



# PLANNING AND ZONING COMMISSION AGENDA

Regular Meeting  
Tuesday, October 11, 2022  
6:00 p.m.  
City Hall - Council Chamber  
Daniel P. Moore Community Center Complex  
1900 Billy G. Webb Drive  
Portland, Texas

*Citizens may watch the meeting live online at <http://www.portlandtx.com/418/Media-Center>. Citizens may also comment on items appearing on the agenda online at <http://www.portlandtx.com/418/Media-Center> and/or submit comments or questions for the Planning and Zoning Commission to [annette.hall@portlandtx.gov](mailto:annette.hall@portlandtx.gov) to be considered by the Planning and Zoning Commission, all comments must be received one (1) hour prior to the meeting.*

1. **CALL TO ORDER:** CHAIRPERSON FORSYTHE
2. **ROLL CALL:** CITY SECRETARY
3. **PLANNING AND ZONING COMMISSIONERS COMMENTS CONCERNING ITEMS OF COMMUNITY INTEREST THAT MAY BE DISCUSSED:**

Members of the Planning and Zoning may present reports regarding items of community interest, provided no action is taken or discussed. Items of community interest include the following:

- Expressions of thanks, congratulations, or condolence
- Information regarding holiday schedules
- Honorary recognition of city officials, employees, or other citizens
- Reminders about upcoming events sponsored by the city or another entity that is scheduled to be attended by a city official or city employee
- Announcements of imminent threats to the public health and safety of the city

4. **CITY MANAGER'S REPORT:**

The City Manager may present announcements, comments, and updates on City operations and projects.

**5. PUBLIC COMMENT - AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT AT PUBLIC MEETINGS OF THE PLANNING AND ZONING COMMISSION:**

This meeting will be live-streamed at [www.portlandtx.com/418/Media-Center](http://www.portlandtx.com/418/Media-Center) and on Spectrum Channel 1300.

Public testimony and public hearing input for Public Comment and all items on the agenda should be provided in written format and presented to the City Secretary prior to the start of each meeting of the Planning and Zoning Commission. Written comments on agenda items may also be submitted through the City's Speak-Up website at [www.portlandtx.com/418/Media-Center](http://www.portlandtx.com/418/Media-Center) one (1) hour prior to the meeting.

Written public testimony will be provided to members of the Planning and Zoning Commission prior to voting on measures for that meeting and included in the meeting record. Written and oral testimony as described shall serve as public testimony pursuant to Texas Government Code 551.007 for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference.

Persons wishing to speak must fill out a speaker request card prior to the meeting. You will be notified when it is your turn to speak. Speakers will be given four (4) minutes to speak.

**6. ELECTIONS OF OFFICERS:** THE PLANNING AND ZONING COMMISSION WILL ELECT A CHAIRPERSON AND VICE-CHAIRPERSON – CHAIRPERSON FORSYTHE

**7. MINUTES:** THE PLANNING AND ZONING COMMISSION WILL CONSIDER APPROVAL OF THE MINUTES OF ITS SEPTEMBER 13, 2022 REGULAR MEETING—CHAIRPERSON FORSYTHE

**8. PUBLIC HEARING – UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS:** THE PLANNING AND ZONING COMMISSION WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING TEXT AMENDMENTS TO UNIFIED DEVELOPMENT ORDINANCE SECTION 709 – BUFFERS AND LANDSCAPING – ASSISTANT CITY MANAGER

**9. UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS:** THE PLANNING AND ZONING COMMISSION WILL CONSIDER TEXT AMENDMENTS TO UNIFIED DEVELOPMENT ORDINANCE SECTION 709 – BUFFERS AND LANDSCAPING – ASSISTANT CITY MANAGER

**10. ADJOURNMENT:** CHAIRPERSON FORSYTHE

Posted: October 7, 2022 by 5:00 p.m.  
Portland City Hall  
Electronically at [www.portlandtx.gov](http://www.portlandtx.gov)

By: *Annette Hall*  
Annette Hall  
City Secretary

## MINUTES

### PLANNING AND ZONING COMMISSION

#### SEPTEMBER 13, 2022 REGULAR MEETING

The Planning and Zoning Commission conducted its September 13, 2022, Regular Meeting in Council Chambers of City Hall (1900 Billy G. Webb Dr.) that began at 6:00 p.m. It did so in compliance with requirements of the Texas Open Meetings Act, City of Portland City Charter, and Unified Development Ordinance. The following persons were in attendance:

#### COMMISSIONERS PRESENT

Craig Forsythe (Chairperson)  
Leticia Kanmore (Vice-Chairperson)  
Jerry Browning  
Brad Sarchet  
Weston Holmstrom

#### COMMISSIONERS ABSENT

Romy Brewer

#### EXECUTIVE STAFF PRESENT

Brian DeLatte, Deputy City Manager  
Kathleen Weisenberger, Assistant City Manager  
Annette Hall, City Secretary  
Sarah Munoz, Director of Development Services  
Brandon Lemon, Accounting Assistant  
Drew Schell, IT Technician

1. **CALL TO ORDER:** CHAIRPERSON FORSYTHE

Chairperson Forsythe called the meeting to order at 6:00 p.m.

