

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES, APPENDIX A – ZONING, BY REMOVING ARTICLE XXI (LANDSCAPE REGULATIONS) IN ITS ENTIRETY FROM APPENDIX A AND ADOPTING A NEW ARTICLE VI (LANDSCAPE REGULATIONS) OF CHAPTER 34 (ENVIRONMENT) OF THE CODE OF ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the “City”) is a home rule municipality having full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution and its Home Rule Charter; and

WHEREAS, landscape regulations for the City are currently located within Appendix A (Zoning) to the Code of Ordinances; and

WHEREAS, the City Council of the Town of Addison, Texas has investigated and determined that is in the best interest of the City to remove the landscape regulations from Appendix A (Zoning) and adopt a new Article VI (Landscape Regulations) within Chapter 34 (Environment) to the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS THAT:

Section 1. The Code of Ordinances (the “Code”) of the Town of Addison, Texas Appendix A (Zoning), Article XXI (Landscaping Regulations) is hereby removed from Appendix A (Zoning) and a new Article VI (Landscape Regulations) is adopted to Chapter 34 (Environment) and shall read in its entirety as follows:

LANDSCAPING REGULATIONS

Section 1. - Purpose.

(A) The purpose of this article is to provide landscape elements which:

- Conserve water;
- Aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge, and (storm water) runoff retardation, while at the same time aiding in noise, glare and heat abatement;
- Assist in providing adequate light and air and preventing overcrowding of land;

- Be an integral part of development, not an afterthought;
- Provide visual buffering and enhance the beautification of the town;
- Safeguard and enhance property values and to protect public and private investments;
- Preserve and protect the unique identity and environment of the Town of Addison and preserve the economic base attracted to the Town of Addison by such factors;
- Conserve energy;
- Protect the public;
- Provide wildlife habitat.

The Town of Addison encourages sustainable landscaping. Sustainable landscapes are managed by using practices that preserve limited and costly natural resources, reduce waste generation, and help prevent air, water, and soil pollution. The goal is to minimize environmental impacts and maximize value received from dollars expended.

(B) The following shall be used to evaluate proposed landscape plans:

- (1) The landscape design should have proportion, balance, unity, variety of species, and a variety of color through the seasons.
- (2) Landscape designs should define spaces including entrance areas, pedestrian paths, vehicular avenues, parking areas, sitting areas, etc.
- (3) As an architectural feature, landscape designs should visually soften the mass of the buildings, parking areas, and other structures.
- (4) Native landscape materials should be selected as much as is possible.
- (5) Landscaping should reduce the reliance on irrigation, thus conserving the public water supply, and reduce the reliance on inorganic fertilizer and pesticides; thus reducing the amounts carried off by runoff to lakes and streams.

(Ord. No. 008-006, § 2(1), 3-25-08)

Section 2. - Definitions.

Berm. An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Crown/canopy. The upper portion of a tree or shrub from the lowest branch on the trunk of the tree to the highest or widest extending branch at the top or sides of the tree including all the leaves and branches of the tree or shrub.

ET: Evapotranspiration. Loss of water from the soil both by evaporation and by transpiration from the plants growing thereon.

ET based controller. An irrigation controller that automatically makes adjustments of run times, based on local weather data. The ET based controller adjusts automatically to apply only the amount of water that is necessary to replace what has been lost.

Landscape buffer. A combination of physical space and vertical elements such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

Landscaped open area or landscaped area. Any combination of living plants (such as grass, ground cover, shrubs, vines, mulch, hedges, or trees)

Microirrigation. A low pressure, low volume irrigation system that applies water only to the plant's root zone, saving water as a result of application efficiency and distribution uniformity. Drip and micro spray irrigation are examples of microirrigation.

Non-permeable. Any surface lacking the ability for air and water to pass through to the root zone of plants.

Ornamental tree. A deciduous or evergreen tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

Screen. A method of reducing the impact of noise and unsightly visual intrusions with less offense or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

Shade tree. Sometimes evergreen, usually deciduous tree planted for its high crown of foliage or overhead canopy; a large woody perennial having one or more self-supporting stems and numerous branches reaching a mature height of at least 25 feet and a mature spread of at least 20 feet.

