leveling sidewalk sealer.
- (3) Concrete sidewalks shall be a minimum of five feet wide at all handicapped accessible landings and ramps.
- (4) Where sidewalks are required, they shall be placed on both sides of the street.

5. Open space shall be graded according to an approved grading plan and shall be finished graded to be mowed with conventional mowing equipment. All area disturbed by construction activities shall be re-vegetated with grass or other suitable ground cover.

E. Ownership and Maintenance of Common Open Space by Homeowners Association.

Whenever private open space is proposed for a development, including landscaped areas, the following rules shall apply:

1. The applicant for a residential development shall propose a homeowners association for the ownership and maintenance of open space which is not to be dedicated for public use. If the application under consideration is for a non-residential use, the property owner shall satisfy the requirements of this section concerning maintenance of open space, and the term homeowners association shall include within its meaning the term property owner for such purposes.
2. The applicant shall submit covenants and restrictions concerning maintenance of open space for approval by the Town. The covenants and restrictions shall contain provisions addressing maintenance duties of the organization; the manner in which lot owners will be assessed by the organization; conditions of default; the manner of enforcement by the organization; and provisions consenting to creation of an open space maintenance district to be financed through assessments against property owners and enforced by liens, in the event of default by the organization to adequately maintain open space.

3. The homeowners association shall be responsible for maintaining common open space areas, including landscaped areas in street right-of-way. The bylaws of the association shall contain an agreement authorizing the Town to assess the homeowners for maintenance of open space, screening walls, fencing, landscaping, irrigation systems, and utility costs for operation of the improvements or any other improvements within common areas, in the event the association defaults.
4. The homeowners association shall be established prior to lot sales within the development. The Town Attorney shall approve the creation of the homeowners association.

20.4 PRESERVATION OF NATURAL FEATURES AND TREES

Repealed and Replaced by Ord. No. 14-23 on 11/10/2014

A. Purpose.

To promote and protect the public health, safety, and general welfare of the community by providing for the regulation of planting, maintenance, and removal of trees located along right-of-ways; within parks, open spaces, and floodplain areas; within public areas owned and controlled by the Town of Sunnyvale; and on private property. This Section is specifically intended to:

1. To promote tree and tree canopy preservation through site design standards and by controlling indiscriminate removal of trees.
2. To contribute to the long-term viability of existing trees through their protection during land disturbing and land development activities; while balancing the rights of property owners with the overall interests of the community.
3. To preserve trees as an important resource that enhances the quality of life and the general welfare of the Town; by promoting its unique character as well as the physical, historical, and aesthetic environment.
4. To provide health benefits as they relate to the cleansing and cooling of air, thus contributing to the physical and mental wellness of the community.
5. To promote environmental elements that increase property values, reduce energy costs, reduce the amount of pollutants entering streams, and provide elements that are crucial to establishment of a healthy local ecosystem.
6. To promote and protect the health, safety, and general welfare of the public by creating an environment that is aesthetically pleasing and promotes economic development through an enhanced quality of life.

7. To encourage the preservation of environmentally sensitive areas, such as natural areas, floodplains, and open spaces that protect and enhance the water quality, ecosystem, and aesthetic environment.
 8. To recognize the economic value added to properties with trees and tree canopy coverage are maintained and supplemented by new trees.
- B. General Requirements for Preservation of Natural Areas and Trees.
1. The 100-year flood plain shall be preserved in its natural character, subject to reclamation provisions contained in Section 19.18.
 2. Significant natural features, including stands of native trees, trees along fence rows, and any other significant areas of native vegetation shall be preserved and, where necessary, protected by setbacks from development. Wildlife habitats shall be preserved; fragmentation of forested habitats shall be avoided.
 3. Flood plains and natural areas to be preserved shall be integrated with the design of open space, native screening and landscaped areas.
 4. Clear-cutting of land, as defined by this Ordinance, is prohibited.
- C. Exemptions. Tree protection and replacement requirements shall not be required for and/or in the following circumstances:
1. Agricultural. Property being actively used for agricultural purposes shall be exempt from the requirements specified herein.
 2. Damaged/Diseased Trees. The tree is dead, diseased, damaged beyond the point of recovery, or in danger of falling down.
 3. Homeowners. An owner-occupied residence located in a residentially zoned district on five (5) acres or less is exempt from the tree protection and replacement requirements of this ordinance.
 4. Public Safety. The tree creates unsafe vision clearance, conflicts with other ordinances and regulations, or the tree is determined to be in a hazardous or dangerous condition; resulting in a danger to public health, safety or welfare.
 5. Utility Service Interruption. The tree has disrupted a public utility service due to tornado, flood, or other natural act. Removal shall be limited to the part of the tree which is found necessary to re-establish and maintain the utility service.
 6. Utility Companies, Utility Service, and Distribution/Transmission Lines. Utility companies shall not be subject to the tree protection or replacement requirements in this ordinance when establishing distribution and transmission lines. When establishing new utility service, services should be routed between the service pole or transmission and distribution lines and the building being served in a manner that does not require the removal of protected trees. All rights of ways, easements or similar types of public property maintained by utility companies shall not be subject to the tree protection or replacement requirements.

7. Street Dedications. Newly dedicated right-of-way (ROW), as defined by this Ordinance, necessary for the orderly and efficient development of property.
8. Licensed Plant or Tree Nursery. The tree is located on the property of a licensed plant or tree nursery, in which trees planted and growing on the premises are for the sale or intended sale to the general public in the ordinary course of business.
9. Particular Tree Species. The following species of trees are exempt from tree protection or replacement plan requirements:
 - a. Bois D' Arc
 - b. Cottonwood
 - c. Hackberry
 - d. Honey Locust
 - e. Mesquite
 - f. Mimosa
 - g. Cedar that are less than 11" DBH

D. Applicability and Procedures for New Development.

No person engaged in new development shall cut down, destroy, move, remove, or effectively destroy through damaging (physically, chemically, or biologically), any protected tree located on private or public property, including without limitation public right-of-ways, easements, and franchise and utility easements, nor shall any land be disturbed, graded or otherwise developed within the Town without first having obtained approval of a tree protection plan, except as otherwise provided in this Chapter. The requirements of this Chapter shall apply to real property within the corporate limits of the Town of Sunnyvale as follows:

1. All new subdivisions of land at the time of Preliminary and/or Final Plat approval;
2. All non-residential parcels of land at the time of Site Plan or Development Plan Approval;
3. All replatting of undeveloped land; or
4. All land disturbing and development activities.

E. Tree Protection Plan.

The following procedures and standards apply to all new development.

1. Tree Survey or Tree Canopy Delineation and Protection Plan.

An application for a development plan, site plan or subdivision plat must be accompanied by a tree survey or tree canopy delineation and a tree protection plan. If a landscape plan is required by this ordinance, the tree survey or tree canopy delineation and protection plan shall be submitted with the landscape plan. The tree survey or tree canopy delineation and protection plan must include the following information:

- a. The graphic exhibits for a tree removal application in subsection G2 hereof.

- b. A graphic legend to be used throughout the plans for the purposes of showing the following: trees to be flagged, protective fencing, trees requiring bark protection, boring, and areas of cut and fill impacting protected trees.
 - c. Graphic tree exhibit showing the tree being removed and being preserved, and the features of those trees, including the critical root zone, trunk, canopy, drip line and caliper.
 - d. Graphic exhibits showing methods of protection to include snow fences, boarded skirts, etc.
 - e. Graphic exhibits showing construction methods to include grade changes, boring, trenching, etc.
2. Tree Canopy Delineation Method. Aerial photography may be used for properties that contain a wooded area(s), in lieu of a tree survey. Authorization for submittal of an aerial photograph accompanied by a transparent plan of the development at the same scale as the photograph showing all non-disturbance areas, proposed exemption areas, and delineating those tree canopy areas affected by land disturbing or development activities may be permitted. Such aerial photo shall be date stamped, so as to ensure that the photo is no more than two (2) years old and was taken during a season in which foliage is in bloom.
3. Reduced Tree Survey Requirements. In specific situations, tree survey or tree canopy delineation requirements may be reduced as follows:
 - a. A non-disturbance area may be designated on the tree survey or tree canopy delineation plan. Trees within the non-disturbance area are not required to be individually identified on the tree survey.
 - b. A proposed exemption area may be identified on the tree survey. The exemption area corresponds to areas of the site specifically exempted from the tree replacement and protection requirements of this Chapter. Trees within proposed exemption areas are not required to be individually identified on the tree survey.
4. Approval. The tree protection plan must be approved by the Development Services Director.
 - a. Standards. The tree protection plan shall be approved if the applicant demonstrates that all protected trees to be removed are necessary for efficient and orderly development of the property, that adequate provision is made for replacement of removed trees pursuant to Section 20.4H, and that all other protected trees are preserved.
 - b. Preservation Criteria. A protected tree shall be considered preserved if a minimum of 75% of the critical root zone is

maintained at undisturbed natural grade and no more than 25% of the canopy is removed due to building encroachment.

