

## ARTICLE XIV. LANDSCAPE STANDARDS

### Sec. 10-491. Purpose.

It is the purpose of this section to establish certain regulations pertaining to landscaping within the city. These regulations provide standards and criteria for new landscaping and the retention of existing trees, which are intended to:

- (1) Promote the value of property, enhance the welfare, and improve the physical appearance of the city;
- (2) Reduce the negative effects of glare, noise, erosion and sedimentation caused by expanses of impervious and un-vegetated surfaces within the urban environment; and
- (3) Preserve and improve the natural and urban environment by recognizing that the use of landscaping elements and retention of existing trees can contribute to the processes of air purification, oxygen regeneration, groundwater recharge, abatement of noise, glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the city.
  - a. Except as stated in section 10-499, landscaping for single family and two-family residential uses, this section establishes landscaping requirements only in zoning districts NS, GR, C, I, and all specific uses that specify that the requirements of this section be met. Single family and two-family residential uses shall be required to conform to the requirements of section 10-499, only.
  - b. Nonresidential uses located within the SFE, SF16, SF10, SF7, SFA, 2F, MF1 and MF2 zoning districts, which consist of principle structures, parking areas, and signage, shall be required to comply with the requirements contained in this section.

(Ord. No. B-726, § I(5-180), 12-9-2004)

### Sec. 10-492. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Artificial plants.* A manufactured or assembled representation of live plant material constructed from man-made material for the purpose of closely resembling live plant material and to be used as a substitute to live plant material.

*Caliper.* The diameter of the trunk of a tree measured 12 inches above the ground level.

*Canopy tree.* A perennial woody plant single or multiple trunk, contributing to the uppermost spreading branch layer of a forest and may be commonly referred to as a shade tree.

*Development.* The changing of the existing topography in order to promote the construction or structures or infrastructure to accommodate any improvements necessary to erect facilities for dwelling or commercial or industrial uses resulting in developed property.

*Grasses.* Thin and broad bladed surface material typically planted from seed, sprigs, or plugs with the intention of providing a uniform and aesthetic ground cover very close to the surface of the ground.

*Groundcover.* Consists of low-growing, dense-spreading plants typically planted from containers.

*Irrigation system.* A method of conveyance and application of water to live plant material for the purpose of maintaining said plant material in a live and healthy condition.

*Landscaping.* The planting, arranging, cultivating, and maintenance of live plant material in such a manner that said material is aesthetically pleasing and contributes to the overall design of a development site.

*Landscape area.* Consists of an area included in and around a development site that has been planned to complement the development site with natural grass, ground cover, trees, or other natural plant materials.

*Shrubs.* Consists of plants that grow vertically in a multi-branched growth pattern from the ground level to heights usually not to exceed six feet. These plants may be sculpted and trimmed to present aesthetic shapes and forms.

(Ord. No. B-726, § 1(5-181), 12-9-2004)

### **Sec. 10-493. Events requiring compliance.**

Land uses not previously subject to landscaping requirements shall be required to comply with this section upon issuance of a building permit satisfying the conditions established by either (1) or (2) below:

- (1) Remodeling, alterations or additions for which a site plan is required under the terms of the zoning ordinance; or

- (2) Remodeling or alterations taking place within a twelve-month period the total value of which exceeds 25 percent of the valuation of property improvements (excluding land value) as shown on the current tax rolls of Johnson or Tarrant County.

(Ord. No. B-726, § I(5-182), 12-9-2004)

#### **Sec. 10-494. Landscaping generally.**

Landscape installation is required as follows:

