

## **DIVISION 2. PLANS AND SPECIFICATIONS**

### **Sec. 110-46. Landscape and buffer plan approval.**

- (a) Before a building permit is issued appropriate plans showing proposed landscape development, including figures to show compliance with this article, shall be submitted to the city. A plot plan drawn to scale normally of not less than one inch equals 30 feet shall include dimensions and distances, and clearly delineate any existing and proposed landscape development. Such plot plan shall also include detailed drawings of the entire off-street parking area and the location of proposed buildings.
- (b) The plan required by this section must be approved prior to issuance of a building permit.
- (c) Single-family and two-family residential property is exempt from the requirements of furnishing a plan as required of other properties under this section.
- (d) Prior to construction of buffers, complete plans showing type of material, depth of beam, and structural support shall be submitted to the building permit office for analysis to determine whether or not:
  - (1) The screen will withstand the pressures of time and nature.
  - (2) The screen adequately accomplishes the purpose for which it was intended.

(Code 1966, §§ 17 3/8-4(2), 17 3/8-8)

### **Sec. 110-47. Purpose and objectives.**

In addition to those objectives stated in section 110-29, the purpose of this division is to ensure the placement of landscape elements within off-street paved surface areas so:

- (1) As to channelize vehicular and pedestrian movement within off-street paved ground surface areas into safer and more logical patterns;
- (2) As to ensure that the off-street paved ground area and the adjacent right-of-way are clearly and visually delineated;
- (3) That physical access between each off-street paved ground area is effectively limited to established points of ingress and egress;
- (4) That those established and acceptable ingress and egress points are clearly delineated;

(5) As to ensure that noise, glare and other distractions of movement within one area do not adversely affect activity within adjacent properties; and

(6) As to regenerate oxygen and to reduce heat, glare, water runoff and other conditions concomitant with the construction of expanses of building or pavement within the parcel.

(Code 1966, § 17 3/8-5(a))

#### **Sec. 110-48. Required landscape area.**

A minimum of ten percent of the area of any parcel shall be devoted to landscape development area and comply with the intent and purpose of this article and 50 percent of such landscaped area shall be visible from the street fronting the parcel. Landscape areas located within the street and alley rights-of-way shall not be credited towards meeting the minimum landscape area requirement. However, right-of-way areas shall be landscaped. Landscape areas associated with drainage detention facilities located on the parcel may be credited towards the landscape area requirement. A minimum of 50 percent of the area within the required front yard of any single-family residential parcel shall be devoted to landscape development area. The portion of the front yard for any single-family residential parcel located between the property line and the extension of the side yard setback line shall be devoted to landscape development area.

(Code 1966, § 17 3/8-5(b) (1); Ord. No. 1993-88, § II, 12-13-93; Ord. No. 1999-101, § 1, 11-22-99)

#### **Sec. 110-49. Landscape buffers.**

(a) A buffer shall be provided where a nonresidential use has a side or rear area contiguous to any residential use. A masonry screen may be required by the city commission where a nonresidential use is separated by only a street and the residential use sides or faces the nonresidential use.

(b) A buffer shall be provided where a multifamily use of four or more dwelling units per structure has a side or rear area contiguous to any single-family residential use.

(c) A buffer shall be no closer to the street than the property line or landscape strip area, whichever is greater. Section 94-86 et seq. concerning sight obstructions at intersections shall be applicable to the screen where it is intersected by a street or alley.

- (d) A landscape strip area with a minimum width of ten feet or a minimum width of five feet with a buffer shall be provided along and within the property lines of all nonresidential and multifamily uses contiguous to a public street.
- (e) A buffer shall be provided along rear property lines of residential uses contiguous to a public street. Rear access to a residential use from a public street is prohibited where such residential use has access to a public street along the front property line. The buffer shall be constructed prior to final acceptance of the subdivision development for properties required to be subdivided or prior to issuance of a certificate of occupancy for subdivided properties.
- (f) A buffer shall be provided to screen refuse areas (including refuse dumpsters, compactors and contained compactors), outdoor storage areas and loading docks from public streets.

(Code 1966, § 17 3/8-5(b) (2); Ord. No. 1993-88, § II, 12-13-93)

**Sec. 110-50. Location of landscape areas.**

- (a) Landscape areas shall be located within 100 feet of any parking space.
- (b) Landscape areas within public and private rights-of-way, medians and islands shall comply with the specifications of the department of engineering. Landscape areas within rights-of-way shall be maintained in perpetuity by the property owners as common area. Trees shall not be planted closer than six feet from the back of the curb.

(Code 1966, § 17 3/8-5(b) (3); Ord. No. 1993-88, § II, 12-13-93)

**Sec. 110-51. Credit for trees.**

For all non-single-family residential development, a minimum of one tree of at least two and one-half-inch caliper in size and ten feet in height shall be included and replaced as necessary as per the following ratios:

- (1) When the landscape development is from one to 2,000 square feet a minimum of one tree for every 200 square feet of landscape development shall be required.
- (2) When the landscape development is from 2,001 to 10,000 square feet a minimum of one tree for every 500 square feet of landscape development shall be required.