F. Tree Protection During Construction.

1. Generally. It is the applicant's responsibility to insure that all parts of the tree preservation plan are transferred to each appropriate person concerned with the development project. All requirements of the tree protection plan shall be shown graphically on all applicable sheets within the construction plans. Unless otherwise approved in writing by the Director of Development Services, the following procedures shall be followed on all construction projects.
 - a. Tree Flagging. All protected trees on the subject property within fifty feet (50') of a construction area or surface improvements such as driveways and walks, shall be flagged with bright florescent orange vinyl tape wrapped around the main trunk at a height of 4' or more, such that the tape is very visible to workers operating construction equipment.
 - b. Open Space Flagging. All trees or groups of trees within areas intended to be saved as open space shall be enclosed with fluorescent orange tape along all areas of possible access or intrusion by construction equipment. Tape shall be supported at a minimum of twenty five foot (25') intervals by wrapping trees or utilizing another approved method. Single incident access for the purposes of clearing underbrush is allowed.
 - c. Protective Fencing. In those situations where a protected tree is so close to the construction area that construction equipment will infringe on the root system, a protective fencing may be required between the tree and the construction activity.
 - d. Bark Protection. In situations where a protected tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree with a 2" x 4" lumber encircled with wire or other means that do not damage the tree in order to protect the bark of the tree against incidental contact by large construction equipment.
2. Permanent Construction Methods.
 - a. Boring. Boring of utilities under protected trees may be required in certain circumstances. When required, the length of the bore shall be the width of the critical root zone at a minimum, and shall be at a minimum depth of forty-eight (48) inches.
 - b. Grade Change. Grade changes within the critical root zone of a protected tree should not exceed two (2) inches. If more than 25% of the critical root zone is disturbed by trenching or a grade change greater than 2 inches, the applicant may be required to prune the

root zone or tree canopy per industry standards or take some other mitigative measure to help preserve the health of the tree.

- c. Trenching. All trenching, where possible, shall be designed to avoid crossing the critical root zone of any protected tree.
- d. Root Pruning. It is recommended that all roots two (2) inches or larger in diameter which are exposed as a result of trenching or other excavation shall be cut off square with a sharp, medium tooth saw and covered with pruning compound within 2 hours of initial exposure.

2. Prohibited Construction or Utility Activities Adjacent to Trees.

The following activities shall be prohibited within the limits of the critical root zone of any protected tree subject to the requirements of this ordinance.

- a. Material Storage. No materials intended for use in construction, or waste materials accumulated due to excavation or demolition, shall be placed within the limits of the critical root zone of any protected tree.
- b. Equipment Cleaning/Liquid Disposal. No equipment shall be cleaned, or other liquids deposited or allowed to flow over land, within the limits of the critical root zone of a protected tree. This includes, without limitation, paint, oil, solvents, asphalt, concrete, mortar or similar materials.
- c. Tree Attachments. No signs, wires, or other attachments other than those of a protective nature shall be attached to any protected tree.
- d. Vehicular Traffic. No vehicular and/or construction equipment traffic or parking shall take place within the limits of the critical root zone of any protected tree other than on an existing street pavement. This restriction does not apply to single incident access within the critical root zone for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.
- e. Grade Changes. No grade changes in excess of four inches (2") (cut or fill) shall be allowed within the limits of the critical root zone of any protected tree unless adequate construction methods are utilized which have been approved by the Building Official.
- f. Impervious Parking. No paving with asphalt, concrete or other impervious materials in a manner which may reasonably be expected to kill a tree shall be placed within the limits of the critical root zone of a protected tree except as otherwise allowed in this Ordinance.

G. Tree Removal Permit on Individual Lots or Public Ways.

1. Tree Removal Permit Application. The following standards apply to individual lots or public ways and must be submitted and approved prior to the removal of any protected tree in the Town unless the tree or activity is exempt under this Chapter.
2. Tree Removal Application. All requests for tree removal permits must be accompanied by an application and a graphic exhibit showing at least the following items. These requirements may be modified by the Development Services Director as needed to administer this ordinance. An aerial photograph may be allowed if it clearly meets these requirements.
 - a. Appropriate title for application
 - b. Title block, identifying street address, lot and block, and subdivision name for the site, and the date of preparation
 - c. North arrow, graphic and written scale in close proximity
 - d. Name, address and phone of owner and person preparing the exhibit
 - e. Location of all ROW lines and public easements within 50 feet of the tree proposed for removal
 - f. Location of all buildings, structures, pools, parking, and other improvements which are existing or intended on the lot and located within 50 feet of the tree proposed for removal
 - g. Areas of proposed cut/fill and drainage flow line, if applicable
 - h. Limits of construction line shown, if applicable
 - i. Location of all protected tree(s) and thicket boundaries within 50 feet of any construction area, with a description of the size and types of trees
 - j. The location of all protected trees which are to be removed.
 - k. DBH, Latin and common name of tree to be removed
 - l. Location of any required replacement trees shown with caliper size and common name of tree.
3. Authority for review.

Upon receipt of the tree removal permit application, the Director of Development Services may take one of the following actions:

 - a. Deferral of Decision. The Director of Development Services may defer the approval of a tree removal permit to the Planning and

Zoning Commission for any reason. All decisions made by the Commission shall be final.

- i. Approval. The Director of Development Services, or the Commission on referral or appeal, shall issue a tree removal permit if it is determined that the application meets one (1) of the following criteria:
 1. The tree constitutes a hazard to life or property which cannot be reasonably mitigated without removing the tree;
 2. The tree is dying, dead, or diseased to the point that restoration is not practical; or
 3. All reasonable efforts have been made to avoid removing the tree for purposes of development and removal cannot be avoided.
- ii. Denial. The Director of Development Services, or the Commission on referral or appeal, shall deny an application for a tree removal permit if it is determined that:
 1. Removal of the tree is not reasonably required in order to conduct anticipated activities; or
 2. A reasonable accommodation can be made to preserve the tree.

4. Appeal of Decision.

Any decision made by the Director of Development Services may be appealed to the Planning and Zoning Commission. All appeals to the Commission shall be final.

5. Permit Expiration.

Permits for tree removal issued in connection with a building permit, site plan, development plan, or preliminary plat shall be valid until such permit, plan, or plat expires. Permits for tree removal not issued in connection with any of the above items shall be void one hundred eighty (180) days after the issue date on the permit.

H. Tree Replacement Requirements.

1. Replacement Trees.

Following approval of a tree removal permit or tree protection plan, the applicant shall replace the protected trees being removed with trees listed in the Town's approved tree list listed in H3 below.

- a. Tree Survey Replacement. A sufficient number of trees shall be planted to equal, in caliper, the diameter of the tree(s) removed.
- b. Tree Canopy Replacement. A sufficient number of trees shall be planted to equal the square footage of the canopy removed. For

each tree planted, the credited canopy will be at normal maturity, based upon the following:

1. Large trees with a crown width of 50' in diameter will equate to 2,000 square feet measured 40' on center.
 2. Medium trees with a crown width of 30' in diameter will equate to 700 square feet measured 24' on center.
 3. Small trees with a crown width of 10' in diameter will equate to 100 square feet measured 8' on center.
- c. Replacement trees shall be a minimum of three-inch (3") caliper measured forty-eight inches (48") from the ground, and ten feet (10') in height when planted.
2. Replacement Procedures.
 - a. Replacement trees shall be located on the subject site prior to issuance of the first building permit for the property. However, if this is not feasible, the Town Manager may allow replacement trees to be located on another property. If replacement is not possible on-site or on another property, funds must be contributed to the Tree Reforestation Fund, as provided for within this Chapter.
 3. Preferred Tree Listing.