- (1) Landscaping of 20 percent of the total lot shall be required, unless credits are obtained by additional plantings as set forth in section 10-497. Landscaping which includes the planting of new and the retention of existing shrubs, trees, and flowering plants in excess of the minimum standards established in this section, may not reduce the landscape requirement to less than ten percent of the total lot area;
- (2) Where the construction is to be a single phase or multi-phase development, only the area being constructed in the current phase shall be required to comply with the landscape regulations. However, each phase will be required to meet the landscaping requirements as it is being developed;
- (3) The use of native and adapted, drought tolerant plants is encouraged to meet requirements of this section;
- (4) Artificial plants or artificial turf are expressly prohibited;
- (5) An irrigation system must be provided with all landscape plans for nonresidential development. Irrigation plans shall comply with the design standards set forth by the Texas Commission on Environmental Quality, in 30 Tex. Admin. Code ch. 344, Landscape Irrigation;
- (6) The term "ornamental tree" shall be defined as a single or multi-trunk tree with a maximum height of approximately 30 feet and maximum crown diameter of approximately 30 feet, and a minimum height of approximately 20 feet and minimum crown diameter of approximately 15 feet;
- (7) A minimum of 20 percent of total lot area must be devoted to landscaping. Grass, groundcover, trees, shrubs, flowering and nonflowering plants, stonework, and water features may all be used as components of required landscaping in conjunction with the following minimum planting standards.
  - a. Grass and/or groundcovers shall not be allowed to comprise over 90 percent of any required landscape area.

- b. The credits listed in section 10-497 shall be used to calculate the area occupied by a tree, or shrub. Trees and shrubs used to comply with minimum landscape requirements shall not be credited towards area reduction requirements set forth in section 10-497.

(Ord. No. B-726, § 1(5-183), 12-9-2004)

**Sec. 10-495. Landscaping plan required.**

- (a) The landscape plan may be prepared by the applicant or his/her designee. The landscape design is not required to be prepared by a registered or certified professional. Any required irrigation system must be designed in accordance with the standards of the Texas Commission on Environmental Quality, in 30 Tex. Admin. Code ch. 344, Landscape Irrigation.
- (b) The landscape plan may be submitted as a part of the site plan or as a separate submittal. However, a landscape plan meeting the requirements of this article shall be provided and approved prior to the issuance of a building permit.
- (c) The landscape plan shall contain the following information:
  - (1) Scale of drawing;
  - (2) Location of all trees to be preserved, method of preservation during the construction phase of development shall be approved by the director of parks and recreation;
  - (3) Location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscape features;
  - (4) Species of all plant material to be used;
  - (5) Size of all plant material to be used;
  - (6) Spacing of plant material where appropriate;
  - (7) Layout and description of irrigation, sprinkler or water system, including placement of water sources;
  - (8) Description of a plan that will be implemented to maintain the landscaping and other landscape features shown on the landscape plan;
  - (9) Persons responsible for the preparation of the landscape plan.

(Ord. No. B-726, § 1(5-183), 12-9-2004)

**Sec. 10-496. Location criteria.**

- (a) Not less than 40 percent of the total landscaping shall be located in the designated front yard.
- (b) In the (I) Industrial district only the front yard 40 percent of the total 20 percent shall be required. The rear and side yard landscape requirements may be waived upon submittal of a landscape plan showing other requirements.
- (c) All landscape material shall comply with visibility requirements of the Burluson Subdivision Regulations.

(Ord. No. B-726, § 1(5-184), 12-9-2004)

**Sec. 10-497. Credits for landscape area reduction.**

Required landscape area may be reduced to less than the 20 percent specified by section 10-494. The application of credits shall not reduce the required landscape area to less than 10 percent of the total lot area. Reduction of area may be achieved by planting additional trees, shrubs and flowering plants. Area reduction credits may be granted in the following manner:

TABLE INSET:

| Additional Enhancement   | Credit      |
|--|-------------|
| (1) 3 inch tree (planted or saved)(trunk diameter measured 12 inches above grade)..... | 200 sq. ft. |
| (2) 6 inch tree (planted or saved)(trunk diameter measured 12 inches above grade)..... | 400 sq. ft. |
| (3) 1 shrub less than 5 gallons.....   | 10 sq. ft.  |
| (4) 1 shrub 5 gallons or greater.....  | 25 sq. ft.  |
| (5) For each 1 square feet of drought tolerant area.....                               | 2 sq. ft.   |

- a. Total landscaping on a lot shall not be reduced through credits by more than 50 percent of the landscaped area required.
- b. Drought tolerant area and methodology shall be clearly located and detailed on the site plan.
- c. Area reduction credit, based on tree size, shall be granted for all saved trees regardless of species.

