

ARTICLE VI. LANDSCAPING REQUIREMENTS

Sec. 1. General provisions.

The purpose of this section is to establish incentives for the preservation of existing trees, replanting of trees lost due to development and to provide guidelines for minimum landscaping on-site as well as within the city right-of-way. Clear cutting of trees is prohibited within the City of Crowley. Cutting of trees and land clearing may be done, only for development purposes, in accordance with an approved final plat and/or engineering site plan. Cutting of trees and land clearing for other than development purposes shall be considered by the city council. The existing natural landscape character of the city shall be preserved to the extent reasonable and feasible. In an area of the street frontage containing a strand of recommended trees, the developer shall use best good faith effort to preserve such trees.

Only trees from the list provided in this section [article] will be considered to meet the requirements of this ordinance. For every recommended tree (eight inches caliper or larger) preserved, the developer/owner shall be given credit for two trees as required by this ordinance. Caliper measurements shall be taken six inches above grade for trees under four inches in caliper and 12 inches above grade for trees four inches in caliper and larger.

The requirements of this section shall apply to all vacant undeveloped property and all property to be redeveloped, including additions and alterations.

A landscape plan must be submitted as part of the engineering site plan process for all multifamily, commercial and industrial zoning districts and for nonresidential uses allowed in residential districts. A tree schedule shall also accompany all final plats for residential additions.

Required landscaping must be permanently maintained in a healthy growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning and other permanent maintenance of all plantings as needed.

Sec. 2. Single-family residential landscaping requirements.

These standards shall apply to all single-family residential districts. These standards may be met by saving existing trees on the site or planting new trees from the approved tree list attached [to this article]. Lot size designations shall apply to the zoning classification(s) of the subdivision rather than to each individual lot.

One shade tree (three inches caliper minimum) shall be provided for all single-family residential lots less than 6,000 square feet.

Two shade trees (three inches caliper minimum) shall be provided for all single-family residential lots of 6,000 square feet to less than 9,000 square feet.

Three shade trees (three inches caliper minimum) shall be provided for all single-family residential lots of 9,000 square feet or more.

All required trees must be planted prior to [a] request for final building inspection of dwelling units.

Sec. 3. Multifamily and nonresidential landscaping requirements.

These standards shall apply to all commercial, industrial and multifamily zoning districts and to all nonresidential uses allowed in residential districts. These standards may be met by saving existing trees on the site or planting new trees from the approved tree list attached [to this article].

A landscaped strip shall be provided adjacent to all public and private streets. The landscaped strip shall be a minimum of ten feet, exclusive of street right-of-way. Within the landscaped strip, one shade tree (three inches caliper minimum) shall be provided per 500 square feet of landscaped strip.

Where parking lots and drives abut the landscape strip along [the] street right-of-way, evergreen shrubs must be provided for screening. The screening must be a minimum of three feet high and extend along the entire street frontage of the parking lot, exclusive of driveways and visibility clips. A landscaped berm may be provided in lieu of required shrubs. The berm must be 18 to 40 inches above the average grade of the street and parking lot curbs with a slope not to exceed 3:1. If a parking lot is located 50 feet from the street right-of-way line, no shrubs or berm will be required.

Interior parking areas shall be landscaped in addition to the required landscaped strip. Trees must be provided in each parking lot at a minimum average density of one shade tree (three inches caliper minimum) for each 15 parking spaces. Additionally, interior parking lot landscaping shall be provided in accordance with the following:

TABLE INSET:

Total Parking Area	Interior Landscaped Area
7,000--24,999 square feet	5%
25,000--49,999 square feet	8%
50,000 square feet and larger	10%

Parking lots smaller than 7,000 square [feet] need not provide interior landscaping. Parking lot landscaping shall be met for all customer and employee parking. Parking lot landscaping requirements do not apply to storage or standing parking spaces incidental to uses such as sales and rental of motor vehicles, mobile homes, boats, trailers or other similar uses.

To calculate the total parking area and the subsequent percentage of required interior lot landscaping, total the square footage of parking spaces, planting islands, curbed areas and all interior driveways and aisles except those with no parking spaces located on either side. Landscaping areas located outside the parking lot may not be used to meet the interior landscaping requirement. The required landscaping for parking lots shall be more or less evenly distributed throughout the parking lot, although adjustments may be approved by the community development department where the shape and size of the parking lot, the location of existing trees or other natural constraints reasonably prevent such distribution.