The following is the list of appropriate and approved replacement trees which have been selected based upon their suitability:

Shade Trees for Buffering	Ornamental Trees	Shrubs
Afghan Pine	Birds of Paradise	American Beautyberry
American Elm	Buckeye, Mexican	Argarita
Arizona Cypress	Buckeye, Red	Aromatic Sumac
Bald Cypress	Buckeye, Texas	Bridal Wreath Spiraea
Bigelow Oak	Carolina Buckthorn	Buckeye, Red
Bur Oak	Crepe Myrtle (tree form)	Buckeye, Texas
Caddo Maple	Desert Willow	Buford Holly
Cedar Elm	Eastern Red Cedar	Chinese Photinia (TX adapted)
Chinquapin Oak	Eve's Necklace	Cleyera
Durrand Oak	Hawthorne	Compact Nandina
Lacebark Elm	Hollywood Juniper	Coral Berry

Live Oak	Japanese Black Pine	Crimson Pygmy Barberry
Pecan	Juniper, Blue Point	Dwarf Burford Holly
Shumard Oak	Juniper, Wichita Blue	Dwarf Burning Bush
Southern Live Oak	Little Gem Magnolia	Dwarf Chinese Holly
Southern Magnolia	Mexican Plum	Dwarf Crepe Myrtle (shrub form)
Texas Ash	Ornamental Pear	Dwarf Glossy Abelia
Texas Red Oak	Pomegranate	Dwarf Pomegranate
Western Soapberry	Possumhaw Holly	Dwarf Spirea (Anthony Waterer, Goldflame, Little Princess)
	Redbud	Dwarf Wax Myrtle
	Rose of Sharon (Althea)	Dwarf Yaupon Holly
	Roughleafed Dogwood	Elaeagnus
	Texas Persimmon	Flowering Quince
	Vitex	Forsythia
	Wax Myrtle	Foster Holly
	Winter/Bush Honeysuckle	Glossy Abelia
	Yaupon Holly	Harbor Dwarf Nandia
		Hypericum
		Indian Jasmine
		Japanese Aucuba
		Leatherleaf Mahonia
		Miniature Crepe Myrtle
		Nellie R Stevens Holly
		Oakleaf Hydrangea
		Purpleleaf Japanese

		Barberry
		Red Yucca
		Rose of Sharon (Althea)
		Semi-dwarf Crepe Myrtle
		Smooth Sumac
		Standard Nandina
		Texas Sage
		Winter/Bush Honeysuckle

4. Restrictions on Planting.
 - a. Replacement trees shall not be planted in a location where the mature canopy of the tree will interfere with overhead utility lines or where the mature root zone will interfere with underground public utility lines.
 - b. No trees shall be planted within ten feet (10') of a fire hydrant.
 - c. All replacement trees shall be a species listed on the replacement tree listing provided within this Chapter and guaranteed for one (1) year from the date of final inspection and acceptance of the project.
 - d. Replacement trees shall be planted prior to the issuance of a certificate of occupancy or project release. Given that prime planting times do not always correspond with project completion; replacement tree plantings may take place after the project is released by the Town; provided that before project release, a fiscal security is posted in the amount equal to the prevailing rate for installed trees with a one (1) year guarantee.

5. Credit for Saved Tree(s).

Credit is granted for a protected tree or canopy area being saved only when it is clearly demonstrated by the applicant that an improvement associated with the development has been designed to preserve a protected tree or canopy area. For every protected tree or canopy area saved, the developer shall receive a one (1") inch caliper credit per one (1") inch DBH or one (1) square foot per one (1) square foot of tree canopy credit towards tree replacement.

- I. Tree Transplanting.

Existing trees can be transplanted to meet the replacement requirements under the following conditions:

1. Trees of at least three (3) caliper inches are eligible for transplanting.
2. Transplanted trees must be maintained in a healthy condition for a period of two (2) years. The developer who received the transplanting credit must replace trees that do not meet this criteria.
3. Transplanted trees must be listed in the tree survey with the notation that they are being transplanted.

J. Tree Reforestation Fund.

1. Funds to be deposited. In situations in which it is not feasible to place the required number of replacement trees on either the subject property or an alternate site, the applicant would need to make payment into the reforestation fund. The amount provided shall be equivalent to 100% of the tree replacement costs. A standard value for each caliper inch (tree survey) or each square foot (tree canopy) shall be established. Should trees be removed without a permit, the fund amount shall be equivalent to 125% of the tree replacement cost. The amount of payment that is required for each replacement tree should be calculated based on the fee schedule adopted by the Town. No certificates of occupancy shall be issued for a site until the required payment has been made to the tree reforestation fund.

2. Use of funds.

The funds shall be used solely for the purpose of purchasing and installing trees along public right-of-way, public park land or any other Town owned property. Funds may also be utilized for the acquisition of wooded property that will remain in a naturalistic state in perpetuity.

K. Tree Pruning Restrictions.

1. General

No protected tree shall be pruned in a manner which significantly disfigures the tree or in a manner which would reasonably lead to the death of the tree.

2. Required Pruning

The owners of any tree adjacent to a public right-of-way shall be required to maintain a minimum clearance of fourteen (14) feet above the traveled surface or curb of a public street, right-of-way, alley or open space trail. Said owners shall also remove all dead, diseased or dangerous trees, or broken or decayed limbs that constitute a menace to the safety of the public. The Town shall also have the right to prune trees overhanging the right-of-way as necessary to preserve the public safety.

3. Allowed Pruning

The Town may approve the pruning of a protected tree in cases where protected trees must be pruned to allow for construction or demolition of a structure. All pruning of protected trees by a franchise utility company to ensure the safe operation of such utility services will be allowed. When allowed, all pruning must be completed by approved arboricultural techniques. This item is not intended to require a tree permit for reasonable pruning performed or contracted to be performed by the owner of the tree.

4. Tree Topping

It shall be unlawful as a normal practice for any person, firm or Town department to top any tree. Trees that are severely damaged by storms or other natural causes or trees faced with obstructions where other pruning practices are impractical may be exempted from this Section at the determination of the Director of Development Services or their authorized designee.

L. Lot Planting.

Prior to issuance of a certificate of occupancy, the developer or builder shall plant a sufficient number of trees on the lot to assure that the following numbers of trees of a minimum size of three inch (3”) caliper and ten (10) feet in height exist on the site. Should inclement weather prevent the developer or builder from providing such trees to meet the landscaping requirements, an escrow must be provided to the Town for the value of the trees. The Town shall hold such escrow for the planting of trees, until such time as the weather permits. Existing trees may be counted toward the required number of lot trees, provided that each such tree is a minimum of six-inch (6”) caliper. Preferred trees are identified in Section G.3.

Lot Size	Number of Trees
1 acre or larger	3
35,000 – 43,560 square feet	2
10,000 – 34,999 square feet	2
7,000 – 9,999 square feet	1

20.5 BUFFERING, LANDSCAPING AND SCREENING

A. Purpose.

It is the purpose and intent of this section:

1. To preserve and protect the unique rural character and natural characteristics of the Town of Sunnyvale;
2. To integrate the Town's requirements for open space, preservation of natural areas, screening and buffering of adjacent uses;
3. To preserve views from and enhance the rural appearance of the Town's roadways;
4. To provide visual buffering and screening between more intensive residential uses and existing neighborhoods and less intense residential uses;
5. To provide visual buffering and screening between nonresidential uses and residential uses;
6. To provide visual buffering and screening for services and parking in non-residential areas; and
7. To ensure that significant native vegetation is utilized in buffering and screening methods;

B. General Standards.

1. The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new development within the Town of Sunnyvale, as well as to improvements to rights-of-way, including those for country lanes and parkways, or cul-de-sacs required by this ordinance. This section also applies to landscaping of open space features. Planned residential landscaping requirements are contained in Section 10.3G of these zoning regulations. The Town's subdivision regulations also may contain landscaping requirements applicable to the proposed development.