Tree. A plant listed as a tree in the most current edition of any of the following:

- (1) Forest Trees of Texas, by the Texas Forest Service of the Texas AM University system;
- (2) Hortus Third;
- (3) The Audubon Society's Field Guide to North American Trees or;
- (4) The list of trees provided in the Town of Addison Landscape Regulations.

Shrub. A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than ten feet in height at maturity.

Visibility triangle. That area within the curb lines of two intersecting such curb lines at points 35 feet back from their intersection.

(Ord. No. 008-006, § 2(2), 3-25-08)

Section 3. - Applicability.

- (A) Except as otherwise provided below, these landscaping regulations shall apply to all land located in the Town of Addison. These landscaping requirements shall become applicable to each individual lot at such time a site plan is submitted for planning and zoning commission review or an application for a building permit on such lot is made.
- (B) The landscape maintenance requirements in section 10 of this article shall apply to all applications for building permits.

- (C) The tree replacement and protection requirements in section 8 of this article shall apply to all land located within the Town of Addison from the effective date of this ordinance forward regardless of the development status of the land.
- (D) The maintenance requirements in section 9 of this article shall apply to all applications for building permits.
- (E) Except as set forth in subsection (D) of section 8 (Tree Replacement and Protection) and subsection (B) of section 10 (Landscape Maintenance), this article does not apply to property containing only single-family and/or duplex uses where only one such structure is constructed.

(F) This article applies to the following:

Apartment dwelling district,

Local retail district,

Planned development district; Planned development, townhouse condominium district; and Planned development, condominium conversions (provided, however, that where any such district includes or provides landscaping regulations specific to the district, in the event of a conflict between the landscaping regulations specific to the district and the landscaping regulations set forth in this article, the landscaping regulations specific to the district shall control).

MXR-mixed use residential district,

UC-urban center district,

Commercial-1 district,

Commercial-2 district,

Industrial-1 district,

Industrial-2 district,

Industrial-3 district,

Special Use permits.

- Applications for building permits or for certificates of occupancy for buildings previously unoccupied for a period of six consecutive months.
- Applications for building permits for construction work that:

- (1) Increases the number of stories in a building on the lot; or
- (2) Increases by more than ten percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot; or
- (3) Increases the non-permeable lot coverage by more than 2,000 square feet; or
- (4) Building permit applications for exterior remodeling with a value equal to or greater than \$10,000.00 exclusive of maintenance and repair.

- (G) When the ordinance becomes applicable to a lot, its requirements are binding on all current and subsequent owners of the lot.
- (H) The town 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 amending a special use permit. All landscaping requirements imposed by the town council shall be reflected in landscape and irrigation plans that comply in form and content with the requirements of section 4.
- (I) The Board of Zoning Adjustments 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 town and its citizens in accomplishing the objectives and purposes of this article. The applicant, to be considered for special exception, must submit a justification statement that describes which of the requirements set forth in this article will be met with modifications, which project conditions justify using alternatives, and how the proposed measures equal or exceed normal compliance.

(Ord. No. 008-006, § 2(3), 3-25-08)

Section 4. - Required landscape documents.

- (A) Prior to site plan review by the Planning and Zoning Commission for zoning amendments or building permit applications where these landscaping requirements are applicable, landscape plans must be submitted to the director of parks. The plans shall have a scale of one inch equals 30 feet or larger and be on a standard drawing sheet of a size no smaller than 24 inches by 36 inches, 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 shall be drawn with appropriate match lines on two or more sheets. Irrigation plans shall be submitted when the building permit application is made.

Landscape plan:

- (A) Landscape and irrigation plans required under this article shall contain the following information:
 - (1) Date, scale, north arrow, 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, height, and material of proposed screening and fencing (with berm to be delineated by one-foot contours).
 - (4) Complete description of plant materials shown on the plan, including names (common and botanical name), locations, quantities, container or caliper sizes, heights, spread, and spacing. The location, size and species of all existing trees on the lot must be specifically indicated.
 - (5) 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 compared to gross site square feet. The town right-of-way shall be included as part of the gross site landscaping.

- (6) Size, height, location, and material of proposed seating, lighting, planters, sculptures, decorative paving, and water features.
- (7) Cross section drawing of berms and grading plan showing berm contours.
- (8) Landscape plans shall contain the seal of a landscape architect licensed in the State of Texas that such plans have been reviewed by such architect and satisfy all requirements of these landscape regulations.