All landscaped areas, including the permeable areas and drip lines around trees and planting beds used for visual screening which abut any parking lot or vehicular travel area, shall be protected with curbs, parking blocks or similar barriers sufficient to protect them from vehicular intrusion.

Sec. 4. Landscape maintenance requirements.

- (A) All plant material shall be maintained in a healthy and growing condition, and must be replaced with plant materials of similar variety and size if damaged, destroyed or removed.
- (B) Landscaped areas shall be kept free of trash, litter, weeds and other such materials or plants not a part of landscaping.
- (C) An automatic irrigation system is encouraged for landscaping. Water conservation is highly recommended.
- (D) The requirements listed in (A), (B) and (C) shall not apply to single-family detached and two-family platted lots.
- (E) Any developer desiring to install and maintain landscaping materials and irrigation facilities within the city right-of-way must first enter into and execute a median right-of-way landscape and irrigation agreement.
- (F) Entranceway or amenity features within [the] city right-of-way may be developed under the responsibility of a homeowners association or commercial property owners association. Documents shall be submitted, reviewed and approved by the city.

Sec. 5. Submittal of plans.

Any developer desiring to install or maintain landscaping materials or irrigation facilities in any portion of a dedicated street, median or other public right-of-way shall submit to the community development department complete plans for any and all proposed improvements. The plans shall include the following:

- a. A scaled drawing (one inch = 40 feet) clearly indicating the location, type, size and description of all proposed landscaped materials and existing utilities. Planting design of materials must be submitted to ensure adequate coverage.
- b. The name of the subdivision or addition, and the name and address of the developer.
- c. A north arrow, scale and date of preparation.
- d. A clear indication of the configuration, location, type and size of all irrigation, piping, heads and controllers, including the name, address and license seal of the designer.
- e. Such other information reasonably deemed necessary by the community development department.
- f. The city will review and approve or deny the submitted plans, and have the right to require revisions.
- g. Any installation of landscape material or irrigation facilities shall be in full compliance with the plans and specifications as approved by the city.

Sec. 6. Landscape and irrigation criteria.

In areas to be maintained by the city, if approved by [the] city council, all landscape and irrigation materials to be used by the developer shall be designed to conserve water and be of low maintenance. All landscape and irrigation improvements shall conform to the requirements of the city governing sight distance for traffic safety and other ordinances of the City of Crowley.

All planting, if maintained by the city, must be approved by the City of Crowley. Submittal of plant types will be submitted with irrigation plans for review and approval.

The developer shall furnish, or cause to be furnished at its sole expense, all labor, equipment, accessories and services, necessary to install all landscaping materials and

irrigation facilities in accordance with the plans approved by the city. All installation will be inspected by the city.

Irrigation facilities within medians or adjacent to curbs shall be designed and installed with low gallon age and low angle nozzles in such a way as to avoid water overflow into the street. A freeze sensor will be placed in each controller to prevent irrigation system from activating to create unsafe spillage on roads and/or sidewalks.

RECOMMENDED TREE LIST

TABLE INSET:

Common Name	Scientific Name
Bald Cypress	Taxodium distichum
Aristocrat Pear	Pyrus calleryana
Bur Oak	Quercus macrocarpa
Live Oak	Quercus virginiana (Escarpment)
Shumard Red Oak	Quercus shumardi
Chinquapin Oak	Quercus muhlenbergil
Cedar Elm	Ulmus crassifolia
Lace Bark Elm	Ulmus parvifolia sempervirena
Chinese Pistachio	Pistacia chinensis
Japanese Black Pine	Pinus thunbergil
Pecan	Carya illinoensis
Southern Magnolia	Magnolia grandiflora
Osage Orange	Maclura pomifera (thornless and fruitless)

PROHIBITED PLANT LIST

The following plant materials are prohibited. Due to their detrimental impact on foundations, sidewalks and other impervious areas, their negative impact on the built environment, and/or their intolerance to natural conditions, these plant materials shall not be used. If these materials are existing, they do not have to be removed from the site. They may not, however, be counted towards meeting any landscaping required by this article.

American Elm

Arizona Ash

Bois d'Arc

Cottonwood

Fruitless Mulberry

Hackberry

Lombardy Poplar

Mimosa

Mulberry

Siberian Elm

Silver Maple

Sycamore

Weeping Willow

Sec. 34-84. Trees and plants causing pedestrian and vehicular obstruction.

