

ARTICLE X
LANDSCAPE REGULATIONS

SEC. 51-10.101. DEFINITIONS.

In this article:

(1) ARTIFICIAL LOT means an area within the building site that is delineated by the building official or the director of parks and recreation for the sole purpose of satisfying the requirements of this article (see Section 51-10.103.1).

(2) CALIPER means the diameter of the trunk measured six inches above ground level up to and including four inch caliper size, and measured 12 inches above ground level if the measurement taken at six inches above ground level exceeds four inches. If a tree is of a multi-trunk variety, the caliper of the tree is the average caliper of all of its trunks.

(3) CANOPY TREE means a species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity.

(4) 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.

(5) EVERGREEN TREE OR SHRUB means a tree or shrub of a species which normally retains its leaves throughout the year.

(6) GROUND COVER means natural mulch or plants of species which normally reach a height of less than three feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

(7) LANDSCAPE ARCHITECT means a person licensed to practice or teach landscape architecture in the State of Texas pursuant to state law.

(8) LANDSCAPE AREA means an area at least 80 percent of which is covered by natural grass, ground cover, or other natural plant materials (excluding screening).

(9) LANDSCAPE BUFFER STRIP means a landscape area that serves a buffer function on the perimeter of the building site or artificial lot, whichever is applicable.

(10) LARGE SHRUB means a shrub which normally reaches a height of six feet or more upon maturity.

(11) LARGE TREE means a tree of a species which normally reaches a height of 30 feet or more upon maturity.

(12) NONPERMEABLE COVERAGE means coverage with nonpermeable pavement. "Nonpermeable pavement" means any pavement that is not "permeable pavement" as defined in this section.

(13) LOT means:

- (A) a "lot" as defined in Section 51-2.102; and
- (B) an "artificial lot" as defined in this section.

(14) LOT WITH RESIDENTIAL ADJACENCY means any of the following:

(A) A building site in a residential zoning district, if the site abuts or is directly across a public street or alley from an R, R(A), TH, TH(A), CH, D, or D(A) zoning district. For purposes of this subparagraph, the term "street" does not include a freeway.

(B) A building site in a nonresidential or parking zoning district, if the site abuts or is directly across a public street or alley from a residential zoning district, as defined both in this chapter and in Chapter 51A. For purposes of this subparagraph, the term "street" does not include a freeway.

(C) An artificial lot in a residential district, if the lot is less than 200 feet from an R, R(A), TH, TH(A), CH, D, or D(A) zoning district.

(D) An artificial lot in a nonresidential or parking zoning district, if the lot is less than 200 feet from a residential zoning district, as defined both in this chapter and in Chapter 51A.

(15) PERMEABLE PAVEMENT means a paving material that permits water penetration to a soil depth of 18 inches or more. Permeable pavement may consist of nonporous surface materials poured or laid in sections not exceeding one square foot in area and collectively comprising less than two-thirds of the total surface area.

(16) SCREENING means screening that complies with the construction and maintenance regulations in Section 51-4.602, except as those regulations may be expressly modified in this article.

(17) SMALL TREE means a tree of a species which normally reaches a height of less than 30 feet upon maturity.

R-TH
D

R-TH-D
MF-MH
A

(18) SOIL means a medium that plants will grow in.

(19) VISIBILITY TRIANGLE means the term "visibility triangle" as defined in Section 51-4.602. (Ord. Nos. 18968; 19237; 19455)

SEC. 51-10.102. 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, ground-water recharge, and storm water 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.

(6) To provide habitat for wildlife. (Ord. 18968)

SEC. 51-10.103. APPLICATION OF ARTICLE.

(a) This article does not apply to the following:

(1) Property governed by a landscape plan that is approved by the city council or the city plan commission.

(2) Lots containing only single-family and/or duplex uses.

(3) Lots in the following districts:

(A) The Dallas Arts District (Planned Development District Nos. 145 and 145-H/18).

(B) The Near Eastside District (Planned Development District Nos. ~~178 and 178-H/3~~ ²⁶⁹).

(C) The Oak Lawn Special Purpose District (Planned Development District No. 193).

(D) Central area districts.

(4) Restoration of a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind. For purposes of this paragraph, "restoration" means the act of putting back into a former or original state.