2. Definitions.

For purposes of this section, the following terms are defined to mean:

- a. Buffer area means a strip of land which is landscaped and from which setbacks for principal uses typically are measured. The term buffer area excludes land included in public rights-of-way, but may be dedicated to the public as open space.
- b. Screen means an authorized device acting as a visual and sometimes physical barrier between adjacent uses. The following types of screening devices are authorized in specific circumstances:
 - (1) masonry wall

- (2) berm
 - (3) living fence
 - (4) 100% planted screen, and
 - (5) tree line that forms a natural screen
3. Buffer area requirements.
- a. Buffer areas are required in the following circumstances:
 - (1) PRO, PC and DR District Perimeter Buffers
 - (a) For planned residential developments in PRO Districts, around the entire perimeter of the project, in accordance with the requirements stated in Chapter 10.
 - (b) For developments in Planned Commercial Districts or in Design Review Districts, as required by the ordinance establishing the district.
 - (2) Street and Thoroughfare Buffers

A landscape buffer, measured from the edge of the right-of-way, shall be required for any development located adjacent to any thoroughfare or street described herein, of a width as herein specified. If the lot is a corner lot, a buffer shall be required along each frontage. If the lot has more than two frontages, the buffer area along the additional frontage(s) shall be one-half the required width for the first frontage. The buffer area may be incorporated within individual lots, reserved as common open space or offered to be dedicated to the public. Any required screening shall be placed between the buffer and adjacent lot lines. If the buffer area is part of a planned residential development, it may be counted as project open space in accordance with standards in Chapter 10, provided the distance to the building line is measured from the edge of the buffer that is nearest the building line.

 - (a) For all developments abutting thoroughfares shown on the Thoroughfare Plan in the Comprehensive Plan, buffer areas shall be:
 - (i) for developments abutting a country lane or parkway, an area twenty-five feet (25') in width;

- (ii) for developments abutting other types of thoroughfares, an area fifteen feet (15') in width.
 - (b) Along either side of a street that is constructed as a part of a development that connects to two thoroughfares as shown on the Town's adopted Thoroughfare Plan or can serve as preferred travel route between two such thoroughfares, buffer areas shall be:
 - (i) For curbed streets an area fifteen feet (15') in width;
 - (ii) For streets without curbs, an area twenty-five feet (25') in width;
 - (c) For streets proposed as country lanes, an area twenty-five feet (25') in width.
- (3) Land Use Separation Buffers
- (a) Residential Buffers
 - (i) Buffers with screens are required for residential projects located in an SF-2, SF-3, SF-4 or AH zoning district proposing base density, which have a common boundary with a less intensive residential district, an area ten feet (10') in width along the common boundary; provided, however, that as an alternative, lots abutting the boundary of the less intensive district are equal to or larger than existing residential lots within such district or the minimum lot size within such district, which is greater. For PRO Districts, the landscape buffer shall be twenty-five (25') wide.
 - (ii) Buffers with screens are required for new residential projects that are developed adjacent to existing non-residential uses or zoning. A ten-foot (10') wide landscaped buffer shall be provided between the residential development and the non-residential property. For PRO Districts, the landscape buffer shall be twenty-five (25') wide.

(b) Alleyways

The developer of residential property shall place a landscaped buffer along any alley that is adjacent to a public street right-of-way or is adjacent to a non-residential or multi-family land use. The developer of commercial property shall place a landscaped buffer along any alley that is adjacent to a public street right-of-way.

- (i) Such landscaped buffers shall be fifteen (15) feet wide for residential districts using base density and shall be twenty-five (25) feet wide in PRO districts.
- (ii) Where the public street right-of-way is designated on the thoroughfare plan as a country lane, the landscaped buffer shall be twenty-five (25) feet wide.
- (iii) Landscaped buffers along alleyways shall be maintained by a homeowner=s association or other similar acceptable entity.
- (iv) If the public right-of-way lies in a corridor overlay, the overlay requirements shall supersede these requirements.

(c) Commercial Buffers

For all commercial developments the following criteria shall apply as well as all requirements of planned commercial districts or of design review districts, if applicable to the particular commercial project, as required by the ordinance establishing the district:

- (i) Commercial abutting commercial.

There shall be a ten-foot (10') landscape buffer between the parking lot and the property line. However, only sod or ground cover need be planted within fifteen feet (15') of the roadway.
- (ii) Commercial abutting residential.

The developer of any commercial property adjacent to any residentially zoned property shall provide a ten (10) foot wide buffer between the residential property and the building or parking areas.

(4) Landscaping Requirements for Buffers

As a minimum, buffer areas shall be covered with living grass or ground cover and shall be provided with an automatic irrigation system. If landscaped buffers are to be maintained by a homeowner's association, the buffer shall be placed in a landscape easement dedicated to the Town of Sunnyvale and to the homeowner's association. Buffer areas shall be landscaped pursuant to a Landscape Plan prepared in accordance with section 20.C, and shall be consistent with general landscaping standards in section 20.D, and the following specific standards:

(a) PRO, PC, and DR District Buffers and Residential Buffers

Buffers shall include the required screening and shall be maintained by a homeowner's association or approved equivalent.

(b) Street, Thoroughfare and Alleyway Buffers

(i) Fifteen-foot Buffers

Developers shall be required to plant one (1) large tree per forty (40) linear feet or portion thereof of street frontage.

(ii) Twenty-five foot Buffers

Developers shall be required to plant trees shall be required of no less than 3 inch caliper, spaced at a maximum of 30 feet on center for small to medium trees, 50 feet on center for large trees.

(iii) All trees shall be planted without tree grates in a bed of lawn or accented ground cover which grows to the base of the tree in all directions.

(iv) Where buffers are required, the street parkway between the right-of-way and the

back of curb or edge of pavement shall also be covered in living grass or ground cover. Buffers shall be maintained by the property owner including the parkway in the street right-of-way.

(c) Residential Buffers

Screening requirements shall be met.

(d) Commercial Buffers

One large tree shall be planted on 40-foot centers or one small tree planted on 30-foot centers. Grass, ground cover or an automatic irrigation system is not required but is encouraged where commercial property is developed adjacent to residentially zoned property.

4. Screening Requirements

a. General Standards

- (1) Construction standards shall be exclusively those set forth in section 20.B.5.
- (2) All required screening walls shall be equally finished on both sides of the wall.
- (3) No barbed wire or electrical fencing shall be allowed except as used for farm or ranching purposes on undeveloped land over two (2) acres in size.
- (4) No screening fences or walls shall be constructed so as to obstruct the vision of motorists at alley, street or drive intersections and shall not extend past the front of the building.
- (5) Split rail and other similar fencing with openings covered not more than fifty percent (50%) of the fence area is permitted on residential tracts or lots over one (1) acre in size and not to exceed five (5) feet in height as otherwise allowed herein.

Amended by Ord. No. 13-02 on 1/28/2013

- (6) No fences may be located in front of the front building line on lots smaller than one acre. All fences constructed in

front of the front building line shall meet the provisions of Section 20.5.B.5(d)(4) or (5).

- (7) No fences constructed of wire mesh, pneumatically applied concrete, stucco, or painted sheet steel may be constructed in any district except where allowed herein or as allowed under a conditional use permit.
- (8) Except where otherwise allowed herein, no chain link fence shall be permitted in front of a building line or on a corner lot, unless a 100% screen is planted along the length of the chain length fence to shield it from view.

(a) PRO, PC, and DR District Screening and Residential Screening

All PRO, PC and DR Districts shall be screened as required by the standards for each district. Screening shall also be provided by the developer of residential property where such property is adjacent to non-residential uses or zoning.

