

ARTICLE III. LANDSCAPE REGULATIONS*

***Cross references:** Mobile home parks, Ch. 15.5; subdivision regulations, Ch. 24.

Sec. 20-22. Definitions.

[As used in this article, the following words and terms shall have the meanings respectively ascribed:]

- (1) *Caliper* means the diameter of the trunk measured six (6) inches above ground level up to and including four-inch caliper size, and measured twelve (12) inches above ground level if the measurement taken at six (6) inches above ground level exceeds four (4) inches. If a tree is of a multi-trunk variety, the caliper of the tree is the average caliper of all of its trunks.
- (2) *Canopy or shade tree* means a species of tree which normally bears crown foliage no lower than six (6) feet above ground level upon maturity.
- (3) *Enhanced pavement* means any permeable or nonpermeable decorative pavement material intended for pedestrian or vehicular use. Examples of enhanced pavement include brick or stone pavers, grass paver, exposed aggregate concrete, and stamped and stained concrete.
- (4) *Evergreen tree or shrub* means a tree or shrub of a species which normally retains its leaves throughout the year.
- (5) *Ground cover* means natural mulch or plants of species which normally reach a height of less than two (2) feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.
- (6) *Landscape architect* means a person licensed to practice or teach landscape architecture in the State of Texas pursuant to state law.
- (7) *Landscape buffer strip* means a strip of land:
 - a. Which serves a buffer function on the perimeter of a building site adjacent to another building site or to a public or private street or alley; and

- b. At least eighty (80) per cent of which is covered by natural grass, ground cover, or other natural plant materials (excluding screening).
- (8) *Large shrub* means a shrub which normally reaches a height of six (6) feet or more upon maturity.
- (9) *Large tree* means a tree of a species which normally reaches a height of thirty (30) feet or more upon maturity.
- (10) *Nonpermeable coverage* means coverage with nonpermeable pavement.
- (11) *Screening* means screening that complies with the construction and maintenance regulations in section 20-26(f), except as those regulations may be expressly modified in this article.
- (12) *Small tree* means a tree of a species which normally reaches a height of less than thirty (30) feet.
- (13) *Soil* means a medium that plants will grow in.
- (14) *Visibility triangle* means the term "visibility triangle" as defined in Section 2-18 of the Rockwall Standards of Design as currently adopted or as may be hereafter amended, a copy of which is attached as Exhibit A.

(Ord. No. 88-28, § I, 7-18-88)

Sec. 20-23. Purpose.

The process of development with its alteration of the natural topography, vegetation, and creation of impervious cover can have a negative effect on the ecological balance of an area by causing increases in air temperatures and accelerating the processes of runoff, erosion, and sedimentation. The economic base of the city can and should be protected through the preservation and enhancement of the unique natural beauty, environment, and vegetative space in this area. Recognizing that the general objectives of this article are to promote and protect the health, safety, and welfare of the public, the city council further declares that this article is adopted for the following specific purposes:

- (1) To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge, and stormwater runoff retardation, while at the same time aiding in noise, glare, and heat abatement.
- (2) To provide visual buffering between land uses of differing character.

- (3) To enhance the beautification of the city.
- (4) To safeguard and enhance property values and to protect public and private investment.
- (5) To conserve energy.

(Ord. No. 88-28, § I, 7-18-88)

Sec. 20-24. Application of article.

(a) This article does not apply to:

- (1) Property governed by a landscape plan approved by the city council and made part of an ordinance establishing the zoning classification of a lot;
- (2) Any property with a previously approved landscape and/or site plan prior to adoption of this article [Ordinance Number 88-28], unless such plan is required to be resubmitted for consideration;
- (3) Lots containing only single-family and/or duplex uses; and
- (4) Lots zoned Central Business District as defined in the comprehensive zoning ordinance.