(b) This article only becomes applicable to a lot when an application is made for a building permit for construction work that:

- (1) increases the number of stories in a building on the lot;
- (2) increases by more than 10 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot; or
- (3) increases the nonpermeable coverage on the lot by more than 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) The city council shall, as a minimum, impose landscaping requirements that are reasonably consistent with the standards and purposes of this article as a part of any ordinance establishing or amending a planned development district, or granting or amending a specific use permit. (Note: This subsection does not apply to ordinances that merely renew a specific use permit when no substantive changes are made other than to extend the time limit of the permit.) All landscaping requirements imposed by the city council must be reflected in a landscape plan that complies in form and content with the requirements of Section 51-10.104.

(e) The board 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.

(f) The board may waive the filing fee for a special exception under Subsection (e) when the board finds that payment of the fee would result in financial hardship to the applicant. The applicant may either pay the fee and request reimbursement as part of his appeal or request that the matter be placed on the board's miscellaneous docket for predetermination. If the matter is placed on the miscellaneous docket, the applicant may not file his appeal until the merits of the request for waiver have been determined by the board. (Ord. Nos. 18968; 19237; 19455)

SEC. 10.103.1. ARTIFICIAL LOT DELINEATION.

(a) In general. If the building site is over two acres in size, the applicant may request that the building official create an artificial lot to satisfy the requirements of this article. The building official shall not create an artificial lot which would, in his opinion, violate the spirit of the landscape regulations. Any artificial lot created by the building official must:

(1) wholly include the area on which the construction work is to be done; and

(2) have an area that does not exceed 50 percent of the area of the building site.

(b) In city parks over five acres. In city parks over five acres in size, the director of parks and recreation may create an artificial lot to satisfy the requirements of this article. Any artificial lot created by the director of parks and recreation must wholly include the area on which the construction work is to be done.

(c) Platting not required. An artificial lot need not be platted; however it must be delineated on plans approved by the building official prior to the issuance of a building permit. (Ord. 19237)

SEC. 51-10.104. LANDSCAPE PLAN SUBMISSION.

(a) If this article applies to a lot pursuant to Section 51-10.103, a landscape plan must be submitted to the building official with the application for a building permit for work on the lot. A landscape plan submission must consist of two blue-line or black-line prints. The plan must have a scale of one inch equals 50 feet or larger (e.g. one inch equals 40 feet, one inch equals 30 feet, etc.) and be on a standard drawing sheet of a size not to exceed 36 inches by 48 inches. A plan which cannot be drawn in its entirety on a 36 inch by 48 inch sheet must be drawn with appropriate match lines on two or more sheets.

(b) Any person may prepare the landscape plan required under this article. There is no requirement that the plan be prepared by a landscape architect or by a person engaged in the landscape business.

(c) A landscape plan required under this article 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) Location of existing boundary lines and dimensions of the lot, the zoning classification of the lot, and the zoning classification of adjacent properties. A vicinity map should also be attached to or made a part of the plan.

(3) Approximate centerlines of existing water courses and the location of the 100-year flood plain, the escarpment zone, and geologically similar areas, 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) Project name, street address, and lot and block description.

(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 (common and botanical name), 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 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 and the number and location of required off-street parking and loading spaces.

(9) An indication of how existing healthy trees proposed to be retained will be protected from damage during construction.

- (10) Size, height, location, and material of proposed seating, lighting, planters, sculptures, and water features.
- (11) A description of proposed watering methods.
- (12) Location of visibility triangles on the lot (if applicable).
- (13) Tabulation of "points" earned by the plan (See Section 51-10.105). (Ord. Nos. 18968; 19237; 19455)

SEC. 51-10.105. LANDSCAPE PLAN REVIEW.

(a) The building official shall review each landscape plan submitted to determine whether or not it complies with the requirements of this article. All landscape plans must comply with the mandatory provisions in Section 51-10.106. In addition, all landscape plans must earn a minimum number of "points." Points are awarded for specified landscape features and elements based on their relative value or merit. The minimum number of points needed for landscape plan approval varies depending on the zoning district classification of the lot and adjacent properties as follows:

<u>ZONING DISTRICT</u>	<u>LOT WITH RESIDENTIAL ADJACENCY*</u>	<u>LOT WITHOUT RESIDENTIAL ADJACENCY</u>
All zoning districts except NO, LO, MO, and GO	30 points	20 points
NO, LO, MO, and GO districts	25 points	15 points

*As defined in Section 51-10.101 (Definitions).

