

## Land Development Code, ARTICLE 9. LANDSCAPING.

### Division 1. General Provisions.

#### § 25-2-981 APPLICABILITY; EXCEPTIONS.

- (A) Except as provided in Subsection (B), this article applies in the city's zoning jurisdiction.
- (B) This article does not apply to:
- (1) property zoned central business district or downtown mixed use district;
  - (2) a lot containing one single-family residence;
  - (3) a lot containing one duplex residence, unless the residence exceeds 4,000 square feet of gross floor area or has more than six bedrooms;
  - (4) a two-family residential use;
  - (5) a secondary apartment special use;
  - (6) substantial restoration of a building within one year after the building is damaged;
  - (7) restoration of a building designated as a historic landmark; or
  - (8) interior or facade remodeling, if the front and side exterior walls of the building remain in the same location.
- (C) Developed property, or property with an approved site plan, that is affected by right-of-way condemnation may be developed without compliance with this article, as provided by this subsection.
- (1) After condemnation, improvements shown on the remainder of an approved site plan may be constructed, and only the landscaping on the remainder of the approved site plan is required.
  - (2) Improvements on developed properties that are lost through condemnation may be replaced. Only the area within the limits of construction for the replaced improvements must comply with this article, except an owner is not required to provide more landscaping than was in existence before the condemnation.

*Source: Sections 13-7-56(a), (c), and (e), and 13-7-66(e); Ord. 990225-70; Ord. 000831-65; Ord. 030605-49; Ord. 031211-11; Ord. 041202-16.*

#### § 25-2-982 CONFLICTS WITH OTHER PROVISIONS.

(A) Except as provided by Subsection (B), if this article conflicts with other provisions of this title, this article prevails.

(B) If this article conflicts with a provision of Chapter [25-6](#) (*Transportation*) or another provision of this chapter, those provisions prevail.

*Source: Section 13-7-56(d); Ord. 990225-70; Ord. 031211-11.*

#### **§ 25-2-983 FINAL INSPECTION.**

(A) The Watershed Protection and Development Review Department shall inspect each site to ensure compliance with this article. Before the Watershed Protection and Development Review Department may conduct a final landscape inspection, it must receive a letter, under seal, from a licensed professional engineer, architect, or landscape architect, stating that the project has been implemented in accordance with the approved plan.

(B) The requirements for an automatic irrigation system under the Environmental Criteria Manual shall be noted on the development permit by the authority issuing the permit, and must be implemented by the owner before the final landscape inspection.

*Source: Sections 13-7-58(c) and 13-7-62(e); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.*

#### **§ 25-2-984 LANDSCAPE MAINTENANCE REQUIREMENTS.**

(A) This section applies to an owner who is responsible for property for which a site plan has been approved by the City.

(B) An owner shall maintain required landscaped areas in accordance with the site plan and in healthy condition, free from diseases, pests, weeds, and litter, in accordance with generally accepted horticultural practice.

(C) An owner who receives notification from the Watershed Protection and Development Review Department that plants on a site are dead, diseased, or severely damaged:

(1) shall remove the plants not later than the 60th day after notification; and

(2) replace the plants within six months after notification, or by the next planting season, whichever comes first.

(D) An owner required to replace plants under Subsection (B) must use replacement plants that are the same size and species as shown on the approved site plan or must be of equivalent quality and size. The replacement of plants under this section is not an amendment to the approved plan.

*Source: Section 13-7-63,(a), (c), and (d); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.*

## **Division 2. Requirements for a Site Plan.**

### **§ 25-2-1001 PROCEDURES.**

(A) A site plan must comply with the requirements of this article.

(B) Approval of a landscaping plan by the Watershed Protection and Development Review Department is not required for a site plan approved by the Land Use Commission or the council if the approved site plan contains all the information required by the Administrative Manual and the Environmental Criteria Manual.

