

## LANDSCAPE ORDINANCE (§§ 1030--1099)

### 1030. Purpose.

1. Enhance the view and image of the community, particularly in commercial areas.
2. Contribute to the overall quality and visual appearance of individual developments.
3. Reduce glare from paved surfaces and break up large expanses of paving.
4. Replenish oxygen supply and provide natural air conditioning.
5. Provide visual relief and open space within urbanized developments.
6. Ensure that the local stock of native trees and vegetation is replenished.
7. Safeguard and enhance property values and to protect public and private investment.
8. Preserve and protect the unique identity and environment of the City of Marble Falls and preserve the economic base attracted to the City of Marble Falls by such factors.

(Ord. No. 98-O-6B, § II, 6-23-98)

### 1031. Definitions.

- A. *Caliper.* The diameter of a tree measured twelve (12) inches above the ground when planted.
- B. *Landscaping.* The improvement of a section of ground by contouring the land and planting live shrubs, trees, groundcover, and/or flowers.
- C. *Landscaped area.* Any area of ground that can support vegetative groundcover and other landscaping plant materials. Sidewalks and other impervious surfaces are not considered landscaped areas. For the purposes of this ordinance, the landscaped edge and landscaped areas within parking lots are contained within this definition.
- D. *Pervious.* The ability of a substance to allow the passage of water. Pervious pavers shall be considered as pervious cover.
- E. *Shade tree.* The largest plants in the landscape which provide overhead structure needed for shading and under which other plants live and grow.

- F. *Substantial restoration.* Restoration of a structure which is greater than forty (40) percent of the tax roll appraised value.

(Ord. No. 98-O-6B, § II, 6-23-98)

### **1032. Application.**

- A. Except as otherwise provided, the landscaping requirements of this section shall apply to all land located in the City of Marble Falls. Such landscaping requirements shall become applicable to each individual lot at the time any application for a building permit on such lot is made.
- B. The requirements of this section shall not apply to the following:
1. Building permit for single-family residential where only one (1) structure is constructed per lot.
  2. Building permits for the substantial restoration of a building constructed prior to June 23, 1998, issued within a period of twelve (12) months after the building has been damaged by fire, explosion, tornado, riot, act of the public enemy, or accident of any kind.
  3. Building permits for land in the Main Street District (MSD) classification, according to the official zoning map of the city.
  4. Building permits issued prior to June 23, 1998.
- C. A common development which includes more than one (1) lot shall be treated as one lot for the purposes of satisfying the landscaping requirements of this section. Split ownership, planning in phases, construction in stages, and/or multiple building permits for a project shall not prevent it from being a common development as referred to above. Each phase of a phased project shall comply with the requirements of this chapter.
- D. The provisions of this chapter shall be subordinate to the provisions of the Marble Falls Code of Ordinances pertaining to traffic and pedestrian safety.

(Ord. No. 98-O-6B, § II, 6-23-98; Ord. No. 2006-O-4C, § IIF, 4-24-2006)

### **1033. Site plan requirements.**

- A. When application is made for a building permit on any land where landscaping requirements of this section are applicable, such building permit application shall be

accompanied by a site plan containing the information listed in the following subsections:

1. The date, scale, north arrow, title and name of owner.
2. Location of existing boundary lines and dimensions of tract.
3. The approximate centerline of existing water courses; approximate location of existing drainage features; and the location and size of existing and proposed streets and alleys, existing and proposed easements on or adjacent to the lot, and existing and proposed sidewalks adjacent to the street.
4. The location, size, and type (tree or shrub, groundcover, or grass) of proposed landscaping in proposed landscaping areas; and the location and size of proposed landscaped areas.
5. The location and species of existing trees having trunks eight (8) inches caliper or larger and the approximate size of their crowns.
6. Information necessary for verification of requirements as described in section IV.
7. An indication of how the applicant plans to protect the existing trees which are proposed to be retained, from damage during construction.
8. The proposed irrigation system as required in section IV.

