

Sec. 30-230. Landscaping.

(a) *Purpose.* The purpose of this section is to establish requirements for the installation and maintenance of landscaping on developed commercial properties in order to improve, protect and preserve the appearance, character and value of such properties and their surrounding neighborhoods and thereby promote the public health, safety and general welfare of the citizens of Del Rio. More specifically, it is the purpose of this section to:

- (1) Aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, storm water runoff retardation and groundwater recharge;
- (2) Aid in the abatement of noise, glare and heat;
- (3) Aid in energy conservation;
- (4) Provide visual buffering and provide contrast and relief from the built-up environment; and
- (5) Protect and enhance property values and public and private investment and enhance the beautification of the city.

(b) *Applicability of section.* The provisions of this section shall apply to any commercial development located within the city limits of Del Rio at such time as an application is made for any of the following:

- (1) A building permit for a new structure;
- (2) A building permit for the renovation, remodeling or expansion of an existing structure that increases the gross floor area by twenty-five (25) per cent or more;
- (3) A building permit for the renovation, remodeling or expansion of an existing residential structure that results in the land use of such structure being changed to a nonresidential use; or
- (4) The construction of a new off-street parking facility or the expansion of an existing off-street parking facility that increases the paved area by twenty-five (25) per cent or more.

(c) *Exceptions.* The provisions of this section shall not apply to applications for the following:

- (1) A building permit for a single-family residence or duplex;

- (2) A building permit for the restoration, within twelve (12) months, of any building that has been damaged or destroyed by fire, explosion, storm or accident of any kind; or
 - (3) A building permit for the renovation, remodeling or expansion of an existing structure that does not increase the floor area or off-street parking area by twenty-five (25) per cent or more.
- (d) *Landscaped area required.* A minimum of ten (10) per cent of the total building site shall be devoted to landscaping except that the square footage of all portions of the building site covered by buildings or designated as fenced and secured storage areas shall be subtracted from the building site area prior to making the ten (10) per cent calculation. At least seventy (70) per cent of the required landscaped area shall be located within the street yard. For multiple-family developments, where it would be more desirable to disperse the landscaping throughout the site, the percentage of landscaping to be located in the street yard may be reduced by the building inspector.
- (e) *General requirements for landscaped areas.* Landscaped areas shall meet the following general requirements:
- (1) Landscaped areas shall include a combination of the following types of materials: Trees, shrubs, annual and/or perennial plants, vines, grass, and/or ground cover. Nonliving, durable materials commonly used in landscaping, such as organic mulches, rocks, pebbles, sand, walls and fences, but excluding paved surfaces, may also be utilized in landscaped areas. Pervious, decorative paving materials and brick pavers may be included in the form of walkways or driveways through landscaped areas. However, off-street parking areas paved with such materials shall not be considered as landscaped areas. The use of nonliving materials shall not predominate over the use of organic plant materials except where the periscope principles described in subsection 30-230(m) are followed.
 - (2) All landscaped areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to and encroachment of these areas.
 - (3) A landscaped area shall have a minimum dimension of three (3) feet on any side.
- (f) *Landscaping in off-street parking areas.* If a site which is subject to this section includes an off-street parking area which is fifty (50) parking spaces or larger in size, twenty (20) per cent of the landscaping required in subsection (d) above shall be installed in the form of landscaped islands, medians or peninsulas. These landscaped areas will serve the purposes of breaking up large expanses of pavement and guiding the circulation of vehicles and pedestrians within the parking

lot. Landscaped islands, medians and peninsulas shall have a minimum dimension of five (5) feet on any side. The requirements of this subsection 30-230(f) shall not apply to outdoor display areas.

(g) *Tree requirements.* At least one (1) tree shall be provided per eight hundred (800) square feet of landscaped area required by the provisions of this section. A landscaped area of at least five (5) feet by five (5) feet shall be provided surrounding each tree. Outdoor car lots and other exhibitors of merchandise will be exempt from the tree requirement on any part of the landscaped areas that directly abut the show or display area.

(h) *Credit for preserving existing trees.* The tree requirements in subsection (g) above will be modified in favor of those developers that preserve existing trees. The developer will receive credit towards the tree requirements of subsection 30-230(g) as outlined in the following schedule:

Existing Tree Credits

TABLE INSET:

No. of Trees	Caliper Size	Credits
1	1" to 6"	1
1	greater than 6" to 12"	2
1	greater than 12" to 15"	3
1	greater than 15"	4

The following conditions shall be met in order for these tree credits to apply:

- (1) Each existing tree shall be in a healthy and growing condition.
- (2) During site preparation and construction, each existing tree shall be protected by the placement of a barrier around the area below the drip line.
- (3) A minimum of seventy-five (75) per cent of the area below the drip line of an existing tree shall be maintained as a permanent, landscaped area at grades existing prior to site development unless special provisions are made for the protection and survival of the tree. Such special provisions, including but limited to the use of permeable paving materials, shall be subject to the approval of the building inspector.
- (4) Should any tree for which credit is received under the provisions of this subsection die at any time, the owner shall, within ninety (90) days, replace the tree with the equivalent species or a tree which will obtain the

same height, spread and growth characteristics. The replacement tree shall have a minimum caliper of three (3) inches when planted.