(C) The Land Use Commission or the Watershed Protection and Development Review Department may approve a site plan that proposes an alternative to compliance with this article if the Land Use Commission or the Watershed Protection and Development Review Department determines that the site plan adequately achieves, or is an improvement on, the intent of the landscaping requirements in this article.

(D) In considering an alternative plan under Subsection (C), the Land Use Commission or the Watershed Protection and Development Review Department shall give special consideration to the preservation of large existing native trees.

*Source: Section 13-7-56(b), 13-7-58(a) and (b), 13-7-65; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.*

### **§ 25-2-1002 FISCAL SECURITY.**

Before the City may approve a site plan, an applicant must post fiscal security to ensure that the applicant installs landscaping and irrigation systems in compliance with the Environmental Criteria Manual.

*Source: Section 13-7-59; Ord. 990225-70; Ord. 031211-11.*

### **§ 25-2-1003 GENERAL REQUIREMENTS.**

(A) In this article, landscape yard means the area of a lot between the street right-of-way and a line that coincides with the front wall of the building and extends from the building corners to the side property lines.

(B) At least 20 percent of the area of the landscape yard of a lot must be landscaped area.

(C) Each square foot of permeable landscaped area under the canopy of a tree that has a trunk diameter of at least two inches, counts as one and one-fourth square feet of landscaped area for calculating compliance with Subsection (A). This credit applies only if:

(1) at least 50 percent of the area under the canopy of the tree is permeable; and

(2) the provisions of the Environmental Criteria Manual are met.

(D) A required landscaped area may include planters, brick, stone, natural forms, water forms, aggregate, and other landscape features, if inorganic materials do not predominate over the plants. Smooth concrete or asphalt may not be included in a required landscaped area.

(E) For a capital improvement project involving right-of-way, landscaping may not be installed until construction is finished.

*Source: Sections 13-7-61(a), (c), (h)(4), and (j), and 13-7-64; Ord. 990225-70; Ord. 031211-11.*

**§ 25-2-1004 PLANTS.**

(A) A required landscaped area, or a plant, that is adjacent to pavement must be protected with a concrete curb or an equivalent barrier.

(B) A site plan must show how conditions adequate to sustain healthy plant growth will be achieved.

*Source: Sections 13-7-61(f), (l); Ord. 990225-70; Ord. 031211-11.*

**§ 25-2-1005 TREES.**

(A) In this article, the diameter of a tree trunk is measured at a height of 4-1/2 feet above the ground, except as otherwise provided.

(B) In this section:

(1) a tree must be at least 6 feet in height and have a trunk diameter of one and one half inches measured 6 inches above the ground at the time it is counted; and

(2) a tree that has a trunk diameter of at least eight inches, or a tree that has a trunk diameter of at least six inches and a height of at least 15 feet, is counted as two trees.

(C) A landscape yard that measures less than 10,000 square feet in area must contain at least one tree for each 1,000 square feet, or fraction thereof.

(D) A landscape yard that measures 10,000 or more square feet, but less than 110,000 square feet, must contain at least ten trees, plus at least one additional tree for each 2,500 square feet, or fraction thereof, over 10,000 square feet.

(E) A landscape yard that measures 110,000 or more square feet must contain at least 50 trees, plus at least one additional tree for each 5,000 square feet, or fraction thereof, over 110,000.

(F) A newly planted tree must be located in a landscaped area that is at least eight feet wide.

Source: 13-7-61 (b); Ord. 990225-70; Ord. 031211-11.

**§ 25-2-1006 VISUAL SCREENING.**

(A) The following features must be at least partially and periodically obscured from view from the street by landscaping, or by the use of landscaping along with berms, walls, or decorative fences:

- (1) a water quality control facility under Chapter [25-8](#), [Subchapter A](#) (*Water Quality*);
- (2) a stormwater drainage facility under Chapter [25-7](#) (*Drainage*); and
- (3) an area where motor vehicles are moved, loaded, parked, or stored.

(B) Plants may not obstruct the view between the street and a driveway.