(Ord. No. 98-O-6B, § II, 6-23-98)

#### **1034. Landscape Requirements.**

- A. Landscaped edge (fronting). Adjacent to any fronting street right-of-way, an area equal to a ten-foot strip shall be provided (excluding ingress/egress). The design and placement of this edge may be adjusted to accommodate ingress/egress and internal circulation, provided the displaced area remains within the front yard setback and the adjusted area along the fronting street right-of-way is not less than five (5) feet in width in any one section.
- B. Landscaped edge (secondary). Adjacent to any secondary frontages to the rear or side, a five-foot landscaped edge shall be provided.
- C. Adjacent to a street with a smaller right-of-way where a residential use exists (or is planned, per the Official Zoning Map of the City of Marble Falls), a ten-foot landscaped edge shall be provided.

- D. The landscaped edge in any case may include street right-of-way, subject to the following conditions:
1. The city may at any time require such landscaping to be removed and the city shall not be held responsible or liable for any damages due to such removal.
  2. All such landscaping shall be in compliance with all provisions of this Code pertaining to traffic and pedestrian safety.
  3. No planters or other permanent structures may be placed within the right-of-way.
  4. The owner shall be responsible for maintaining the landscaping located within the right-of-way.
  5. In the event that any other governmental entity is trustee of the public right-of-way at the particular location in question, permission for the installation of the landscaping must be obtained from the entity involved.
- E. All landscaped areas shall be protected by a raised, monolithic curb and shall remain free of trash, litter and car bumper overhangs.
- F. Landscaped areas containing trees and shrubs shall be no less than four (4) feet wide.
- G. Landscaped areas within parking lots:
1. Shall be in total at least one parking space in size, with no single landscaped area less than fifty (50) square feet in area;
  2. Shall be located to define parking areas and to assist in clarifying appropriate circulation patterns; and,
- H. Tree requirement. The landscaped areas within parking lots shall contain one shade tree per twelve (12) parking spaces, given:
1. Twenty-five (25) percent of the total requirement may be located within the landscaped edge;
  2. When calculating the tree requirement, any remaining fraction of a tree greater than or equal to 0.5 shall constitute one (1) tree; any remaining fraction less than 0.5 shall not require an additional tree.
  3. All newly planted trees shall be planted in a pervious area no less than four (4) feet wide in any direction.

4. All newly-planted trees shall be at least one and one-half (1 1/2) inch caliper.
5. A credit toward the tree requirement may be given for the preservation and protection of existing trees. The following governs the assignment of a credit:
  - a. Hackberry (*Celtis Occidentalis*), Cedar (*Junipers Virginiana* and *Ashei*), and Mesquite (*Prosopsis Glandulosa*) are excluded from this credit.
  - b. The existing tree must possess a minimum caliper of four (4) inches
  - c. An existing tree of larger than eight (8) inches shall count as two (2) trees toward this credit.
6. The following trees may be planted but do not count towards fulfillment of the tree requirement:
  - a. Hackberry
  - b. Cedar
  - c. Mesquite
  - d. Arizona Ash
  - e. Cottonwood
  - f. Catalpa
  - g. Honeylocust
- I. Preservation principle. The existing natural landscape character, especially native oaks, elms, and pecan trees shall be preserved to the extent reasonable and feasible. Indiscriminate clearing or stripping of the natural vegetation on a lot is prohibited.
- J. Vision obstruction. Landscaping shall not obstruct the view between the street and access drives and parking aisles near fronting street entrances and exits, nor shall any landscaping which creates an obstruction of view be located in the radius of any curb return.
- K. Irrigation. All required landscaping shall be irrigated by one of the following methods:
  1. Sprinkling system
  2. Drip irrigation system, or

3. Hose attachment within one hundred (100) feet of all landscaping.
- L. Landscaping that has died shall be replaced at the minimum standards required herein.

