

LANDSCAPE ORDINANCE NO. 544 - A

AN ORDINANCE OF THE CITY OF SOUTHLAKE AMENDING ORDINANCE 544; REVISING AND AMENDING REGULATIONS FOR THE INSTALLATION OF LANDSCAPING IMPROVEMENTS ON NON-RESIDENTIAL CONSTRUCTION AND MULTI-FAMILY CONSTRUCTION, OTHER THAN DUPLEX USES; REVISING CERTAIN DEFINITIONS; AMENDING REQUIREMENTS FOR THE SUBMISSION OF LANDSCAPE AND IRRIGATION PLANS; REVISING REQUIREMENTS FOR LANDSCAPING IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY; PROVIDING FOR MAINTENANCE OF LANDSCAPING IMPROVEMENTS; PROVIDING FOR MODIFICATIONS, VARIANCES, AND APPEALS FROM THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Southlake, Texas is a home rule City acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City Council of the City of Southlake has determined that minimum landscaping requirements for non-residential and multi-family dwelling (other than duplex) uses ~~is~~ are necessary to adequately protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTHLAKE, TEXAS:

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LANDSCAPE ORDINANCE

1.0 PURPOSE AND INTENT

The purpose of this ordinance is to provide for the orderly and aesthetic development of the City and to promote the health, safety and general welfare of the community. It is the intent of this ordinance to achieve the following:

- A balance between the need for landscape treatments and the need for commercial growth in the City.
- Promote a flexible attitude of enforcement sufficient to meet the spirit and intent of these requirements.
- Promote mutually beneficial improvements by utilizing incentives rather than penalties.
- To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground-water recharge, storm water runoff retardation and erosion control.
- Provide for the separation and buffering of incongruous uses and intensity of activities; and provide for the visual softening of building masses.
- Reduce glare from paved surfaces, dust nuisances and the impact of noise.
- Protect and promote the value of residential and commercial properties within the City.
- Promote a positive image for the attraction of new business enterprises within the City.
- Encourage the protection of healthy trees and vegetation and promote the natural ecological environmental and aesthetic qualities of the City;

2.0 DEFINITIONS

2.1 **GENERAL RULES:** For the purpose of this ordinance, the following rules shall be applied in constructing, interpreting or otherwise defining the terms and provisions hereof:

1. Words used in the present tense shall include the future, words used in the singular number shall include the plural number and words used in the plural shall include the singular.
2. The word "shall" is mandatory and the word "may" is permissive.

2.2 **DEFINITIONS:** For the purpose of this ordinance, certain words or terms applicable hereto are defined as hereinafter provided. Words and terms used in this ordinance, but not defined in this ordinance shall have the meanings ascribed thereto in the Comprehensive Zoning Ordinance of the City. Words and terms defined in both ordinances shall be read in harmony unless there exists an irreconcilable conflict in which case the definition contained in this ordinance shall control.

BUFFERYARD: A bufferyard is a unit of land, together with a specified amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

BUILDING FOOTPRINT: The area of the building in contact with the ground.

CALIPER: Diameter of the trunk measured one foot (1') above ground level.

CANOPY TREES: A perennial woody plant, single or multiple trunk, contributing to the uppermost spreading branchy layer of a forest and may be commonly referred to as shade trees.

DBH: Diameter at breast height, 4.5' above ground level.

GROUND COVER: Low growing, dense spreading plants typically planted from containers.

INTERIOR LANDSCAPE AREA: The area of the lot remaining after subtracting out the area included in the required bufferyards.

LANDSCAPE ADMINISTRATOR: The City Manager or his designee.

LANDSCAPE ARCHITECT: A person registered as a Landscape Architect in the State of Texas pursuant to state law.

LANDSCAPE AREA: An area which is covered by living grass, ground cover, or other plant materials.

LAWN GRASSES: Thin bladed surface growing plants typically planted from seed, sprigs or plugs.

LICENSED IRRIGATOR: A person duly licensed by the State of Texas to design and install irrigation systems.

OWNER: Any person who has a legal or equitable interest in real property, including a tenant or person in control of any premises upon which landscaping is required to be placed under this ordinance.

PERMEABLE PAVEMENT: A paving material that permits water penetration.

R.O.W. PARKWAY: That area within the public right-of-way (R.O.W.) between the back of curb or edge of pavement and the right-of-way line.

SEASONAL COLOR: Landscape areas used for annual and perennial flowers intended to maintain year-round color accents.

