

## **Section 32. Landscape requirements.**

### *32.1 Purpose:*

Landscaping is accepted as adding value to property and is in the general welfare of the city. Therefore, landscaping is hereafter required of new development, except agricultural uses, adjacent to public streets. Single-family and two-family uses are not required to provide extensive landscaping, however a minimum number of trees as prescribed in paragraph [section] 32.7 shall be preserved, planted or transplanted prior to the issuance of a certificate of occupancy.

### *32.2 Scope and enforcement:*

The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new or altered construction occurring within the city. Additionally, any use requiring a conditional use permit or a PD zoning designation must comply with these landscape standards unless specifically amended through the process prescribed in section 12 or 28. The provisions of this section shall be administered and enforced by the city manager or designated administrative official.

No builder or subdivider, directly or indirectly, shall cut down, destroy, remove, transplant or effectively destroy through damaging, any protected tree and/or specimen tree (as defined in the subdivision regulations) on any individual lot within the City of Highland Village without first obtaining approval of a landscape plan by the city manager or designated administrative official and/or approved tree mitigation plan. The unauthorized removal of any protected tree shall be a separate offense. Should any required tree designated for preservation on the landscape plan be removed without authorization, the owner shall provide restitution of illegally-removed protected trees. Such restitution shall be up to two times the caliper inch of the tree removed but in no instance shall the replacement trees be less than four inches or more than six inches per tree. Any ordered restitution shall be a credit against any ordered fine, and the aggregate value of ordered replacement trees and fines per offense shall not exceed \$2,000.00.

No property owner shall cut down, destroy, remove, transplant, or effectively destroy through damaging any specimen tree (as defined in the subdivision regulations) within the city without first obtaining approval of a landscape plan by the city council.

In nonresidential and multifamily zoning districts, 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 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 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.

### 32.3 *Permits:*

No permits shall be issued for building or construction until a detailed landscape plan is submitted and approved by the city manager or designated administrative official and/or approved tree mitigation plan. A landscape plan may be shown as part of the site plan as required in section 11. 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.

In any case in which a certificate of occupancy is sought at a season of the year in which the city manager or designated administrative official determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a temporary certificate of occupancy may be issued. Such temporary permit shall be conditioned upon the installation of all landscaping required by the landscaping plan within six months of the date of the approval of the landscape plan.

### 32.4 *Landscape plan:*

Prior to the issuance of a building or construction permit, a landscape plan shall be submitted to the city manager or designated administrative official and/or approved tree mitigation plan. The city manager or designated administrative official 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.

Landscaping plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor or landscape designer). The city manager or designated administrative official may require any or all of the following information; (single-family and two-family dwelling lots shall only require items B, I, J, K, and L):

- A. Minimum scale of one inch equals 50 feet.
- B. Location, caliper size, species and common name of all trees to be preserved, transplanted, planted and to be removed (each indicated by symbol).
- C. Location of all required plant and landscaping material to be used, including trees, plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.
- D. Species of all plant material to be used.
- E. Size of all plant material to be used.

- F. Spacing of plant material where appropriate.
- G. Layout and description of irrigation, sprinkler, or water systems including placement of water sources.
- H. Description of maintenance provision.
- I. Person(s) responsible for the preparation of the landscape plan.
- J. Mark indicating North.
- K. Date of the landscape plan.
- L. Location of all structures.

### 32.5 *General standards:*

The following criteria and standards shall apply to landscape materials and installation; however, single-family and two-family dwelling lots shall be governed only by paragraphs B, C, and I:

- A. All required landscaped open areas shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants.
- B. Plant materials shall conform to the standards of the approved plant list for the City of Highland Village (see the Highland Village Subdivision Ordinance "Appendix A" for the approved plant list) and the American Standard for Nursery Stock. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- C. Trees shall be selected from the recommended tree list found in Appendix "A" of the subdivision ordinance. Trees shall be of a minimum caliper width of four inches, measured at six inches above ground level, and not more than six inches of caliper width measured at 12 inches above ground level. Replacement trees shall have minimum height of 14 feet.
- D. Shrubs not of the dwarf variety 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 feet high within two years after time of planting.
- E. Vines not intended as ground cover 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 landscape screening requirements as set forth.