Irrigation plan:

(A) Irrigation plans required under this article shall contain the following information:

- (1) Location of sprinkler heads, valves, double-check valve, water meter, automatic ET based controller with rain and freeze sensors.
- (2) All plant material (including street trees and planting within the public right-of-way) shall be watered with an automatic irrigation system including an ET based controller.
- (3) Irrigation sprinkler layouts shall be designed to minimize the amount of spray that will fall on sidewalks, neighboring properties, and adjacent buildings. Backflow prevention devices shall be placed per the Town of Addison Public Works Department's standards.
- (4) The town encourages the use of water-conserving system design and materials including the use of microirrigation and native plants.
- (5) Install separate valves for turf and non-turf areas to accommodate different water use requirements within the landscaped area.
- (6) Irrigation controllers shall be set to water between midnight and 6:00 a.m. This shall not apply to watering of newly planted turf or landscaping.
- (7) Irrigation plans shall contain the certification and seal of an irrigator licensed by the Texas Commission on Environmental Quality that such plans were prepared by such irrigator and satisfy all requirements of these landscape regulations.

(Ord. No. 008-006, § 2(4), 3-25-08)

Section 5. - Plant material substitutions.

Due to seasonal planting problems and a lack of plant availability, approved landscape plans may require minor revisions. Planting plans shall be accepted if there is no reduction in the quality of plant material or no significant change in size or location of plant materials, and if the new plants are of the same general category (i.e., shade, ornamental, or evergreen trees) and have the same general design characteristics (mature height, crown spread) as the materials being replaced. Proposed materials must also be compatible with the area to ensure healthy plant growth. If these criteria are not fulfilled, changes to approved plans must be resubmitted and reviewed anew.

(Ord. No. 008-006, § 2(5), 3-25-08)

Section 6. - Landscape and irrigation plan submittal.

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The director of parks and recreation shall review each landscape and irrigation plan submitted to determine whether or not it complies with the requirements of this article. All landscape plans must comply with the provisions of the Landscape Design Standards in section 7.

(Ord. No. 008-006, § 2(6), 3-25-08)

Section 7. - Landscape design standards.

At least 20 percent of the gross site or lot shall be maintained as landscaped area in the following districts:

- Apartment dwelling district;
- Mixed-use residential;
- Local retail district;
- Planned development districts;
- Commercial-1 district;
- Commercial-2 district
- Special use permits.

At least ten percent of the gross site or lot shall be maintained as landscaped area in the following districts:

- Industrial-1 district;
- Industrial-2 district;
- Industrial-3 district.

At least ten percent of the gross site or lot shall be maintained as landscaped area in the following districts:

- Industrial 1 district;
- Industrial 2 district;
- Industrial 3 district.

(A) *Street landscape buffer*: in all districts, a 20-foot wide landscape buffer strip shall be provided along the entire length of the portion of the perimeter of the lot where a public or private street exists, exclusive of driveways and access ways to points of ingress and egress to and from the lot. The property owner shall be responsible for landscaping, irrigation, and maintenance of any right-of-way area between the property line and the curb line.

- (1) Town right-of-way shall be included in the 20-foot wide buffer and shall reduce the amount of required landscaping area of the lot by that amount (square foot for square foot).
- (2) The minimum requirement for street landscape buffers shall be one four-inch caliper shade tree for each 30 linear feet of frontage and evergreen shrubs planted three to three and one half feet on center depending on the species selected. Plant material

planted in the street landscape buffer strip can be massed together to create visual interest at key entry points or focal points.