2. **ROLL CALL:** CITY SECRETARY

City Secretary Annette Hall called the roll and announced that a quorum was present.

3. **PLANNING AND ZONING COMMISSIONERS COMMENTS CONCERNING ITEMS OF COMMUNITY INTEREST THAT MAY BE DISCUSSED:**

Members of the Planning and Zoning may present reports regarding items of community interest, provided no action is taken or discussed. Items of community interest include the following:

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- Information regarding holiday schedules
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- Announcements of imminent threats to the public health and safety of the city

There were no comments made by the Commissioners.

#### **4. CITY MANAGER'S REPORT:**

The City Manager may present announcements, comments, and updates on City operations and projects.

- Deputy City Manager Brian DeLatta gave an update on the Comprehensive Plan Review process with Freese and Nichols adding that a joint Planning and Zoning Commission and City Council will be scheduled in November.

#### **5. PUBLIC COMMENT - AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT AT PUBLIC MEETINGS OF THE PLANNING AND ZONING COMMISSION:**

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Written public testimony will be provided to members of Planning and Zoning Commission prior to voting on measures for that meeting and included in the meeting record. Written and oral testimony as described shall serve as public testimony pursuant to Texas Government Code 551.007 for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference.

Persons wishing to speak must fill out a speaker request card prior to the meeting. You will be notified when it is your turn to speak. Speakers will be given four (4) minutes to speak.

City Secretary Annette Hall announced that no public comments were received.

6. **MINUTES:** THE PLANNING AND ZONING COMMISSION WILL CONSIDER APPROVAL OF THE MINUTES OF ITS AUGUST 9, 2022 REGULAR MEETING—CHAIRPERSON FORSYTHE

Vice-Chairperson Kanmore made the motion to approve the minutes of August 9, 2022, as presented, seconded by Commissioner Sarchet.

The motion passed with the following vote:

For:	5	Chairperson Forsythe, Vice-Chairperson Kanmore, Commissioner Browning, Commissioner Sarchet, and Commissioner Holmstrom
Against:	0	
Abstain:	0	
Absent:	1	Commissioner Brewer

7. **SUBDIVISION FINAL PLAT:** THE PLANNING AND ZONING COMMISSION WILL CONSIDER THE FINAL PLAT OF DAVID ESTATES UNIT 3 – DIRECTOR OF DEVELOPMENT SERVICES

Director of Development Services Sarah Munoz presented the following information:

V & M Equity Properties, LLC has applied for the final plat of David Estates Unit 3. The property was rezoned in 2019 to a mixture of R-6, R-7, and R-8 Single Family Residential. Unit 3 is entirely zoned R-8 and contains 91 lots and 2.36 acres of park dedication. The plat meets Unified Development Ordinance (UDO) requirements and City Staff recommends approval subject to conditions.

- June 11, 2019 – The Planning and Zoning Commission conducted a public hearing and recommended approval of the zoning change from R-6 to a mixture of R-6, R-7, and R-8 Single Family Residential.
- June 18, 2019 – The City Council conducted a public hearing on the zoning change
- July 2, 2019 – The City Council passed the final reading of Ordinance No. 2193 rezoning the property
- July 14, 2020 – The Planning and Zoning Commission approved the final plats of David Estates Units 1, 2, and 5

Lot Layout and District Regulations: The proposed lots are generally 50 feet wide. The front yard setback is 20 feet.

Access: Access for Unit 3 will be provided through Floerke Road and internal streets. The applicant will be constructing the ultimate Floerke Road section per Comprehensive Plan requirements. The proposed residential internal streets meet UDO standards. The applicant has entered into a Development Agreement in April of 2022 authorizing the use of Roller Compacted Concrete in David Estates.

Utilities: Water Service for Unit 3 will ultimately connect into the City's existing water system in two locations; near the intersection of Land and Stark and at the Southeast corner of the BridgePointe lift station. Wastewater service will ultimately connect into the BridgePointe lift station via offsite line extensions through existing easements and rights-of-way. Currently, David Estates Units 1 & 2 are completing utility installation. Unit 3 construction plans are pending. All offsite utility expenses are at the sole expense of the applicant.