SHRUBS: Plants which grow vertically in a multi-branched growth pattern.

UNDERSTORY/ACCENT TREES: Small evergreen or deciduous perennial woody plants which would grow below the top layer of the forest and typically has unique branching, textural or seasonal color characteristics.

3.0 LANDSCAPE / IRRIGATION REQUIREMENTS

- 3.1 **GENERAL:** The requirements herein shall apply to all new non-residential construction and multi-family construction other than duplex uses. The requirements for landscaping shall combine the bufferyard requirements, minimum landscape areas on the interior portion of the lot, and minimum landscape areas for parking areas.
 - a. Existing buildings: Buildings in existence on the effective date of this ordinance shall be considered legally nonconforming as it pertains to this ordinance. New construction greater in size than 30% of the existing building or greater than 5,000 square feet shall require compliance with this ordinance as it applies to the entire square footage of the existing building and proposed addition. New construction intended to increase the square footage by less than 30% of the existing building or less than 5,000 square feet shall be required to meet the requirements herein only as it pertains to the square footage of the new construction.
 - b. Pad site developments: Pad site developments or ground lease developments shall be required to provide landscaping in accordance with the interior landscape requirements of Section 3.3 herein.
 - c. Expansions or Reconfiguration of Paved Areas: Any expansion or reconfiguration of paved areas shall comply with Section 3.4 herein.
- 3.2 **BUFFERYARDS:** All plant material required by the bufferyard section of the Zoning Ordinance (Ord. 480 as amended, Section 42) shall be shown on the required Landscape Plan.
- 3.3 **INTERIOR LANDSCAPE AREA REQUIREMENTS:** The amount of landscape area required on the interior of the lot (excludes bufferyards) shall be based on the square footage of the proposed buildings. The square footage of the building for the purposes of this ordinance will be the square footage of the first floor or the square footage of the largest floor, whichever is greater.

The required landscape area for each zoning shall be based on the percentage (%) of the floor area as determined above in accordance with the following chart.

<u>ZONING</u>	<u>PERCENT OF FLOOR AREA</u>
MF-2, O-1, 0-2	50%
C-1, C-2, C-3, HC	50%
CS, B-1	30%
C-4, B-2	20%
I-1, & I-2 Building less than 10,000 S.F.	20%
I-1, & I-2 Buildings 10,000 S.F. or greater	15%

All buildings in SP1 and SP2 and buildings other than Single Family or Duplex uses within PUD or other districts shall meet the requirements of the closest zoning category noted above.

a. Planting Requirements: The following plants shall be required, at a minimum, within the required interior landscape areas at the ratio indicated.

- 1 Canopy Tree per 500 square feet
- 1 Understory Tree per 250 square feet
- 1 Shrub per 40 square feet
- Ground Cover - 15% of required area
- Seasonal Color – 2% of required area

b. Example: Three story office building (0-2 Zoning), each floor has 4,000 square feet.

First Floor	=	4,000
Second Floor	=	0
Third Floor	=	<u>0</u>
Effective Floor area		4,000
Times 50%		<u>x .50</u>
= Required Landscape area		2,000 sq. ft.
Required Canopy Trees @ 1/500 sq. ft.	=	4
Required Understory Trees @ 1/250 sq. ft.	=	8
Required Shrubs @ 1/40 sq. ft.	=	50
Required Ground Color area @ 15%	=	300 sq. ft.
Required Seasonal Color @ 2%	=	40 sq. ft.

c. Location Requirements: A minimum of 75% of all required interior landscape area and plant material within the interior landscape areas shall be in the front and along either side of the building between the building and the interior edge of the required bufferyards and a portion thereof shall be placed adjacent to the building where practical.

d. Water Conservation Credits: Where systems in accordance with Section 3.6a herein are utilized in at least 75% of all shrub beds, the required landscape area may be reduced by 5%.

3.4 **PARKING LOT LANDSCAPE AREA REQUIREMENTS:** The parking lot landscape area requirements shall be as follows based on the percentage of parking located between the building façade and the R.O.W..

Less than 25%	=	15 sq. ft. per parking stall
25% - 75%	=	20 sq. ft. per parking stall
Greater than 75%	=	30 sq. ft. per parking stall

Each row of parking stalls shall provide the required landscape area, however, it shall be the applicant's right to place the islands near the buildings, throughout the parking, or at the end of the rows away from the building. The Landscape Administrator may modify the island requirement for each row in situations where it would appear beneficial to combine an awkward or hazardous island into a larger island within the parking area. Planter islands shall have a minimum width of 12' back-to-back if curbed or 13' edge-to-edge if no curb is intended, and shall be equal to the length of the parking stall. Parking lot landscape areas do count towards the total required interior landscape area.