(b) Except as otherwise provided in subsection (a), this article applies to all uses on a lot when an application for a building permit for work on the lot is made, unless the application is for:

- (1) Restoration of a building that has been damaged by fire, flood explosion, riot, act of the public enemy, other natural disaster, or accident of any kind, if said structure may be restored under the nonconforming use provisions of the comprehensive zoning ordinance. For purposes of this subsection restoration means the act of putting back into a former or original state; or
- (2) Construction work on an existing structure that does not increase:
 - a. The number of stories in a building on the lot;
 - b. The total floor area of all buildings on the lot by more than ten (10) per cent or ten thousand (10,000) square feet, whichever is less; or
 - c. The nonpermeable coverage of the lot by more than two thousand (2,000) square feet.

- (c) When this article becomes applicable to a lot, its requirements are binding on all current and subsequent owners of the lot.
- (d) Landscaping requirements consistent with the standards and purposes of this article shall be a part of all ordinances establishing or amending planned development districts, unless otherwise approved by the city council.
- (e) The planning and zoning commission and city council may grant a special exception to the landscaping requirements of this article upon making a special finding from the evidence presented that strict compliance with the requirements of this article will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives and purposes of this article.

(Ord. No. 88-28, § I, 7-18-88)

Sec. 20-25. Landscape plan submission.

- (a) A landscape plan shall be submitted as follows:
 - (1) To the building official with any application for a building permit for new construction or for work that will increase the existing building height, floor area by more than ten (10) per cent or ten thousand (10,000) square feet whichever is less, or nonpermeable coverage of the lot by more than two thousand (2,000) square feet, on sites not required to submit a site plan for approval by the planning and zoning commission and city council.
 - (2) To the zoning administrator on all sites required to submit a site plan for approval by the planning and zoning commission and city council.
- (b) If a landscape plan is required under subsection (a)(1), the plan must be submitted and approved before a building permit is issued for the work. If a landscape plan is required under subsection (a)(2), the plan must be submitted and approved with the required site plan unless otherwise approved by the city council.
- (c) The landscape plan shall be submitted in the form and number as prescribed by the city and must contain the following information:
 - (1) Date, scale, north point, and the names, addresses, and telephone numbers of both the property owner and the person preparing the plan.
 - (2) Project name, street address, and lot and block description.
 - (3) Location of existing boundary lines and dimensions of the lot, street address, approximate centerline of existing watercourses and the location of the one

hundred-year floodplain, if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, utility easements, driveways and sidewalks on or adjacent to the lot.

- (4) [Reserved.]
- (5) Location, height, and material of proposed screening and fencing (with berms to be delineated by one-foot contours).
- (6) Locations and dimensions of proposed landscape buffer strips.
- (7) Complete description of plant materials shown on the plan, including names, locations, quantities, container or caliper sizes at installation, heights, spread, and spacing. The location and type of all existing trees on the lot over six (6) inches in caliper must be specifically indicated.
- (8) Complete description of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area to be provided internal to parking areas, the total square footage included in the parking area, and the number and location of required off-street parking and loading spaces.
- (9) Location and description, by type and size, of existing trees proposed to be retained. Such trees shall be marked and dripline of said trees shall be protected prior to and during all construction, including all dirt work.
- (10) Size, height, location, and material of proposed seating, lighting, planters, sculptures, water features and landscape paving and other site amenities.
- (11) Identification of visibility triangles on the lot for all driveway intersections with public streets.

(Ord. No. 88-28, § I, 7-18-88)

Sec. 20-26. Mandatory provisions.

- (a) *Landscape buffer strip.* A minimum ten-foot wide landscape buffer strip must be provided along the entire length of the portion of the perimeter of any commercial or industrial lot that abuts, without an alley or drive separation, or is directly across a public street from a residential zoning district, exclusive of driveways and accessways. If the proposed commercial structures exceed twenty-four (24) feet in height adjacent to an alley, a ten (10)-foot buffer shall also be required along the length of the alley.

(b) *Acceptable landscape materials.*

- (1) No artificial plant materials may be used to satisfy the requirements of this article.
- (2) Plant materials used to satisfy the requirements of this article must comply with the following minimum size requirements at the time of installation: Large trees must have a minimum caliper of three (3) inches, or a minimum height of six (6) feet, depending on the standard measuring technique for the species.
- (3) For purposes of subsection (c)(2), "height" is measured from the root crown or, if the plant is in a container, from the soil level in the container.
- (4) In satisfying the landscaping requirements of this article, the use of high-quality, hardy plant materials on the approved plant list, attached hereto as Exhibit B is recommended and encouraged. Plants found on the disapproved plant list, attached hereto as Exhibit C shall not be placed within the right-of-way or within the required building setback along a street.