Drainage: Finished floor elevations will be based on adjacent curb elevations in conformance with City codes. The subdivision will ultimately drain to the proposed ditch system constructed by the San Patricio Drainage District through the adjacent Reserve at West Portland development.

Conclusions: The following entities have reviewed the plat and find no objections other than conditions listed under the recommended actions:

- City of Portland Fire
- Consulting City Utilities Engineer
- San Patricio County Drainage District
- City Engineer/Public Works Department
- Centerpoint Energy
- AEP

Recommended Action:

Adopt a motion that approves the Final Plat of David Estates Unit 3 subject to the following conditions:

- A. Compliance with all City of Portland ordinances, rules and regulations
- B. Approval of Engineering construction plans
- C. Payment of all platting, review, and impact fees
- D. Extension of offsite street, utilities, and drainage improvements at the developer's sole expense

Commissioner Sarchet made the motion to approve the final plat of David Estates Unit 3 subject to the following conditions:

- A. Compliance with all City of Portland ordinances, rules and regulations
- B. Approval of Engineering construction plans
- C. Payment of all platting, review, and impact fees
- D. Extension of offsite street, utilities, and drainage improvements at the developer's sole expense

Vice-Chairperson Kanmore seconded the motion.

The motion passed with the following vote:

For: 5 Chairperson Forsythe, Vice-Chairperson Kanmore, Commissioner Browning, Commissioner Sarchet, and Commissioner Holmstrom  
Against: 0  
Abstain: 0  
Absent: 1 Commissioner Brewer

**8. SUBDIVISION REPLAT: THE PLANNING AND ZONING COMMISSION WILL CONSIDER THE FINAL PLAT OF CENTURY TERRACE AT LANG AND MEMORIAL, BLOCK 1, LOT 1 – DIRECTOR OF DEVELOPMENT SERVICES**

Director of Development Services Sarah Munoz presented the following information:

Saint Stephen Lutheran Church has applied for a replat of 619 Lang. The applicant is proposing to split the lot to allow for resale of the 0.161 acre separate lot. The lot split meets all Unified Development Ordinance requirements and City Staff recommends approval

The lot split meets all Unified Development Ordinance requirements. Access to the lot is provided through Memorial Parkway. Water and wastewater is available to be extended and service the lot. Stormwater runoff will be captured by the existing drainage along Memorial Parkway.

**Recommended Action:**

Adopt a motion that approved the Final Plat (Replat) of Century Terrace at Lang and Memorial, Block 1, Lot 1 subject to the following conditions:

- A. Compliance with all City of Portland ordinances, rules and regulations
- B. Payment of all platting, review and impact fees.

Dionnico Rodriguez a representative of St. Lutheran Church was present.

Vice-Chair Kanorme made the motion to approve the Final Plat (Replat) of Century Terrace at Lang and Memorial Block 1, Lot 1, subject to the following conditions:

- A. Compliance with all City of Portland ordinances, rules, and regulations
- B. Payment of all platting, review fees, and impact fees

Commissioner Browning seconded the motion.

The motion passed with the following vote:

For: 5 Chairperson Forsythe, Vice-Chairperson Kanmore, Commissioner Browning, Commissioner Sarchet, and Commissioner Holmstrom

Against: 0  
Abstain: 0  
Absent: 1            Commissioner Brewer

9. **ADJOURNMENT:** CHAIRPERSON FORSYTHE

Chairperson Forsythe adjourned the meeting at 6:14 pm.

**APPROVED:**

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Chairperson, Craig Forsythe

**ATTEST:**

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Deputy City Manager, Brian DeLatte



portland



## PLANNING AND ZONING COMMISSION ACTION ITEM

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**AGENDA TITLE**     **PUBLIC HEARING – UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS:** THE PLANNING AND ZONING COMMISSION WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING TEXT AMENDMENTS TO UNIFIED DEVELOPMENT ORDINANCE SECTION 709 – BUFFERS AND LANDSCAPING

**UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS:** THE PLANNING AND ZONING COMMISSION WILL CONSIDER TEXT AMENDMENTS TO UNIFIED DEVELOPMENT ORDINANCE SECTION 709 – BUFFERS AND LANDSCAPING

**MEETING DATE**     10/11/2022

**DEPARTMENT**     Administration

**SUBMITTED BY**     Kathleen Weisenberger, Assistant City Manager

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### **EXECUTIVE SUMMARY**

This amendment will apply to Section 709 Buffers and Landscaping of the Unified Development Ordinance. The amendment will require newly constructed one- and two-family homes to install landscaping in 100% of total front and side-yards, as well as, requiring a minimum number of front- or side-yard trees to be planted. This will also apply to renovated homes in which there is an increase in the ground level area by 1,000 square feet or more of the existing structure or any increase in the floor area by 10% or more of existing structures great than 10,000 square feet.