- a. Existing Trees: The Landscape Administrator may approve variations to the planter island requirements in order to preserve existing trees in interior parking areas. For existing trees the minimum width of the planter island shall be as follows:

<u>Tree Size</u>	<u>Min. Island Width</u>	<u>Min. Dist. Tree to Curb</u>
6" - 12" DBH	= 12' minimum width	4'
Greater than 12" DBH	= 18' minimum width	8'

- b. Planting Requirements: All planter islands in parking areas shall contain a minimum of one (1) canopy tree with the remaining area in shrubs, ground cover, grasses or seasonal color. Planter islands which have light poles for lighting the parking areas may substitute two (2) understory/accent trees for the required canopy tree. All required landscape areas shall be evenly distributed throughout the entire required parking lot landscape areas.
- c. Parking Garages: Parking garages shall be considered as buildings in accordance with Section 3.3 herein.

3.5 VISIBILITY TRIANGLE: No requirements herein shall be deemed to require plantings which would conflict with the visibility triangle at the intersection of public R.O.W. as defined in the Subdivision Ordinance. Consideration should also be given to visibility at the intersection of major driveways with the public R.O.W.

3.6 IRRIGATION REQUIREMENTS: All required landscape areas shall be irrigated by an automatic irrigation system designed by a Licensed Irrigator, Landscape Architect or other professional authorized by the State to design such systems. Natural meadows of wild flowers or other native habitat shall not be required to be irrigated.

- a. Water Conservation: The City would like to promote the use of efficient irrigation methods and practices. Where possible in planting beds, flood irrigation, porous pipe or emitter/drip systems should be utilized. Where slopes do not allow flood systems, flat spray heads should be utilized under shrubs rather than upward spray heads on risers above shrubs. Lawn spray heads should have low precipitation rates, run for longer periods of time, and water infrequently to promote deep root growth for grasses.

4.0 EXISTING TREE PRESERVATION

4.1 GENERAL: One of the City's greatest assets is the existence of many specimen quality native trees. One objective of this ordinance is the preservation of these trees while allowing quality development to take place. All development must also comply with the City's Tree Preservation Ordinance.

4.2 EXISTING TREE CREDITS: Credits shall only be granted if the tree/s are in healthy condition and all requirements of the Tree Preservation Ordinance have been met as determined by the Landscape Administrator at the time of inspection for a Permanent Certificate of Occupancy.

- a. Existing Tree Credit Calculation: Existing trees which are saved in landscape areas and have at least 75% of the 'Critical Root Zone' within that area shall be granted credits toward reducing the required plantings as follows:

<u>Size of Tree Saved</u>	=	<u>Canopy</u>	or	<u>Understory</u>
6" - 12" DBH	=	1	or	2
Greater than 12" DBH	=	2	or	3

- b. Existing Tree Replacement: If the existing plants that were given credit toward reducing the required plantings decline within two (2) growing seasons, the owner shall replace that plant with quality plant material equal to the amount of the declined plant.

5.0 PLANT MATERIAL

- 5.1 **QUALITY STANDARD:** All plant material shall be of No. 1 grade, free from plant disease, of typical growth for the species, have a healthy, normal root system, rounded branching pattern, and shall conform to the code of standards set forth in the current addition of the American Standard for Nursery Stock.
- 5.2 **RECOMMENDED PLANTS:** Shown in Appendix 'A' is a list of recommended plants within each plant material type. The applicant may propose plants other than those listed if the plant seems appropriate for the intended use or the applicant maintains a plant care program sufficient to properly care for the proposed plant material. The City reserves the right to approve or disapprove required plants and planting through the Landscape Administrator or City appointed Landscape Architect, horticulturist, or other person so qualified.
- 5.3 **SIZE REQUIREMENTS WHEN PLANTED:** All plants shall equal or exceed the following measurements when planted. Plants larger than specified may be used but use of such plants shall not decrease the size requirements of other proposed plants.
- a. Tree measurement: Canopy and understory trees with single trunks shall be measured by caliper size one foot (1') above the ground line. Multi-Trunk trees shall be measured by the height of the tree.
- b. Minimum Sizes: Minimum plant size when planted shall be as follows:

<u>Plant Material Type</u>	<u>Minimum Size</u>
Canopy Tree	
Single Trunk	50% 2" caliper, 50% 4" caliper
Multi-Trunk Clump	8 feet (height)
Understory Tree	6' feet (height)
Shrub*	3 gallon
Groundcover	4" containers

* The Landscape Administrator may approve smaller sized shrubs based on unusual growing circumstances and/or on a specific design which reflects the overall intent of this ordinance.