(i) Screens shall consist of one or more of the following types:

- 1) Berm (50-foot landscape buffer required)
- 2) Living fence
- 3) 100% planted screen
- 4) Tree Line

(ii) Where residential developments are constructed adjacent to existing non residential uses or zoning and no screening masonry wall exists, screens shall include a physical barrier at least six (6) feet in height. Physical barriers may be masonry walls or columns, chain-link fences (covered by landscaping), steel picket fences or split rail fences as specified for living fences in this section.

(b) Screening of Alleyway Buffers

Screens shall be placed in all alleyway buffers and shall consist of the types listed for residential screens, above.

(c) Screening of Outside Storage Areas

- (i) Where outside storage or display of merchandise or materials is allowed for more than eighteen hours per day, such storage and display areas shall be effectively screened from view from all adjacent property and public rights-of-way.
- (ii) For commercial zoning districts (LR, GB, LC and HC), outside storage shall be screened with a six (6) foot masonry wall.
- (iii) Outside storage areas within six (6) foot chain-link screening fences are allowed in an Industrial District. However, prudent placement of all buildings and required screening fence is highly recommended to reduce the public view of outside storage to a minimum.
- (iv) Screening of existing outside storage areas is encouraged but is not required under this ordinance unless there is a change in use of the property, there is any remodeling involving floor area additions greater than 10% of the floor area existing at the date of the adoption of this ordinance, or there is an increase of greater than fifteen (15%) of the area used for storage existing at the date of the adoption of this ordinance.
- (v) Outside storage in residential zoning districts shall be screened from public view.

Amended by Ord. No. 13-02 on 1/28/2013

(d) Industrial and Commercial Screening.

- (i) Where a proposed industrial or commercial use abuts land planned or zoned for residential use, a solid masonry screening wall not less than eight (8) feet in height in I and HC districts and not less than six (6')

feet in height for all other nonresidential districts shall be erected and maintained along or within one (1) foot of the property line that divides the two districts.

- (ii) No development whose building permit was issued prior to the effective date of this ordinance shall be compelled to comply to the industrial and commercial screening requirements of this chapter unless there is a change in use of the property or there is any remodeling involving floor area additions greater than 10% of the floor area existing at the date of the adoption of this ordinance.

(e) Screening of Solid Waste Containers

Screening is required for all solid waste containers including trash cans, dumpsters, recycle bins, or compactors in nonresidential, multifamily and institutional developments. Screens shall meet the following requirements:

- (i) Screens shall be masonry wall on three sides of the solid waste container(s). Masonry shall match the architecture and type of masonry used on the main building.
- (ii) The height of the masonry wall shall be at least one foot greater than the height of the solid waste container.
- (iii) Screening walls shall have a five foot wide landscaped area in front of the walls. Shrubs shall be planted in the landscaped area that will complement the masonry of the structure but not hide the masonry.
- (iv) The gates to the solid waste container screen may be wood or heavy plastic placed in a decorative pattern.
- (v) The enclosure shall be placed at the rear of the property and not be on the same axis as a drive aisle.

(f) Screening of Transformers and Utility Boxes

- (i) Screening is required for all electric transformers, utility boxes and large gas meters (over 1,000 cu. ft./hr.) that are mounted on the ground above finished grade and are located between the front building line and the street. Screening shall be constructed by the developer where transformers, meters and utility boxes are installed before the final acceptance of the subdivision by the town. Otherwise, transformers, meters and utility boxes shall be screened by the builder or property owner before certificates of occupancy shall be issued.
 - (ii) Screening shall be placed around front and sides of the transformer, meter or box per manufacturer's specifications and requirements allowing for adequate air movements and service capability. The following screen types may be used:
 - 1) Masonry wall
 - 2) 100% planted screen
 - (iii) The height of all screens shall be sufficient to completely screen the transformer, meter or box from view. Transformers, meters or boxes located in or adjacent to alleys do not require screens. Landscape plans for transformers, meters and boxes are not required only when the only landscaping required for the development or project is the screening of these devices.
- (g) Screening of Satellite Dish Antennas
- Satellite dish antennas over twelve feet (12') in diameter shall be effectively screened from view of all roadways and adjacent property. A 100% opaque screening fence, a planted screen or other approved materials may be used. Screening fences may be constructed of red cedar, PVC or masonry.

5. Screening Construction Requirements

Where screening is required by this ordinance, only the following screening methods may be used:

a. Masonry Walls

Masonry walls shall be of the height specified and be constructed from natural stone, cast stone, face brick or pierced brick. Precast or prefabricated panels or cast-in-place concrete shall not be used. All masonry walls and foundations shall be designed by a registered professional engineer and construction plans for the wall shall bear the seal of the design engineer.

b. Chain-link Screening Fences

Chain-link fences may be used for screening in industrial areas only. They shall not be used as screening devices between industrial uses and residential uses. Chain-link screening fences shall be constructed from 9 gage galvanized steel fabric with heavy galvanized steel posts and top rails. Screening fences shall be not less than six feet high measured from the top of the steel fabric to the ground. Polyethylene or vinyl slats with a profile thickness of at least 1/4" shall be placed in the fabric to form an opaque screen. Slats shall have integral dark green or dark brown color or other color that matches the adjacent building.

c. Berms

(1) The berm shall be planted with living grass, ground cover, and/or shrubs and trees. There shall be one (1) tree per forty feet (40') of adjacent frontage. Trees shall be Pecan, Sweetgum, Chinese Pistachio, Live Oak, Red Oak, Shumard Oak, Cedar Elm, Texas Ash, Bur Oak, Texas Persimmon, Bald Cypress, or Bradford Pear.

(2) Earthen berms shall have side slopes not to exceed 33.3 percent (three (3) feet of horizontal distance for each one (1) foot of height). The tops of the berm shall be an average of at least six feet above the adjacent grade. The berm height shall vary to provide a natural appearance. All berms shall contain necessary drainage provisions as may be required by the Town Administrator. Berms shall be placed in a landscape buffer that is not less than fifty feet wide.

d. Living Fence

Living fences shall be a barrier constructed of a combination of planted materials and fencing that after not more than two growing

seasons, forms a totally opaque screen at least six feet tall and shall meet the following requirements:

- (1) Plant materials shall be evergreen shrubs and trees.
- (2) Chain link fencing shall be coated with green vinyl resin and be totally obscured by plant materials.
- (3) Masonry walls or columns shall be broken into lengths that do not exceed forty feet and the combined length shall not exceed forty percent of the overall fence length. At least sixty percent of the fence length shall be plant materials only or plant materials in combination with chain-link or split rail fences.
- (4) Split rail fences shall be constructed of heavy wolmanized timbers or PVC or precast concrete members that are formed to resemble split rails.
- (5) Steel picket fences with not less than 3/4" tubular steel pickets spaced not more than six inches on center, supported by not less than one-inch tubular steel rails.

e. 100% Planted Screen

Planted screens shall be living screen constructed entirely of vegetative materials. Plant materials shall be evergreen shrubs and trees that form a totally opaque screen, at least six feet tall, or other required height, after two growing seasons.

f. Tree Line

Existing tree lines shall be preserved and incorporated to form a screen. The distance between trees with a caliper of three inches or more, whether existing or planted shall not exceed twenty (20') feet. At least five evergreen shrubs shall be planted between trees. New trees shall be large trees with a caliper of not less than three (3) inches.

C. Landscape Plan.

1. A landscape plan for all required buffers, landscaped areas, living fences and planted screens shall be prepared by a registered landscape architect and submitted for approval as an element of the project plan. Plans and construction specifications for the berm or screening wall shall be approved by the Town Engineer in accordance with procedures established by the Town. Prior to the issuance of a building, paving, grading or construction permit for any use subject to this section, and in conjunction with any site plan, open space plan or tree preservation plan

required by this ordinance, a landscape plan shall be submitted to the Town Administrator for review and distribution.