The minimum requirements for number of trees is based on the residential zoning category as follows:

- R-2, Single-Family Residential: four, (4) canopy trees with a minimum caliper of two (2) inches at breast height;
- R-6, Single-Family Residential: two (2) canopy trees with a minimum caliper of two (2) inches at breast height;
- R-7, Single-Family Residential: 1 (1) canopy tree with a minimum caliper of three (3) inches at breast height and one (1) understory tree with a minimum caliper of one-and-a-half (1.5) inches at breast height;
- R-8, Single-Family Residential: 1 (1) canopy tree with a minimum caliper of three (3) inches at breast height.

## **PRIOR ACTIONS OR REVIEWS**

- August 10, 2022 – During the presentation of the proposed 2022-2023 Budget to City Council, staff stated a budget goal to “increase beautification and quality of life initiatives.”

## **DETAILS / STAFF ANALYSIS**

City Council has previously expressed concern regarding the need for healthy, mature trees in residential neighborhoods. Staff has researched benefits to residential trees and found that

healthy trees contribute to better air and water quality, residential energy savings, reduced storm water runoff, carbon storage, and increased property values.

Staff has concluded that the long-term benefits of required landscaping and tree installation are of great importance to our community’s future. In light of the influx of new residential developments in our city limits, staff is proposing this ordinance to protect and enhance the quality of life and beautification of our neighborhoods.

Staff from the City Manager’s Office, Parks Department, and the City’s contracted landscaping company, Maldonado Nursery and Landscaping Inc., have reviewed the proposed amendments.

In determining whether to adopt, adopt with modifications or deny the proposed amendment, the Planning and Zoning Commission shall consider the following factors:

1. *Compatible with Plans and Policies.* Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning and Zoning Commission or City Council.
2. *Consistent with this Ordinance.* Whether and the extent to which the proposed amendment would conflict with any portion of this Ordinance.
3. *Compatible with Surrounding Area.* Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.
4. *Changed Conditions.* Whether and the extent to which there are changed conditions that require an amendment.
5. *Effect on Natural Environment.* Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.
6. *Community Need.* Whether and the extent to which the proposed amendment addresses a demonstrated community need.
7. *Development Patterns.* Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.

## **FINANCIAL IMPACT**

No financial impact is assumed to the City of Portland. Staff has gathered estimates of the potential impact of this amendment to home builders and future homeowners. Below are those estimates:

- R-2, Single-Family Residential: \$1,200 (\$300/canopy tree at 2 inches) plus labor
- R-6, Single-Family Residential: \$600 (\$300/tree canopy tree at 2 inches) plus labor
- R-7, Single-Family Residential: \$500 (\$350/canopy tree at 3 inches; \$150/understory tree at 1.5 inches) plus labor
- R-8, Single-Family Residential: \$350 (\$350/canopy tree at 3 inches) plus labor

## **ATTACHMENTS**

- Notice of Public Hearing
  - Proposed Ordinance
- 

## **RECOMMENDED ACTION**

Motion to:

1. Recommend the City Council approve the proposed amendments;  
OR
2. Recommend the City Council approve the proposed amendments with modifications,  
OR
3. Recommend the City Council deny the proposed amendments based on the amendment criteria.



## **NOTICE OF PUBLIC HEARINGS**

Notice is hereby given that Public Hearings will be held before the City of Portland Planning and Zoning Commission on **Tuesday, October 11, 2022 at 6:00 p.m.**, and the City of Portland City Council on **Tuesday, October 18, 2022 at 7:00 p.m.**, both in the City Council Chambers of City Hall (**1900 Billy G. Webb Drive**), to solicit comments from citizens and other interested parties concerning proposed text amendments to the City of Portland Unified Development Ordinance:

- Modifying *Section 709 – Buffers and Landscaping* to require newly constructed one- and two-family homes to install sod or other permanent vegetative ground cover in 100% of total front and side-yards, as well as, requiring a minimum number of front- or side-yard trees to be planted.

Public comments can be submitted prior to the public hearing by emailing [annette.hall@portlandtx.gov](mailto:annette.hall@portlandtx.gov). Any questions concerning the amendment may be directed to Kathleen Weisenberger, Assistant City Manager at [kathleen.weisenberger@portlandtx.gov](mailto:kathleen.weisenberger@portlandtx.gov), or 361-777-4517.