(i) *Landscaping within public right-of-way.*

(1) *Landscaping required.* The unpaved portions of the public right-of-way abutting the entire frontage of a lot shall be landscaped with live vegetative cover.

(2) *Credits.* The landscaped area provided within the public right-of-way shall be credited toward the overall landscaped area requirement of subsection 30-230(d); provided, however, that such credit shall not exceed twenty-five (25) per cent of the required landscaped area for the site.

(3) *Restrictions.*

(i) Trees, shrubs and other landscape materials which will exceed two (2) feet in height shall not be installed in public right-of-way.

(ii) Portions of right-of-way to be improved in future street widening projects shall not be credited for landscaping purposes. For streets which have not been developed to their ultimate width, only the areas outside of the ultimate edge of street improvements, as determined by the director of engineering, shall be credited.

(iii) The city shall not be responsible for the maintenance of landscaping installed in public rights-of-way. Nor will the city be responsible for the replacement of landscape materials which must be removed during the repair or maintenance of utilities or other public improvements.

(iv) Underground sprinkler systems shall not be installed within street rights-of-way, except upon written agreement between the city and the property owner upon terms and conditions set by the building inspector which shall include an acknowledgement by the owner that no compensation shall be paid to owner for any damages to or relocation costs of the sprinkler system resulting from future public work within the rights-of-way.

(j) *Visibility.* Landscaping shall not obstruct the visibility of motor vehicles at intersections or points of ingress and egress. No landscaping which exceeds an elevation of the top-of-curb plus two (2) feet will be allowed in such areas, except for single trunk trees pruned to a height of seven (7) feet. These trees are to be of such size and so spaced that no visual obstruction that represents a traffic hazard is created. Determinations regarding visual obstructions shall be made by the director of engineering.

(k) *Landscape plan required.* Prior to the issuance of a building permit on any site to which these landscaping provisions apply, a landscape plan shall be required. If the required landscaping is part of a development for which a site plan is required, the landscape plan shall be a part of the site plan submittal. If the landscape plan is submitted independent of a site plan, it shall be submitted to the building inspector. Landscape plans shall be reviewed by the building inspector to determine whether they meet the requirements of this section. The time periods allowed for review shall be the same as those for site plans. Landscape plans shall be drawn to a minimum scale of one (1) inch to fifty (50) feet, and shall provide the following information:

- (1) Date, scale, north arrow, name and location of the development and the names of the owner and the person preparing the plan;
- (2) The locations and dimensions of all property lines, adjacent streets and rights-of-way, significant drainage features, buildings and structures, off-street parking, loading and vehicular use areas, driveways, and underground and/or overhead lines. The landscape plan shall also address the relationship between the drainage of landscaped areas and the drainage of the remaining features of the site;
- (3) The landscaped areas on the site, including:
 - (i) Locations, dimensions and square footage of all landscaped areas;
 - (ii) Types of landscape materials (i.e. grass, shrubs, groundcover, trees, etc.);
 - (iii) The species, number, size and locations of all required trees; and
 - (iv) The species, location and caliper of any existing trees to be preserved.
- (4) A description of proposed watering methods;
- (5) A description of how existing trees proposed to be preserved will be protected during site preparation and construction; and
- (6) All calculations necessary to confirm that the plan meets the requirements of subsections 30-230(d) through (i).

(l) *Planting criteria:*

- (1) *Trees.* Trees planted to meet the requirements of this section shall be a minimum caliper of two (2) inches when planted.

- (2) *Shrubs, annual and/or perennial plants, vines, grass, and ground cover.* Such materials planted to meet the requirements of this section shall be good, healthy nursery stock. Shrubs shall be a minimum of one (1) foot in height or width when planted.
- (3) *Grass.* Grass areas shall be planted in species normally grown as permanent lawns in Del Rio. Grass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in the right-of-way, street yard and swales or other areas subject to erosion.

