

## **Chapter 9 LANDSCAPE REGULATIONS**

11-9-1. Purpose.

11-9-2. Applicability.

11-9-3. Plant material recommendations and landscape requirements.

11-9-4. Landscape and irrigation plan.

11-9-5. Tree preservation.

11-9-6. Compliance.

11-9-7. Exception.

11-9-8. Penalty clause.

### **11-9-1. Purpose.**

The purpose of the landscape regulations is to:

- A. Promote water conservation;
- B. Promote energy conservation;
- C. Encourage planting and preservation of trees and vegetation;
- D. Increase ground permeability; and
- E. Enhance the aesthetic quality of Midland.

(Ord. No. 8267, § 1, 10-26-2004)

### **11-9-2. Applicability.**

Development in the IP-3, Industrial Park District, and the Interstate Highway 20 Corridor Overlay District shall be required to provide landscaping in accordance with Chapter 11-6-13(b)3. and Chapter 11-8-2 respectively.

The provisions of these regulations shall apply to all other land within the corporate limits of the City of Midland in any zoning district when new or expanded office or retail uses are proposed.

Sections 11-9-3 through 11-9-6 apply:

- A. When a building permit for a new structure is required, or when a paving permit for a new parking area is required;

- B. When a building permit for the remodeling, renovation, or expansion of an existing structure that increases the gross floor area by 25 percent or more is required.

Section 11-9-5 applies to all property in the City.

(Ord. No. 8267, § 1, 10-26-2004)

**11-9-3. Plant material recommendations and landscape requirements.**

- A. Use of water efficient plant material is recommended. See Appendix A--Recommended Plant Material, on file with the City.
- B. Landscaping shall consist of required trees (see 11-9-3 C. below) and a choice of the following types of plant material including but not limited to planted grass, shrubs, and ground cover. A minimum of all of the adjacent right-of-way as well as an additional ten percent of the lot area shall be landscaped.
- C. Required trees.
  - 1. *Street front trees.* Shade or ornamental trees shall be provided at the equivalent of one tree per 30 linear feet of street frontage, or fraction thereof. Such trees may be located in any area facing a public street or paved parking area adjacent to a public street. Trees may be placed in the public right-of-way if adequate space is available and if they do not interfere with existing or future utility services. Approval of trees in the right-of-way is required from the Building Official. (See Figure 1.1, Street Front Trees)
  - 2. *Parking lot trees.* Shade trees shall also be required in parking areas at a minimum rate of one tree per 15 parking spaces as indicated below. The first 150 spaces shall include tree planting at a ratio of one tree for each 15 parking spaces. When 151 or more spaces are provided, the tree ratio shall be reduced to one shade tree per 20 parking spaces. Trees shall be planted throughout the parking area so that they become an integral part of the parking design.

TABLE INSET:

Number of Spaces	Number of Required Trees
15 or fewer	1
16 to 30	2
31 to 45, and etc.	3 and etc.
150	10
200	13 (10 for the first 150 spaces plus 3 for additional 50)

- 3. All shade trees shall be a minimum of three inches caliper as measured 12 inches above grade. Ornamental trees shall be a minimum of two inches caliper as measured 12 inches above grade. Evergreen tree height shall be a minimum of six feet above grade. (See Appendix A, Recommended Plant Material, on file with the City, for examples.)
- 4. All existing shade trees of three inches caliper or ornamental trees of two inches caliper or greater or evergreen trees of six feet or more in height will be counted towards satisfying the

requirements of this chapter, as long as such trees do not endanger safety, health and public welfare and are listed in Appendix A--Recommended Plant Material, on file with the City.

5. If living trees must be removed as part of any permit required under Section 11-9-2 above, two trees shall be planted as replacements for each tree removed. (See Section 11-9-3 C.3.)

(Ord. No. 8267, § 1, 10-26-2004)

#### **11-9-4. Landscape and irrigation plan.**

- A. At the time a building or paving permit is requested, the developer and owner shall provide proof of compliance with the landscape requirement by providing a basic plan showing proposed landscape areas.
- B. Prior to the installation of an irrigation system two copies of a landscape plan and irrigation plan drawn to scale shall be submitted to the building official for review. The landscape plan shall include all details, and shall contain all of the elements as contained in Appendix B, Landscape Point System, on file with the City. Irrigation plans shall comply with state law requirements.
- C. Landscape plan approval is based on a point scoring system of required landscaping elements with a minimum score of 20 points. (See Appendix B, on file with the City.)
- D. All sprinkler systems shall be designed in such a manner as to minimize water runoff and to eliminate over spray into adjoining streets, driveways and parking areas. Refer to Appendix B-1 Landscape Point System indicating additional points when drip irrigation is installed.
- E. All landscaping shall be maintained and plant material shall be kept in a healthy and growing condition.
- F. Drip systems shall be required in confined spaces of four feet or less between paved surfaces.
- G. No tree or shrub shall be placed in such a manner as to create a hazard to vehicular or pedestrian traffic.