(c) *Protection of landscape areas.* Required landscape areas must be protected from vehicular traffic through the use of concrete curbs, or other permanent barriers. Vehicles shall be prevented from extending over landscaped areas.

(d) *Irrigation requirements.* All required landscape and buffer areas must be irrigated with an underground watering system. Such systems shall be a spray, bubbler, or drip type watering system.

(e) *Screening from residential uses.*

- (1) Any commercial or industrial use or parking lot that has a side or rear contiguous to any residential district and any multi-family use with more than five (5) dwelling units or parking lot that has a side or rear contiguous to any single-family, townhouse, or duplex district, shall be screened with a masonry fence (excluding tilt wall or concrete block unless approved by the city council), six (6) feet in height, unless otherwise approved by the city council. Berms in conjunction with a fence can be utilized to meet this requirement. The screen shall be located no closer to the street than the property line. Any ordinances concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a street or driveway.
- (2) Prior to construction of any required screens, complete plans showing type of material, depth of beam, and structural support shall be submitted to the building permit office for analysis to determine whether or not:
 - a. The screen will withstand the pressures of time and nature;

- b. The screen adequately accomplishes the purpose for which it was intended.
 - c. Said plans shall be sealed by a registered engineer or they shall conform to the city's standard design for screening walls.
- (3) Such screen shall be constructed prior to the issuance of a certificate of occupancy for any building or portion thereof.
- (4) The areas adjacent to the required screening wall, or areas adjacent to a public street or right-of-way, shall be maintained by the property owner in a clean and orderly condition, free of debris and trash in accordance with the applicable codes of the city.
- (f) *Street landscaping.* A landscape bufferstrip a minimum of ten (10) feet in width must be provided along the entire length of the property to be developed that is adjacent to a major arterial or collector street, as defined in the city's thoroughfare plan, exclusive of driveways and accessways. Large trees, as herein defined, shall be provided in the required buffer in numbers equal to one tree for each fifty (50) feet of street frontage.
- (g) *Right-of-way landscaping requirements.* All street right-of-way located adjacent to the proposed development shall be improved with grass material and shall be maintained. It shall be the responsibility of the developer to design the irrigation system within the lot to ensure that the grass placed in the right-of-way is watered and maintained and to ensure that minimal water will enter the street itself. The designer of the irrigation system shall base the design on the ultimate proposed width of the street when designing the system. The plans for design of the irrigation system shall be approved by the city prior to installation.
- (h) *Parking lot landscaping.* Any parking lot with more than two (2) rows of spaces shall have a minimum of five (5) per cent or two hundred (200) square feet, whichever is greater, in the interior of the parking lot in landscaping. Such landscaping shall be counted toward the total landscaping. If the parking and maneuvering space exceeds twenty thousand (20,000) square feet, one (1) large tree for every twenty (20) required parking spaces shall be required internal to the parking lot. No tree shall be planted closer than two and a half (2 1/2) feet to the pavement.
- (i) *Dimensions of landscaping.* All required landscaping shall be no less than five (5) feet wide and a minimum of twenty-five (25) square feet in area unless it is within ten (10) feet of the building.
- (j) *Required landscaping.* Minimum square footage requirements for landscaping shall be provided and maintained in the zoning districts set forth as follows. The requirements shall be applied to the total site area to be developed:

TABLE INSET:

District	% Requirement	Net % Requirement w/Maximum Credits
Multifamily	25%	20%
Office	20%	15%
Neighborhood Service	20%	15%
General Retail	15%	10%
Commercial	15%	10%
Highway Commercial	15%	10%
Heavy Commercial	10%	5%
Light Industrial	10%	5%
Heavy Industrial	10%	5%

The total site area required for landscaping may be reduced by no more than five (5) per cent in accordance with the provisions of section 20-27. For example, the required percentage of fifteen (15) per cent for Commercial zoning could be reduced to a total of ten (10) per cent under the terms of section 20-27. No less than fifty (50) per cent of the total requirement shall be located in front of and along side buildings with street frontage in the following zoning districts: "MF-15," "O," "NS," "GR," "C." One hundred (100) per cent of the total requirement shall be located in front of and along side buildings with street frontage in the following zoning districts: "HC," "LI," "HI."

