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Sec. 3-1. - Application and Exceptions.

- (a) The landscaping requirements of this chapter apply to any premises on which construction occurs for which a building permit is required, except as follows:
 - (1) The restoration of a Building with a historic designation;
 - (2) The remodeling of the interior of a Building or the facade of a Building that does not alter the location of exterior walls; or
 - (3) The expansion of a Single-Family or Two-Family Dwelling.
- (b) Any requirement of this chapter that applies to a Front Yard also apply to the Street Side Yard, unless specified otherwise. Any requirement of this chapter that applies to a Side Yard does not apply to a Street Side Yard, unless otherwise specified.
- (c) Whenever this chapter imposes a requirement based on the classification of a premises as a Residential or Nonresidential Use, the requirement shall also apply to the portions of a premises used for Residential Uses and Nonresidential Uses located in a planned development district, as determined by the Director.

Sec. 3-2. - Landscape Plan Required, Deviations, and Appeals.

- (a) For any premises to be developed for Multi-Family Dwellings or Nonresidential Use, a landscape plan must be submitted to the City showing how the requirements of this chapter are to be met. The required plan must be submitted in the form and manner specified by the Director. If the plan meets the requirements of this chapter, the Director may approve the plan.

- (b) Where improvements are proposed to a developed premises devoted to a Nonresidential Use that was developed prior to the effective date of this chapter and does not meet the landscaping requirements of this chapter, the Director may approve a landscape plan with deviations from the requirements of this chapter or impose alternative requirements that serve the purpose and intent of this chapter, if the requirements of this chapter cannot be reasonably complied with because of the existing developed conditions.
- (c) In approving a landscape plan, the Director may allow or require minor deviations from the requirements of this chapter whenever a literal application of a requirement to a premises would, because of unusual circumstances or situations not generally common to other premises, not achieve the purpose or intent of the regulation or cause an absurd result.
- (d) To protect the public infrastructure and public safety, the City may adopt written guidelines on planting and maintaining Trees in the public right-of-way. The Director may disapprove any landscape plan that does not comply with the adopted guidelines.
- (e) An applicant may appeal to the Commission, for a final determination, the Director's:
 - (1) Decision that a landscape plan does not meet the requirement of this chapter;
 - (2) Refusal to approve a deviation from a requirement; or
 - (3) Decision imposing an alternative requirement.

Sec. 3-3. - Compliance Requirements.

- (a) All landscaping requirements of this chapter, including the requirements contained in an approved landscape plan, must be met prior to and as a condition for the issuance of a Certificate of Occupancy for any premises to which these regulations apply. If weather conditions, scheduling delays, or similar conditions delay compliance, the Director may grant a temporary Certificate of Occupancy if the owner or person in control of the premises enters into an agreement with the City agreeing to comply with the landscaping requirements within a specified time.
- (b) All vegetation required to be installed must, after installation, be maintained in good condition. If the required vegetation becomes diseased, deteriorated, or dies, the owner of the premises must replace the vegetation within 90 days of written notice from the City.
- (c) All Fences required by this chapter must be maintained by the owner in good condition so that there are no damaged or missing boards or parts, all structural supports are sound and sufficient to maintain the Fence in its original upright condition, and any surface treatment, including paint and stucco, is substantially maintained in its original appearance so that there is no noticeable cracking, discoloration, or similar surface blemishes or defects.

Sec. 3-4. - Residential Front Yard Landscaping Requirements.

For any premises located in a Residential District, the premises must have one shade Tree located within 15 feet of the Front Lot Line for each 50 feet of Lot Width or portion thereof, measured along the Front Lot Line. Trees may be clustered or spaced linearly and need not be placed evenly at 50 foot

intervals. For premises developed for Single-Family or Two-Family Dwellings, one additional Tree must be planted in the Front Yard of the premises for each Dwelling Unit.

Sec. 3-5. - Nonresidential Use Landscaping Requirements.