2. The developer may propose substitution of other species of evergreen shrubs or trees to be used in the screening options. Any substitutions must be approved by the Town when the concept or development plan for the project is approved.
3. A conceptual or generalized landscape plan shall be shown as part of the site plan, and must be approved together with such site plan. No permits shall be issued for building, paving, grading or construction until a detailed landscape plan is approved by the Town Administrator as being in accordance with the criteria contained in these regulations and in the generalized landscape plan. If the plans are not in accord, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.
4. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan. In any case in which a certificate of occupancy is sought at a season of the year in which the Town Administrator determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a temporary certificate of occupancy may be issued. Such temporary permit shall be conditioned upon the installation of all landscaping required by the landscaping plan within six (6) months of the date of the approval of the landscape plan.
5. Landscaping plans shall be prepared by a licensed landscape architect and shall contain the minimum following information:
 - a. Minimum scale of one (1) inch equals fifty (50) feet.
 - b. Location, size and species of all trees to be preserved (tree stamps are not acceptable unless they indicate tree size).
 - c. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.
 - d. Species of all plant material to be used.
 - e. Size of all plant material to be used.
 - f. Spacing of plant material where appropriate.
 - g. Layout and description of irrigation, sprinkler, or water systems including placement of water sources.

- h. Description of maintenance provision.
 - i. Person(s) responsible for the preparation of the landscape plan.
 - j. Mark indicating North.
 - k. Date of the landscape plan.
6. If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria of this section, the Town Administrator shall issue notice to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant or agent shall have thirty (30) days from date of said notice to restore the landscaping as required. If the landscaping is not restored within the allotted time, such person shall be in violation of this ordinance.

D. General Landscape Standards.

The following criteria and standards shall apply to landscape materials:

1. All required landscaped open areas shall be completely covered with living plant material. Artificial landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants.
2. Plant materials shall conform to the standards of the approved plant list for the Town and the American Standard for Nursery Stock. Grass, seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
3. Trees shall have an average spread of crown of greater than fifteen (15) feet at maturity. Trees having a lesser average nature crown of fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of fifteen (15) feet crown of spread. Trees shall be of a minimum of three (3) inches in caliper and seven (7) feet in height at time of planting.
4. Non-dwarf shrubs shall be a minimum of two (2) feet in height when measured immediately after planting. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be three (3) feet high within one (1) year after time of planting.
5. Vines not intended as groundcover shall be a minimum of two (2) feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening requirements as set forth.

6. Grass areas shall be sodded, plugged, sprigged, hydro-mulched, or seeded except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.
7. Groundcovers used in-lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.
8. All required landscaped open space shall be provided with adequate and inconspicuous irrigation systems.
9. Any trees preserved on a site meeting these specifications may be credited toward meeting the tree requirement of any landscaping provision of this section according to the following table:

<u>Circumference of Existing Tree</u>	<u>Credit Against Tree Requirement</u>
6" to 8"	1.0 tree
9" to 30"	1.5 trees
31" to 46"	2.0 trees
47" or more	3.0 trees

10. All other existing trees may receive credit if they are not on the Town's approved plant material list, but approved by the Town Administrator. Should any required tree designated for preservation in the landscape plan die, the owner shall replace the tree with a three (3) inch minimum caliper tree in accordance with the credits listed above. Tree circumference shall be measured 48 inches above natural grade.
11. Earthen berms shall have side slopes not to exceed 33.3 percent (three (3) feet of horizontal distance for each one (1) foot of height). All berms shall contain necessary drainage provisions as may be required by the Town Administrator.
12. Plant materials should compliment native species and provide continuity with the surroundings. The use of drought tolerant species is encouraged.
13. All planting shall be adequately irrigated and maintained on a permanent basis. The developer or owner of the tract shall furnish a 2-year maintenance bond from a licensed landscape company that guarantees that all planting that die or fail to thrive during the 2-year period will be replaced immediately at the developer or owner's expense.
14. Tree planting requirements may be eliminated in areas designated for future building coverage.

15. All trees required for the property shall be large trees as specified on the approved plant list. Small trees shall be used under existing or proposed overhead utility lines.
16. The developer will be required to establish a permanent turf in the landscape area. Due to seasonal considerations, if a permanent turf cannot be established, the developer shall be required to stabilize the soil to prevent erosion and establish turf during the next growing season.
17. A permanent automatic irrigation system shall be installed by the developer in the landscape area. All irrigation shall be approved by the Town prior to installation. This system must be designed by a licensed irrigation designer.
18. The developer will be required to install a sidewalk as part of Options 1 & 2 in accordance with applicable provisions of the Town Code of Ordinances.
19. Material colors for the screening wall shall be limited to earth tone colors, excluding green. The color shall be uniform for the entire length of the wall. When walls are built in sections, the colors shall be as closely similar as possible, but shall in no case be incompatible.
20. All landscaping plants (trees, shrubs, ground cover) shall be living and in sound, healthy, vigorous growing condition.
21. No tree shall be planted within five feet (5') of any street curb.

E. Maintenance.

1. The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing (of grass of six (6) inches or higher), edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping.
2. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping.
3. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size, within ninety (90) days. Trees with a trunk diameter in excess of six (6) inches measured forty-eight (48) inches above the ground may be replaced with ones of similar variety having a trunk diameter of no less than three (3) inches measured forty-eight (48) inches above the ground. However, if said landscape areas are above the minimum required landscape provision,

death of a plant or plant material which may still result in the requirements of the minimum standards being met does not necessitate replacement, except as required to maintain the integrity of the landscaping design. A time extension may be granted by the Town Administrator if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or owner=s agent.

4. Failure to maintain any landscaped area in compliance with this section shall result in the disapproval and revocation of any issued certificate of occupancy associated with the occupancy of said area.

F. Parking Areas.

1. Landscaped areas within parking lots shall generally be at least one parking space in size, with no landscaped area less than fifty (50) square feet in area and not less than five (5) feet wide. There shall be a minimum of one (1) tree planted in the parking area for every four hundred (400) square feet or fraction thereof of landscaped area in the parking lot. Within parking lots, landscaped areas should be located to define parking areas and assist in clarifying appropriate circulation patterns. Landscaped islands shall be located at the terminus of all parking rows, and should contain at least one tree. All landscaped areas shall be protected by a monolithic curb or wheel stops and remain free of trash, litter, and car bumper overhangs. Flowering trees or other types of ornamental planting should be used on end islands. Subject to approval, islands can be grouped to form one large island. Landscaped areas shall equal a total of at least sixteen (16) square feet per parking space. There shall be a landscaped area with at least one (1) tree three (3) inches or greater in caliper within one hundred (100) feet of every parking space.
2. An area equal to 15% of the required size of the parking lot must be landscaped and permeable, exclusive of required perimeter plantings. For industrial zoning districts, only those parking lots located between the building line and a street right-of-way line must meet this requirement.
3. Changes in grade, planting, and/or berms shall be provided to reduce the visual impact of large parking areas.
4. The following minimum setbacks shall be required for surface parking lots:
 - a. from road right-of-way--10 feet
 - b. between parking lots at side, rear or front yards--10 feet
 - c. to perimeter property lines--10 feet
 - d. from on-site driveways, visitor drop-off areas, buildings, and open spaces--10 feet

5. Whenever an off-street parking area or vehicular use area abuts an adjacent property line, a perimeter landscaped area of at least ten (10) feet shall be maintained between the edge of the parking area and the adjacent property line. If a sidewalk is constructed adjacent to the parking lot, only the space between the sidewalk and the property line must be landscaped. Whenever the adjacent property is used or zoned for residential use, a landscaped area of at least ten feet (10) shall be provided whether or not a sidewalk is constructed adjacent to the parking lot, (see Section 20.5 for additional screening wall requirements) planted with one large tree for each forty (40) linear feet or portion thereof of adjacent exposure.

20.6 INFRASTRUCTURE DESIGN FEATURES

A. Bridges.

All bridges in developments shall be veneered in stone.

B. Curvilinear Streets

All residential developments shall be designed and constructed using at least 60 percent curvilinear streets. Curvilinear streets are defined as those curved streets having a centerline radius of not greater than 1,500 feet nor less than 350 feet. The percentage of curvilinear streets shall be determined by dividing the total centerline lengths of curvilinear streets by the total centerline lengths of all streets in the addition.

C. Culverts.

All culverts shall have end walls and head walls and any culvert required due to pedestrian and/or vehicular access into a residential or non-residential site along a public right-of-way that shall have any end wall or head wall and any apron thereto shall be 100% veneered in stone.