- (3) All required screening, parking perimeter, and interior parking landscaping shall be included in the overall 20 percent of gross site landscaping. This shall include front, side and rear landscaping abutting the building foundation.
 - (4) No tree may be planted closer than 36 inches to the paved portion of any parking surfaces.
- (B) *Off-street loading spaces*: all off-street loading spaces on a site shall be screened from all public and private streets adjacent to that site.
- (1) All screening shall 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 one or combination of the following, subject to approval by the parks director:
 - a. Evergreen shrubs planted three feet on center, in a single row; or
 - b. Evergreen trees planted six feet on center, unless the director of parks and recreation approves an alternative planting density as being capable of providing a solid appearance within one year; or
 - c. A fence, wall or berm. Fences and walls shall not consist of corrugated metal, corrugated fiberglass, sheet metal, chain link or wire mesh or any material that in the planning and zoning commission's opinion is an unsightly material.
 - (2) When screening for off-street loading spaces is provided by earthen berm or evergreen plant materials, the following regulations apply:
 - a. An earthen berm shall be planted with turf grass or ground cover recommended for local area use by the director of parks and recreation. The slope of the berm shall not exceed 33 percent for lawn areas and shall have a minimum crown width of three feet.
 - b. Evergreen plant materials shall be recommended for local area use by the director of parks and recreation. In addition, the plant materials:
 - (1) Shall be located in a bed that is at least three feet wide; and
 - (2) Shall be placed a maximum of 36 inches on center in a single row over the entire length of the bed, unless the director of parks and recreation approves an alternative planting density as being capable of providing a solid appearance within one year; and
 - (3) Shall provide a six foot high visual barrier of the required height within one year of their initial planting.
- (C) *Visibility triangles*: The design and placement of the landscaping materials shall be at the discretion of the owner or landscape architect; however, the landscaping shall not obstruct the view between access drives and dedicated streets, parking aisles, or access drives of parking lots. Nothing at an elevation greater than the top of curb plus two feet allowed in the visibility triangle area except single trunk trees pruned to a height of six feet. Trees shall be of such size and so spaced that a visual obstruction that represents a traffic hazard is not created.

- (1) The use of plant material in a sight triangle is intended to provide aesthetic appeal while not unduly limiting or restricting visibility, whether as a pedestrian or a passenger in a vehicle. Plants shall not reduce or limit visibility to such an extent that a safety hazard is presented. Plants normally considered as effective screens shall be unacceptable for use in the visibility triangle.
 - (2) Trees used in the visibility triangle shall have a minimum branching clearance of six feet from the ground to the first branch.
 - (3) All shrubs or ground covers used in the visibility triangle shall be a maximum of 18 inches. No large or medium shrubs shall be acceptable for use in the visibility triangle because of height. Low shrubs shall be acceptable only if they do not exceed the 18-inch height limit.
- (D) *Parking lot screening screening:* must be provided for all surface parking lots on the site from all adjacent streets. The screening must extend along the entire street frontage of the surface parking lot, exclusive of driveways and access ways at points of ingress and egress to and from the site, and visibility triangles.
- (1) The surface parking lot screening must be at least three and one half feet higher than the finished elevation of the adjacent parking lot. The screening may be provided by using one of the following, unless the director of parks and recreation approves an alternative screening plan capable of providing a solid appearance:
 - a. Evergreen shrubs planted three feet on center in a single row in a bed at least 42 inches wide;
 - b. A berm at least three and one half feet high with a slope not to exceed 33 percent. The minimum crown width must be three feet. Berms must be covered in live vegetation.
 - c. A fence or wall constructed of materials compatible with the principle building. One-third of any fence or wall must be screened with acceptable plant material, as approved by the director of parks and recreation.
- (E) *Parking lot landscaping; perimeter:*
- (1) The perimeter parking lot landscape strip shall be at least five feet wide for sites larger than 10,000 square feet or at least three feet wide if the site is smaller than 10,000 square feet.
 - (2) The minimum requirement for perimeter landscaping five feet wide and greater shall be one four inch caliper shade tree for each 35 linear feet of perimeter and one shrub planted three to three and one half feet on center. The minimum requirement for perimeter landscaping less than five feet wide shall be one shrub planted three to three and a half feet on center.
 - (3) Required perimeter landscaping between adjacent parking lots does not preclude the need to provide vehicular access between lots.
- (F) *Parking lot landscaping; interior area:*

- (1) The required percentage of interior parking lot landscaping shall be determined based on the following sliding scale:

Total Parking Area	Interior Planting Area
7,000—49,999 sq. ft.	5 percent
50,000—149,000 sq. ft.	8 percent
150,000 sq. ft. and larger	10 percent