- (3) When the landscape development is from 10,001 or greater square feet a minimum of one tree for every 800 square feet of landscape development shall be required.
- (4) Two palm trees with a minimum of six feet of clear trunk is the equivalent of one two and one-half-inch caliper tree.
- (5) Credit for trees:

*Trees excluding palm trees:*

TABLE INSET:

Caliper*	Number of trees
Greater than six-inch caliper	3 trees credit
Greater than four-inch caliper	2 trees credit

\*Caliper: Average diameter of the trees measured at the ground.

- (6) In order to encourage the preservation of existing trees, credit shall be given to existing trees according to the following schedule:

*Existing trees excluding palm trees:*

Credit for trees:

TABLE INSET:

Caliper*	Number of trees
Greater than 12-inch caliper	3 trees credit
Greater than six-inch caliper	2 trees credit

\*Caliper: Average diameter of the trees measured at the ground.

- (7) The minimum planting area shall be one-half the radius of the crown spread of the tree measured from the trunk center, or not less than a radius of two and one-half feet, measured from the center of the tree trunk to the near edge of the planting area. The ground surface within the planting areas shall be maintained in a porous or vegetative cover. Plastic underliners shall not be permitted.
- (8) Single-family residential development shall provide a minimum of one non-palm tree for the first 50 feet of lot frontage and one additional non-palm tree

for each additional 25 feet of lot frontage. Trees required for single-family residential development shall be located within the front yard.

(Code 1966, § 17 3/8-5(c); Ord. No. 1993-88, § III, 12-13-93; Ord. No. 1999-101, § 2, 11-22-99)

**Sec. 110-52. Applicability to new development or redevelopment.**

- (a) The requirements and standards for the installation and maintenance of landscape elements and site improvements as set forth in this division shall apply to all developed area within the city. All new development, construction or reconstruction shall be in full compliance with the provisions of this article.
- (b) If the zoning ordinances of the city would otherwise permit in excess of 90 percent total land coverage by development, the provisions of this article shall supersede and prevail over such other requirements. In no event, except as expressly permitted in this article, shall more than 90 percent of a lot or area be covered by development.
- (c) If a principal use and some or all of the parking area (required or otherwise) serving the principal use are located on separate parcels, the landscape installation required in this article shall prevail as to all the property with the result that an equivalent of ten percent of the area of all parcels in complementary use shall be landscaped in compliance with the provisions of this article; provided, however, one-half of the required landscape development of one parcel may be placed within another parcel which is being used in conjunction with the former parcel.

(Code 1966, § 17 3/8-6(a))

**Sec. 110-53. Applicability to existing development areas; nonconformance; when compliance required.**

- (a) All property with existing development on the effective date of the ordinance from which this article is derived which is not in compliance with the provisions of this article shall be considered nonconforming, and allowed to continue until such time as a building permit is granted to enlarge, extend, construct, reconstruct or structurally alter a structure on the property. At such time the provisions of this article shall apply to the previous existing paved areas as well as any new paved areas, and they shall be brought into compliance with this article. A plan showing existing and new development and the proposed landscaping shall be submitted in accordance with section 110-46. In order to encourage early landscaping on existing paved areas and the preservation of trees that are already established and growing in these areas, an additional credit of 50 square feet shall be given to the

preservation of existing trees. This is in addition to the credit normally given for the preservation of an existing tree.

- (b) No structure existing on the effective date of the ordinance from which this article is derived shall be required to be altered or moved in order to comply with the provisions of this article except in the event of reconstruction.

(Code 1966, § 17 3/8-6(b))

#### **Sec. 110-54. Installation of materials.**

All landscape materials shall be installed in a sound workmanshiplike manner and according to accepted good planting procedures.

(Code 1966, § 17 3/8-7(a))

#### **Sec. 110-55. Maintenance requirements.**

The owner of the building, or his manager or agent, shall be responsible for the maintenance of all landscape areas, which shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free from refuse and debris. All planted areas shall be provided with readily available water supply and watered regularly to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material.

(Code 1966, § 17 3/8-7(b))

#### **Sec. 110-56. Planting criteria.**

- (a) *Trees.* Trees planted for credit under section 110-51 should be a minimum of six feet in height when measured immediately after planting. In the case of palms, the required measurement should be six feet from ground level to base of palm fronds. Trees should be of a species having an average mature crown spread of greater than 15 feet in the lower Rio Grande Valley (excepting palms) and having trunks which can be maintained in a clean condition for over six feet of clear wood measured from the ground. Trees having an average mature crown spread less than 15 feet may be substituted by grouping such trees so as to create the equivalent of a 15-foot crown spread. Trees of species whose roots are likely to cause damage to public roadways or other public works should not be planted closer than 12 feet to such public works.
- (b) *Shrubs.* Shrubs should be a minimum of one foot in height when measured immediately after planting.