6.0 LANDSCAPE / IRRIGATION PLAN REQUIREMENTS

- 6.1 **QUALIFICATION TO PREPARE PLANS:** For all lots greater than 30,000 square feet, Landscape Plans shall be prepared by a Registered Landscape Architect. For lots less than 30,000 square feet, a Landscape Designer or Landscape Contractor, knowledgeable in plant materials and landscape design may also prepare the landscape plan. Irrigation plans shall be prepared by a Licensed Irrigator or Landscape Architect. The Landscape Administrator may reject plans if deemed of insufficient quality or completeness and require that plans be prepared by a Registered Landscape Architect or other qualified professional.
- 6.2 **LANDSCAPE PLAN REQUIREMENTS:** The following items shall be provided on the required landscape plan.
- a. Sheet size 24" x 36", or as approved.
 - b. Acceptable scale: 1" = 10', 1" = 20', or as approved.
 - c. North arrow, graphic and written scale in close proximity.
 - d. Appropriate title (i.e. "Landscape Plan")
 - e. Title block includes street address, lot and block, subdivision name, city, state, date of preparation.
 - f. Name and address of owner.
 - g. Name, address and phone of firm preparing plan.
 - h. Boundary shown with dimensions.
 - i. Any existing easements and utilities shown. (i.e. water, sewer, storm drain, gas, electric, cable, etc.)
 - j. Width and type of bufferyards labeled on all sides.
 - k. Location, caliper size and name of all existing trees 6" caliper or more which are to be preserved.
 - l. Location, quantity, size and name of all proposed plant materials.
 - m. Maintenance note provided. (Section 10.1)
 - n. Provide standard Bufferyard and Interior Landscape Calculation Chart from Approved Site Plan.
 - o. Visibility triangles shown.
 - p. Landscape Architect seal signed and dated.
 - q. Plant list shown with format similar to Appendix 'C'.
 - r. Any berms delineated with one-foot (1') contour intervals.

6.3 IRRIGATION PLAN REQUIREMENTS: The following items shall be provided on the required irrigation plan.

- a. Sheet size 24" x 36", or as approved.
- b. Acceptable scale: 1" = 10', 1" = 20', or as approved. (Must be same as Landscape Plan)
- c. North arrow, graphic and written scale in close proximity.
- d. Appropriate title (i.e. "Irrigation Plan")
- e. Title block includes street address, lot and block, subdivision name, city, state, date of preparation.
- f. Name and address of owner.
- g. Name, address and phone of firm preparing plan.
- h. Boundary shown with dimensions.
- i. Location of all existing trees 6" caliper or larger which are to be saved.
- j. All pipes labeled as to size.
- k. All heads labeled as to type. (Legend is acceptable)
- l. Backflow prevention labeled with type and size.
- m. Connection to water service shown after meter.
- n. Second meter (with size) shown if intended.
- o. Any existing easements and utilities shown. (i.e. water, sewer, storm drain, gas, electric, cable, etc.)
- p. Note on plan: "All backflow installations and connections to city water lines must be permitted separately by the City inspection staff."
- q. Maintenance note provided. (Section 10.1)
- r. Plan sealed, signed and dated by qualified professional as authorized by State law.

7.0 OTHER RELATED REQUIREMENTS

7.1 SCREENING: All the requirements of the Screening section of the Zoning Ordinance (Ord. 480 as amended, Section 39) shall be met and shown on the required landscape plan.

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7.2 OUTSIDE STORAGE: All the requirements of the Outside Storage section of the Zoning Ordinance (Ord. 480 as amended, Section 38) shall be met and shown on the required landscape plan.

7.3 BUFFERYARDS: All plant material required by the bufferyard section of the Zoning Ordinance (Ord. 480 as amended, Section 42) shall be shown on the required Landscape Plan.

8.0 IMPROVEMENTS IN PUBLIC R.O.W. / EASEMENTS

8.1 GENERAL: A developer shall be required to provide grass and irrigation in all unpaved areas of the public R.O.W.. A maximum of ten percent (10%) of the required interior plant material may be placed within the R.O.W. parkway. Should the applicant elect to provide plantings in the public R.O.W., no plant material other than lawn grass and ground cover may be placed closer than 8' from the ultimate cross-section back-of-curb.