- (2) To calculate the total parking area and the subsequent percentage of required interior lot planting, total the square footage of all areas within the lot's perimeter including:
- Planting islands.
 - Curbed areas.
 - Corner lots.
 - Parking spaces.
 - And all interior driveways and aisles except those with no parking spaces located on either side.
- (3) Landscaped areas located outside the parking lot shall not be used to meet the interior planting requirement, however, building front, side or rear landscaping abutting the building foundation can be credited toward the interior planting requirement.
- (4) Curbs or wheel stops must be provided to prevent cars from parking too close to trees or damaging shrubs and screens.
- (5) All planting islands located parallel to and between parking spaces must be at least nine feet wide to prevent cars from damaging trees and shrubs.
- (6) Large shade trees must be provided in each parking lot at a minimum average density of one shade tree for each ten required parking spaces on the lot. In cases where the required number of parking spaces reduces the amount of available planting space for parking lot trees, alternative planting locations for the required quantity of these trees shall be located elsewhere on the site.
- (7) No required parking space may be located further than 50 feet from the trunk of a shade tree, or farther than 75 feet from two or more shade trees.
- (G) *Ornamental and evergreen trees:* Bradford pears or other pear cultivars, shall not receive credit toward the tree planting requirements; however, this shall not preclude their use as flowering accent trees.
- (H) *Overhead power lines:* Ornamental trees shall be substituted for shade trees in cases where maturing shade trees would otherwise interfere with overhead power lines. Shade trees shall not be planted closer than ten feet from either side of the outermost overhead power lines.
- (I) *General requirements:*
- (1) All required landscape open space shall be provided with adequate and inconspicuous automatic irrigation systems and shall be properly maintained.

- (2) All shrub beds shall be edged using steel, concrete, masonry, or pre-cast concrete edging and all plant materials mulched with a two-inch layer of shredded hardwood mulch. Plastic edging shall not be acceptable.
- (3) The parks department shall have the power to plant, preserve, spray, trim or remove any tree, shrub or plant on any parkway, alley or public ground belonging to the Town of Addison.
- (4) It shall be unlawful for any person, firm or corporation to cut or break any branch of any tree or shrub or injure in any way the bark of said tree or shrub growing on public property.

(J) *Landscape inspections:*

- (1) The installation of the approved landscape plan shall be inspected and approved by the parks department prior to issuance of a certificate of occupancy.

(Ord. No. 008-006, § 2(7), 3-25-08)

Section 8. - Tree replacement and protection.

- (A) The existing natural landscape character (especially native oaks, elms, and pecan trees) shall be preserved to the extent reasonable and feasible. In an area of the street frontage containing a stand of trees, the property owner shall use best good faith efforts to preserve such trees. In determining whether there is compliance with this subsection, the director of parks shall consider topographical constraints on design, drainage, access and egress, utilities, and other factors reasonable related to the health, safety and welfare of the public which necessitated disturbance of the existing natural landscape character; economic usefulness of the property without disturbance of its natural character; the nature and quality of the landscaping installed to replace it; and such other factors as may be relevant and proper. Indiscriminate clearing or stripping of the natural vegetation on a lot or other property is prohibited.

(B) *Replacement trees.*

- (1) Every property owner shall replace dead, removed, missing, improperly pruned, or damaged trees, by any act or omission, within 30 days after notification by the town, unless the existing season, climate, or calendar dictates postponement of the tree replacement beyond the said period of 30 days as agreed to by the town; in the event of such postponement, a property owner shall replace any such tree within the time period set forth in the notification form the town. This provision shall also apply to trees that have been severely damaged, or disfigured by improper pruning, including but not limited to lion-tailing or topping. In addition to this section, replacement tree size and configuration shall comply with the standards set forth in section 9 of this article.
- (2) Any tree that is removed, topped, severely damaged or that is disfigured by improper pruning methods without the prior written approval of the town's director of parks (as reflected in a tree permit issued pursuant to subsection (C) of this section) shall be replaced caliper inch for caliper inch as set forth in section 9 of this article. For example, if a 15-inch caliper tree is removed, it shall be replaced with a 15-inch caliper tree.