- (c) *Vines.* Vines should be a minimum of 30 inches in height one year after planting and may be used in conjunction with fences, screens or walls to meet buffer requirements and specifications.
- (d) *Ground covers.* Ground covers other than grass should be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year after planting.
- (e) *Lawn grass.* Grass areas should be planted in species normally grown as permanent lawns in the city. Grass areas may be sodden, plugged, sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion.
- (f) *Synthetic lawns or plants.* Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.
- (g) *Architectural planters.* The use of architectural planters may be permitted in fulfillment of landscape requirements.
- (h) A list of trees, shrubs, vines, and ground covers suitable to the Lower Rio Grande Valley shall be provided by the Department of Parks and Recreation.
- (i) Landscape irrigation requirements:
  - (1) The owner shall be responsible for the irrigation of all required landscape areas and plant materials, utilizing one or a combination of the following methods:
    - a. An automatic underground irrigation system (conventional spray, bubbler, and the like);
    - b. An automatic water-saving irrigation system (drip, porous pipe, leaky pipe, and the like); or
    - c. A hose attachment within one hundred (100) feet of all required landscape areas and plant materials.
  - (2) The irrigation method used shall:
    - a. Provide a moisture level in an amount and frequency adequate to sustain growth of the plant materials on a permanent basis;
    - b. Be in place and operational at the time of the landscape inspection for certificate of occupancy unless an alternative method is approved; and

- c. Be maintained and kept operational at all times to provide for efficient water distribution.
- (3) Landscape areas utilizing xeriscape plants and installation plants and installation techniques, including areas planted with native grasses and wildflowers may use a temporary and aboveground system and shall be required to provide irrigation for the first two growing seasons only.
- (4) Landscape plants shall indicate, by a detail, a drawing, or by specification in a note on the site plan, the nature and location of irrigation which will be used; these should be specific enough to show that adequate irrigation will be provided to all required landscape areas and plant material.
- (5) No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
- (j) Xeriscape areas shall provide a minimum of 50 percent of the landscaped areas with ground cover or grasses. Xeriscape areas not covered by grasses or ground cover shall be mulched. A list of indigenous plant species for xeriscape areas shall be provided by the department of parks and recreation.

(Code 1966, § 17 3/8-7(c); Ord. No. 1993-88, § IV, 12-13-93)

Secs. 110-57--110-65. Reserved.

### **Sec. 110-26. 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:

*Access way* means a paved area intended to provide ingress and egress of vehicular traffic from a public right-of-way to an off-street parking area or loading area.

*Buffer* means a visual screen constructed of wood, concrete block, masonry, or landscape material in such a manner that adjacent property will be screened from the use contemplated, so that noise, solid waste or other objectionable influences will be avoided. Such buffer shall be horizontal to the ground, a minimum of six feet in height, and 100 percent opaque, except where extraordinary circumstances exist where additional height will more adequately accomplish the desired end.

*Contiguous* means adjacent property whose property lines are shared, or are separated by only a street, alley, easement or right-of-way.

*Developed area* means that portion of a plot or parcel upon which a building, structure, pavement, gravel or other improvements have been placed.

*Frontage* means lineal distance measured along all abutting street rights-of-way.

*Ground cover* means low growing plants planted in such a manner as to form a continuous cover over the ground, such as lirioppe, low growing varieties of honeysuckle, confederate jasmine, English ivy or others.

*Landscape development* means trees, shrubs, ground cover, vines or grass installed in planting areas for the purpose of fulfilling the requirements of this article.

*Landscape strip area* means a planting area within the property lines of specified width and parallel to a public street, excluding driveways for ingress and egress.

*Mulch* means nonliving organic and inorganic materials customarily used in landscape design to retard erosion and retain moisture.

*Palm tree* means any group of plants in the palm family that will eventually reach ten feet in trunk feet. Suggested palms include: Texas Sabal, Florida Sabal, Mexican Fan Palm, California Fan Palm, Chinese Fan Palm, and Pindo Palm.

*Paved ground surface area* (also referred to in this article as paved area or paved ground area) means any paved ground surface area (excepting public rights-of-way) used for the purpose of driving, parking, storing or displaying of vehicles, boats, trailers and mobile homes, including new and used car lots and other open lot uses. Parking structures, covered drive-in parking areas to the drip line of the covering or garages shall not be considered as paved ground surface areas.

*Planting area* means any area designed for landscape planting having a minimum of ten square feet of actual plantable area and an inside dimension on any side of at least 18 inches.

*Reconstruction* means rehabilitation or replacement of structures on property which either have been damaged, altered or removed or shall be altered to an extent exceeding 75 percent of the assessed valuation of such structures or 75 percent of the combined assessed valuation of such structures and land as shown on the most recent tax roll of the city.

*Shrub* means any self-supporting woody evergreen and/or flowering species.

*Street line* means that line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the streets.

*Tree* means any self-supporting woody plant of a species which normally grows to an overall height of a minimum of 15 feet in the lower Rio Grande Valley of the state.

*Vines* mean any of a group of woody or herbaceous plants which may climb by twining, by means of aerial rootlets or tendrils, or which may simply sprawl over the ground or other plants.

*Xeriscape* means landscape methods which conserve water through the use of drought-tolerant plants and planting techniques.

(Code 1966, § 17 3/8-4; Ord. No. 1993-88, § I, 12-13-93)

**Cross references:** Definitions and rules of construction generally, § 1-2.