(C) The Environmental Criteria Manual shall prescribe standards for screening in accordance with this subsection.

(1) For a townhouse, condominium, multiple family, group, or mobile home residential use, screening is required at a property line that adjoins a residential district in which the use is not a permitted use.

(2) For a commercial or industrial use, screening is required at a property line that adjoins a residential district.

(3) For a civic use, screening is required at a property line that adjoins a more restrictive district in which the use is not permitted.

Source: Sections 13-7-61 (d), (e), and (g), 13-7-67(a); Ord. 990225-70; Ord. 000309-39; Ord. 031211-11.

**§ 25-2-1007 PARKING LOTS.**

(A) For each 12 parking spaces in a parking lot that is in a landscape yard, a minimum of 90 square feet of landscaped area are required within the parking lot.

(B) For each 12 parking spaces in a parking lot that is not in a landscape yard, a minimum of 60 square feet of landscaped area are required within the parking lot.

(C) A parking lot must have end islands landscaped with trees in accordance with the Environmental Criteria Manual.

(D) Except as provided in Subsection (E), a parking space may not be located more than 50 feet from a landscaped area, or more than 50 feet from a tree.

(E) In a parking lot that has more than three distinct areas for the parking of vehicles:

(1) a landscaped median at least 10 feet wide is required for every third area for the parking of vehicles;

(2) a tree must be located within 25 feet of each parking space adjacent to a median; and

(3) end islands with trees are required.

(F) A landscaped area that is required by this section:

(1) may consist of non-contiguous portions, and may be in the form of features commonly referred to as medians, peninsulas, and islands;

(2) must be evenly distributed throughout a parking lot, except that the distribution and location of landscaped area may accommodate existing trees or other natural features if the total area requirement is satisfied; and

(3) may count toward compliance with Section [25-2-1003](#)(A) (*General Requirements*).

*Source: Section 13-7-61(e) - (g); Ord. 990225-70; Ord. 031211-11.*

#### **§ 25-2-1008 IRRIGATION REQUIREMENTS.**

(A) A landscaped areas, or a plant, must be irrigated by:

(1) an automatic irrigation system;

(2) a hose attachment, if:

(a) the site plan area is not larger than 0.5 acre;

(b) the hose attachment is within 100 feet of the landscaped area or plant; and

(c) there is not a road or parking pavement between the hose attachment and the landscaped area or plan; or

(3) for the first two growing seasons, a temporary, above ground automatic irrigation system, if:

(a) the system complies with the water conservation requirements in the Environmental Criteria Manual; and

(b) the landscaped area is planted with native grasses and wildflowers.

(B) An irrigation method must:

- (1) provide a moisture level adequate to sustain growth of the plant materials on a permanent basis;
  - (2) unless fiscal security is provided to the City for the installation of the system, be operational at the time of the final landscape inspection; and
  - (3) be maintained and kept operational.
- (C) A site plan must show:
- (1) the nature and location of an irrigation system; and
  - (2) that there is no disturbance to the critical root zone of an existing tree.
- (D) Irrigation is not required for undisturbed natural areas or undisturbed existing trees.
- (E) An automatic irrigation system must comply with the water conservation requirements of the Environmental Criteria Manual.

Source: Section 13-7-62; Ord. 990225-70; Ord. 031211-11.

### **Division 3. Additional Site Plan Requirements in Hill Country Roadway Corridors.**

#### **§ 25-2-1021 APPLICABILITY OF DIVISION.**

The requirements of this division are cumulative, and apply to a site in a Hill Country roadway corridor described in Section [25-2-1103](#) (*Hill Country Roadway Corridors Identified*).

Source: Section 13-7-66; Ord. 990225-70; Ord. 031211-11.