- (3) Acceptable types of replacement trees are designated in section 9, landscape standards and specifications.
- (4) If the physical limitations of the subject property are such that all of the replacement trees cannot be properly placed on the subject property, the property owner shall locate any extra trees, with the approval of the town of Addison, in the following locations: public rights-of-way, medians, or public park land. Such location of extra trees shall be performed at the direction of the town. The property owner may pay a one-time fee per site to the town in lieu of tree replacements, as approved by the town council.

(C) *Tree permit.*

No person shall remove or transplant a tree listed in section 9 (tree replacements and new plantings), subsection (B) without first obtaining from the town a tree permit approved by the director of parks or the director's designee. This section shall apply to four inches caliper shade trees or larger measured six inches from the soil surface, and two and one half to three inch caliper ornamental trees or larger measured six inches from the soil surface. Each utility company shall obtain a tree permit approved by the director of parks or the director's designee before trimming any tree. For purposes hereof, "person" means the owner, tenant, and/or subtenant of, and/or any entity or individual with any interest in, the land on which a tree is located, and/or any contractor or subcontractor of any of them.

- (1) A tree permit shall be obtained by a utility company before any trimming and/or removal of tree(s) by or for a utility company, except in the case of emergency repairs.
- (2) Application for tree permit: Tree permits shall be obtained by making application to the director of parks or the director's designee. An application must include the consent of the owner of the land on which a tree which is the subject of the application is located. The application must include a written document indicating the reasons for transplanting and/or removal (or trimming, in the case of a utility company) of a tree and a copy of a site plan or planting plan showing the tree(s) proposed for removal/transplanting (or trimmed, in the case of a utility company).
 - a. Review of application for tree permit. Upon receipt of a proper application for a tree permit, the director of parks or his/her designee shall review the application and may conduct field inspections of the site or development and/or refer the permit application to other departments for review and recommendations as deemed necessary and appropriate by the director. trees may not be removed or transplanted (or trimmed, in the case of a utility company) unless the director of parks or his/her designee approves the tree permit.
 - b. Any person(s) or entity causing the transplanting or removal of a tree without first obtaining an approved tree permit is in violation of these regulations.
 - c. Consideration for the approval of a tree removal permit shall be based upon the following guidelines:
 1. Whether the removal of the protected tree is permitted by this section;
 2. Whether or not a reasonable accommodation or alternative solution can be made to accomplish the desired activity without the removal of the protected tree;

3. The effect of the removal of the protected tree on erosion, soil moisture, retention, flow of surface waters and drainage systems;
4. The need for buffering of residential areas from the noise, glare, and the visual effects of nonresidential uses;
5. Whether the removal of the protected tree affects the public health, safety or welfare of the city; and
6. Whether the application demonstrates the attempt to preserve existing trees on the site.

An approved tree permit shall expire within six months of the date of the approval of the permit by the director of parks or the director's designee.

(D) Application to residential districts.

For property in any zoning district containing only single-family and/or duplex uses, the provisions of this section 8 apply only to trees listed in section 9 (tree replacements and new plantings), subsection (B) located within the right-of-way adjacent to a street where only one such structure is constructed.

(Ord. No. 008-006, § 2(8), 3-25-08; Ord. No. 009-007, § 1.A, 4-14-09)

Section 9. - Landscape standards and specifications.

(a) General standards.

- (1) The best professional practices of the American Society of Landscape Architects, the International Society of Arboriculture, the American Nursery and Landscape Association and Texas Nursery and Landscape Association regarding planting installation, trimming, pruning, and fertilization shall apply to the landscape standards and specifications included in this section 9.
- (2) Nursery standards shall be: American Standard for Nursery Stock, ANSI Z60.1-2004.
- (3) Pruning standards shall be: International Society of Arboriculture Pruning Guidelines ANSI A300- Pruning Guidelines.

(b) Tree replacements and new plantings. The following is a suggested list of trees for replacements and are suitable for new plantings. Other species may be acceptable for new plantings; however, their suitability for the proposed planting area shall be approved by the Addison Parks Department. Shade trees shall have a minimum caliper of four inches, ornamental trees shall have a minimum caliper of two and one half to three inches.