**ORDINANCE NO. XXXX**

AN ORDINANCE AMENDING THE CITY OF PORTLAND'S UNIFIED DEVELOPMENT ORDINANCE BY AMENDING *SECTION 709 BUFFERS AND LANDSCAPING* BY REQUIRING CERTAIN LANDSCAPING AND TREE PLANTING FOR NEWLY CONSTRUCTED ONE- AND TWO-FAMILY HOMES; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY AND SPECIFICALLY NEGATING A REQUIREMENT OF A CULPABLE MENTAL STATE; PROVIDING AND ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION IN THE CITY OF PORTLAND, TX.

**WHEREAS** the City desires to amend the Unified Development Ordinance to require tree plantings at newly built residential homes; and,

**WHEREAS** healthy trees in neighborhoods contribute to energy savings, better air and water quality, reduced storm water runoff, carbon storage and increased property values; and,

**WHEREAS** the Planning and Zoning Commission has conducted a Public Hearing according to law; and,

**WHEREAS** the City Council has conducted a Public Hearing according to law and determined that the request meets the criteria for approval established by the Unified Development Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, TEXAS:**

**SECTION 1.**

SECTION 1. Section 1003 Defined Terms, Chapter 10 Definitions, of the Unified Development Ordinance is hereby amended by adding the following to defined terms:

- A. Tree, Canopy: Also referred to as a shade tree, is a tree species designated as such in the Tree List found in the Table 2.Canopy Trees, Chapter 7 of this UDO.
- B. Tree, Understory: May also be referred to as an ornamental tree, is a tree species designated as such in the Tree List found in the Table 3.Understory Trees, Chapter 7 of this UDO.

**SECTION 2.**

Section 709 Buffers and Landscaping, Chapter 7 General Development Standards, of the Unified Development Ordinance is hereby amended to read as follows by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

- 45 A. General. The use of drought-tolerant indigenous Texas gulf coast plant material is  
46 encouraged.
- 47 B. Residential Landscaping Requirements. The following landscape requirements shall be  
48 applied to each residential zoning category.
- 49 a. For new single- and two-family residential construction, the following minimum  
50 number of front-yard trees shall be installed prior to the issuance of a Certificate  
51 of Occupancy/Completion:
- 52 i. R-2, Single-Family Residential: four, (4) canopy trees with a minimum  
53 caliper of two (2) inches at breast height;
- 54 ii. R-6, Single-Family Residential: two (2) canopy trees with a minimum  
55 caliper of two (2) inches at breast height;
- 56 iii. R-7, Single-Family Residential: One (1) canopy tree with a minimum caliper  
57 of three (3) inches at breast height and one (1) understory tree with a  
58 minimum caliper of one-and-a-half (1.5) inches at breast height;
- 59 iv. R-8, Single-Family Residential: One (1) canopy tree with a minimum caliper  
60 of three (3) inches at breast height.
- 61 b. Required front- yard trees shall be planted outside of any recorded or prescriptive  
62 easement and in a manner that maintains a minimum 5-foot diameter clear space  
63 ring that is centered on the tree planting to ensure that on-premise utility lines or  
64 building foundations are not compromised due to root spread.
- 65 c. All required front-yard trees shall be in accordance with the approved plant list  
66 outlined in Table 2 and Table 3.
- 67 d. For all residential homes, 100% of the front- and side-yard must have sod or other  
68 permanent vegetative ground cover installed. The front- and side- yard shall be  
69 sodded unless a xeriscaping plan is submitted. Such a plan must be signed and  
70 sealed by a Texas Registered Landscape Architect or certified nursery professional.
- 71 i. R-2, Single-Family Residential homes may substitute grass seed for sod.
- 72 C. Application of Landscaping Requirements. The landscaping requirements of this Section  
73 shall apply to building permits for the following:
- 74 a. **New Development**
- 75 1. New residential construction on property in all zoning districts;
- 76 2. For one- and two-family residential building permit applications, proposed site  
77 landscaping and supporting information may be indicated on a site plan in lieu  
78 of providing a full landscape plan. Content and information to be provided on  
79 the site plan shall be at the discretion of the Director of Development Services  
80 or designee.
- 81 b. **Existing Development**
- 82 Properties with existing development that has been in place since or before  
83 (adoption date) and do not meet the minimum landscape requirements of this  
84 Section shall be considered nonconforming. Nonconforming landscape may  
85 continue until such time a building permit is issued for any of the following:
- 86 1. Construction, or alteration within the street yard results in either of the  
87 following:

88 a. Any increase in ground level area by 1,000 square feet or more of  
 89 existing structures up to 10,000 square feet, or any increase in the floor  
 90 area by 10% or more of existing structures greater than 10,000 square  
 91 feet.