(b) Reserved.

(c) For purposes of this section, any identifiable portion of a planned development (PD) district governed by a distinct set of use regulations is considered to be a separate zoning district. If the PD district or a portion of the district is limited to uses permitted in a specific zoning district, the PD district or portion of the district is considered to be that specific zoning district; otherwise it is considered to be:

- (1) a duplex zoning district if it is restricted to single-family uses in detached structures and/or duplex uses;

(2) an MF-2 zoning district if it is restricted to residential uses but allows single-family uses in attached structures or multiple-family uses not exceeding 36 feet in height;

(3) an MF-3 zoning district if it is restricted to residential uses but allows single-family uses in attached structures or multiple-family uses exceeding 36 feet in height; or

(4) a nonresidential zoning district if it allows a nonresidential use.

(d) The alternatives from which an applicant may select to achieve the minimum point score needed for approval are referred to in this article as "design standards" and contained in Section 51-10.107. (Ord. Nos. 18968; 19237)

SEC. 51-10.106. MANDATORY PROVISIONS.

(a) Mandatory landscape buffer strip.

(1) A landscape buffer strip must be provided along the entire length of the portion of the perimeter of the lot where a residential adjacency exists, exclusive of driveways and accessways at points of ingress and egress to and from the lot. The buffer strip must be at least 10 feet wide, except that:

(A) any portion of the buffer strip adjacent to public street frontage need not exceed 10 percent of the lot depth; and

(B) any portion of the buffer strip in the front yard and adjacent to the side lot line need not exceed 10 percent of the lot width.

(2) In the side and rear yards of the lot only, screening as defined in this article may be substituted for the landscape buffer strip required under Subsection (a)(1). Such screening must be at least six feet in height. [Note: When screening is substituted under this paragraph, no points are awarded for landscape buffer strip enhancement. See Section 51-10.107(a).]

(b) Screening of off-street loading spaces.

(1) All off-street loading spaces on a lot with residential adjacency must be screened from that residential adjacency.

(2) In all districts except HC and industrial districts, all off-street loading spaces on a lot must be screened from all public streets adjacent to that lot.

(3) The screening required under Paragraphs (1) and (2) must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any of the methods for providing screening described in Section 51-4.602(b)(3).

(c) 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:

(A) Large trees must have a minimum caliper of three inches, or a minimum height of six feet, depending on the standard measuring technique for the species.

(B) Small trees must have a minimum height of six feet.

(C) Large evergreen shrubs must have a minimum height of three feet.

(3) For purposes of Subsection (c)(2), "height" is measured from the top of the root ball 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, and drought-tolerant plant materials is recommended and encouraged.

(d) Soil requirements.

(1) Landscape planting areas in general must have the following soil depths and dimensions:

(A) For each large shrub or small tree installation, a minimum of 24 inches of soil depth and 16 square feet of surface area (total of 32 cubic feet).

(B) For each large tree installation, a minimum of 36 inches of soil depth and 25 square feet of surface area (total of 75 cubic feet).

(2) Landscape planting areas located above underground buildings or structures must have the following soil depths and dimensions:

(A) For each large shrub or small tree installation, a minimum of 30 inches of soil depth and 25 square feet of surface area (total of 62.5 cubic feet).

(B) For each large tree installation, a minimum of 40 inches of soil depth and 36 square feet of surface area (total of 120 cubic feet).

(3) The building official may waive the minimum soil requirements if a landscape architect certifies that the proposed alternative soil depths and dimensions are sufficient to support the healthy and vigorous growth of the plant materials affected.

(e) Protection of landscape areas. Required landscape areas must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers.

(f) Irrigation requirements. All plant materials used as required screening must be irrigated by an automatic irrigation system installed to comply with industry standards. Other plant materials used to comply with this article must be located within 100 feet of a verifiable water supply. Proposed watering methods (irrigation or otherwise) must be:

(1) indicated on the landscape plan; and

(2) adequate to maintain the plant materials in a healthy, growing condition at all times.