(Ord. No. 98-O-6B, § II, 6-23-98)

**1035. Protected trees.**

- A. Any living tree within the City of Marble Falls with a caliper larger than sixteen (16) inches shall not be removed without permit from the city planner.
- B. Application for such permit should be made in writing to the City of Marble Falls Code Enforcement Department and describe the unique or extenuating circumstances which necessitate the removal of the tree.
- C. Protected trees removed shall be replaced by trees from the list contained herein with a minimum caliper size of three (3) inches at the time of planting.
- D. Protected trees retained on the site shall be protected by providing a pervious surface treatment under such tree of at least one hundred (100) square feet.

(Ord. No. 98-O-6B, § II, 6-23-98)

**1036. Approved plants and trees.**

- A. *Shade trees.* The following species of shade/canopy trees are acceptable for fulfilling the tree requirements and are encouraged for use beyond this requirement:

All species oak

Bald or Arizona Cypress

Bigtooth Maple

Bradford Pear

Caddo Maple

Cedar Elm

Escarpment Black Cherry

Montezuma Cypress

Pecan

Texas Ash

Texas Sycamore

Texas/Chinese Pistache

- B. *Understory trees.* The following species of understory trees are acceptable for landscaped areas:

Crape Myrtle

Dogwood Elderica (Afghan) Pine

Eve's Necklace

Golden raintree

Madrone

Magnolia (all species)

Mexican Buckeye

Mexican Plum

Possumhaw Holly

Redbud (all varieties)

Texas Mountain Laurel

Texas persimmon

Yaupon

- C. *Shrubs.* The following shrub species are acceptable for landscaped areas:

Agarita

All varieties Salvia (Sage)

American Beautyberry

Azalea

Dwarf Wax Myrtle

Eleagnus

Evergreen Sumac

Flame leaf Euonymous

Flame leaf Sumac

Hollies (all varieties)

Hydrangea (all varieties)

Indian Hawthorn

Nandina (all varieties)

Pampas Grass

Photinia (all varieties)

Yucca (all varieties)

Smoketree

Texas Sage

Turk's Cap

- D. *Ground covers.* The following groundcover species are acceptable for landscaped areas:

Asian Jasmine

Berkeley Sedge

Buffalo Grass

Holly fern

Liriope

Mondo (monkey) Grass

Santolina

Star Jasmine

Trailing vinca (periwinkle)

E. *Vines.* The following vine species are acceptable for landscaped areas:

Boston Ivy

Carolina Jessamine

Coral Honeysuckle

Cross Vine

English Ivy

Winter Honeysuckle

F. *Annuals and perennials.* The following species are acceptable for landscaped areas:

Alyssum

Anemone

Aster

Basil (all varieties)

Begonia

Blue Daze

Bluebonnet

Butterfly weed

Caladium

Calendula

Candytuft

Canna

Chrysanthemum

Coleus

Columbine

Copperleaf

Coreopsis

Cosmos

Daffodil

Daisy (all varieties)

Daylily

Dianthus

Elderberry

Firebrush

Gallardia

Gayfeather

Globe Amaranth

Hibiscus

Hyacinth

Impatiens

Indian Blanket

Indian Paintbrush

Iris

Kale

Lantana

Larkspur

Lisianthus

Lythrum

Marigold

Melanpodium

Niermbergia

Oxalis

Pansy

Penta

Periwinkle

Petunia

Plumbago

Poppy

Primrose

Purple Coneflower

Purslane

Rose

Rosemary

Texas Tarragon

Thrift

Tulip

Verbena

Yarrow

Zinnia

G. *Species not identified herein.* Those species which are not identified within this Section must either be applied in an area proportion of less than twenty (20) percent of the total landscaping requirements or receive approval of the City Planner before they may be used to fulfill the requirements of section 1034.

(Ord. No. 98-O-6B, § II, 6-23-98)