- d. Unless otherwise approved by the planning director, area reduction credit for newly planted trees shall only be granted for the following:

TABLE INSET:

|                   |
|-------------------|
| Canopy trees      |
| Bald cypress      |
| Bigtooth Maple    |
| Bur Oak           |
| Caddo Maple       |
| Chinese Pistache  |
| Lacebark Elm      |
| Osage Orange      |
| Pecan             |
| Shumard Oak       |
| Southern Live Oak |
| Southern Magnolia |
| Texas Red Oak     |

TABLE INSET:

|                     |
|---------------------|
| Ornamental trees    |
| Afghan Pine         |
| Crepe Myrtle        |
| Eastern Red Cedar   |
| Eve's Necklace      |
| Flowering Crabapple |
| Forest Pansy Redbud |
| Little Gem Magnolia |
| Japanese Maple      |
| Mexican Plumb       |
| Oklahoma Redbud     |
| Ornamental Pear     |
| Western Scapberry   |

(Ord. No. B-726, § 1(5-185), 12-9-2004)

**Sec. 10-498. Installation and maintenance.**

- (a) All required landscaped area shall be permanently landscaped with living plant material, and shall have either an irrigation system installed or shall be accessible to a hose bib, faucet, or other water source on the same lot or tract. Synthetic or artificial lawn or plant material shall not be used to satisfy the landscape requirements.
- (b) Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping,
- (c) All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Maintenance shall include mowing, watering, trimming, pruning, etc.
- (d) Plant materials which die shall be replaced with plant material of similar variety and size within 90 days, with a one time extension not exceeding 90 days being provided upon approval of the director of community development or his designee.

(Ord. No. B-726, § I(5-186), 12-9-2004)

**Sec. 10-499. Landscaping for single-family and two-family residential uses.**

- (a) Lots shall have a minimum landscaping requirement of one canopy tree located in any required front yard.
- (b) Required canopy trees shall be a minimum of three caliper inches.
- (c) Existing trees of equal or greater size within the front yard area may be counted toward this requirement.
- (d) In cases when the applicant can show that required trees cannot reasonably be placed on the lot due to size, configuration or amenities, the planning director or his/her designee may reduce the required number of trees to a number that can reasonably be accommodated on the subject lot.

(Ord. No. B-726, § I(5-187), 12-9-2004)

**Sec. 10-500. Landscaping of parking lots.**

It is the purpose of this section to require incorporation of landscaping into the design and construction of parking areas while maintaining standards necessary for safe parking and maneuvering space. Within parking lots, landscaping shall be provided as follows:

- (1) New trees from the approved tree list contained in section 10-497.

- (2) Parking lot landscaping shall be provided as specified by Table 1, Summary of Landscape Requirements for Non-Residential Uses.
- (3) Unless otherwise approved by the planning director, trees planted to satisfy parking lot landscape requirements shall be chosen from the species specified by section 10-497.
- (4) Existing, on-site trees of any species that are of six inches minimum caliper, measured 12 inches above grade may be counted towards landscaping requirements established for parking lots.
- (5) An irrigation system must be provided with all landscape plans. Irrigation plans shall comply with the design standards set forth by the Texas Commission on Environmental Quality, in 30 Tex. Admin. Code ch. 344, Landscape Irrigation.
- (6) Landscaping adjacent to public rights-of way:
  - a. A five-foot landscaped strip shall be provided adjacent to all public and private rights-of-way on lots with an area greater than one acre but less than five acres.
  - b. A ten-foot landscaped strip shall be provided adjacent to all public and private rights-of-way on lots with an area greater than five acres.
  - c. Within landscaped strips adjacent to rights-of-way, landscaping shall be required as follows:
    1. One canopy street tree or two ornamental trees, for each 60 linear feet of frontage, at a minimum three-inch caliper.
    2. An average density of one, five-gallon evergreen shrub for each five linear feet of frontage provided however, that any landscaping materials that will be located within ten feet of any public right-of-way shall not, at ultimate growth, exceed 30 inches in height above street grade unless otherwise permitted by the city. Shrubs may be grouped to provide variety in design.
    3. A landscaped berm may be provided in lieu of required shrubs. The berm must be an average height of three feet, but in no case less than 18 inches, above the average grade of the street and parking lot curbs, and must be planted with evergreen groundcover and/or shrubs to provide full plant coverage of the berm surface area. A variation in height of the berm is encouraged. Shrubs may be grouped to provide variety in design. The combined height of the berm and ultimate height of plant materials shall not exceed 30 inches in height from street grade in any area that is within ten feet of a public right-of-way.