92 b. Any buildings subsequently added within the street yard.

93 **D. Residential Landscaping Compliance.**

94 a. This section shall be applicable to all new permits at the time of original  
 95 construction and at the time of substantial completion of construction of any  
 96 dwelling.

97 b. If weather conditions, drought conditions, scheduling delays, or similar conditions  
 98 delay compliance, the Director of Development Services or their designee may  
 99 grant a temporary Certificate of Occupancy if the owner or person in control of  
 100 the premises enters into an agreement with the City agreeing to comply with the  
 101 landscaping requirements within a specified time.

102 c. All vegetation required to be installed must, after installation, be maintained in  
 103 good condition. If the required vegetation becomes diseased, deteriorated, or  
 104 dies, the owner of the premises must replace the vegetation within 90 days of  
 105 written notice from the City.

106 d. The Director of Development Services may approve alternative landscaping plans  
 107 which meet or exceed the intent of this ordinance.

108 E. Residential Buffer Required. Any multifamily or nonresidential development located  
 109 adjacent to a district specified in the table below shall incorporate a buffer in its  
 110 development design.  
 111

	<u>Adjacent Use</u>	
<u>Development</u>	<u>Single-Family</u>	<u>Multifamily</u>
<u>Single-Family Project</u>		
<u>Multifamily Project</u>	• —	
<u>Commercial Project</u>	• —	• —

112  
 113  
 114 a. *Residential Buffer Design.* A buffer strip with a minimum of ten (10) feet of depth shall  
 115 be provided at the property line that separates districts. The buffer strip shall incorporate  
 116 the following elements:

- 117 1. A decorative masonry wall or opaque fence with masonry columns. This  
 118 structural screen shall have a minimum height of six (6) feet and a maximum  
 119 height of eight (8) feet unless it abuts a required residential front yard. In that  
 120 event, the structural screen shall have a maximum height of three (3) feet.
- 121 2. Sod or other permanent vegetative ground cover.



122 3. Small trees/shrubs. One specimen shall be installed per every ten (10) linear  
123 feet at a minimum. Shrubs may be placed at equal distances or in cluster  
124 formations. Specimens shall be selected from the list in Table 1. Small  
125 Trees/Shrubs; other drought-tolerant and native/adapted species are allowed if  
126 approved by a registered landscape architect.

127 4. Canopy trees with a minimum caliper of three (3) inches at breast height. One  
128 canopy tree shall be installed per every twenty-five (25) linear feet. Trees may be  
129 placed as equal distances or in cluster formations. Specimens shall be selected  
130 from the list in Table 2. Canopy Trees; other drought-tolerant and native/adapted  
131 species are allowed if approved by a registered landscape architect.

132 5. Grasses and/or grass-like ground cover. Specimens shall be selected from the  
133 list in Table 4. Grasses; other drought-tolerant and native/adapted species are  
134 allowed if approved by a registered landscape architect.

135 6. Irrigation designed to support all installed vegetation.

136  
137 F. *Parking Lot Buffer Required.* Any parking lot containing ten (10) or more spaces which is  
138 located adjacent to a residential use shall incorporate a buffer in its development design.

139 G. *Parking Lot Buffer Design.* A buffer strip with a minimum of six (6) feet of depth shall be  
140 provided at the property line that separates the parking lot from a residence. The buffer  
141 strip shall incorporate the following elements:

142 1. A decorative masonry wall or opaque fence with masonry columns. This structural  
143 screen shall have a minimum height of six (6) feet and a maximum height of eight (8) feet  
144 unless it abuts a required residential front yard. In that event, the structural screen shall  
145 have a maximum height of three (3) feet.

146 2. Sod or other permanent vegetative ground cover (see Table 3. Grasses).

147 3. Small trees/shrubs (see Table 1. Small Trees/Shrubs). One specimen shall be installed  
148 every ten (10) linear feet at a minimum. Shrubs may be placed at equal distances or in  
149 cluster formations. Other drought-tolerant and native/adapted species are allowed if  
150 approved by a registered landscape architect.

151 4. Irrigation designed to support all installed vegetation.

152  
153 F. *Parking Lot Perimeter Landscaping Required.* The perimeter of all parking lots containing ten  
154 (10) or more spaces shall incorporate landscaping in its development design.

155  
156 G. *Parking Lot Perimeter Landscaping Design.* The area between any street and the parking lot  
157 shall be landscaped. The following elements shall be incorporated in the landscape design:

158 1. Sod or other permanent vegetative ground cover (see Table 3. Grasses).

