

ORDINANCE NO. 2015-06-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE SCREENING AND BUFFERING REQUIREMENTS OF CHAPTER 142, OF THE SUBDIVISION REGULATIONS; ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

WHEREAS, the City of McKinney adopted the Code of Ordinances for the protection of the public health and general welfare of the people of the City of McKinney; and

WHEREAS, the City Council has recognized that certain provisions of the Code of Ordinances should be reviewed and updated; and

WHEREAS, amendments to these provisions have been proposed and the City Council of the City of McKinney is of the opinion that this chapter should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. The Code of Ordinances, City of McKinney, Texas, Chapter 142 of the Code of Ordinances: Screening and Buffering, is hereby amended and shall read as follows:

“Sec. 142-106. Screening and buffering of certain residential lots adjacent to streets.

(a) *Intent and purpose.* The intent of this section is to provide screening and buffering guidelines in residential subdivisions adjacent to public thoroughfares. The intent is to create an aesthetically pleasing corridor which encourages harmony and discourages monotony, while insuring safety and security and reducing noise and glare in neighborhoods. It is also the intent to encourage screening and buffering at a reasonable (moderate) cost with low to moderate maintenance requirements and to encourage sound planting principals including the use of indigenous plant material with reduced watering requirements. A variety of plant materials shall be provided in order to discourage monotony, subject to review and approval by the landscape administrator.

(b) *Application.* Buffering shall be provided in the form of a common area wherever a residential lot would otherwise back or side to a street and shall be the minimum width indicated in table 1. Within that common area, screening as indicated in table 2 shall be provided. It is not necessary that the back or side of a residential lot physically touch or be immediately adjacent to the public thoroughfare in question or its right-of-way for compliance with this Section 142-106 to be required.

Rather, the rear and/or side of any such residential lot shall be screened and buffered in accordance with the provisions of this Section 142-106 if any part or portion of the rear or side of such residential lot is, or maybe, visible from a nearby public thoroughfare. The placement of an alley, parallel road, easement,

fence, wall, common area, hardscaping, landscaping, or any other type of improvement, whether individually or in combination, to restrict the visibility of such residential lot and which screening and buffering does not meet the minimum requirements of this Section 142-106 shall not circumvent, replace or otherwise satisfy the requirements of this Section 142-106.

Notwithstanding the foregoing, a residential lot (a) that does not physically touch and is not immediately adjacent to a public thoroughfare or its right-of-way and (b) which residential lot is developed in a phase of development of a larger subdivision that has been pre-final platted and is being constructed in phases may be excepted from this requirement by the landscape administrator, in consultation with the director of engineering, if it is determined that the back or side of such residential lot will be screened from view by the development of a future phase of the larger pre-final platted subdivision of which the subject residential lot is a part.

Table 1

		Width of Required Common Area (Buffer)	
		Lots Backing a Street	Lots Siding a Street
Ultimate Width of Adjacent Street	≤ 50'	10'	0'
	≤ 60'	20'	0'
	≤ 80'	20'	20'
	> 80'	20'	20'

Table 2

• - Mandatory requirement	Minimum One 3" Caliper Canopy Tree per 50 Linear Feet of Frontage	Minimum Two 1" Caliper Ornamental Trees per 50 Linear Feet of Frontage	Minimum 25% of Length of Screening to Have Bed of Shrubs & Groundcover	Minimum 50% of Length of Screening to Have Bed of Shrubs & Groundcover	Minimum 50% of Length to Have 3' Height Earth Berm	Fence Offsets (See note #1)
° - Additional requirement option (minimum one selection + mandatory requirement per alternative)						
* - If applicable						

a. Continuous 6' height masonry wall (See note #2)	•		•			*
b. Continuous 6' height wrought iron or tubular steel fence with masonry columns @ 20' o.c. (See note #2)	•	•	•	°	°	*
c. Continuous 6' height evergreen shrubs (See note #4)	•					
d. Maximum 3' height earth berming with additional 3' height evergreen shrubs (See note #3)	•					
e. Maximum 6' height earth berming (See note #3)	•	°	•	°		

Notes:

- (1) If 1000 feet or greater distance between openings – provide minimum one foot to three feet offset at a minimum of 100 feet – maximum 300-foot length.
 - (2) The color and style of masonry shall be consistent with the surrounding vicinity.
 - (3) Maximum 4:1 slope on berms. Additional common area dedications as required.
 - (4) Shrubs must reach required height within two full growing seasons or 18 months, whichever is less.
- (c) *Standards.* Screening shall be a minimum of six feet in height and shall not exceed the maximum height allowed for fences (except for living screens). In the case of a living plant screen, two full growing seasons to a maximum time of 18 months shall be allowed to attain the required height and screening characteristics specified above. Where the design of a residential subdivision along a street employs a combination of lots backing and siding toward the street, the plan shall provide for consistency of landscaping and fencing design and materials along both, the backing and siding lots so as to create an overall desirable effect. Walls or fences along the sides of lots which are continuous with walls or fences along

adjacent backing lots shall be located within a common area and shall be maintained by the same entity.

- (d) *Irrigation.* An underground automatic irrigation system equipped with rain and freeze sensors and evapotranspiration (ET) weather based controllers shall be provided for all landscape planting areas. Irrigation systems shall comply with the city's water conservation ordinance as it exists or may be amended. Irrigation systems shall be designed for maximum irrigation efficiency, including the maximization of bubblers and rip emitters and the minimization of rotors and spray sprinklers.
- (e) *Conflicts.* No improvements shall conflict with vehicular or pedestrian traffic movement. No improvements, including trees or large shrubs which do not meet the guidelines established by the utility company or the city shall be planted over or under existing utilities. Sidewalk or hike and bike trail locations shall be coordinated with other improvements and shall be shown on the screening and buffering plan.
- (f) *Submittal.* Plans for screening and buffering shall be submitted concurrently with the applicant for minor plat, minor replat or record plat approval. Plans will be evaluated by the landscape administrator concurrently with the minor plat, minor replat or record plat consideration. Approval of the screening and buffering plans by the landscape administrator is required prior to the approval of a minor plat, minor replat or record plat.
- (g) *Administration.* The developer shall provide three complete sets of plans to the planning department which shall include, but not be limited to, the following information; location of berming, fencing, walls or landscaping; sidewalks; location of the street and property line; location of the screening and buffering area within the open space common area; location of existing and proposed utilities (water, sanitary sewer, electric, cable, gas, etc.); location of existing and proposed easements; construction details of the fencing or walls; specific plant materials being used (including common name, scientific name, quantity, size, spacing); planting details; berm details; and an irrigation plan; and any additional information as requested by the landscape administrator to assist in the complete and thorough review of the proposed plans. Sheet size shall be 24 inches by 36 inches with the scale not to exceed one inch equals 40 feet, or as determined by the landscape administrator. Construction drawings of all improvements shall be approved by the landscape administrator and the chief building official, prior to the installation of any proposed screening and buffering improvements.

Prior to the filing of the minor plat, minor replat or record plat, a compact disk (CD) with a copy of the as-built plans for the screening and buffering improvements shall be submitted to the engineering department in Adobe Acrobat (.pdf) format, subject to review and inspection by the landscape administrator.

- (h) *Certificate of acceptance.* A certificate of acceptance shall be required prior to filing of a plat with the county clerk. Upon

completion of construction of the required screening and buffering improvements, the applicant for a plat shall request an inspection of said improvements from the landscape administrator. If the required screening and buffering is installed per the approved screening and buffering plan, the landscape administrator shall issue a certificate of acceptance. Where installation of landscaping is required to occur during a stage 3 or stage 4 drought situation as determined by the city subject to approval by the landscape administrator, the developer may provide the city with a letter of credit or some financial assurance determined by the landscape administrator equal to the cost of installing the landscaping which will remain in effect until the screening and buffering improvements are installed and accepted by the city. Once stage 3 restrictions are lifted, the landscaping required by the plan must be installed within six months, or the development shall be deemed to be in violation of this chapter and no additional building permits or certificates of occupancy will be issued.

- (i) *Maintenance.* Maintenance of the screening and buffering requirements mentioned herein shall be established prior to plat approval and shall be clearly outlined as part of the facilities agreement or as a condition of plat approval. A homeowners association (HOA) shall be responsible for maintenance of all landscaping, buffering, screening, irrigation and associated improvements adjacent to residential subdivisions along public thoroughfares.

Section 4. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

Section 5. That this Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 6. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 2nd DAY OF JUNE, 2015.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney