

ORDINANCE NO. 300-91

AN ORDINANCE PERTAINING TO LANDSCAPING WITH THE CITY OF WILLOW PARK REPLACING SECTION 8.06 IN THE CITY OF WILLOW PARK CODE OF ORDINANCES BOOK; ADOPTING A NEW LANDSCAPING ORDINANCE; CONTAINING A SEVERABILITY CLAUSE, A PENALTY CLAUSE AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

LANDSCAPING REGULATIONS

- A. PURPOSE: It is the purpose of this section to establish certain regulations pertaining to landscaping within the City of Willow Park. These regulations provide standards and criteria for new and replacement landscaping which are intended to promote the Value of property, enhance the welfare, and improve the physical appearance of the City.
- B. SCOPE: The standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new construction occurring within the City, except that single family detached dwellings be exempt.
- C. ENFORCEMENT: The provisions of this Section shall be administered and enforced by the City Administrator or his designee.

If, at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria of this Section, the City Administrator shall issue notice to the owner, citing the violation and describing what action is required to comply with this Section. The owner, tenant, or agent shall have thirty (30) days from date of said notice to restore the landscaping as required. If the landscaping is not restored within the allotted time, such person shall be in violation of this Ordinance.

- D. PERMITS: No permits shall be issued for building, paving, grading or construction until a Landscape Plan is submitted and approved by the City Administrator. In the event that the proposed development requires an approved Subdivision Plat, Site Plan, or Master Development Plan, no such final approval shall be granted unless a Landscape Plan is submitted and approved.

Prior to the issuance of a Certificate of Occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the Landscape Plan required in Subsection E of this Section.

In any case in which an Occupancy Certificate is sought at a season of the year in which the City Administrator determines that it would be impractical to plant trees,

shrubs or grass, or to lay turf, an Occupancy Certificate may be issued notwithstanding the fact that the landscaping required by the Landscape Plan has not been completed provided the applicant posts a letter of credit or deposits cash in an escrow account in the amount of the estimated cost of such landscaping. Such letter of credit or escrow deposit shall be conditioned upon the installation of all landscaping required by the landscaping plan within six (6) months of the date of the application and shall give the City the right to draw upon the letter of credit or escrow deposit to complete the said landscaping if the applicant fails to do so.

- E. LANDSCAPE PLANS: Prior to the issuance of a building, paving, grading or construction permit for any use other than single family dwellings, a Landscape Plan shall be submitted to the City Administrator. The City Administrator, or a designee, shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in accord, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

Landscape Plans shall contain the following information:

1. minimum scale of one inch equals 50 feet;
 2. location of all trees to be preserved;
 3. location of all plant and landscaping material to be used including plants, paving, benches, screens, fountains, statues, or other landscape features;
 4. species of all plant material to be used;
 5. size of all plant material to be used;
 6. spacing of plant material where appropriate;
 7. layout and description of irrigation, sprinkler or water systems including placement of water sources;
 8. description of maintenance provisions for the Landscape Plan;
 9. person(s) responsible for the preparation of Landscape Plan.
- F. MAINTENANCE: The Owner, tenant and their agent, if any shall be jointly and severally responsible for the maintenance in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall

be replaced with plant material of similar variety and size.

- G. GENERAL STANDARDS: The following criteria and standards shall apply to landscape materials and installation.
1. QUALITY. Plant materials used in conformance with the provisions of this Ordinance shall conform to the standards of the AMERICAN STANDARD FOR NURSERY STOCK, or equal thereto. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
 2. TREES. Trees referred to in this Section shall be of a species common to this area of Texas and shall have an average spread of crown of greater than fifteen (15) feet at maturity. Trees having a lesser average mature crown of fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) feet crown of spread. Trees shall be of a minimum of seven (7) feet in height at time of planting. Fifty (50%) percent of required trees to be planted shall be of the strong hardwood varieties, such as, but not limited to, varieties of oaks, pecan, ash and walnut.
 3. SHRUBS & HEDGES. Shrubs shall be a minimum of two feet in height when measured immediately after planting. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will be three (3) feet high within one year after time of planting.
 4. VINES. Vines shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet screening requirements as specified.
 5. GROUND COVER. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year of planting.
 6. LAWN GRASS. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales, berms or other areas subject to erosion.
 7. CREDIT FOR EXISTING TREES. Any trees preserved on a site meeting the herein specifications shall be credited toward meeting the tree requirement of any landscaping provision of this Section. Trees of exceptional quality due to size, large canopy cover, trunk diameter, rareness, age or species may, at the discretion of the City Administrator, be credited as two trees for the herein minimum requirements.
- H. MINIMUM REQUIREMENTS FOR OFF-STREET PARKING AND VEHICULAR USE AREAS. Parking lots, vehicular use areas and parked vehicles are to be effectively screened from the public view and adjacent property. Both the interior and perimeter of such areas shall be landscaped in accordance to the following criteria.

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

1. INTERIOR LANDSCAPING. A minimum of ten (10) percent of the gross parking areas shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway paving and sidewalks. The following additional criteria shall apply to the interior of parking lots.
 - a. Interior landscape areas shall be protected from vehicular encroachment of overhang through appropriate wheel stops or curbs.
 - b. There shall be a minimum of one (1) tree planted for each four hundred (400) square feet or fraction thereof of required interior landscape area.
 - c. Interior areas of parking lots shall contain planting islands located so as to best relieve the expense of paving. Planter islands must be located no further apart than every twelve (12) parking spaces and at the terminus of all rows of parking. Such islands shall contain at least one (1) tree. The remainder shall be landscaped with shrubs, lawn, ground cover and other appropriate material not to exceed three (3) feet in height. Light standards shall be considered islands; for this purpose. Interior planter islands shall have a minimum size of one-half (1/2) parking space width times length of parking space.
 - d. The City Administrator may approve planter islands required by Section H.1.c. to be located further apart than twelve parking spaces in order to preserve existing trees in interior parking areas. Off-street parking and drive areas located within the drip line of a tree shall be paved with permeable material approved by the City Administrator when the drip line of an existing tree is larger than planter islands required by Section H.1.c.
2. PERIMETER LANDSCAPING. All parking lots and vehicular use areas shall be screened from all abutting properties and/or public rights of way with a wall, fence, hedge, berm, trees or other durable landscape barrier. Any living barrier shall be established in a two (2) feet minimum width planting strip. Plants and materials used in living barriers shall be at least thirty (30) inches high at the time of planting and shall be of a type and species that will attain a minimum height of three (3) feet one year after planting.

Any landscape barrier not containing live plants or trees, shall be a minimum of three (3) feet high at time of installation. Perimeter landscaping shall be designed to screen off-street parking lots and other vehicular use areas from public rights of way and adjacent properties.

- a. Whenever an off-street parking or vehicular use area abuts a Public right of way, a Perimeter landscape area of a least fifteen (15) feet in depth shall be

maintained between the abutting right of way and the off-street parking or vehicular use area. An appropriate landscape screen or barrier shall be installed in this area and the remaining area shall be landscaped with at least grass or other ground cover. Necessary accessways from the public right of way shall be permitted through all such landscaping. The maximum width for accessways shall be: fifty (50) feet for nonresidential two-way movements; thirty (30) feet for residential two-way movements twenty (20) feet for nonresidential one-way movements and fifteen (15) feet for residential one-way movement.

- b. Whenever an off-street parking or vehicular use area abuts an adjacent property line, a perimeter landscape area of at least ten (10) feet in width shall be maintained between the edge of the parking area and the adjacent property line. Landscaping shall be designed to visually screen the parking area. Whenever such property is zoned or used for residential purposes, the landscape buffer shall include a wall, hedge, or berm not greater than eight (8) feet in height nor less than three (3) feet in height.
- c. Perimeter landscape areas shall contain at least one (1) tree for each fifty (50) lineal feet or fraction thereof of perimeter area.

I. LANDSCAPING REQUIREMENTS FOR NONVEHICULAR OPEN SPACE. In addition to the landscaping of off-street parking and vehicular use areas, all remaining open spaces on any developed lot or parcel shall conform to the following minimum requirements.

- 1. Grass, ground cover, shrubs and other landscape materials shall be used to cover all open ground within twenty (20) feet of any building or paving or other use such as storage.
- 2. All structures shall be treated with landscaping so as to enhance the appearance of the structure and to screen any detractive or unsightly, appearance.
- 3. Landscaping shall be provided on each developed lot in accordance with the following standards:
 - a. In all nonresidential zoning districts, a minimum of fifteen (15) percent of the total site area shall be devoted to feature landscaping with not less than fifty (50) percent of the landscaping being located in the required front yard.
- 4. Trees shall be planted in non-vehicular open space to meet the following requirements. Existing trees that are preserved on a developed site may be credited to the following requirements

Precentage of Site in Non-vehicular Open Space	Tree Ratio per Non-Vehicular
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Open Space

Less than 30	1 tree/2500 sq. ft.
30-49	1 tree/3000 sq. ft.
over 50	1 tree/4000 sq. ft.

J. SIGHT DISTANCE AND VISIBILITY: Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an accessway intersects a public right of way or when the subject property abuts the inter-section of two or more public rights of way, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between three (3) and six (6) feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas are:

1. The areas of property on both sides of the intersection of an accessway and a public right of way shall have a triangular visibility area with two (2) sides of each triangle being ten (10) feet in length from the point of the intersection and the third side being a line connecting the ends of the other two sides.
2. The areas of property located at a corner formed by the intersection of two or more public rights of way shall have a triangular visibility area with two (2) sides of each triangle being twenty (20) feet in length from the point of the intersection and the third side being a line connecting the ends of the other two sides.

Landscaping, except required grass and low ground cover, shall not be located closer than three (3) feet from the edge of any accessway pavement.

In the event other visibility obstructions are apparent in the proposed Landscape Plan, as determined by the City Administrator, the requirements set forth herein may be reduced to the extent to remove the conflict.

PASSED AND APPROVED THIS THE 18th DAY OF June, 1991.

CITY OF WILLOW PARK

Sharon Riley Suarez

SHARON SUAREZ
MAYOR

Kathy Mitchell

KATHY MITCHELL
CITY SECRETARY