(Ord. No. 8267, § 1, 10-26-2004)

#### **11-9-5. Tree preservation.**

No living trees shall be removed from any public right-of-way in any zoning district without authorization of the building official.

(Ord. No. 8267, § 1, 10-26-2004)

#### **11-9-6. Compliance.**

All requirements of this Article shall be completed within 180 days following receipt of a certificate of occupancy or approval of parking lot paving from the building official.

(Ord. No. 8267, § 1, 10-26-2004)

### **11-9-7. Exception**

There may be circumstances in which the placement of trees in new or expanded parking facilities may be difficult or undesirable. In order to provide for a similar landscaping effect, parking lot trees may be waived in lieu of additional trees or larger caliper trees placed in the front and/or side yard setback area or in the public right-of-way. In no case shall an alternative landscape proposal result in a net reduction of the tree requirement as measured in total tree caliper inches. Such a proposal maybe submitted as part of the landscaping plan approved by the building official. Appeal of any such administrative decision may be made to the zoning board of adjustments.

In cases where the required ten percent area cannot be landscaped due to existing improvements, or if the desired landscape location is not within the front or side yard setback, the building official may approve alternate landscape location(s). The building official may also issue a building or paving permit with no landscaping if none can reasonably be installed.

(Ord. No. 8267, § 1, 10-26-2004)

### **11-9-8. Penalty clause.**

The penalty for violation of these regulations shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not to exceed \$2,000.00.

(Ord. No. 8267, § 1, 10-26-2004)

### **11-8-2. Development standards.**

A. *Site plan requirement.* Prior to any development in the I-20 Corridor Overlay District, site plan approval must be obtained. No development shall be lawful or permitted to proceed without final site plan approval. Site plans shall be reviewed and approved by the Planning and Development Coordinator for the City of Midland. Any appeal may be made to the City of Midland Planning and Zoning Commission and City Council, if necessary. Required in the application for site plan review shall be the following, together with any other information reasonably necessary for the review process:

1. An application for site plan review submitted to the Planning and Development Division.
2. A fully dimensioned site plan, drawn to an appropriate engineering scale on a 24-inch by 36-inch sheet of paper, reflecting:
  - a. The name address and telephone number of the applicant.
  - b. The name, location and legal description of the project.
  - c. A location map.
  - d. The location and size of existing utilities within or adjacent to the project site.
  - e. The location and size of existing and proposed buildings and structures (including height of buildings and proposed materials for construction along with elevation drawings).

- f. Streets, driveways and curb cuts, existing and proposed.
- g. Off-street parking areas with parking tabulated.
- h. Solid waste collection plan indicating location of dumpsters and screening.
- i. Proposed signage and location.
- j. Location and description of fencing materials.
- k. Exterior lighting plan.
- l. Calculation of total impervious area.

B. *Landscaping requirement.*

1. *Purpose.* Landscaping is accepted as adding value to property and adds to the general welfare of the City. Therefore, landscaping is hereafter required of new development and redevelopment located in the I-20 Corridor Overlay District. Such landscaping may include a variety of both vegetation and nonvegetative materials.
2. *Scope and enforcement.* The standards and criteria contained within this section are minimum standards and shall apply to all new construction or expansion of an existing structure or parking area that exceeds ten percent of the existing floor area of the structure or parking lot being expanded, except that any existing residential use shall be exempt from the requirements of this section.

If at any time following the appropriate occupancy of a building, the approved landscaping is found to be in violation of the standards and criteria of this section, the City shall issue notice to the owner, citing the violation and describing the action 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 the zoning ordinance.