159 2. Herbaceous perennials and decorative grasses shall be integrated for effect.

160 3. Small trees/shrubs no less than three (3) feet in height following installation shall be  
161 installed every ten (10) linear feet at a minimum (see Table 1. Small Trees/Shrubs). Shrubs  
162 may be placed at equal distances or in cluster formations. Other drought-tolerant and  
163 native/adapted species are allowed if approved by a registered landscape architect.

164 4. Canopy trees shall be installed every thirty (30) feet (see Table 2. Canopy Trees).

165 5. Irrigation designed to support all installed vegetation.

166 6. Pavers, flagstone, and similar decorative masonry or stone materials shall not cover  
167 more than sixty-five (65) percent of any parking lot perimeter landscaping.

168 H. *Parking Lot Interior Landscaping Required.* At least ten (10) percent of the interior area of off-  
169 street parking lots in front, side, and rear yards with street frontage that contain forty (40) or  
170 more parking spaces shall be landscaped. The following elements shall be incorporated in the  
171 landscape design:

- 172 1. Landscaping shall be restricted to terminal islands and/or divider medians.
  - 173 a. Terminal islands, when used, shall be constructed at the end of parking rows  
174 with minimum six (6) inch high curbs. Their minimum width shall be five (5) feet  
175 and their minimum length shall be fifteen (15) feet.
  - 176 b. Divider medians, when used, shall be constructed between abutting rows of  
177 parking spaces with minimum six (6) inch high curbs. Their minimum width  
178 without wheel stops preventing overhang shall be eight (8) feet. If wheel stops  
179 preventing overhang are installed, their minimum width shall be five (5) feet.
- 180 2. Permanent vegetative ground cover, but no sod (see Table 3. Grasses).
- 181 3. Herbaceous perennials and decorative grasses shall be integrated for effect (see Table  
182 3. Grasses).
- 183 4. One small tree or shrub (see Table 1. Small Trees/Shrubs) no less than three (3) feet in  
184 height following installation shall be installed for each ten (10) parking spaces at a  
185 minimum.
- 186 5. One canopy tree (see Table 2. Canopy Trees) with a minimum crown height of eight (8)  
187 feet shall be installed for every twenty (20) parking spaces.
- 188 6. Irrigation designed to support all installed vegetation.
- 189 7. Pavers, flagstones, and similar decorative masonry and stone materials shall not cover  
190 more than sixty-five (65) percent of any parking lot interior landscaping.

191  
192 I. *Landscape Maintenance.* Trees, shrubs, walls, irrigation improvements and other landscape  
193 features approved by the City shall be considered elements of the project in the same manner as  
194 parking and other details. The owner shall be responsible for regular maintenance of all  
195 landscaping in a way that presents a healthy, neat and orderly appearance. All landscaping shall  
196 be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding,  
197 watering, fertilizing, pruning, mulching, edging and mowing as needed and in accordance with  
198 acceptable horticultural practice. It also includes the repair or replacement of required structures  
199 such as walls, and the replacement of defective landscaping required by this Section. All  
200 landscape areas shall be irrigated through an irrigation system or must be within seventy-five  
201 (75) feet of a hose attachment.

202  
203

**Table 1. Small Trees/Shrubs**

Common Name	Scientific Name
Yaupon Holly	Ilex vomitoria

Common Name	Scientific Name
Crape Myrtle	Lagerstroemia spp.
Texas Lantana	Lantana horrida
Trailing White Lantana	Lantana montevidensis
Creosote Bush	Larrea tridentata
Texas Sage, Cenizo, or Texas Ranger	Leucophyllum frutescens
Barbados Cherry	Malpighia glabra
Giant Turk's Cap	Malvaviscus arboreous
Gulf Muhly	Muhlenbergia capillaris
Prickly Pear Cactus	Opuntia spp.
Retama or Jerusalem Thorn	Parkinsonia aculeata
Texas Ebony	Pithecellobium flexicaule
Blue Plumbago	Plumbago auriculata
Mexican Plum	Prunus mexicana
Fragrant Sumac	Rhus aromatic
Smooth Sumac	Rhus glabra
Prairie Flameleaf Sumac	Rhus lanceolata
Little-leaf Sumac	Rhus microphylla
Rosemary	Rosmarinus officinalis
Dwarf Palmetto Palm	Sabal minor
Scarlet Sage	Salvia coccinea

Common Name	Scientific Name
Autumn Sage	Salvia greggii
Texas Mountain Laurel	Sophora secundiflora
Yellow Bells or Esperanza	Tecoma stans
Yucca	Yucca spp.