D. Sidewalks.

1. In all districts, sidewalks shall be constructed of reinforced concrete meeting the requirements of Section 20.3D.4.g. Sidewalks in base residential districts shall be four feet wide and sidewalks in non-residential or PRO districts shall be five feet wide.
2. In PRO districts, the sidewalks shall be scored and tooled to create a surface that resembles cut stone. Scoring or tool marks shall be neatly placed at random spacing similar to the pattern shown in the Town Design Criteria.

E. Entry Treatments.

1. Masonry entry walls are required in at least one location, preferably at the main entrance. These walls shall plank the entry roadway. Monument walls with or without signage located in a median may be placed in addition to the planking walls. If signage is used it must be incorporated within the wall.

F. Lighting.

1. Purpose.

Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.

2. Project requirements - general.

- a. Collector and arterial streets shall have high (25-30 feet) mounted street lighting, while local access streets shall be lit with pedestrian scale lights using 14-foot light standards.
- b. Lighting shall be required only where site-specific safety conditions warrant.
- c. All lighting located in public rights-of-way shall be TXU Electrical Historical style light fixture and pole. Light poles shall be 14 feet and of cast iron construction.

3. Project requirements-residential.

- a. Decorative lighting shall be placed at all residential subdivision entries.
- b. Light poles shall be fourteen feet (14) in height. Traffic information and street name signage shall be placed on the poles.

4. Lot requirements Nonresidential lighting and glare standards:

- a. Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. The allowable maximum intensity measured at the property line shall be 0.2 foot candles. Light poles

shall be placed on the site and setback equal to its height from all adjacent property.

- b. All off-street parking areas for nonresidential uses in nonresidential districts which are used after dark shall be illuminated beginning one-half (2) hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting within the parking areas shall meet the following minimum requirements:

(1) Intensity

- (a) Minimum at any point on the parking area surface to be at least 0.6 foot candles initial, and at least 0.3 foot candles maintained or one-third of the average, whichever is greater.
- (b) Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than two-tenths (0.2) foot candles of light upon any adjacent area.

(2) Height

- (a) On tracts or lots over three (3) acres in size, the maximum height for poles with lights is thirty (30) feet.
- (b) On tracts or lots less than three (3) acres, the maximum height of poles with lights is twenty (20) feet.
- (c) Special lighting or lighting higher than thirty (30) feet may be approved as specifically noted on a site plan.

5. Lot requirements Residential lighting and glare standards

Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:

- a. Direct lighting over ten (10) feet in height is shielded from adjacent property.
- b. No light source shall exceed thirty (30) feet in height. Street lights and other traffic safety lighting are exempt from this standard.

- c. Lighting shall not directly shine on adjacent dwellings.
6. Generally applicable lot requirements
- a. Luminaries. Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited except for temporary lighting.
 - b. Low wattage lighting. Bare bulbs or strings of lamps are prohibited, except during holidays. Special lighting shall be permitted for a maximum time period of forty-five (45) days for each holiday use. Christmas tree sales are considered a temporary holiday use for the purpose of this section.

20.7 LOT AND ARCHITECTURAL DESIGN FEATURES

A. Perimeter Lot Treatment.

Where fencing is placed adjacent to dedicated open space, open fencing with openings that do not cover more than fifty (50%) of the fence area shall be used. For lots smaller than 20,000 square feet, open fencing shall be steel picket fencing or similar quality fencing. Wood or chain-link fencing may not be used. For lots 20,000 square feet or larger, split rail wood fences may be used.

B. Garage Orientation and Access.

1. Garage orientation shall be side or rear facing; if alley exists the property shall be accessed from the alley.
2. A garage may face the front of the lot if setback a minimum of 25 feet from the front building line and is screened by the presence of a porte cochere.
3. Detached garages may face the front of the lot if setback from the rear line of the dwelling by a minimum 25 feet and no alley exists.

Amended by Ord. No. 13-02 on 1/28/2013

C. Mail Boxes.

Mail boxes shall be constructed of the following materials: aluminum, wrought iron, stone, brick, or cast stone; use of wood for mailbox construction is prohibited.

D. Repetition of Building Form.

1. Repetition of Facade. No front building elevation or plan for a single-family detached dwelling shall be repeated within a block face (including both sides of the street) or within 1,000 feet along a street or streets.
 - a. Block face means lots taking access from a street which are contiguous to each other and which are not separated by a street.
 - b. The 1,000 foot distance along a street shall be measured from the centerline of the street on which the proposed structure faces at a point perpendicular to the center point of the lot to contain the structure, thence along the centerline of such street or along any intersecting street for a distance of 1000 feet.

2. Criteria for Determining Difference in Elevation. A front building elevation or elevation plan shall be considered repeated if it is not visually different from another front building elevation or elevation plan. A front building elevation or elevation plan shall be considered visually different if any three of the following four criteria are met:
 - a. Three or more of the articulated elements constituting the roof (*e. g.*, ridges, turrets, hips, and valleys) vary in placement by at least twenty-four (24) inches or in geometric shape by volume of at least twenty (20) percent, or in angles by at least thirty (30) degrees; or (ii) there is a difference in roof pitch of 2 inches per 12 inches or greater.
 - b. Articulations in the front facade, *i.e.*, the planes which advance or recede from the line of the main facade by three or more feet, vary in height or width by a minimum of fifteen (15) percent.
 - c. The articulation of the windows shall vary by at least two of the following methods:
 - (1) The aggregate area of windows on the front facade varies by at least 15%;
 - (2) The distance between 2 or more windows varies by at least 10%;
 - (3) The shape of two or more windows varies in width or height or radius by at least 15%.
 - d. The size and shape, or mix, of masonry units (*i.e.*, individual bricks or blocks of stone) are noticeably different. Noticeably different in this section shall mean at least a fifteen percent (15%) variance in size, shape, or mix.

3. Reversal of a Building Plan. A front building elevation plan may be reversed once within a block face (including both sides of the street) or

within 1,000 feet along a street or streets, , in order to meet criteria 2.a and 2.b of this section; provided that in such event, criteria 2.c and 2.d also must be satisfied.

4. Variations Not Considered. Variations in the following characteristics shall not be considered in determining whether a building elevation for a residential dwelling is dissimilar:
 - a. color; or
 - b. roofing materials.

5. Determination by Building Official.
 - a. The Building Official shall have discretion to approve minor variations in the requirements of this Section, so long as those variations are consistent with the overall intent of this Section.
 - b. The following process shall be used to approve a front building elevation plan:
 - (1) The applicant shall submit a dimensioned rendering of the front building elevation to the Building Official.
 - (2) The Building Official shall determine the elevation plan=s compliance with this Section and issue an elevation plan approval letter or disapproval letter to the applicant.
 - (3) The applicant shall prepare and submit construction plans to the Building Official, who shall process the plans in accordance with Town ordinances and policies.
 - (4) The elevation plan approval letter, if issued shall remain in effect until the completion of the construction plan approval process and the issuance of the building permit for the proposed house.
 - (5) Complete construction plans shall be submitted to the Building Official within thirty (30) days of the date of the approval letter. If construction plans are not submitted within such period, the elevation plan approval expires.
 - (6) Construction plans shall be consistent with the approved elevation plan. If construction plans are inconsistent, consistent plans shall be submitted, or a new elevation plan must be approved for the construction plans under the criteria of this Section.

20.8 BUILDING MATERIALS FOR STRUCTURES

A. Masonry Requirements.

1. The use of masonry in residential zoning district and in the LR district shall be limited to brick and stone. Masonry in all other zoning districts shall be limited to the following materials: brick, stone, tilt-up concrete with aggregate exposed, poured or cast in place concrete with an approved designed exterior, decorative haydite or concrete blocks or tile, glass curtain walls or glass blocks and stucco. Masonry materials shall meet the following requirements:

a. The standards for acceptable masonry construction types are listed below:

(1) Stone Material: Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone and dimensional stone techniques are acceptable. Simulated stone may be used provided the following conditions are met:

(a) Simulated stone is manufactured from a cement base and has integral color.

(b) The material is at least two inches thick and is indistinguishable from natural stone from a distance of five feet.

