

Sec. 12-5-5. - Landscape/screening requirements.

- (a) Violations. Any person who violates, neglects, or refuses to comply with any provisions of this section, or any owner or general agent of a building or premises where a violation of any provision of this section has been committed or exists, or the lessee or tenant of an entire building or entire premises where such violations have been committed or exist, or any contractor or craftsman who violates, neglects, allows to exist, or refuses to comply with any provisions of this section, or the owner, general agent, contractor, lessee or tenant of any part of the building in which such violation has been committed or exists, or who commits, takes part in or assists in such violations, shall be in violation of this section.
- (b) Purpose. The purpose of this section is:
 - (1) To provide quality visual appeal to buildings and paved areas through the use of trees, shrubs, and plants.
 - (2) To encourage areas of established native trees and shrubs to be preserved within a project development site and to properly protect preserved areas during construction.
 - (3) To preserve healthy environmental conditions by providing shade, air purification and oxygen generation, groundwater recharge, storm water runoff retardation, and noise, glare and heat abatement through preservation of areas of native trees and shrubs and through the installation of new landscape.
 - (4) To buffer uncomplimentary land uses.
 - (5) To require timely replacement of landscape components lost after installation.
- (c) Applicability. Landscaping, consisting of trees, shrubs, ground cover, and screening shall be required, in accordance with this section, for all new construction. All plans submitted in support of a building permit shall include a landscape plan, which shall include all elements in accordance with the specifications on file in the offices of planning and development.
- (d) General standards. The following criteria shall apply to all landscaping materials and installations:
 - (1) Quality. All trees and shrubs used in conformance with the provisions of this section shall have well developed leaders and tops and roots characteristic of the species, cultivar or variety and shall show evidence of proper nursery pruning. All plant materials shall be free of insects, diseases, mechanical injuries and other objectionable features at the time of planting.
 - (2) Coverage. Grass, ground cover, shrubs and other living landscaping material shall be used to cover all ground. Landscaping material, such as mulch, bark, and decorative rock, can be incorporated into a landscape plan, where appropriate.
 - (3) Trees. All new trees shall be of a species common to this area of North Texas, in accordance with the tree list on file in the offices of planning and development. Caliper measurements shall be taken at a point six inches above grade. Trees shall have the following minimum characteristics:

- a. Canopy trees grow to a minimum height of 12 feet at maturity. All canopy trees shall have a minimum caliper of two inches at time of planting.
 - b. Understory trees shall have a maximum height of 30 feet at maturity. All understory trees shall have a minimum caliper of one and one-half inches at time of planting.
 - c. Ornamental trees shall have a minimum caliper of one inch at time of planting.
 - d. Evergreen or conifer trees shall have a minimum height of 12 feet at maturity. All evergreen or conifer trees shall be at least four feet in height at time of planting.
- (4) Shrubs and hedges. Shrubs shall be a minimum of 18 inches in height at time of planting. Hedges shall be planted and maintained to form a continuous, unbroken, visual screen, which will be a minimum of three feet in height within one year of planting.
- (5) Ground cover. Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage.
- (6) Grass. Grass may be sodded, plugged, sprigged or seeded. In swales, berms, or other areas subject to erosion, solid sod shall be used.
- (e) One and two-family residential landscaping requirements. Residential landscape areas shall contain two canopy, understory, ornamental or evergreen trees and eight shrubs per 100 linear feet, or portion thereof, of front yard street frontage. Where this street frontage is less than 50 linear feet, only one canopy, understory, ornamental or evergreen tree and four shrubs are required.
- (f) Multifamily and non-residential landscaping requirements. Landscape plans shall be prepared by an architect, landscape architect, land surveyor or engineer, licensed in the State of Texas. The city manager may, upon receipt of a favorable recommendation by the DRC, waive the requirement of preparation by a licensed professional. The interior and perimeter of parking lots and vehicular use areas, shall be landscaped in accordance with the following criteria:
- (1) Interior landscaping:
- a. A minimum of 250 square feet of area for every ten parking spaces shall be devoted to living landscaping, which includes grass, ground cover, plants, shrubs and trees.
 - b. Where a lot has frontage on more than one street, the required interior landscaping shall be distributed proportionately to the number of parking spaces located between each building line and its adjacent street line. These plantings shall be grouped in such a way as to provide visual relief to those building elevations, which are viewed by the general public.
 - c. Interior landscape areas shall be protected from vehicular encroachment or overhang by way of curbs or other means approved by the city engineer.

- d. There shall be a minimum of one canopy, understory, or ornamental tree planted for each 15 parking spaces, or fraction thereof. For every tree planted, four shrubs shall be planted. The planted areas shall be sodded or mulched.
- e. Interior planting areas shall be a minimum of 100 square feet for each understory tree and 200 square feet for each canopy tree dimensioned in such a way as to provide a suitable area for planting. Interior planting areas shall be located within 75 feet of any parking space.

(2) Perimeter landscaping:

- a. A minimum of one canopy tree, understory, ornamental or evergreen tree and four shrubs shall be required as perimeter landscaping per 100 linear feet of street frontage.
- b. Perimeter landscaping shall be located within the front and side yard setback between each building line and its adjacent street line.
- c. When pre-approved by the city manager, and where public easements or other conditions, not under the control of the developer, would not allow for the planting of trees, each required tree may be replaced by eight shrubs or eight perennial bed plantings, each a minimum of one-gallon size at planting.
- d. Where a perimeter landscape area is less than 50 linear feet, only one canopy, understory, ornamental or evergreen tree and two shrubs is required. In lieu of the tree installation, a total of four shrubs may be substituted. Required trees and shrubs may be clustered to allow for the most effective use of landscaping.
- e. Perimeter planting areas shall be a minimum of 100 square feet for each understory tree and 200 square feet for each canopy tree dimensioned in such a way as to provide a suitable area for planting.
- f. All other disturbed areas shall be landscaped with grass or other ground cover.

(3) Whenever an off-street parking or vehicular use area abuts a public right-of-way, a perimeter landscape area at least five feet in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular use area.

(4) Necessary access ways from the public right-of-way shall be permitted to pass through all landscaping.

(5) Areas used for parking or vehicular storage which are under, on, or within buildings are exempt from these standards.

(g) Buffering and screening requirements.

(1) All plans submitted as part of a building permit or conditional use permit application shall include a detailed drawing of applicable screening methods in

accordance with this section. No buffer or screening requirement located on an adjacent property may be utilized as a portion of any required buffer or screen.

- a. Trash bins and storage areas. Trash bins and storage areas located in multi-family residential and non-residential zoning districts shall be enclosed with either a permanent wall or solid fence.
 - b. Parking lot screening on rear and side yards. Any off-street parking area providing space for five or more vehicles shall be effectively screened on any side or rear yard which abuts a residentially zoned lot.
 - c. At the time of development of property zoned C1, C2, or I, a buffer or screen shall be provided along all common property lines between the commercial development and any residential zoning district.
 - d. Screening fences/walls shall be placed such that they do not impede visibility for vehicles entering or exiting the property.
- (2) A screen shall consist of a screen wall, fence, earth berm, or densely planted evergreens to effectively restrict 75 percent of the view to adjoining property to a height of not less than eight feet.
- (3) For the purposes of this section the following terms shall be deemed to have the meaning indicated below:

Berms. A screen constructed of earthen materials, which shall not exceed a slope steeper than two and one-half feet horizontal to one foot vertical. A berm shall be so designed that drainage from said slope shall be directed away from paved areas and sidewalks and shall be sodded and landscaped as necessary to provide topsoil stabilization. Berms shall not exceed eight feet in height.

Fence, open. An open weave or mesh type fence, constructed of wood or other approved materials, which shall be not less than six feet nor more than eight feet in height.

Fence, solid. A fence, constructed of wood or other approved material, which shall not be less than six feet nor more than eight feet in height.

Retaining wall. A structure constructed or erected between lands of different elevations. A retaining wall, which directly abuts and faces a residential zoning district, shall not have an exposed wall face greater than eight feet in height. A retaining wall, which directly abuts and faces any zoning district, other than residential, shall not have an exposed wall face greater than 12 feet in height. When special property conditions exist, which make it unfeasible to meet these requirements, applicants may present alternative recommendations to the DRC for consideration. The recommendation of DRC shall be presented to the city manager for consideration. No permit for any alternative method shall be issued without final approval from the city manager.

Walls. A screen consisting of concrete, stone, brick, tile or other approved solid masonry material, which shall be not less than six feet nor more than eight feet in height.

- (4) In one and two-family residential zoning districts, no fence or wall shall be erected in any front yard or side yard which is adjacent to a public street, except decorative fences or walls less than five feet in height with a maximum opacity of 50 percent.
- (5) In nonresidential and multi-family zoning districts, no fence or wall shall be erected in any front yard or side yard which is adjacent to a public street, except decorative fences or walls less than eight feet in height with a maximum opacity of 50 percent.
- (6) Chain link, woven wire mesh or other similar materials are not considered decorative fencing.
- (7) Any fence or wall located to the rear of the minimum required front yard line or side yard line adjacent to a public street shall not exceed eight feet in height.
- (8) Special purpose fencing, such as fencing around tennis courts, may be permitted by the director of planning and development (or his/her designee) where applicable.
- (9) No barbed wire or electrical fencing shall be allowed except as used for farm or ranching purposes on undeveloped land over one acre in size.
- (10) No fence or wall shall be erected, moved, added to, or structurally altered without a permit issued by the City of Weatherford's Building Official (or his/her designee).

(h) Exceptions.

- (1) Sight triangle. On a corner lot in any district, no planting, berm, fence or wall shall be placed in such a manner as to impede vision within the intersection clear sight triangle as shown in the City of Weatherford Design Criteria for Public Improvement Projects, on file in the office of the city engineer.
 - (2) Special circumstances. When circumstances prevent appropriate installation of landscaping to satisfy these requirements, the city manager may approve an application, upon review and recommendation from the DRC providing an alternative method of compliance.
 - (3) Exemption for property in Central Business District. Due to the unique nature of those properties in the CBD, the city manager shall have full authority to exempt developments from the requirements of this section.
- (i) Unauthorized removal. No required screening, landscaping, or landscape buffer shall be removed from any multi-family or non-residential property without first obtaining a permit, by submitting and obtaining approval of a landscaping plan, which provides for replacement conforming to all provisions of this section.
- (j) Security, maintenance.

- (1) Landscaping to be in place prior to issuance of certificate of occupancy (CO). All landscaping and screening material, living and nonliving, shall be healthy and in place prior to issuance of the CO. If seasonal limitations prevent planting, and if security, as described herein, is provided, a CO may be issued.
- (2) Security required. Security in the form of cash, a performance bond, cashier's check, or irrevocable letter of credit, in an amount equal to the cost of the landscaping and installation costs shall be provided by the permittee, prior to issuance of the CO. Upon completion of the landscaping, with final approval by the city manager, the security will be returned to the permittee. Should the permittee fail to complete the required landscaping as required by the plan submitted and approved, the city shall use the security to complete the landscaping as required by the plan. Any excess from the security not used to complete the landscaping shall be returned to the permittee.
- (3) Maintenance.
 - a. The owner of the property shall be responsible for maintaining the landscaping required by this section. Plant material shall be maintained in a healthy and growing condition that is appropriate for the season of the year. Plant materials, which die, shall be replaced with healthy plant material of similar variety and meeting the size requirements contained herein.
 - b. The developer, his/her successor and/or subsequent owners and their agents shall be responsible for the continued maintenance of landscaping.
 - c. Plant materials, which exhibit evidence of insects, pests, disease, and/or damage shall be appropriately treated, and dead plants properly removed and replaced within the next planting season.
 - d. All landscaping shall be subject to periodic inspection.
 - e. Should landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the owner and his/her agent shall be considered in violation of the terms of the building permit and this section.
 - f. No open burning of brush, timber and/or vegetation, except as permitted by the Weatherford Fire Department, shall be allowed.
 - g. All required landscaped areas located within all multi-family and non-residential zoning districts shall be irrigated with an in ground, automated sprinkler or drip irrigation system that use rain and freeze sensors. \
 - h. All required landscaped areas located within any one-family or two-family residential zoning district shall be irrigated with an in ground sprinkler or drip irrigation system that use rain and freeze sensors, or have other irrigation means available, such as a water faucet or bibcock.
- (k) Exemption of rights-of-way and utility easements. Public road rights-of-way and utility easements are exempt from the provisions of this section.
- (l) Existing developed areas. As of the effective date of this ordinance, all property currently under development and not in compliance with the provisions of this section, shall be considered legal nonconforming and allowed to continue, so long

as no building permit is issued for enlargement of a structure. At the time that such a permit is issued, the following requirements shall be met:

- (1) No additional landscaping areas shall be required, if existing buildings and structures are replaced with new buildings or structures, with the same total floor space, provided a building permit for replacement is applied for, within one year after the existing buildings are removed.
- (2) No additional landscaping areas shall be required, if a use expands into or is established in existing floor area that was previously unfinished or otherwise not available for occupancy.
- (3) No additional landscaping areas shall be required if:
 - a. The lot is enlarged by less than 25 percent of the existing lot, or by less than 20,000 square feet, whichever is greater; or
 - b. The new floor area is enlarged by less than 25 percent of the existing floor area or by less than 2,000 square feet, whichever is greater.
 - c. If the enlargement exceeds a or b of this section, 100 percent of the landscape designated by the zoning district is required.

(m) Approved plant list. Approved plants shall be those identified in the Texas SmartScape database, managed by Texas A&M University.

(Ord. No. 511-2010-49, § 1(Exh. A), 1-11-11)