- F. Grass areas shall be sodded, plugged, sprigged, hydro-mulched or seeded except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.
- G. 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 completed coverage within one year of planting.
- H. All required landscaped open space shall be provided with adequate and inconspicuous irrigation systems.
- I. Any trees preserved on a site meeting the herein specifications may be credited toward meeting the tree requirement of any landscaping provision of this section according to the following table:

**TREE CREDIT SCHEDULE**

TABLE INSET:

Caliper (Diameter)	Tree Credits
Less than 4 inches	0
4--6 inches	1
7--10 inches	2
11--14 inches	3
15--20 inches	4
21--26 inches	5
27-32 inches	6
Greater than 32 inches	7

Trees of six-inch to eight-inch caliper that are transplanted to other locations shall receive double the credit in the tree credit schedule. No living trees greater than six inches in caliper may be cut, destroyed or damaged on the development site until approved as part of the site plan requirements in this ordinance

- J. Earthen berms shall have side slopes not to exceed 33.3 percent (three feet of horizontal distance for each one foot of height). All berms shall contain necessary drainage provisions as may be required by the city manager or designated administrative official.

*32.6 Minimum landscaping requirements for nonresidential and multifamily:*

- A. For all nonresidential and multifamily parcels with less than 250 feet of frontage adjacent to a dedicated public right-of-way, at least 15 percent of the street yard shall be permanent landscape area. Nonresidential and multifamily parcels having

250 feet or more of frontage shall have at least 20 percent of the street yard in permanent landscape area (see illustration 18 for example). A minimum of ten percent of the entire site shall be devoted to living landscape which shall include grass, ground cover, plants, shrubs, or trees. The street yard shall be defined as the area between the building front and the front property line. For gasoline service stations, a requirement of a minimum 15 percent landscape area for the entire site, including a minimum 600 square foot landscape area at public street intersection corners.

- B. A minimum ten-foot landscape buffer (interior parkway) adjacent to right-of-way of any street is required. The interior parkway is defined as that area on private property between the street right-of-way line and the curb of the parking area or building area. The landscaped portion of interior parkways may be included in the required landscape area percentage. If the lot is a corner lot, two frontages shall be required to observe the ten-foot buffer. If more than two frontages exist, then the other right-of-way frontages shall be required to have no more than 7 1/2 feet of landscaped area. Trees, a minimum of four inches in caliper chosen from the recommended tree list in Appendix "A" of the subdivision regulations spaced at 30 feet shall be preserved, planted, or transplanted in the landscape buffer. Trees may be grouped or clustered to facilitate site design.
- C. Landscape areas within parking lots should generally be at least one parking space in size, with no landscape area less than 50 square feet in area. Landscape areas shall be no less than five feet wide and shall equal a total of at least 16 square feet per parking space. There shall be a landscaped area with at least one tree within 60 feet of every parking space. There shall be a minimum of one tree planted in the parking area for every ten parking spaces within parking lots with more than 20 spaces. Within parking lots, landscape areas should be located to define parking areas and assist in clarifying appropriate circulation patterns. Landscape islands shall be located at the terminus of all parking rows, and should contain at least one tree. All landscape areas shall be protected by a monolithic curb or wheel stops and remain free of trash, litter, and car bumper overhangs.
- D. All existing trees which are to be preserved shall be provided with a permeable surface under the existing drip line of the tree. All new trees shall be provided with a permeable surface under the drip line a minimum of four feet by four feet.
- E. Necessary driveways from the public right-of-way shall be permitted through all required landscaping. The maximum width for driveways shall be: 40 feet for multifamily and nonresidential two-way movements; 30 feet for multifamily two-way movements; 25 feet for multifamily and nonresidential one-way movements; and 15 feet for multifamily movements or in accordance with the standards set forth in the Highland Village TCSS manual.
- F. Whenever an off-street parking area or vehicular use area abuts an adjacent property line, a perimeter landscape area of at least five feet shall be maintained

between the edge of the parking area and the adjacent property line. Whenever the adjacent property is used or zoned for residential use, a landscaped area of at least ten feet shall be provided (see section 35 for additional screening wall requirements), planted with one tree for each 30 linear feet or portion thereof, of adjacent exposure. See illustration 19 for perimeter landscape area example.

*32.7 Minimum planting requirements for single-family or two-family residential districts:*

Trees on each individual lot within single- and two-family dwelling districts shall be preserved, planted or transplanted with trees according to the following table, unless the landscape plan required under [section] 32.4 indicates a total protected tree count which is less than the total protected tree requirement under the following table. In such case, the total protected tree requirement shall be waived with the continuing requirement that all existing protected trees be preserved.