#### **§ 25-2-1022 NATIVE TREES.**

- (A) In this section:
- (1) NATIVE TREE means live oak, Spanish oak, cedar elm, shin oak, bald cypress, post oak, pecan, bur oak, or black walnut.
  - (2) SMALL NATIVE TREE means Texas madrone, black cherry, Texas mountain laurel, evergreen sumac, Mexican buckeye, flameleaf sumac, or Texas persimmon.
- (B) A site plan must provide a sufficient number of native or small native trees to reasonably compensate for the removal of:
- (1) each small native tree;

(2) each native tree with a trunk diameter greater than six inches; and

(3) each cluster of three or more native trees located within ten feet of each other with trunk diameters greater than two inches.

*Source: Section 13-7-66(a); Ord. 990225-70; Ord. 031211-11.*

**§ 25-2-1023 ROADWAY VEGETATIVE BUFFER.**

(A) Except as otherwise provided by this section, vegetation within 100 feet of the dedicated right-of-way may not be cleared, unless the clearing is necessary to provide utilities and access to the site.

(B) Except as otherwise provided by Subsection (D), in the roadway corridor along the Southwest Parkway:

(1) vegetation within 50 feet of the dedicated right-of-way or drainage easement may not be cleared, unless the clearing is necessary to provide utilities and access to the site; and

(2) a building must be at least 75 feet from the dedicated right-of-way or drainage easement.

(C) The council may, after a public hearing, waive the requirements of Subsection (B) for a site if the owner dedicated the right-of-way or a drainage easement to the public at no cost.

(D) Except as otherwise provided in Subsection (E), in a roadway corridor along a parkway identified in the Transportation Plan, other than Southwest Parkway:

(1) vegetation within 25 feet of the dedicated right-of-way or drainage easement may not be cleared, unless the clearing is necessary to provide utilities and access to the site; and

(2) a building must be at least 50 feet from the dedicated right-of-way or drainage easement.

(E) An area described in this section in which clearing is prohibited may not exceed 20 percent of the acreage of an applicant's property.

*Source: Sections 13-7-66(b)(2) and (3) and 13-2-781(d); Ord. 990225-70; Ord. 031211-11.*

**§ 25-2-1024 RESTORING ROADWAY VEGETATIVE BUFFER.**

(A) If vegetation in an area in which clearing is prohibited by Section [25-2-1023](#) (*Roadway Vegetative Buffer*) has been substantially disturbed, it must be revegetated with native trees, shrubs, and grasses.

(B) Not more than 50 percent of the area in which clearing is prohibited may be used for detention or sedimentation ponds or wastewater drain fields.

*Source: Section 13-7-66(b)(1); Ord. 990225-70; Ord. 031211-11.*

**§ 25-2-1025 NATURAL AREA.**

(A) At least 40 percent of a site, excluding dedicated right-of-way, must be left in a natural state. Natural areas within parking medians and in an area in which clearing is prohibited by Section [25-2-1023](#) (*Roadway Vegetative Buffer*) count toward this requirement.

(B) In complying with this section, priority must be given to the protection of natural critical areas identified in the City's Comprehensive Plan.

(C) If this section conflicts with another provision of this title, the conflict must be resolved with the minimum departure from the requirement of this section. The resolution must receive approval from the council. The council must receive a recommendation from the Land Use Commission.

(D) If an area required to be kept in a natural state by this section is revegetated, not more than 25 percent of the area may be used for sewage disposal fields.

*Source: Section 13-7-66(c); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.*

**§ 25-2-1026 PARKING LOT MEDIANS.**

A parking lot must have a median at least ten feet wide containing existing native trees or dense massing of installed trees between each distinct parking area.

*Source: 13-7-66(d); Ord. 990225-70; Ord. 031211-11.*

**§ 25-2-1027 VISUAL SCREENING.**

Visual screening required by this article must:

- (1) use existing vegetation or installed landscaping;
- (2) include dense massing of trees, native understory vegetation, shrub massing, or berms; and
- (3) allow for topographic changes.

*Source: Section 13-7-67(b); Ord. 990225-70; Ord. 031211-11.*