(7) Parking Lot Interior:

- a. Developments with an area less than five acres shall be designed with a maximum of 20 parking spaces between landscape islands. Parking aisles of 20 or more spaces in length shall terminate in landscape islands.
- b. Developments with an area five acres or greater shall provide a 1,162-square-foot landscaped island for each 12 parking spaces.
- c. Within parking lot interiors, landscaping shall be provided as follows:
  1. One canopy tree or one ornamental tree at a minimum three inches in caliper.
  2. Evergreen ground cover or shrubs to a maximum ultimate height of 30 inches from parking lot grade, of a type that will provide full coverage of the landscape island shall be provided. Planted area shall be exclusive of the area within 18-inch radius from each required tree.
  3. Areas that are not covered with live plant materials shall be permanently maintained with natural mulch materials such as hard wood, pine bark, or other typical mulch materials.
- d. Exception: accessible parking - the design and location of accessible parking spaces shall comply with the State of Texas Architectural Barriers Act. A landscape island may be omitted at an aisle termination for the purpose of providing required access to accessible parking spaces.
- e. Landscape material which is located within the interior of a parking lot shall not create a visibility obstruction. A visibility obstruction within a parking lot is defined as landscaping between 24 inches in height and seven feet in height. No shrubs shall exceed 24 inches in height. Tree canopies shall be at least seven feet in height.
- f. For large existing trees located in the parking area, which are being retained and incorporated into the landscaping plan, an appropriate aeration system or an alternative method of protecting the tree must be provided and detailed in the landscape plan.
- g. For each landscaped island of at least ten feet by 20 feet located within a parking lot, credit for four parking spaces will be provided. Credit for parking spaces cannot reduce the overall parking requirement by more than ten percent or to less than ten total spaces.

(Ord. No. B-726, § I(5-188), 12-9-2004)

**Sec. 10-501. Certificate of occupancy.**

- (a) All landscaping shall be completed and installed in accordance with the approved landscape plan within 90 days of a certificate of occupancy being granted. A one-time extension not to exceed 90 days may be granted upon approval of the planning and zoning commission.
- (b) If landscaping requirements have not been satisfied within the 90 days period from when the certificate of occupancy is issued, the property owner shall be considered in violation of this article.

(Ord. No. B-726, § I(5-189), 12-9-2004)

**Sec. 10-502. Nonconforming uses and/or structures.**

All uses that were in existence at the time of the adoption of Ordinance B-726, which do not meet the landscape requirements will be considered legal nonconforming. These nonconforming uses/structures will be subject to Appendix B, Zoning, and section 42, Nonconforming Uses, Lots and Structures unless otherwise provided for by the ordinance from which this article is derived.

(Ord. No. B-726, § I(5-190), 12-9-2004)

**Sec. 10-503. Landscaping of developed sites.**

- (a) When the owners of structures on sites that do not comply with the landscape requirements of sections 10-494 through 10-499 are, under the terms of section 10-493, required to provide landscaping, the minimum standards in this section shall apply.
- (b) A minimum of ten percent of total lot area must be devoted to landscaping. Grass, groundcover, trees, shrubs, flowering and non-flowering plants, stonework, and water features may all be used as components of required landscaping in conjunction with the following minimum planting standards:
  - (1) Grass and/or groundcovers shall not be allowed to comprise over 90 percent of any required landscape area.
  - (2) The credits listed in section 10-497 shall be used to calculate the area occupied by a tree, or shrub. Trees and shrubs used to comply with minimum

landscape requirements shall not be credited toward area reduction requirements set forth in section 10-497.