(m) *Water conservation (xeriscape) principles.* Developers are encouraged to follow xeriscape, or water conservation principles, in meeting the requirements of this section. Xeriscape principles include the use of mulches, native and adapted lower water demand plants, limited turf areas, and efficient watering methods resulting in significantly lower water use and decreased maintenance. The xeriscape principles are outlined in a booklet entitled "Landscape Water Conservation . . . Xeriscape", by Douglas F. Welsh, William C. Welch and Richard L. Duple, published by the Texas Agricultural Extension Service. Copies of the booklet may be obtained from the Planning Department or the Val Verde County Agricultural Extension Service. If a landscape plan is developed using the xeriscape principles, the provision in subsection 30-230(e)(1), which requires living materials to predominate over nonliving materials, may be reduced to allow for the use of additional mulched areas.

(n) *Alternative compliance.* Under the specific conditions listed below, the building inspector may review and approve an alternative compliance landscape plan upon determining that such plan meets the general intent and purpose of this section. An alternative compliance plan may only be submitted under one (1) of the following specific conditions when such condition inhibits creative site design or poses unnecessary constraints to appropriate development as a result of strict compliance with the requirements set forth in this section:

- (1) Unique natural features such as soil characteristics, topography, geological characteristics, water features, and significant existing vegetation;
- (2) Peculiarly shaped lots;
- (3) Lots where space limitations exist as a result of the locations of existing structures, paved areas and other built features;
- (4) Lots in excess of fifteen (15) acres in size;
- (5) Lots with structures listed as low, medium or high priority in the Historic Resources Survey of Del Rio, Texas, and which meet the criteria outlined in the survey at the time of application.

- (o) *Appeals.* Appeals which allege error in any order, requirement, decision or determination made by the director of planning in the interpretation of the provisions in this section shall be heard by the planning and zoning commission. The developer shall notify the building inspector of the decision to appeal. The planning department will review the appeal and/or the landscape plan and make a recommendation to the planning and zoning commission. The planning and zoning commission shall make a decision to either approve or deny the appeal. If the planning and zoning commission denies the appeal, the applicant may make a final appeal to the city council. The city council shall make the final decision to either approve or deny the appeal on the basis of public health, safety, welfare, and aesthetics of the appeal.
- (p) *Installation.* All landscaping shall be installed in a sound workmanship like manner and according to accepted good planting procedures.
- (q) *Completion.* The building inspector shall not issue a certificate of occupancy for any building, use or structure to which this section applies until the landscaping has been installed in accordance with the approved landscape plan. However, if the property owner/developer provides the building inspector with documented assurance that the landscape materials will be completed within a specified period of time, the building inspector may issue a certificate of occupancy prior to completion of landscape installation. For purposes of this subsection, "documented assurance" shall mean a letter to the building inspector, co-signed by the property owner/developer and the contractor responsible for the installation of landscaping, which provides assurance that the required landscaping will be installed by a specific date. A copy of a valid contract to install the landscaping or proof of purchase of the required landscape materials shall be attached to the letter. The amount of time allowed to bring the premises into compliance shall be determined by the building inspector and shall not exceed sixty (60) days.
- (r) *Irrigation.* The irrigation of all landscaped areas shall be provided for either: a fully automatic or manual underground irrigation system or a hose attachment within one hundred (100) feet of all landscaped materials.
- (s) *Maintenance.* The property owner shall be responsible for the maintenance of all landscaping. This shall include watering, mowing, edging, pruning, weeding, fertilizing, and other such activities common to the maintenance of landscaping. In addition, landscape materials such as mulch, rock, or sprinklers shall be maintained in such a manner so that they meet the requirements of subsection 30-230(j), Visibility. Landscaped areas shall be kept free of trash, litter, weeds, and other such materials that are not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant material which dies shall be replaced with plant material of similar variety and size within ninety (90) days.
- (t) *Enforcement.* The building inspector shall be the enforcing official, charged with the duty of administering the provisions of this section and securing compliance

therewith. The enforcing official shall make such inspections as may be necessary to effectuate the purposes and intent of this section and shall investigate any complaints of alleged violations of this section. Whenever the enforcing official determines that a violation of this section exists, the official shall give written notice to the property owner. Such notice shall include a description of the property involved, a statement indicating the nature of the violation, the section(s) of the code upon which the violation is based, a description of the actions required to bring the premises into compliance, and a statement indicating the time within which the work must be accomplished. The amount of time allowed to bring the premises into compliance shall not be less than thirty (30) days or more than ninety (90) days from the date of the written notice. If the property owner fails to bring the premises into compliance after being given the foregoing notice, the building inspector may issue a citation to the property owner. Each day of a continuing violation is a separate offense. The Del Rio Municipal Court shall have jurisdiction over the prosecution of all citations issued under this section.

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Secs. 30-231--30-240. Reserved.