(Ord. No. 88-28, § 1, 7-18-88; Ord. No. 90-25, § 1, 8-6-90; Ord. No. 91-52, § 1, 10-21-91; Ord. No. 93-2, § 1, 2-1-93)

Sec. 20-27. Credits toward landscaping requirements; credits for reduction in required square footage.

- (a) *Credit for required landscape buffer strips between residential and nonresidential zoning.* The overall landscaping requirement may be reduced by two and five-tenths (2.5) per cent when the buffer strip, whether required or not, has a minimum average width of fifteen (15) feet or greater and contains at least one large tree every forty (40) feet, or large shrubs at least every ten (10) feet the entire length of the perimeter adjacent to property with residential zoning. This perimeter must equal at least twenty-five (25) per cent of the total perimeter of all adjacent private property.
- (b) *Credit for surface parking screening.* The overall landscaping requirement may be reduced by two and five-tenths (2.5) per cent when a surface parking lot located adjacent to a public street is screened as follows:
 - (1) The screen must be voluntary, not required by ordinance.

- (2) The screening must be located along the entire length of street frontage of the parking lot, exclusive of driveways, accessways, and visibility triangles. Visibility triangles will be maintained at all driveway intersections.
 - (3) The screening must be at least three (3) feet in height utilizing only evergreen planting materials, berms, and/or masonry walls.
 - (4) The adjacent street must be generally at the same grade level of the parking lot or below for such credit to qualify.
- (c) *Credit for parking lot landscaping.* The overall landscaping requirement may be reduced by two and five-tenths (2.5) per cent when all surface parking lots on the building site with more than two (2) rows of parking are landscaped as follows:
- (1) Large canopy trees must be provided in each parking lot at a minimum density of one (1) tree for each ten (10) required parking spaces in the lot.
 - (2) No required parking space may be located more than eighty (80) feet from the trunk of a large canopy tree.
 - (3) No tree may be planted closer than two and a half (2 1/2) feet to the pavement.
 - (4) All trees must be internal to the parking lot. Perimeter landscaping along a parking lot does not qualify for this credit.
- (d) *Credit for right-of-way landscaping.* The overall landscaping requirement may be reduced by two and five-tenths (2.5) per cent when the public right-of-way adjacent to a proposed development is landscaped meeting the following requirements:
- (1) All landscaping in the right-of-way shall be provided sufficient irrigation for maintenance.
 - (2) Plants used in landscaping in the right-of-way shall only be varieties included on the approved plant list.
 - (3) Landscaping in right-of-way shall be submitted and approved by the city prior to any work being done in the right-of-way.
 - (4) In certain cases, the city may determine that landscaping in the right-of-way may be infeasible and in such cases this credit shall not apply.
 - (5) Landscaping shall include ground cover, shrubs, trees and/or other plant materials and must cover at least fifty (50) per cent of the adjacent right-of-way, exclusive of driveways, to qualify for this credit. Grass alone shall not qualify for this credit.

- (6) If the city has an adopted landscape plan for the street adjacent to the proposed project, any proposed improvements must be in compliance with said plan.
- (e) *Existing tree credits.* Existing healthy trees may be credited toward meeting design requirements as follows:
 - (1) The existing trees must be healthy, must be of a type on the approved tree list, and the area below the drip line shall remain undisturbed either by cutting or filling in the development process, use of impervious materials, or as a storage area under the dripline.
 - (2) The developer may receive a maximum of fifty (50) per cent credit toward overall tree requirements.
 - (3) Credits shall be granted as follows:

TABLE INSET:

Existing Trees	Tree Credit
Tree, 4" to 6" in caliper.....	1
Tree, 7" to 12" in caliper.....	2
Tree, 13" and greater in caliper.....	3

(Ord. No. 88-28, § I, 7-18-88)

Sec. 20-28. When landscaping must be completed.