204

205

**Table 2. Canopy Trees**

Common Name	Scientific Name
Chittamwood	Bumelia lanuginosa
Mediterranean Fan Palm	Chamaerops humilis
Thornless Common Honeylocust	Gleditsia triacanthos
Canary Island Date Palm	Phoenix canariensis
Mesquite	Prosopis glandulosa
Mexican White Oak	Quercus polymorpha
Southern Live Oak	Quercus virginiana
Escarpment Live Oak	Quercus fusiformis
Texas Palmetto or Texas Sabal	Sabal mexicana
Palmetto Palm	Sabal palmetto
Western Soapberry	Sapindus drummondii
Windmill Palm	Trachycarpus fortunei
Cedar Elm	Ulmus crassifolia
Chinese Evergreen Elm	Ulmus parvifolia

Common Name	Scientific Name
Mexican Fan Palm	Washingtonia robusta

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207

**Table 3. Understory Trees**

<u>Common Name</u>	<u>Scientific Name</u>
<u>Anacacho Orchid Tree</u>	<u>Bauhinia congesta</u>
<u>Anacahuita/Wild Olive</u>	<u>Cordia boissieri</u>
<u>Buckeye, Mexican</u>	<u>Ungnadia speciosa</u>
<u>Condalia, Bluewood</u>	<u>Condalia hookeri</u>
<u>Crape/Crepe Myrtle</u>	<u>Lagerstroemia indica</u>
<u>Desert Willow</u>	<u>Chilopsis linearis</u>
<u>Eve's Necklace</u>	<u>Sophora affinis</u>
<u>Holly, Possumhaw</u>	<u>Ilex decidua</u>
<u>Holly, Yaupon</u>	<u>Ilex vomitoria</u>
<u>Jerusalem Thorn/Retama</u>	<u>Parkinsonia aculeata</u>
<u>Persimmon, Texas</u>	<u>Diospyrus mexicana</u>
<u>Plum, Mexican</u>	<u>Prunus mexicana</u>
<u>Redbud, Mexican or Texas</u>	<u>Cercis canadensis var. mexicana or texensis</u>
<u>Texas Mountain Laurel</u>	<u>Sophora secundiflora</u>
<u>Viburnum, Rusty Blackhaw</u>	<u>Viburnum rufidulum</u>

208

**Table 4. Grasses**

209

Common Name	Scientific Name
Sideouts Grama	Bouteloua curtipendula
Cedar Sedge	Carex planostachys
Perennial Fountain Grass	Pennisetum alopecuroides
Annual Fountain Grass	Pennisetum setaceum
Little Bluestem	Schizachyrium scoparium
Mexican Feathergrass	Stipa tenuissima
Eastern Gamagrass	Tripsacum dactyloides
Silver Bluestem	Bothriochloa laguroides
Splitbeard Bluestem	Andropogon ternarius
Rescuegrass	Bromus unioloides

210

211 **SECTION 3. PENALTY**

212

213 Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction  
 214 thereof, shall be subject to a fine not exceeding two thousand dollars (\$2,000.00). Each and every  
 215 day that a violation of this Ordinance occurs shall constitute a separate offense. The culpable  
 216 mental state required by Chapter 6.02, Texas Penal Code, is specifically negated and dispensed  
 217 with and a violation is a strict liability offense.

218

219 **SECTION 4. REPEALER**

220

221 All previously adopted rules, regulations, policies, and ordinances in conflict with this Ordinance  
 222 are hereby repealed.

223

224 **SECTION 5. SEVERABILITY**

225

226 If any provision, section, clause or phrase of this Ordinance, or the application of same to any  
 227 person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the  
 228 validity of the remaining portions of this Ordinance shall not be affected thereby, it being the  
 229 intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or  
 230 regulations contained herein, shall become inoperative or fail by reason of any

231  
232 unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared  
233 severable for that purpose.

234  
235 **SECTION 6. PUBLICATION AND EFFECTIVE DATE**

236  
237 This Ordinance shall be published after second reading hereof by publishing the caption thereof  
238 in the official newspaper with a statement the public may view the Ordinance in the Office of the  
239 City Secretary. This Ordinance shall take effect upon publication.

240  
241 **PASSED** and **APPROVED** on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

242  
243 **CITY OF PORTLAND**

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245  
246 \_\_\_\_\_  
247 **Cathy Skurow**  
248 **Mayor**

249  
250  
251 **ATTEST:**  
252  
253  
254 \_\_\_\_\_  
255 **Annette Hall**  
256 **City Secretary**