3. *Conditional occupancy.* In any case in which occupancy is sought at a season of the year in which the Planning and Development Division determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, occupancy may be allowed. If an extension is given, then all landscaping required by the landscaping plan shall be installed within six months of the date of the approval of the landscape plan. Failure to complete the required landscaping within the allotted time will constitute a violation of the zoning ordinance.
4. *Landscape maintenance.* All required landscaping shall be maintained in a healthy, growing condition and irrigated by a mechanical sprinkler system.
5. *Landscape plan.* Landscaping plans shall contain the minimum following information:
  - a. Minimum scale of one inch equals 50 feet.
  - b. Location, size and species of all trees to be preserved (do not use "tree stamps" unless they indicate true size and location of trees).

- c. Location of all plant and landscaping material to be used including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.
- d. Name and minimum size of all plant material to be used.
- e. Spacing of plant material where appropriate.
- f. Layout and description of irrigation, sprinkler, or water systems.
- g. Person(s) responsible for the preparation of the landscape plan.
- h. North arrow.
- i. Date of the landscape plan.
- j. Any other specific information needed for review purpose.

6. *Landscaping requirements for nonresidential uses.*

- a. A minimum 15-foot wide landscape buffer adjacent and parallel to the I-20 right-of-way and a seven and one-half-foot buffer adjacent to any intersecting side street is required. Developers shall be required to plant:
  - (1) One tree per 750 square feet of landscaped area for all areas less than 20 feet wide; or
  - (2) One tree per 1,000 square feet for areas over 20 feet in width but less than 30 feet wide; or
  - (3) One tree per 1,500 square feet for areas 30 feet or greater in width.

Trees may be grouped or clustered to facilitate site design.

PARKING LOT LANDSCAPING

- b. There shall be a landscaped area with at least one tree for every 20 parking spaces or portion thereof. Landscaped areas shall be no less than four feet wide and shall total at least 50 square feet. All landscape areas shall be protected by a monolithic curb or wheel stops and remain free of trash, litter and vehicle bumper overhangs.
- c. All existing trees which are to be preserved shall be provided with a permeable surface under the existing dripline of the tree. All new trees shall be provided with a permeable surface under the dripline a minimum of four feet by four feet.
- d. Front yard fencing standards. All fencing must be located outside of the front yard setback of the base zoning district.

7. *General standards.* The following criteria and standards shall apply to landscape materials and installation:

- a. All required landscaped open areas shall be completely covered with living plant material except hardscape, benches and fountains, or similar materials. Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants.

#### TREES

- b. Trees shall have an average spread or crown of greater than 15 feet at maturity. Trees having a lesser average mature crown of 15 feet may be substituted by grouping the same so as to create the equivalent of a 15-foot crown or spread. Trees shall have a minimum of three inches in caliper measured six inches above the ground, and seven feet in height at the time of planting. Any trees preserved on a site meeting the above specifications may be credited toward meeting the tree requirement of any landscaping provision of this section. All existing trees may receive credit depending on location, size and condition. Should any required tree in the landscape plan die, the owner shall replace the tree with a three-inch minimum caliper tree.

#### SHRUBS

- c. Shrubs shall be minimum of five gallons when planted.

#### GROUND COVER

- d. Grass areas shall be sodded, plugged, sprigged, and hydro-mulched or seeded except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.
- e. 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.
- f. 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.

#### C. *Building construction standards.*

##### 1. *Exterior construction materials.*

- a. Masonry construction shall include all construction of stone material, brick material, concrete masonry units, tilt concrete wall but not including prefabricated veneer panel systems. In addition, plaster veneer, including EIFS may be approved.
- b. Metal walls shall include profiled panels, deep ribbed panels and concealed fastener systems. Exterior finish shall be film laminated or baked on enamel painted to the wall manufacturer's standards.
- c. The use of corrugated metal, plastic or fiberglass panels is prohibited.
- d. The use of galvanized, aluminum coated, zinc-aluminum coated, or other unpainted exterior metal finish is prohibited.

2. *Construction standards.* The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new nonresidential construction occurring within this overlay district.

- a. All nonresidential uses shall be of exterior fire resistant construction having at least 50 percent of the total exterior walls above grade level, excluding doors and windows, constructed of masonry or glass wall materials. Strict adherence to this code shall not be such as to prevent architectural creativity. Consideration for exceptions shall be based only on the following and subject to approval by the Planning and Zoning Commission:
  - (i) Architectural design and creativity;
  - (ii) Compatibility with surrounding developed properties.
- b. Metal accessory buildings over 100 square feet are prohibited unless they are located more than 200 feet from the I-20 right-of-way line.

(Ord. No. 7875, § 1, 9-28-99; Ord. No. 8308, § 1, 4-26-2005)