**TREE PLANTING REQUIREMENTS RESIDENTIAL ZONES**

TABLE INSET:

Lot Size Sq. Ft.	Trees Required in Front Yard	Total Protected Trees Required
0 to 8,000	2	3
8,001 to 10,000	2	4
10,001 to 12,000	2	5
12,001 to 15,000	2	5
15,001 to 40,000	3	6
40,001 and up	4	10

*32.8 Tree protection:*

The following tree protection measures are required:

- A. Prior to construction, all protected trees as shown on the approved landscape plan shall be clearly marked with a barrier consisting of a four-foot barricade fence or approved equivalent to protect the area under the canopy or drip line of any protected tree or group of protected trees.
- B. During construction, the builder shall prohibit the cleaning of equipment or storage of materials and the disposal of any waste material, including, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy or drip line of any protected tree or group of protected trees.
- C. No attachments or wires of any kind, other than those of a protective nature, shall be attached to any protected tree.

- D. A tree well of rock, brick, landscape timbers, or other approved materials shall be constructed around any tree subject to cuts or fills in excess of six inches within the drip line. Such tree well shall protect not less than 75 percent of the area within the drip line of the tree.
- E. All existing trees which are to be preserved shall be provided with a permeable surface under 75 percent of the existing drip line of the tree. All new trees shall be provided with a permeable surface under the drip line a minimum of four feet by four feet.

### 32.8[.]1[*Removal of protected tree:*]

Approval may be given by the building official, or his designee, for a builder or owner to remove a protected tree, if the removal is necessary for proper drainage in accordance with the master drainage plan for the planned development. For the purpose of issuing building permits, a protected tree may be removed from those areas on a building lot that are outside the designated set back building lines on the final plat approved by the city council for such other improvements as driveways and retaining walls. A protected tree located within ten feet of a foundation may also be removed with approval from the building official, or his designee. Reference 32.7, Tree preservation and landscape requirements.

### 32.9 *Sight distance visibility:*

Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an intersection of two or more public rights-of-way occurs, 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 and six feet. Trees may be permitted in this area provided they are trimmed in such manner that no limbs or foliage extend into the cross-visibility area. The triangular areas are:

- A. The areas of property on both sides of the intersection of an alley access way and public right-of-way shall have a triangular visibility area with two sides of each triangle being a minimum of ten feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides.
- B. 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 sides of each triangle being a minimum of 25 feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides. (See section 36.2(E) and illustration 17A also.)

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

In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the city manager or designated administrative official, the requirements set for the herein may be reduced to the extent to remove the conflict.

### 32.10 *Maintenance:*

In nonresidential and multifamily zoning districts the owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all required landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing (of grass of six inches or higher), 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 material shall be maintained in a healthy and growing condition as is appropriate to the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size, within 90 days. Trees in excess of six inches caliper measured four feet above the ground may be replaced with ones of similar variety having a caliper of no less than four inches measured four feet above the ground. However, if said landscape areas are above the minimum required landscape provisions, death of a plant or plant material which may still result in the requirements of the minimum standards being met does not necessitate replacement, except as required to maintain the integrity of the landscaping design. A time extension may be granted by the city manager or designated administrative official if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent. Failure to maintain any landscape area in compliance with this section shall result in the disapproval and revocation of any issued certificate of occupancy associated with the occupancy of said area.

In single- and two-family dwelling districts the minimum number of trees as prescribed in paragraph 32.7 shall be installed prior to certificate of occupancy.

(Ord. No. 00-837, § 1, 8-8-2000)

## **Section 33. Sign regulations.**

### 33.1 *Purpose:*

## **APPENDIX A**

- A. *Screening walls and landscaping.* Screening which is to maintained by the City of Highland Village shall be constructed or developed in accordance with one of the alternatives in [section] 5 below, and designed to the following standards and criteria:



1. In all screening alternatives, the subdivider shall be required to preserve, plant, or transplant trees a minimum of four inches in caliper and spaced at 30 feet. Consistency of tree species shall be maintained between major intersections when feasible. Trees shall be installed no closer than five feet from the back of curb.
2. Plant materials shall be selected from the following planting material list:
  - a. *City of Highland Village Recommended Tree List*

TABLE INSET:

Live Oak	<i>(Quercus virginiana)</i>
Shumard Oak	<i>(Quercus Shumardii)</i>
Cedar Elm	<i>(Ulmus crassifolia)</i>
Eastern Red Cedar	<i>(Juniperus virginiana)</i>
Lacebark Elm	<i>(Ulmus crassifolia)</i>
Chinkapin Oak	<i>(Quercus Muehlenberger)</i>
Bur Oak	<i>(Quercus macrocarpa)</i>
Sawtooth Oak	<i>(Quercus acutissima)</i>
Bald Cypress	<i>(Taxodium districhum)</i>
Pecan	<i>(C. illioensis)</i>
Eldarcia Pine	<i>(Pinus eldarica)</i>
Japanese Black Pine	<i>(Pinus thunbergii)</i>
Chinese Pistache	<i>(Pistacia chinensis)</i>
Ornamental Pear	<i>(Pyrus calleryana)</i>
Texas Red Oak	<i>(Quercus texana)</i>
Redbud	<i>(Circis canadensis texensis)</i>
Mexican Plum	<i>(Prunus mexicana)</i>
Cockspur Hawthorn	<i>(Crataegus Crus-Galli)</i>
Downy Hawthorn	<i>(Crataegus mollis)</i>
Bigelow Oak	<i>(Quercus sinuata)</i>
Reverchon Hawthorn	<i>(Crataegus Reverchonii)</i>
Green Hawthorn	<i>(Crataegus viridis)</i>
Possum Haw	<i>(I. decidua)</i>
Pinchot Juniper	<i>(Juniperus pinchotii)</i>
Sand Post Oak	<i>(Quercus margaretta)</i>
Post Oak	<i>(Quercus stellata)</i>
Rusty Blackhaw	<i>(Viburnum rifuldum)</i>

Bigtooth Maple	( <i>Acer gradidentatum</i> )
Texas Buckeye	( <i>Aesculus glabra arguta</i> )
Black Hickory	( <i>C. texana</i> )
Texas Persimmon	( <i>Diospyro texana</i> )
Texas Ash	( <i>Fraxinus texana</i> )
Nogalito	( <i>Juniperus microcarpa</i> )
Western Soapberry	( <i>Sapindus drumondii</i> )
Ashe Juniper	( <i>Juniperus ashei</i> )
Escarpment Live Oak	( <i>Quercus fusiformis</i> )
Blackjack Oak	( <i>Quercus marlandica</i> )
Shining Sumac	( <i>Rhus copallina</i> )
Prairie Flame Leaf Sumac	( <i>Rhus lanceolata</i> )
Hercules' Club	( <i>Zanthoxylum clava-herculis</i> )
Eve's Necklace	( <i>Sophora affinis</i> )
American Elm	( <i>Ulmus Americana</i> )
Persimmon	( <i>D. Virginiana</i> )
Winged Elm	( <i>Ulmus alata</i> )
Slippery Elm	( <i>Ulmus rubra</i> )
White Ash	( <i>Fraxinus americana</i> )
Sycamore	( <i>Plantanus occidentalis</i> )
Chittamwood	( <i>B. lanuginosa</i> )
Sweet Gum	( <i>Liquidamber styraciflua</i> )
Walnut	( <i>Juglans microcarpa</i> )
Magnolia	( <i>Magnolia grandiflora</i> )
Yaupon Holly	( <i>Ilex vomitora</i> )

b. *Evergreen shrubs.*

Red Tip Photinia  
Cleyera  
Burford Holly  
Nellie R. Stevens  
Waxleaf Ligustrum  
Abelia  
Elaegnus  
Willowleaf Holly  
Viburnum

- c. Alternate plant materials of equal quality may be approved by the city administrative official. The following trees shall not be allowed as alternate plant materials:

*Prohibited Trees*

Mesquite  
Silver Maple  
Hackberry  
Green Ash  
Arizona Ash  
Mulberry  
Sycamore  
Willow

3. A permanent automatic irrigation system equipped with an antifreeze device shall be installed for all landscaped and grass areas. Each irrigation head shall be of a rotor type (nonmist) or drip irrigation shall be used. The system must be designed by a licensed irrigation designer.
4. Grass or other permanent turf shall be installed in all areas between the back of the curb and right-of-way property line. Due to seasonal considerations, if the subdivider cannot establish turf, the soil shall be stabilized to prevent erosion until the turf can be installed. If the grass cannot be installed, the cost of installation shall be escrowed to guarantee installation when the growing season permits.
5. Screening alternatives:
  - a. *Alternative no. 1.* A solid masonry or wall to be constructed of brick erected on the right-of-way of the rear or side property line of each lot. Double wall brick or thin wall brick screening wall construction are the only walls allowed in alternative no. 1 in addition to living plant materials. The brick shall be clay-fired brick of natural colors. Concrete poured in place, concrete panel, and stucco may be allowed but only with specific council approval of the wall product. Wood fencing will not be allowed.
  - b. *Alternative no. 2.* A brick masonry and aluminum or steel tubing wall with brick detailing to create a change in plane or texture in the wall. The screening wall shall be designed in accordance with figure 2 [sic]. Evergreen shrubs shall be installed in a minimum three-foot planting bed. The shrubs shall be planted in the right-of-way and directly in front of aluminum or steel tubing. The shrubs shall be a minimum of three feet in height when installed and planted a maximum of three feet on center, or as recommended by a landscape architect. The developer shall select the evergreen shrubs from the plant material list. Substitutions such as

crape myrtle or other comparable plants from the planting list may be approved by the city administrative official.