Shade Trees	
Oak, Burr	Quercus macrocarpa
Oak, Chinquapin	Quercus muhlenbergii
Oak, Live	Quercus virginiana
Oak, Red	Quercus shumardii
Pecan	Carya illinoensis

Ash, Texas	Fraxinus texensis
Bald Cypress	Taxodium distichum
Elm, Cedar	Ulmus crassifolia
Elm, Allee Lacebark	Ulmus parvifoia "Elmer II"
Elm, Bosque Lacebark	Ulmus parvifoia "UPMTFI"
Magnolia Southern	Magnolia grandiflora
Oak, Durand	Quercus sinuata var.sinuata
Pistachio, Chinese	Pistacia chinensis
Ornamental/Evergreen Trees	
American Smoke Tree	Cotinus obovatus
Buckeye, Mexican	Ungnadia speciosa
Carolina Buckthor	Rhamnus caroliniana
Desert Willow	Chilopsis linearis
Crape Myrtle	Lagerstroemia indica
Dogwood (Roughleaf)	Cornus drummondii
Eastern Red Cedar	Juniperus virginiana
Eve's Necklace	Sophora affinis
Goldenball Lead Tree	Leucaena retusa
Goldenrain Tree	Koelreuteria paniculata
Hawthorn Washington	Crataegus phaenopyrum
Holly, Yaupon	Ilex vomitoria
Magnolia, "Little Gem."	Magnolia "Little Gem"
Maple, Shantung	Acer truncatum
Mexican Plum	Prunus mexicana
Oak, Bigelow	Quercus sinuata var.breviloba
Oak, Lacey	Quercus laceyi (Q.glaucoides)
Persimmon, Texas	Diospyros texana
Possumhaw	Ilex decidua
Rusty Blackhaw	Viburnum rufidulum
Texas Redbud	Cercis Canadensis var. "texensis"

(c) *Size and spacing standards; replacement of damaged trees.*

- (1) Plants shall conform to the measurements specified in the plant schedule.
- (2) Caliper measurements shall be taken six inches above grade for trees under four inches in diameter and 12 inches above grade for trees four inches in diameter and larger.
- (3) Minimum branching height for all shade trees shall be six feet.
- (4) Minimum size for newly planted shade trees shall be four inches in diameter, 14 to 16 feet in height. The maximum height shall not exceed 16 feet. Any tree that has been removed, and any tree that has been topped, severely damaged, or disfigured by improper pruning methods, without the director of parks, prior written approval (as reflected in a tree permit issued pursuant to subsection (C) of section 8 of this article) shall be replaced caliper inch for caliper inch. Tree heights shall be from tops of root balls to nominal tops of plants. Tree spread refers to nominal outer width of the tree, not to the outer leaf tips. Trees shall be healthy, vigorous, full-branched, well-shaped with symmetrical crowns. Root balls shall be firm, neat, slightly tapered and well burlapped. Trees shall be free of physical damage such as scrapes, bark abrasions, split branches, mistletoe or other parasitic growth. The Town of Addison shall reject any trees delivered and/or planted not meeting the minimum size and shape standards set forth above. Red Oaks other than Shumard Oak (*Quercus shumardii*) or Texas Oak (*Quercus texana*) shall be rejected. The owner or contractor shall be responsible for providing certification that Red Oaks are true to variety.
- (5) Minimum size for Crape Myrtle shall be six to eight feet in height. Other ornamental flowering trees shall be eight to ten feet in height.
- (6) Minimum size for evergreen trees shall be eight to ten feet in height.
- (7) Minimum sizes for shrub containers shall be five gallon. Substitution of three-gallon material meeting the height requirement of five gallon shrubs is acceptable. Shrubs shall be full bodied, well-shaped and symmetrical.
- (8) Ground cover spacing shall be eight inches on center maximum for four-inch pots and 16 inches on center maximum for one-gallon containers.

(Ord. No. 008-006, § 2(9), 3-25-08; Ord. No. 009-007, § 1.B, 4-14-09)

Section 10. - Landscape maintenance.