- (a) Except as otherwise provided in subsection (b), all landscaping must be completed in accordance with the approved landscape plan before a certificate of occupancy may be issued for any building on the lot.
- (b) If, due to circumstances beyond the property owner's control, the required landscaping cannot be installed prior to completion of the building and if the property owner provides the building official with documented assurance that the landscaping will be completed within six (6) months and the funds required to complete the project are placed in escrow with the city, the building official may issue one six-month temporary certificate of occupancy and permit the property owner to complete his landscaping during the six-month period. For purposes of this subsection, "documented assurance" means a copy of a valid contract to install the landscaping in accordance with the landscape plan within the six-month period. The city shall hold the funds in escrow until such time as the landscaping is completed in accordance with the approved plan.

- (c) If a temporary certificate of occupancy is issued under subsection (b) and, at the end of the six-month period, no permanent certificate of occupancy has been issued because the landscaping has not been installed in accordance with the landscape plan, the property owner shall be deemed in violation of this article, the funds placed in escrow shall be forfeited, and the city shall issue a citation for said violation in accordance with section 20-30, unless an extension is granted by the city manager.

(Ord. No. 88-28, § I, 7-18-88)

Sec. 20-29. General maintenance.

- (a) Required landscaping must be maintained in a healthy, growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all plantings as needed. Any plant that dies must be replaced with another approved plant variety, generally of the same size, that complies with the approved landscape plan within ninety (90) days after notification by the city.
- (b) Any damage to utility lines resulting from the negligence of the property owner, his agents, or employees in the installation and maintenance of required landscaping in a utility easement is the responsibility of the property owner. If a public utility disturbs a landscaped area in a utility easement, it shall make every reasonable effort to preserve the landscaping materials, and return them to their prior locations after the utility work. If, nonetheless, some plant materials die, it is the obligation of the property owner to replace the plant materials.

(Ord. No. 88-28, § I, 7-18-88)

Sec. 20-30. Effect of landscape plan approval.

- (a) If development of a lot or tract with an approved landscape plan has not been completed within three (3) years of its final approval the landscape plan shall be deemed to have expired, and a new review and approval of a landscape plan for development of the property shall be undertaken by the planning and zoning commission and city council upon application by the owner, and such new approval shall be required before a building permit may be issued for development. Said review and approval shall be evaluated according to the standards of this ordinance, taking into account all changes to the ordinance which have occurred subsequent to the prior landscape plan approval.
- (b) If the landscape plan is submitted in conjunction with an approved phasing plan for development of the lot or tract, the landscape plan shall be deemed to have expired if any phase is not completed within the time period approved for such

phase. No landscape plan phase may be planned to exceed three years unless specifically authorized by the planning and zoning commission and city council when demonstrated that due to the size or complexity of the development the three year time period would create a hardship. If any phase is not completed within the time period approved the entire remaining uncompleted landscape plan shall be deemed to have expired and the provisions of subsection (a) shall be followed.

- (c) Extension of an approved landscape plan may be granted by the planning and zoning commission and city council upon submission of a request for such extension by the property owner at least ninety (90) days prior to the expiration of the plan. The planning and zoning commission and city council shall take into consideration any changes that have occurred in this ordinance subsequent to original approval of the plan and the property owner may be required to bring such plan into compliance with the current requirements. The period of time approved for any such extension shall be indicated in any approval but in no case shall the period for extension exceed three (3) years.
- (d) All landscape plans submitted and approved prior to adoption of this ordinance shall be deemed to have expired if development has not been completed within three (3) years of the final approval of this section.

(Ord. No. 89-40, § 1, 12-18-89)

Editor's note: Ord. No. 89-40, § 1, adopted Dec. 18, 1989, added § 20-30. Section 2 of said ordinance renumbered former § 20-30 as § 20-31.

Sec. 20-31. Penalty.

Any person, firm or corporation violating any of the provisions of this article shall be punished by a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

(Ord. No. 88-28, § V, 7-18-88; Ord. No. 89-40, § 2, 12-18-89)

Note: See the editor's note at the end of § 20-30.