(g) Required use of trees. In achieving the points required for approval, all landscape plans must comply with at least one of the design standards in Section 51-10.107 that requires the use of one or more trees. (Ord. Nos. 18968; 19237)

SEC. 51-10.107. DESIGN STANDARDS.

(a) Landscape buffer strip enhancement.

(1) Enhancing mandatory buffers. An applicant may earn points under this subsection by enhancing a mandatory landscape buffer strip that is provided along the entire length of the portion of the perimeter of the lot where a residential adjacency exists.

(2) Enhancing voluntary street buffers. In an HC or industrial district, if no mandatory buffer strip is required, an applicant may earn points under this subsection by enhancing a voluntary landscape buffer strip along public street frontage. The voluntary landscape buffer strip must:

(A) be provided along the entire adjacent public street frontage, exclusive of driveways and accessways at points of ingress and egress to the lot; and

(B) have a minimum width of 10 feet or 10 percent of the lot depth, whichever is less.

(3) Points for minimum average width. Three points are awarded when the landscape buffer strip has a minimum average width equal to or greater than 15 but less than 20 feet. Five points are awarded if the minimum average width is 20 feet or more.

(4) Points for including certain plant groups. Fifteen points are awarded when the landscape buffer strip contains the following groups of plant materials at a minimum average density of one group for each 50 linear feet of the buffer strip:

(A) One large canopy tree and one large non-canopy tree.

(B) One large canopy tree and three small trees.

(C) One large canopy tree and three large evergreen shrubs.

(D) One large canopy tree, two small trees, and one large evergreen shrub.

(E) One large canopy tree, one small tree, and two large evergreen shrubs.

(F) Two large non-canopy trees.

(5) Points for providing screening. In the case of a lot with residential adjacency only, 10 points are awarded for providing screening in the landscape buffer strip in accordance with the following subparagraphs:

(A) The screening must be at least six feet in height.

(B) The screening must extend along the entire length of the portion of the buffer strip where a residential adjacency exists, exclusive of:

(aa) public street frontage;

(bb) driveways and accessways at points of ingress and egress to the lot; and

(cc) visibility triangles.

(C) No points are awarded for required screening unless:

(i) a portion of that screening may legally be constructed of earthen berm or evergreen plant materials; and

(ii) all of the required screening that may legally be constructed of earthen berm or evergreen plant materials is in fact constructed entirely of earthen berm and/or evergreen plant materials.

(D) Voluntary screening (not required by ordinance) may be provided by using any of the methods for providing screening described in Section 51-4.602(b)(3).

(E) If screening is provided by earthen berm or evergreen plant materials, the following additional regulations apply:

(i) An earthen berm must be planted with turf grass or ground cover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height for each two feet of width.

(ii) Evergreen plant materials must be recommended for local area use by the director of parks and recreation. In addition, the plant materials must:

(aa) be located in a bed that is at least three feet wide;

(bb) be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years; and

(cc) provide a visual barrier of the required height within three years of their initial planting.

(b) Surface parking screening.

(1) Ten points are awarded for screening all surface parking lots on the building site or artificial lot, whichever is applicable, from all adjacent public streets in accordance with the following paragraphs.

(2) The screening must be voluntary (not required by ordinance).

(3) The screening must extend along the entire street frontage of the surface parking lot, exclusive of:

(A) driveways and accessways at points of ingress and egress to and from the lot; and

(B) visibility triangles.

(4) The screening must be at least three feet in height.

(c) Parking lot landscaping.

(1) Ten points are awarded when all surface parking lots on the building site or artificial lot, whichever is applicable, are landscaped in accordance with the following paragraphs.

(2) For purposes of this subsection, the term "parking lot" means:

(A) the paved portion of the parking lot; and

(B) the 20-foot-wide strip of land surrounding and immediately adjacent to the paved portion of the parking lot, excluding buildings and public rights-of-way.

(3) A minimum of 25 square feet of landscape area must be provided in the parking lot for each required off-street parking space in the lot.

(4) Large canopy trees must be provided in each parking lot at a minimum average density of one tree for each 10 required parking spaces in the lot.