(c) Stone is installed by grouting to a cementitious stucco substrate that has been attached to pressure treated plywood sheathing and includes a vapor barrier, all in accordance with the manufacturer's recommendation.

(d) Stone joints are mortared and the corner joints are staggered to prevent a vertically aligned corner mortar joint.

(e) Capstone or other masonry treatment is used to create a defined crown at the top of the chimney.

Amended by Ord. No. 404 on 1/10/2005

(2) Brick Material: Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), and shall be Severe Weather (SW) grade, and Type FB or FBS or better.

Unfired or underfired clay, sand, or shale brick are not allowed.

- (3) Concrete Masonry Units: Concrete masonry units used for masonry construction shall meet the latest version of the following applicable specifications; ASTM C90 Standard Specification for Hollow Load Bearing Concrete Masonry Units; ASTM C145, Standard Specification for Solid Load Bearing Masonry Units; ASTM C129, Standard Specification for Hollow and Solid Nonload Bearing Units. Concrete masonry units shall have an indented, hammered, split face or other similar approved architectural finish as approved by the Town Council. Lightweight concrete block or cinder block construction is not acceptable as an exterior finish.
- (4) Stucco: The following minimum specifications shall be used for stucco type masonry construction:
 - (a) Metal lath attached to a type of framing approved in the zoning district or metal lath attached to concrete or haydite block construction with a portland cement and sand plaster applied to a minimum thickness of 3/4".
 - (b) Metal lath attached to a type of framing approved in the zoning district or metal lath attached to concrete or haydite block construction with a fiberglass mixed plaster applied to the exposed surface to a minimum thickness of 5/8".
 - (c) Metal lath attached to a type of framing approved in the zoning district or metal lath attached to concrete or haydite block construction with a 5/8" acrylic based plaster applied over a 1" thick (minimum) polystyrene insulating board.
- (5) Concrete Panel Construction: Concrete finish or pre-cast panel (tilt wall) construction shall be painted, fluted, exposed aggregate, or other approved architectural concrete finish. Smooth or untextured concrete finishes are not acceptable.
- (6) Hardiboard: Hardiboard or Hardiplank cement-fiber siding as manufactured by James Hardie Building Products Inc or other equal product.

2. Construction standards: The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new, altered or repaired construction occurring within the Town.

- a. Residential

- (1) All residential buildings and structures located in the residential zoning districts AR through SF-4 shall be of exterior fire resistant construction having at least ninety percent (90%) of the total exterior walls, excluding doors and windows, constructed of brick, stone, or material of equal characteristics in accordance with the Town's building code and fire prevention code. The use of stucco may not exceed forty (40) percent of the total exterior. The remaining ten percent (10%), except chimneys, may be constructed of Hardiboard or its equivalent. No more than 50% of any elevation may be glass. All fireplace chimneys are to be 100% masonry. All fireplaces shall provide outside combustible air to the fire. All fireplaces, not built for wood burning, shall contain a nonremovable warning to that effect, prominently display in the area of the controlling features , or such other location as may be required by national standards, of the fireplace, and further warning of the dangers of attempting to burn wood or other substances not approved by the manufacturer. All such fireplaces must contain nonoperable doors or a sealed glass viewing area. All B vents shall be placed behind the ridgeline of the front of the house and need not be clad with masonry if such vent is not visible from the front of the house.

Amended by Ord. No. 404 on 1/20/2005; Ord. No. 13-02 on 1/28/2013

- b. Nonresidential LR, GB, and LC districts.

The exterior walls of all buildings in these zoning districts shall be of solid masonry or masonry veneer construction covering at least 90% of the walls. The International Building Code, as amended from time to time, which is published by International Code Council (ICC), shall govern all structural wall and roof construction. Plain haydite or concrete block outside walls must be veneered with another decorative masonry material. Masonry shall be brick or stone. On exterior building walls, stucco type masonry shall be limited to 10% of required masonry area façade. Colors for stucco type masonry shall be selected from the recommended earth tone palette provide in the Town of Sunnyvale Design Criteria Manual. The use and coverage percentage of

Hardiboard type masonry will be considered only on a specific case basis.

Amended by Ord. No. 13-02 on 1/28/2013

c. Non-residential - HC District

- (1) Exterior walls of all structures shall have at least 90% masonry coverage on all four building sides. Stucco type masonry shall be limited to 40% of required masonry area façade. Colors for stucco type masonry shall be selected from the recommended earth tone palette provided in the Town of Sunnyvale Design Criteria Manual. The use and coverage percentage of Hardiboard type masonry shall be considered only on a specific case basis.
- (2) Plain haydite or concrete block outside walls must be veneered with another decorative masonry material. Masonry shall be brick or stone. Glass block and glass curtain walls are acceptable materials but they shall not exceed 50 percent of the area of any wall.
- (3) No exterior walls of any buildings shall be constructed of wood or corrugated metal.

d. Non-residential Industrial District

- (1) The exterior walls of all buildings facing and within 300 feet of a dedicated street shall be 90 percent masonry veneered with a decorative masonry material. The International Building Code, as amended from time to time, which is published by International Code Council (ICC), shall govern all structural wall and roof construction. Plain haydite or concrete block outside walls must be veneered with another decorative masonry material. Masonry shall be brick, stone, or deformed (decorative) haydite or concrete block (with integral color). Glass block and glass curtain walls are acceptable materials but they shall not exceed 50 percent of the area of any wall.

Amended by Ord. No. 13-02 on 1/28/2013

- (2) The exterior walls of all buildings that do not face a dedicated street may be constructed of a prefabricated metal type. All metal shall be twenty-six (26) gauge or lesser gauge structural steel, i.e., Butler or Delta Prefabricated metal buildings.

- (3) No exterior walls of any buildings shall be constructed of wood or corrugated metal.

e. Exceptions:

These rules are not intended to prevent architectural creativity. Consideration of exceptions shall be based only on the following criteria and shall be presented to the Town Council for final determination:

- (1) Architectural design and creativity. For single-family residential uses, architectural variances may be considered for, but not limited to, Gingerbread, Victorian, English Tudor, or Log designs.
- (2) Compatibility with surrounding developed properties
- (3) Accessory buildings two hundred (200) square feet or less are excluded from these provisions. Barns on property of two (2) acres or more if such barns are used solely for agricultural as distinguished from commercial or industrial purposes shall be exempt from provisions of this section.

3. Metal Buildings (main or primary)

When walls are metal, the use of corrugated panels is prohibited; profiled panels, deep ribbed panels and concealed fastener systems are permitted. Exterior finish for metal walls fronting or siding on public streets shall be of a permanent material such as a baked or enamel finish or painted to the wall manufacturer's standards. The use of galvanized, corrugated aluminum coated, zinc-aluminum coated, or unpainted exterior metal finish is prohibited.

4. All building materials shall be noted and described in conjunction with an application for a building permit.
5. Utility houses shall be 100% masonry exclusive of doors and windows, and shall reflect the architectural character of the development.

B. Roofing Materials.

Roofing materials shall be of slate, metal or asphalt; no wood shingles may be utilized. Roofing must be certified to last thirty (30) years.

C. Fencing Other Than Screening

Whenever a property owner chooses to construct a fence other than a required screen, construction methods and materials shall be limited to those for screening fences set forth in section 20.5.B.5.

D. Glass Walls

Glass walls shall include glass curtain walls or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework.

E. Metal Wall and Roofing Systems

Metal walls and roofing shall include profiled panels, deep ribbed panels and concealed fastener systems. Exterior finish shall be film laminated or baked on enamel painted to the manufacturer's standards.

1. The use of corrugated metal, plastic or fiberglass panels with continuous corrugations or with corrugations less than 1 1/2" deep is prohibited. Fiberglass panels may be used for skylights only and may constitute no more than five percent of the roof or wall area.
2. The use of galvanized, aluminum coated, zinc-aluminum coated or unpainted external metal finish is prohibited with the following exceptions.
 - a. Copper panels may be unpainted.
 - b. Zinc coated steel standing seam roofing panels may be used in residential areas only when placed directly over 2" wood decking.