- c. *Alternate no. 3.* The developer may design the subdivision by fronting to a major thoroughfare if a frontage road is constructed between the lots and the thoroughfare itself. The frontage road will require an additional 40-foot right-of-way adjacent to the thoroughfare. Four-inch trees shall be required every 30 feet. Lots 20,000 square feet or greater may be developed fronting existing thoroughfares without frontage roads and without a screening requirement. No more than ten consecutive lots facing the thoroughfare shall be approved per subdivision plat.
- d. *Alternate no. 4.* The developer shall be required to provide a living screen between the curb and the right-of-way line or within an easement adjoining the right-of-way line. The living screen shall be comparable to the screening requirements as set forth in alternative no. 2. A landscape plan prepared by a registered landscape architect is required prior to construction.
  - (1) The planting materials shall be chosen from the plant materials list above.
  - (2) Aluminum or steel tubing fencing with brick posts is required to be placed adjacent to the right-of-way line. Brick columns or similar material shall constitute at least ten percent of the surface wall. The fence shall be constructed according to the standards as set forth in alternative no. 2 above. The fence is required unless a similar opaque screening wall is approved by the city administrative official. The requirements above are considered the minimum to accomplish similar screening as in alternative no. 1 or no. 2. If it is determined by the city administrative official that additional landscape materials are necessary to provide an opaque screen, the developer may be required to exceed those requirements specified above.
- e. If berms are used in the landscape design, the maximum slope will be three horizontal to one vertical. Any combination of berms and landscaping may be used to attain an effective screen of six feet in height. Extra right-of-way width may be required to be dedicated if a berm is desired. No fencing shall be placed on any slop or berm.

### **Section 4.3. Tree mitigation.**

- A. *Tree mitigation plans required (preliminary and final).* No subdivider, directly or indirectly, shall cut down, destroy, remove, transplant or effectively destroy through

damaging, any protected and/or specimen tree on any real property within the City of Highland Village without first obtaining a final tree mitigation plan by city council. The unauthorized removal of any protected and/or specimen tree shall be a separate offense for the purpose of section 1.12. The preliminary tree mitigation plan shall accompany the preliminary plat and contain the following:

- (1) The location, circumference measured at 4 1/2 feet above ground level, height, and common name of all protected and specimen trees contained on property represented on the preliminary plat (indicate by symbol).
- (2) The location, caliper width, height, and common name of all trees contained on the preliminary plat that are proposed to be removed or transplanted (indicate by symbol).
- (3) The location and dimensions of all existing or proposed public streets, deviations in right-of-way widths, public utility easements, public drainage easements, public fence easements, public pedestrian access easements or other public rights-of-way or easements.
- (4) The location of all existing or proposed property lines, lot lines, building lines, setback and yard requirements, and other special relationships or significant features of the proposed subdivision.
- (5) The information required herein shall be summarized in legend form on the site plan and shall include the reason for the proposed removal of the protected tree or trees.

B. *Final tree mitigation plan.* A final tree mitigation plan shall be submitted to the city council concurrent with the final plat. A condition of final plat submission is approval of all engineered construction plans that will affect the final tree mitigation plan. Engineered construction plans must be approved by the city and the final tree mitigation plan and final plat must be approved by the city council prior to the commencement of any site excavation work. Existing and proposed site elevations, grades and major contours must be shown on the final tree mitigation plan. For any tree mitigation plan, approved prior to the effective date of this amendatory ordinance, which deviates, as determined by the city manager or his designee, from the "as built" construction conditions, the applicant/developer may submit to the city council, or the city council may consider [on its own motion for (i) approval, or (ii) approval with conditions to be satisfied subsequent] an "as built" tree mitigation plan to be considered as a final tree mitigation plan under the provisions of this ordinance. Upon satisfaction of any conditions to approval, the applicant/developer shall submit to the city manager or his designee a final tree mitigation plan conforming to the approval with conditions.

(Ord. No. 99-819, 11-9-1999; Ord. No. 000-823, § 4, 2-8-2000; Ord. No. 00-834, § 1, 8-8-2000)