- (3) No additional area reduction credits shall be allowed for landscape required under the terms of section 10-502.

(Ord. No. B-726, § 1(5-191), 12-9-2004)

#### **Sec. 10-504. Modification of Landscape Requirements.**

The planning director or a designee may approve minor variations in the location of required landscape materials due to unusual topographic constraints, siting requirements, preservation of existing stands of native trees or similar conditions, or to maintain consistency of established front yard setbacks. These minor changes may vary the location of required landscape materials, but may not reduce the amount of required landscape area or the required amount of landscape materials. The landscape plan shall be submitted to the planning director or a designee and shall specify the modifications requested and present a justification for such modifications.

(Ord. No. B-726, § 1(5-192), 12-9-2004)

#### **Sec. 10-505. Relief from landscaping requirements.**

The planning and zoning commission and city council may, upon completion of the following, grant relief from landscaping requirements in situations where the individual circumstances, such as the presence of existing facilities or unusual topography, limit the applicant's ability to comply with the landscaping requirements:

- (1) Application for relief from landscaping requirements may be made by any property owner, or other person having a proprietary interest in the property for which relief is requested.
- (2) Applications for relief from landscaping requirements shall be made in writing and shall specify the property conditions or considerations that make the requested relief necessary.
- (3) Applications for relief from landscaping requirements shall include a proposed landscape plan, drawn to scale, illustrating the area available for landscaping and specifying proposed plantings by size, type and location. The proposed plan shall indicate the means by which irrigation will be provided and provide a phasing schedule for completion of the plan.

- (4) Applications for relief from landscaping requirements shall be accompanied by an application fee in the amount specified by the City of Burleson Fee Schedule.
- (5) Applications for relief from landscaping requirements shall be presented to the planning and zoning commission. Applications for relief shall not require a public hearing. The planning and zoning commission after considering a proposed plan may recommend that it be approved as presented, approved with modification, or denied.
- (6) Following consideration by the planning and zoning commission, a proposed landscape plan shall be forwarded to the city council with the commission's recommendation. The city council shall act to approve a plan, as presented, approve it with modifications, or deny approval.
- (7) City council's action regarding a proposed landscape plan shall be documented as follows:
  - a. If approved - the mayor shall sign two copies of the approved plan. One copy shall be returned to the applicant. The second copy shall be retained as permanent record by the city.
  - b. If approved with modification - the applicant shall amend the plan to reflect the required modifications. The applicant shall return two copies of the amended plan to the city within 14 calendar days of the city council's action to approve the plan with modifications. The mayor shall sign two copies of the amended plan. One copy shall be returned to the applicant. The second copy shall be retained as permanent record by the city.
  - c. If disapproved - the mayor shall sign two copies of the plan that have been marked as being disapproved. A letter prepared by the director of community development, stating the reasons for disapproval shall be attached to each signed plan. One copy of the plan shall be returned to the applicant. The second copy shall be retained as permanent record by the city.

(Ord. No. B-726, § I(5-193), 12-9-2004)

**Sec. 10-506. Landscaping in the MF1, MF2, and MHP districts.**

The following minimum requirements shall be observed for development located within the MF1, MF2, and MHP districts. Sections 10-493 through 10-502 above do not apply to development within the MF1, MF2, and MHP districts.