(a) *Trees, shrubs and plants creating obstruction.* Trees, shrubs, or plants shall not create a hazard or an obstruction. Minimum clearance standards are as follows:

- (1) Overhead clearance of public sidewalks and other public pathways: Seven feet vertical clearance.
- (2) Lateral clearance of public sidewalks and other public pathways: Six inches from each edge of sidewalk or pathway.
- (3) Overhead clearance of streets: 12 feet vertical clearance.
- (4) Lateral clearance of streets: No encroachment over or above the back of curb or edge of paving.
- (5) Sight clearance at intersections of city streets: Unobstructed sight distance of 100 feet.
- (6) Sight clearance for signs erected by the city: Unobstructed sight distance of 100 feet.
- (7) Sight clearance at the inside of curves in city streets: Unobstructed sight distance of 100 feet.
- (8) Overhead clearance of public alleys and easements which have been dedicated and improved for vehicular use: 12 feet vertical clearance.

- (9) Lateral clearance of alleys and easements which have been dedicated and improved for vehicular use: No encroachment over the edge of paving nor shall any tree, shrub or similar plant extend into the alley or easement more than 18 inches, or in any way obstruct or interfere with vehicular traffic.
- (10) Parkway area between sidewalks of city streets: Nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and nine feet.

(b) *Notice to owner to remove.*

- (1) The owner of property shall comply with the requirements under this article within seven days of notice of a violation.
 - a. The notice must be given:
 - 1. Personally to the owner in writing;
 - 2. By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
 - b. If personal service cannot be obtained:
 - 1. By publication at least once;
 - 2. By posting the notice on or near the front door of each building on the property to which the violation relates; or
 - 3. By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.
- (2) If the city mails a notice to a property owner in accordance with subsection a., and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.
- (3) In a notice provided under this section, the city may inform the owner by regular mail and a posting on the property, or by personally delivering the notice, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city, without further notice, may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a

notice under this subsection occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city, without notice, may take any action permitted by this article and assess its expenses as provided by section 22-128.

State law references: Similar provisions, V.T.C.A., Health and Safety Code § 342.006.

(c) *Failure to comply with removal notice.*

(1) If the owner fails or refuses to comply with the notice at the expiration of seven days after notification or publication, the city may enter upon such premises and do such as necessary, or cause the same to be done, in order that the premises may comply with the requirements set forth in this article.

(2) Any person violating the provisions of this article, who continues to be in violation of this article after notice is given, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined as provided in section 1-13 of this Code for each offense. Each and every day such offense is continued shall constitute a separate offense. This section shall be in addition to and cumulative of the provisions for the abatement of the nuisance and charging the cost of the same against the owner of the premises by the city.

(d) *Charges to be levied and collected if work is done by the city.* The actual expenses, including administrative costs, incurred by the city, in enforcing the terms and provisions of this article shall be paid to the city. If this amount is not paid, the amount due shall be charged to and become a lien on the real estate or lot or lots upon which such expense is incurred.

(e) *Charges to be levied and collected.* The charges shall be levied, assessed and collected by the city secretary. A statement of the cost incurred by the city to abate such a nuisance shall be mailed to the owner of such premises, which statement shall be paid within 30 days of the date of the mailing thereof. If such statement has not been paid within such period, the city secretary or his designee shall file with the County Clerk of Tarrant County, a statement by the city manager or designee setting out the expenses incurred, together with ten percent interest from the date such payment was due.

(f) *Lien.*

(1) The lien statement must state the name of the owner, if known, and the legal description of the property. The lien attaches upon the filing of the lien statement with the county clerk.

- (2) The lien obtained by the city is security for the expenditures made and interest accruing at the rate of ten percent on the amount due from the date of payment by the city.
- (3) The lien is inferior only to:
 - a. Tax liens; and
 - b. Liens for street improvements.
 - c. The city council may bring a suit for foreclosure in the name of the city to recover the expenditures and interest due.
 - d. The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the city in doing the work or making the improvements.
 - e. The city council may foreclose a lien on property under this article in a proceeding relating to the property brought under V.T.C.A., Tax Code Ch. 33(E).

(Ord. No. 07-2005-13, § 1, 7-21-05)

State law references: Similar provisions, V.T.C.A., Health and Safety Code § 342.007(b)--(d).