(5) No required parking space may be located more than 80 feet from the trunk of a large canopy tree.

(6) No tree may be planted closer than two and one-half feet to the paved portion of the parking lot.

(d) Landscaping adjacent to required screening walls. Five points are awarded when the area between a required screening wall or fence and the perimeter of the lot is landscaped with a minimum average of:

(1) one large evergreen shrub or small tree for each 10 linear feet; or

(2) one large non-canopy tree for each 30 linear feet.

(e) Tree credits.

(1) An applicant may receive credits for retaining existing healthy trees on the lot as provided in this subsection.

(2) For each tree retained having a caliper equal to or greater than four inches but less than six inches, a credit of one required tree is allowed.

(3) For each tree retained having a caliper equal to or greater than six inches but less than 12 inches, a credit of two required trees is allowed.

(4) For each tree retained having a caliper equal to or greater than 12 inches, a credit of three required trees is allowed.

(5) Credits allowed for a tree under this subsection may be claimed even though the tree is not otherwise relied upon to satisfy the requirements of this article.

(6) Credits claimed under this subsection may not be used outside of the lot where the tree is located.

(7) If credits are claimed under this subsection, the landscape plan must:

(A) identify all trees for which credits are claimed, indicating their calipers and the number of credits claimed for each tree; and

(B) specify the locations where required trees are not being planted by reason of the credits claimed.

(8) Credits claimed under this subsection are automatically lost when the tree dies or is replaced. When credits are lost, all required trees not planted by reason of the credits must be planted at the locations specified on the landscape plan within 90 days after notification by the city.

(f) Special amenities.

(1) Enhanced pavement material.

(A) Five points are awarded when at least 25 percent of all outdoor vehicular pavement area on the lot consists of enhanced pavement. An additional five points are awarded when at least 25 percent of all outdoor vehicular pavement area on the lot consists of permeable enhanced pavement. (Note: All vehicular pavement must comply with the construction and maintenance provisions for off-street parking in this chapter.)

(B) Three points are awarded when at least 50 percent of all outdoor pedestrian pavement area on the lot consists of enhanced pavement.

(2) Pedestrian facilities. One point is awarded for each one percent increment of lot area covered by publicly accessible special pedestrian facilities and features such as plazas, covered walkways, fountains, lakes and ponds, seating areas, and outdoor recreation facilities, up to a maximum of five points.

(3) Street trees. Five points are awarded for the installation of large trees which:

(A) extend along a minimum of 75 percent of the total street frontage of the lot, exclusive of:

(i) driveways and accessways at points of ingress and egress to and from the lot; and

(ii) visibility triangles;

(B) are spaced no more than 50 feet apart measured from trunk to trunk; and

(C) are located no more than 30 feet from the projected street curb. For purposes of this subsection, "projected street curb" means the future location of the street curb consistent with the city thoroughfare plan as determined by the director of public works. (Ord. Nos. 18968; 19237)

SEC. 51-10.108. 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 the property owner provides the building official with documented assurance that the landscaping will be completed within six months, 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:

(1) a copy of a valid contract to install the landscaping in accordance with the landscape plan within the six-month period; or

(2) a set of deed restrictions containing a covenant to install the landscaping in accordance with the landscape plan within the six-month period. The deed restrictions must:

(A) expressly provide that they may be enforced by the city of Dallas;

- (B) be approved as to form by the city attorney; and
- (C) be filed in the deed records of the county in which the land is located.

(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 owner of the property is liable to the city for a civil penalty in the amount of \$200 a day for each calendar day thereafter until the landscaping is properly installed. The building official shall give written notice to the property owner of the amount owed to the city in civil penalties, and shall notify the city attorney of any unpaid civil penalty. The city attorney shall collect unpaid civil penalties in a suit on the city's behalf.

(d) The civil penalty provided for in Subsection (c) is in addition to any other enforcement remedies the city may have under city ordinances and state law. (Ord. 18968)

SEC. 51-10.109. 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, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any plant that dies must be replaced with another living plant that complies with the approved landscape plan within 90 days after notification by the city.

(b) Any damage to utility lines resulting from the negligence of the property owner or 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. 18968)