
SECTION 7 - Green Space Regulations

7.0 Definitions

Green Space: Any public or private land that would serve as an area to provide relaxation or recreation to all residents within a specific subdivision. Green space may be used for active or passive activities. It may be an open field, or it may or may not have improvements such as benches, shade structures, playground equipment, or trails located within the boundaries of the property.

Walking Trail: An improved minimum, four feet wide path, consisting of a material conducive to walking, running, strolling, or cycling. Crushed granite, concrete, and asphalt are considered appropriate surface materials for walking trails. Dirt or sod trails will not be considered improved trails.

7.1 Subdivision Green Space Requirements

Authority for these regulations is given in V.T.C.A., Local Government Code §232.101. Subchapter E (SB873).

- A. Subdivision plats that are filed in Fort Bend County shall contain a community green space dedication at a ratio of $\frac{1}{4}$ acre of green space for every 100 lots. Green space areas must be no smaller in size than $\frac{1}{4}$ acre and must be at least 20 feet in width in order to provide access and sufficient useable area.
1. Landscape setbacks and ditch right-of-ways along roadways, will not be considered green space unless they are wider than required by County or City regulations.
 2. Pipeline easements will be accepted as green space if they contain an improved walking trail as defined above.
 3. Detention easements, excluding the actual detention pond area, will be accepted as green space if they contain an improved walking trail as defined above.
- B. Subdivision plats that contain less than 100 lots shall dedicate a minimum of $\frac{1}{4}$ acre of green space.
- C. Plats that have lots 1 acre in size or larger are exempt from the green space requirement.
- D. In projects that have multiple sections of lots, the green space requirement may be set outside the plat boundaries provided that the multiple plats previously recorded meet the dedication requirements and definition.
1. Access to green space areas outside the boundaries of the plat must not have an at grade crossing of a major thoroughfare in order to receive credit.
 2. Access to green space areas outside the boundaries of the plat shall be located within a maximum $\frac{1}{4}$ mile radius of all residences within the subdivision plat.

- E. Plats located within the extraterritorial jurisdiction of a city that have applicable green space or open space requirements are exempt from the Fort Bend County green space requirement only if said requirements meet or exceed those imposed by the County.
- F. The payment of a fee in lieu of a green space dedication will not be accepted.

7.2 Maintenance and Ownership

For the purposes of upkeep, permanent maintenance and ownership responsibilities of dedicated green space shall be conveyed to either an existing or newly formed entity established for the subdivision, and must be identified upon the recording of the final plat.

7.3 Green Space along Major Thoroughfares

The following requirements shall apply to all development, single family or commercial, that is either adjacent to or surrounds a Fort Bend County major thoroughfare.

- A. Landscape Reserves or Easements
 - 1. A minimum of 10 feet of land on each side of a major thoroughfare right of way shall be dedicated as a landscape reserve. A minimum of 10 foot wide landscape easement can be dedicated in lieu of the landscape reserve required herein only when conflicting city development regulations require that the commercial reserve directly abut the major thoroughfare. Landscape reserves and easements shall be kept clear of any structures, parking and signs. Access drives approximately perpendicular to the major thoroughfare as approved in accordance with applicable access requirements are allowed to be located within required landscape reserves and easements. Property owners associations or similar organizations related to the development shall be responsible for improvement and maintenance of the landscape reserves and easements.
 - 2. There shall be a minimum of two 30-gallon trees, selected from the required list, planted on each side of a major thoroughfare within the landscape reserve for every 100 linear feet of roadway platted. The trees may be clustered or evenly spaced, as long as, the minimum number of trees are planted based on the overall length of the roadway. For a list of specific types of trees that will be considered acceptable, see *Appendix W*. In addition to trees, landscape reserves shall be covered with grass, ground cover, and/or shrubs and have an irrigation system that will provide full coverage for all vegetation within the reserve.

3. Entities responsible for the permanent maintenance and ownership of dedicated reserves must be identified upon the recording of the final plat.
 4. Dry utility easements shall not overlap with the landscape reserve except in instances where the utility must make a perpendicular crossing through the reserve. Water, sewer, and drainage easements granted to and accepted by political subdivisions may overlap with the landscape reserve.
- B. The trees must be healthy, free of disease and in place prior to the beginning of the one year maintenance period inspection. At the end of the one-year maintenance period, the developer shall be required to replace any trees that have perished, with a similar tree in a condition acceptable to the county, in order for the county to accept the project.
- C. **Building Setbacks:**
1. In instances where lots back up to a major thoroughfare, a rear building setback of not less than 15 feet from the common lot/landscape reserve line shall be provided.
- D. **Driveways:**
1. Lots, tracts, and reserves within the County, unless the FBC Commissioners Court otherwise approves, shall conform to the following minimum requirements:
 - A. No residential lot shall have access to a major thoroughfare except under the following conditions:
 - (1) The lot shall have a minimum frontage on the major thoroughfare of one hundred seventy-five (175) feet, and
 - (2) The lot shall contain a minimum area of one (1) acre, and
 - (3) The lot shall provide access to the major thoroughfare via one (1) driveway only, having a maximum width of twenty (20) feet, measured at the right-of-way line, and shall have a minimum radius of twenty-five (25) feet at the point of connection to the paving of the major thoroughfare, and
 - (4) Access driveways shall be located in accordance with the following:
 - (a) Greater than one hundred (100) feet from a street intersection as measured from the center of the driveway to the right-of-way line of the street intersecting the major thoroughfare, and

- (b) Greater than sixty-five (65) feet from a property line as measured from the centerline of the driveway.
2. The width of the lot shall be measured at the property line/right-of-way from the front building line. The width of cul-de-sacs and radial lots shall be measured at the property line using a cord or straight line. A lot area size shall be computed inclusive of all easements.

7.4 Tree Preservation Credit

- A. There shall be a credit given toward the tree requirement for the preservation of any existing tree, on the approved planting list attached, located within the dedicated landscape reserve. This credit will only be granted for the preservation of trees and shall be given at a ratio of 1:1 for trees 3-6 inches in diameter and 1-1/2:1 for any tree over 6 inches in diameter. The diameter shall be measured at a point 12 inches above the ground. In order to preserve the trees during the construction of the subdivision, the tree or cluster of trees shall be surrounded by a 4-foot high orange plastic wind fence installed and maintained at the extent of the trees' drip line for the duration of the construction phase. Fill material must not be placed within the drip line of any tree during or after construction activity. If fill is placed outside of, and completely around a preserved tree, positive drainage must be provided for the tree.
- B. The trees must be in place prior to the beginning of the one year maintenance period inspection. At the end of the one year maintenance period, the developer shall be required to replace any trees that have perished, with similar trees that are acceptable to the county.

7.5 Effective Date of Regulations

The regulations contained in this section shall be effective on the date of acceptance of this section by the Fort Bend County Commissioners Court. Preliminary plats, located within the extraterritorial jurisdiction of a city, that have been approved by the city, are exempt from these regulations, provided the final plat is recorded within two year of the date of preliminary approval.

END OF SECTION SEVEN