The following landscape requirements apply to all premises developed for a Nonresidential Use:

- (1) If the premises abutting the opposite side of the Street is used or zoned for Residential Use, the premises must have one shade Tree located in the Front Yard for each 30 feet of Lot Width, or portion thereof, measured along the Front Lot Line. If the premises abutting the opposite side of the Street is used or zoned for a Nonresidential Use, the premises must contain one shade Tree for every 50 feet of Lot Width, or portion thereof, measured along the Front Lot Line. The Trees may be clustered or spaced linearly and need not be placed evenly.
- (2) If the premises abuts another premises used for Single or Two-Family Dwellings, the premises must have an opaque screen Fence at least six feet in Height located along the abutting Lot Line, from the Front Building Line to the Rear Lot Line. The Fence is not required if a comparable Fence is already existing on the abutting residential property.
- (3) All portions of the ground located in the Front Yard or the Street Side Yard of the premises which are not covered by driveways, Parking Lots, and similar permanent improvements, must be Landscaped.
- (4) All Side Yards must contain a six-foot wide Landscaped Area extending from the Front Lot Line to the Rear Lot Line.

(Ord. No. 1128, § 1, 7-21-98)

Sec. 3-6. - Front Yard Parking Lot Landscaping Requirements.

Any premises zoned or used for Nonresidential Use that contains a Parking Lot or Vehicle Use Area within a Front Yard or Street Side Yard must have a 15 foot wide Landscaped Area located between all portions of the Parking Lot, including a Vehicle Use Area, and the public Street. The Landscaped Area must have a continuous hedge, Fence, or berm of a minimum Height of three feet to screen the Parking Lot and Vehicle Use Area from the Street. If Fences are used to provide screening, one Shrub or Vine must be planted on the Street side of the Fence or berm for each 10 feet of Street frontage, but the plants need not be spaced evenly apart. The remainder of the required Landscaped Area must contain plants, grass, or ground cover. All other portions of the Front Yard lying between the Parking Lot and Front Lot Line which are not improved, must be Landscaped.

Sec. 3-7. - Side and Rear Yard Parking Lot Landscaping Requirements.

- (a) Any premises used or zoned for a Nonresidential Use that contains a Parking Lot or Vehicle Use Area in a Side or Rear Yard that abuts a premises used or zoned for a Residential Use, must have a continuous hedge, Fence, or berm, of a minimum Height of six feet and a maximum Height of eight feet, located between the Parking Lot, including a Vehicle Use Area, and the Lot Line. The area

required to be screened must also contain one Tree for each 30 linear feet of landscaping or screening, or portion thereof.

- (b) Any premises used or zoned for a Nonresidential Use that contains a Parking Lot or Vehicle Use Area in a Side or Rear Yard that abuts a premises used or zoned for Nonresidential Use, must have a screen of hedges, Fences, or berms, of a minimum Height of 3 1/2 feet and a maximum Height of eight feet, located between the Parking Lot, including Vehicle Use Area, and the Side or Rear Lot Line so as to provide screening for 25% of the Parking Lot and Vehicle Use Area. The required screening may be grouped and dispensed randomly and need not be spaced evenly. The area required to be screened must also contain one Tree for each 50 linear feet of screened area, or portion thereof, unless the premises to which this section applies and the abutting property are both located in an M-1 or M-2 district, then the area to be screened must contain one Tree for each 75 linear feet of screened area.
- (c) All plants used to satisfy the requirements of this section must be located in Landscaped Areas that are at least 2 1/2 feet in width.
- (d) Each required Tree must be planted in a Landscaped Area of at least 36 square feet, with a minimum dimension of six feet.

Sec. 3-8. - Interior Parking Lot Landscaping Requirements.

Any premises containing a Parking Lot that has more than 10 Parking Spaces must meet the following landscaping requirements for the Parking Lot:

- (a) For each 20 Parking Spaces, or fraction thereof, Landscaped Areas containing a total of at least 162 square feet must be provided within the Parking Lot. Landscaped Areas or islands must be a minimum of six feet in width, measured from back of the curb, and be dispersed throughout the Parking Lot. One shade Tree must be provided for each required Landscaped island. The remaining area or island must be Landscaped with plants not exceeding three feet in Height.
- (b) Landscaped islands must be protected from vehicle intrusion by curbs or similar Structures. The front of a vehicle may encroach upon the landscaped island when the area is a minimum of six feet in depth and protected by wheel stops or curbs. Two feet of the Landscaped Area may be counted as part of the required depth of the abutting Parking Space.

(Ord. No. 1128, § 2, 7-21-98)

Sec. 3-9. - Accessory Structure Screening Requirements.

The following landscape and screening requirements apply to every premises used for Multi-Family Dwellings or a Nonresidential Use:

- (a) Areas used to hold refuse containers must be screened from public view with a solid masonry Fence not less than six feet in Height.

- (b) Exterior ground-mounted or building-mounted equipment to serve a Building, including mechanical equipment, utility meter banks, and heating or cooling equipment must be screened from public view with landscaping or with an architectural treatment compatible with the Building architecture.
- (c) All rooftop equipment must be screened from public view with an architectural treatment which is compatible with the Building architecture. The methods of screening rooftop equipment include the use of parapet walls and the encasement of partition screens.
- (d) All materials, products, or equipment which are stored outside of a fully-enclosed Building, other than for display, must be entirely screened from public view.
- (e) For purposes of this section, "screened from public view" means not visible at eye level from any point on the Lot Line of the abutting premises or from any point on a Street.

Sec. 3-10. - Tree Preservation.

- (a) The landscape plan required by this chapter must show the location of all Protected Trees, wooded areas, areas with dense shrubbery, and which Trees and plants will be preserved and which will be removed.
- (b) Improvements must be designed whenever reasonably possible to preserve a Protected Tree. The Director may approve a landscape plan that provides for the removal of a Protected Tree where the Director determines that the development cannot reasonably preserve the Protected Tree. For each Protected Tree that is preserved, the owner may receive credit for two Trees that are otherwise required to be installed to comply with this chapter.
- (c) If the Director approves the removal of a Protected Tree, the landscape plan must provide for the planting of two replacement Trees of like type for each Protected Tree to be removed. The replacement Trees are in addition to any other Trees required to be planted under this chapter.
- (d) Whenever one or more existing Trees, whether Protected Trees or otherwise, or existing Shrubs provide an effective and desirable buffer or screen for a proposed use or development, the Director may require that existing Trees or Shrubs or portions thereof, be preserved if the preservation can be accomplished without undue interference with the development of the premises. The Director will credit any existing Trees or Shrubs which are preserved against any requirements for Trees, Shrubs, or screening as provided in this chapter, if the preserved Trees or Shrubs substantially serve the purpose of the requirement.

Sec. 3-11. - Design Planting and Criteria.

- (a) Any Tree, Shrub, plant, Fence, or screen installed to satisfy the requirements of this chapter must meet the following requirements:
 - (1) Trees must be a minimum of seven feet in overall Height immediately after planting and must have an average mature crown spread of at least 15 feet in diameter. Trees having an average mature crown spread of less than 15 feet in diameter may be grouped in sufficient number so as to create the equivalent of a 15 foot crown spread. Any Trees or plants used to meet the

requirements of this chapter are recommended to be one of the preferred Trees or plants listed in Exhibit A.

- (2) Shrubs must be a minimum of two feet in Height when measured immediately after planting. When used for screening purposes, the Shrubs must be planted with triangular centers and not be separated by more than three feet. Whenever hedges are used to meet a screening requirement, the plants must be planted and maintained so as to form a continuous, unbroken, solid, visual screen within one year of planting.
- (3) Vines must be a minimum of 30 inches in Height immediately after planting and may be used in conjunction with Fences to meet physical barrier requirements.
- (4) Ground covers used in lieu of grass, in whole or in part, must be planted to present a finished appearance and reasonable complete coverage within three months after planting.
- (5) Grass must be of a species normally grown as permanent lawns in the Texas Gulf Coast Region. Solid sod must be used to provide coverage and soil stabilization in swales or other areas subject to erosion. In areas where other than solid sod or grass seed is used, annual rye grass seed must be sown for immediate effect and protection until coverage is achieved.
- (6) Detention and retention basins and ponds must be Landscaped with shade and ornamental Trees, evergreens, shrubbery, hedges or other plants.
- (7) Indigenous and drought resistant plant material should be used, but if not used, an irrigation system must be installed or a watering source made available within 150 feet.
- (8) Any Fence installed to meet the requirements of this chapter must, unless otherwise specified, be constructed of wood, stone, brick, masonry, stucco, or concrete. Wire-type fencing of any kind must not be used.