- 8.2 **REPLACEMENT RESPONSIBILITIES:** The City shall endeavor to require replacement of all landscape/irrigation improvements as a part of contracts to install public utilities within public R.O.W. and/or public easements. The City and owner shall not be responsible for replacing these improvements. In the event the City anticipates utility improvements conflicting with intended landscape/irrigation improvements, the City may require that the applicant wait to install said improvements until after the public improvements have been installed or under certain circumstances, the City may prohibit landscape improvements within the R.O.W.

9.0 REVIEW PROCEDURES

- 9.1 **SUBMITTAL REQUIREMENTS:** The Landscape Administrator shall establish administrative procedures necessary to facilitate the implementation and enforcement of this ordinance.
- a. **Application Checklist:** All submittals shall be accompanied by an application form and completed checklist. Landscape Plans shall be accompanied by the required Landscape Summary (Appendix 'B').
 - b. **Fees:** All submittals shall be accompanied by a check payable to the City in the amount specified by City Council.
- 9.2 **AUTHORITY FOR REVIEW:** The Landscape Administrator shall be responsible for the review of all plans submitted in accordance with the requirements of this ordinance.
- 9.3 **REVIEW PROCESS:** The Landscape Administrator shall review the required submittals and provide the applicant with a written summary of the review. It shall be the applicant's responsibility to revise the submittals as necessary to obtain approval.

10.0 MAINTENANCE

- 10.1 **GENERAL:** The Owner shall be responsible for the continued maintenance in perpetuity of all landscaping and irrigation. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding, keeping beds mulched in accordance with standard horticultural practices or as recommended by the Landscape Administrator 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 materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. All irrigation heads or lines which are broken and flow water shall be replaced/repared immediately to prevent the waste of water.
- 10.2 **PLANT MATERIAL REPLACEMENT:** The Owner shall be responsible for replacing all required plant material which shows dead branching over 75% or more of the normal branching pattern during the time of a normal growing season and repair of irrigation system requirements set herein in perpetuity. Plant materials which die shall be replaced with plant material of similar variety and similar initial size. Upon notification by the City of such replacements, the Owner shall have thirty (30) days to comply with these requirements.
- a. **Deferral of Landscape Replacement:** The Landscape Administrator may approve

a deferral of required plant replacement in accordance with Section 11.3 herein.

10.3 PLAN REQUIREMENTS: Paragraph 10.1 above shall be shown on the Landscape Plan and the Irrigation Plan.

11.0 ENFORCEMENT

11.1 BUILDING PERMIT: No building permits for building, paving, grading or construction shall be issued until a Landscape Plan meeting the requirements of this ordinance has been approved by the Landscape Administrator. Under certain conditions such as a "Fast Track" building process for large developments, the developer and the Landscape Administrator may negotiate the submittal of a Landscape Plan at some time after the issuance of the original building permit.

11.2 CERTIFICATE OF OCCUPANCY: All plantings, screening, berms or other requirements of this ordinance shall be installed prior to the issuance of a Certificate of Occupancy (C.O.). Any sod intended must be installed, hydromulch areas must be sprayed. Turf establishment is not required prior to issuance of a C.O.

a. Temporary Certificate of Occupancy: In any case in which a Temporary Certificate of Occupancy (T.C.O.) is issued because of a delay of the required landscape installation, it shall be in accordance with Section 11.3 herein.

11.3 DEFERRAL OF REQUIRED LANDSCAPE INSTALLATION: In any case in which a C.O. is sought or plant replacement is required at a season of the year in which the Landscape Administrator determines that it would be impractical to install plantings as required herein, a Temporary Certificate of Occupancy (T.C.O.) or a deferral of the required plant replacement may be given for a period not to exceed six (6) months. The applicant shall be required to provide a letter of credit, or escrow deposit in an amount sufficient to cover the installation of the landscape and irrigation requirements herein, plus a 10% contingency. Such amount shall be evidenced by an itemized bid prepared by a qualified contractor. Upon the failure of the applicant to complete the installation requirements, the City shall have the right to draw upon the letter of credit or escrow deposit to complete the installation of the requirements herein. Any funds in excess of those required to complete the installation shall be retained by the City to offset administrative costs.

12.0 MODIFICATIONS, VARIANCES AND APPEALS

12.1 MODIFICATIONS: Whenever there are practical difficulties involved in complying with the provisions of this ordinance, the Landscape Administrator may grant modifications in individual cases provided he shall first find that a special individual reason makes strict compliance with this ordinance impractical; that the modification is in conformity with the intent and purpose of this ordinance; and that the proposed modification is at least the equivalent of the requirements prescribed by this ordinance. Such modification may only be made upon written application filed with the Landscape Administrator and the details of any action granting a modification shall be recorded and entered into the files of the City.

12.2 VARIANCES AND APPEALS: Any applicant who desires a variance or elimination of the requirements herein, or who desires to appeal a decision by the Landscape Administrator, shall file a written appeal with the City Manager for consideration by the

City Council. Such appeal shall be accompanied by adequate graphic reproductions, a written summary of the request, and justification for such request. The City Council shall have the authority to grant an interpretation or variance to the requirements of this ordinance. In granting any variance, the City Council shall determine that a literal enforcement of the regulations herein will create an unnecessary hardship or a practical difficulty on the applicant, that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed, that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties, and that the granting of the variance will be in harmony with the spirit and purpose of this ordinance. The decision of the City Council shall be final.

13.0 VIOLATIONS

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed Five Hundred Dollars and No Cents (\$500.00) for all violations. Each day that a violation is permitted to exist shall constitute a separate offense.

14.0 SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

15.0 CONFLICTING ORDINANCES

This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the city; and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

16.0 SAVINGS CLAUSE

All rights and remedies of the City of Southlake are expressly saved as to any and all violations of the provisions of any ordinances affecting the regulations for installation of landscaping improvements which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

17.0 PUBLICATIONS CLAUSE

The City Secretary of the City of Southlake is hereby directed to publish the proposed ordinance or its caption and penalty together with a notice setting out the time and place for a public hearing thereon at least ten (10) days before the second reading of this ordinance, and if this

ordinance provides for the imposition of any penalty, fine or forfeiture for any violation of any of its provisions, then the City Secretary shall additionally publish this ordinance in the official City newspaper one time within ten days after passage of this ordinance, as required by section 3.13 of the Charter of the City of Southlake.

18.0 EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

19.0 APPENDICES

It is anticipated that the following appendices will be changed periodically by the Landscape Administrator in response to changes in the administration of this ordinance.

PASSED AND APPROVED ON THE FIRST READING ON THIS TWENTIETH DAY OF APRIL, 1999.

ATTEST:

MAYOR

CITY SECRETARY

PASSED AND APPROVED ON SECOND READING ON THIS FIFTEENTH DAY OF JUNE, 1999.

ATTEST:

MAYOR

CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

Date Adopted: _____

Effective Date: _____

APPENDIX 'A' - Recommended Plants

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Canopy Trees		
Common Name	Botanical Name	Height & Width
Bur Oak	<i>Quercus macrocarpa</i>	60' x 40'
Live Oak	<i>Quercus virginiana</i>	40' x 50'
Shumard Oak	<i>Quercus shumardii</i>	50' x 50'
Texas Red Oak	<i>Quercus texana</i>	30' x 30'
Chinkapin Oak	<i>Quercus muehlenbergii</i>	60' x 40'
Sawtooth Oak	<i>Quercus accutissima</i>	50' x 40'
Cedar Elm	<i>Ulms crassifolia</i>	60' x 50'
Lacebark Elm	<i>Ulmus parvifolia</i>	50' x 40'
Pecan	<i>Carya illinoensis</i>	80' x 80'
Bald Cypress	<i>Taxodium distichum</i>	70' x 40'
Dawn Redwood	<i>Metasequoia glyptostroboides</i>	70' x 40'
Western Soapberry	<i>Sapindus drummondii</i>	40' x 30'
Chinese Pistache	<i>Pistacia chinensis</i>	40' x 40'
Sweet Gum	<i>Liquidambar styraciflua</i>	60' x 40'
Southern Magnolia	<i>Magnolia grandiflora</i>	50' x 30'
Texas Ash	<i>Fraxinis texensis</i>	50' x 40'
White Ash	<i>Fraxinis americana</i>	50' x 40'
Accent Trees		
Common Name	Botanical Name	Height & Width
Eastern Red Cedar	<i>Juniperus virginiana</i>	30' x 20'
Canaert Juniper	<i>Juniperus canaert</i>	30' x 20'
Austrian Pine	<i>Pinus nigra</i>	30' x 30'
Eldarica Pine	<i>Pinus eldarica</i>	30' x 20'
Japanese Black Pine	<i>Pinus thunbergii</i>	25' x 20'
Ponderosa Pine	<i>Pinus ponderosa</i>	50' x 20'
Slash Pine	<i>Pinus elliotii</i>	60' x 20'
Possumhaw Holly	<i>Ilex decudua</i>	15' x 15'
Yaupon Holly	<i>Ilex vomitoria</i>	15' x 15'
Savannah Holly	<i>Ilex opaca 'Savannah'</i>	25' x 10'
Aristocrat Pear	<i>Pyrus calleryana 'Aristocrat'</i>	30' x 20'
Shantung Maple	<i>Acer truncatum</i>	40' x 20'
Mexican Plum	<i>Prunus mexicana</i>	25' x 25'
Cherry Laurel	<i>Prunus caroliniana</i>	25' x 15'
Vitex	<i>Vitex agnus-castus</i>	15' x 20'
Red Bud	<i>Cercis canadensis</i>	25' x 25'
Southern Wax Myrtle	<i>Myrica cerifera</i>	15' x 10'
Goldenrain Tree	<i>Koelreuteria paniculata</i>	30' x 30'
Rusty Blackhaw Viburnum	<i>Viburnum rufidulum</i>	15' x 15'
Crape Myrtle	<i>Lagerstroemia indica</i>	25' x 15'
Eve's Necklace	<i>Sophora affinis</i>	30' x 20'
Mexican Buckeye	<i>Ungnadia speciosa</i>	15' x 15'
Desert Willow	<i>Chilopsis linearis</i>	20' x 15'
Ornamental Pomegranate	<i>Punica granatum</i>	10' x 10'