- (1) Landscape buffer of 20 feet will be required along any property line abutting a SFE, SF16, SF10, SF7 or 2F residential district.
- (2) Not less than 20 percent of the gross site area shall be devoted to open space, including required yards and buffer areas. Open space shall not include areas covered by structures, parking areas, driveways, and internal streets.
- (3) Landscaping consisting of the planting of new or retention of existing shrubs, trees, and flowering plants shall be placed in the yard facing any public roadway.
- (4) Method of irrigation must be indicated on site plan.
- (5) All landscaping shall be permanently maintained. Should any plant material used in any landscaping required under this article die, the owner of the property shall have 90 days after notification from the city to obtain and install a suitable replacement plant material. Landscaped area shall be kept free of trash, litter, weeds and other material or plants not a part of the landscaping.
- (6) An irrigation system must be provided with all landscape plans for multi-residential development. Irrigation plans shall comply with the design standards set forth by the Texas Commission on Environmental Quality, in 30 Tex. Admin. Code ch. 344, Landscape Irrigation.

(Ord. No. B-726, § 1(5-194), 12-9-2004)

Secs. 10-507--10-525. Reserved.

**Sec. 86-81. Street trees to be planted.**

The following list constitutes the official street tree species for the city. No species other than these included in this list may be planted as street trees without the written permission of the tree board:

TABLE INSET:

| Small Trees         | Medium Trees      | Large Trees    |
|---------------------|-------------------|----------------|
| Redbud              | Golden Raintree   | Chinkapin Oak  |
| Hawthorn            | Bald Cypress      | Live Oak       |
| Crape Myrtle        | Sweet Gum         | Bur Oak        |
| Japanese Black Pine | River Birch       | Red Oak        |
| Arizona Cypress     | Deodar Cedar      | Cedar Elm      |
| Eastern Red Cedar   | Chinese Pistachio | Chinese Tallow |

|                     |                 |                   |
|---------------------|-----------------|-------------------|
| Mexican Plum        | Desert Willow   | Southern Magnolia |
| Bradford Pear       | Chinese Elm     | Pecan             |
| Aristocrat Pear     | Thornless Honey | Slash Pine        |
| Flowering Crabapple | Locust          | Loblolly Pine     |
| Drake Elm           | Green Ash       | Sycamore          |
| Holly               | Arizona Ash     |                   |
| Elderica Pine       |                 |                   |
| Waxleaf Ligustrum   |                 |                   |
| White Dogwood       |                 |                   |
| Cherry Laurel       |                 |                   |

(Code 1983, § 13-34; Ord. No. B-486, § I, 12-14-1989)

**Sec. 86-82. Spacing.**

The spacing of street trees will be in accordance with the tree species size classes listed in section 86-81, and no trees may be planted closer together than the following without the approval of the tree board: small trees--30 feet; medium trees--40 feet; and large trees--50 feet.

(Code 1983, § 13-35; Ord. No. B-486, § I, 12-14-1989)

**Sec. 86-83. Distance from curb to sidewalk.**

The distance that trees may be planted from the curb or curb lane will be in accordance with the tree species size classes listed in section 86-81, and no trees may be planted closer to any curb or sidewalk than the following: small trees--two feet; medium trees--three feet; and large trees--four feet.

(Code 1983, § 13-36; Ord. No. B-486, § I, 12-14-1989)

**Sec. 86-84. Distance from street corners and fireplugs.**

No street tree shall be planted within the visibility triangle as defined in section 86-31. No street tree shall be planted closer than ten feet of any fireplug.

(Code 1983, § 13-37; Ord. No. B-486, § I, 12-14-1989)

**Sec. 86-85. Utilities.**

No street trees other than those species listed as small trees in section 86-81 may be planted in any utility easement under or within ten lateral feet of any overhead utility wire or over or within five lateral feet of any underground waterline, sewer line, transmission line or other utility.

(Code 1983, § 13-38; Ord. No. B-486, § I, 12-14-1989)

**Sec. 86-86. Tree topping.**

It shall be unlawful as a normal practice for any person or firm to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical are exempt from this article.

(Code 1983, § 13-39; Ord. No. B-486, § I, 12-14-1989)

**Sec. 86-87. Removal of stumps.**

All stumps of street or park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Code 1983, § 13-40; Ord. No. B-486, § I, 12-14-1989)