APPENDIX 'A' - Recommended Plants

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Shrubs		
Common Name	Botanical Name	Height & Width
Dwarf Burford Holly	<i>Ilex burfordii 'nana'</i>	5' x 5'
Dwarf Chinese Holly	<i>Ilex cornuta 'Rotunda'</i>	3' x 3'
Nellie R. Stevens Holly	<i>Ilex x 'Nellie R. Stevens'</i>	12' x 10'
Foster Holly	<i>Ilex x attenuata 'Foster'</i>	10' x 10'
Dwarf Yaupon	<i>Ilex vomitoria 'Nana'</i>	3' x 3'
Spiraea	<i>Spiraea spp.</i>	6' x 7'
Eleagnus	<i>Eleagnus ebbengii</i>	6' x 6'
Glossy Abelia	<i>Abelia grandiflora</i>	6' x 8'
Sea Green Juniper	<i>Juniperus chinensis 'Sea Green'</i>	Varies
Tam Juniper	<i>Juniperus sabina 'Tamariscifolia'</i>	3' x 6'
Texas Sage	<i>Leucophyllum frutescens</i>	5' x 5'
Red Barberry	<i>Berberis thunbergii</i>	4' x 4'
Red Yucca	<i>Hesperaloe parvifolia</i>	3' x 5'
Dwarf Wax Myrtle	<i>Myrica pusilla</i>	4' x 4'
Dwarf Crape Myrtle	<i>Lagerstroemia indica</i>	6' x 6'
Variegated Privet	<i>Ligustrum sinense 'Variegata'</i>	6' x 8'
Hypericum	<i>Hypericum henryii</i>	3' x 3'
Nandina	<i>Nandina (cultivars)</i>	Varies
Hibiscus	<i>Hibiscus rosa-sinensis (cultivars)</i>	Varies
Indian Hawthorn	<i>Rhaphiolepis indica</i>	Varies
Cleyera	<i>Ternstroemia gymnanthera</i>	6' x 6'
Groundcovers		
Common Name	Botanical Name	Characteristics
Creeping Juniper	<i>Juniperus horizontalis (cultivars)</i>	Low spreading
Japanese Garden Juniper	<i>Juniperus procumbens (cultivars)</i>	Low spreading
Lantana	<i>Lantana spp.</i>	Blooms spring to 1 st frost
Fountaingrass	<i>Pennisetum spp. (cultivars)</i>	Green & purple cultivars
Miscanthus Grass	<i>Miscanthus spp. (cultivars)</i>	Different sized cultivars
Asiatic Jasmine	<i>Trachelospermum asiaticum</i>	Sun & shade tolerant
Winter Creeper	<i>Euonymus fortunei</i>	Sun & shade tolerant
Cast Iron Plant	<i>Aspidistra elatior</i>	Shade tolerant
Liriope	<i>Liriope muscari (cultivars)</i>	Different sized cultivars
Mondo Grass	<i>Ophiopogon japonicum (cultivars)</i>	Shade tolerant
Periwinkle	<i>Vinca major & minor</i>	Shade tolerant
Virginia Creeper	<i>Parthenocissus quinquefolia</i>	Shade tolerant
Turk's Cap	<i>Malvastrum arboreus</i>	Sun & shade tolerant
Coralberry	<i>Symphoricarpos orbiculatus</i>	Shade tolerant
Seasonal Color		
Perennials and Annuals as needed to maintain seasonal color		

APPENDIX 'B'
REQUIRED LANDSCAPE SUMMARY

SUMMARY CHART - BUFFERYARDS							
<u>Location/ Length of Base Line</u>	<u>Required/P rovided</u>	<u>Length</u>	<u>Bufferyard Width / Type</u>	<u>Canopy Trees</u>	<u>Accent Trees</u>	<u>Shrubs</u>	<u>Fence/Screening Height & Material</u>
North -	Required						
	Provided						
East -	Required						
	Provided						
South -	Required						
	Provided						
West -	Required						
	Provided						
*Note any credits used in calculations:							
a.							
Other Comments:							
1.							
2.							
3.							

SUMMARY CHART - INTERIOR LANDSCAPE						
	<u>Landscape Area</u>	<u>% of Area in Front or Side</u>	<u>Canopy Trees</u>	<u>Accent Trees</u>	<u>Shrubs</u>	<u>Ground Cover (Sq. Ft.)</u>
Required:						
Provided:						
*Note any credits used in calculations:						
a.						
Other Comments:						
1.						

*** EXISTING TREE CREDIT SUMMARY**

Applied To
Canopy Trees Understory Trees

_____ Trees @ 6" - 12" DBH _____ _____

_____ Trees @ Greater than 12" DBH _____ _____

APPENDIX 'C' – TYPICAL PLANT MATERIAL LIST

QNTY	SYM	COMMON NAME	BOTANICAL NAME	SIZE	HT	NOTES
<u>CANOPY TREES</u>						
??	CE	Cedar Elm	<i>Ulmus crassifolia</i>	4" cal.		Single trunk
??	BO	Bur Oak	<i>Quercus macrocarpa</i>	4" cal.		Single trunk
??	LB	Lace Bark Elm	<i>Ulmus parvifolia</i>	4" cal.		Single trunk
??	ST	Sawtooth Oak	<i>Quercus accutissima</i>	2" cal.		Single trunk
??	BC	Bald Cypress	<i>Taxodium distichum</i>	2" cal.		Single trunk
<u>ACCENT TREES</u>						
??	AP	Austrian Pine	<i>Pinus nigra</i>	30 gal.	6'-8'	Full branch pattern
??	ST	Shantung Maple	<i>Acer truncatum</i>	30 gal.	8'-10'	
??	VT	Vitex	<i>Vitex agnus-castus</i>	B&B	6'-8'	
??	SH	Savannah Holly	<i>Ilex opeca</i>	15 gal.	8'-10'	
??	DH	Possumhaw Holly	<i>Ilex decidua</i>	B&B	6'-8'	
<u>SHRUBS</u>						
??	EL	Eleagnus	<i>Eleagnus ebbengii</i>	3 gal.		Plant 30" on center
??	NH	Nellie R. Stevens Holly	<i>Ilex x 'Nellie R. Stevens'</i>	5 gal.		Plant 5' on center
??	TS	Texas Sage	<i>Leucophyllum frutescens</i>	5 gal.		Plant 3' on center
??	RY	Red Yucca	<i>Hesperaloe parvifolia</i>	5 gal.		As shown
??	TJ	Tam Juniper	<i>Juniperus sabina 'Tamariscifolia'</i>	3 gal.		Plant 3' on center
<u>GROUNDCOVERS</u>						
??	CJ	Creeping Juniper	<i>Juniperus horizontalis</i>	3 gal.		Plant 24" on center
??	MH	Maidenhair Grass	<i>Miscanthus spp.</i>	3 gal.		Plant 3' on center
??	WC	Winter Creeper	<i>Euonymus fortunei</i>	4" pot		Plant 12" on center
??	VC	Virginia Creeper	<i>Parthenocissus quinquefolia</i>	1 gal.		3' O.C. under existing Post Oak

SEASONAL COLOR

Perennials and Annuals per occupants specifications as needed to maintain seasonal color.