- (A) Every property owner and any tenants shall keep their landscaping in a well- maintained, safe, clean and attractive condition at all times. Any plant that dies must be replaced with another living plant, including trees, within 30 days after notification by the town. Such maintenance includes, but is not limited to, the following:
- Prompt removal of all litter, trash, refuse and waste;
 - Lawn mowing on a weekly basis during the growing season;
 - Shrub pruning according to accepted practices of landscape professionals to maintain plants in a healthy condition;
 - Tree pruning according to tree-pruning guidelines published by the International Society of Arboriculture and the American National Standards (ANSI) A300-Pruning Standards;

- Pruning/thinning that removes no more than one fourth of the tree canopy annually;
 - Watering of landscaped areas on a regular basis to maintain good plant health;
 - Sprinkler run times set on controllers to water between midnight and 6:00 a.m.
 - Keeping landscape lighting in working order;
 - Keeping lawn and garden areas alive, free of weeds, and attractive;
 - Cleaning of abutting waterways and landscaped areas lying between public right-of-way lines and the property unless such streets, waterways or landscaped areas are expressly designated to be maintained by applicable governmental authority.
- (B) The discharge, deposit, blowing or sweeping of grass, leaves, other vegetation, or litter debris into public or private streets or alleys is prohibited. In connection with yard or landscape maintenance, lawn or grass clippings, leaves, other vegetation, and litter debris caused by or resulting from such maintenance shall be promptly removed from any public or private street or alley adjacent to the property being maintained and shall be disposed of in a manner to prevent the material from blowing or falling from a maintenance truck, trailer or disposal container. Lawn clippings, leaves, other vegetation, and litter debris shall be removed from sidewalks, streets and street gutters, and alleys after mowing and edging is performed to prevent collection in the storm water system.
- (C) Rain, Moisture, and Freeze Shut-Off Devices.
- (1) All automatically controlled irrigation systems required to be installed by a Landscape or Irrigation Plan must include rain, moisture, and freeze shut-off devices and sensors or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture, rainfall, or freezing temperatures. Following adoption of this ordinance, all properties identified in Subsection 10(C)(3) where a new certificate of occupancy is requested will be required to submit a letter from a licensed irrigator that the irrigation system complies with the provisions of this ordinance and includes an operational sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of freezing weather and moisture or rainfall. Repairs to existing automatic irrigation systems on all properties identified in Subsection 10(C)(3) that require replacement of an existing controller must include an operational sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of freezing weather and moisture or rainfall.
 - (2) Irrigation systems adjacent to any street, sidewalk, alley, highway or parking lot shall not operate so as to cause damage to other property or to interfere with the free movement of any vehicle or pedestrian.
 - (3) This Subsection applies to all property within the city limits of the Town of Addison.

(Ord. No. 008-006, § 2(10), 3-25-08; Ord. No. 015-33, § 1, 11-10-15)

Section 11. - Enforcement.

- (A) The provisions of this Article may be enforced against any property owner or property manager or tenant or person or entity in possession of the property for violation of the provisions contained herein. In addition to the issuance of a citation as provided in subsection (B) below which does not require notice, following continued violation after ten

days' written notice of the violation to any of the responsible parties identified above, the Town shall have the right to:

- (1) Revoke any building permits, certificates of occupancy, or other approvals or permits previously issued for the premises.
 - (2) Withhold approval for building permits, certificates of occupancy, and other permits or approvals relating to the premises.
 - (3) Enter onto the premises and perform care and maintenance. The property owner and tenants of any part of the premises on which such work is performed shall jointly and severally be liable for the costs of such work and shall promptly reimburse the Town for such costs. If such property owner or tenant shall fail to reimburse the Town within 30 days after receipt of a statement for such work from the Town, the said indebtedness shall be a debt of all of said persons jointly and severally, and shall constitute a lien against the premises on which the work was performed. The lien may be evidenced by an affidavit of costs filed in the real property records.
- (B) Any person that violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$2,000.00 and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- (C) Enforcement of this Article shall be the responsibility of the Building Official, code enforcement officer, police officer or other designee of the City Manager. It shall be unlawful for any person to interfere or prevent authorized enforcement personnel in the performance of their duties.

(Ord. No. 008-006, § 2(11), 3-25-08; Ord. No. 009-007, § 1.C, 4-14-09; Ord. No. 015-033, § 2, 11-10-15)

Section 12. - Bonding.

When a property owner seeks a certificate of occupancy, the director of parks and recreation may, in his/her discretion, require a maintenance bond, letter of credit, personal undertaking, cash escrow, or other security acceptable to the director that guarantees and secures maintenance of newly installed landscape for a period not to exceed two years.

(Ord. No. 008-006, § 2(12), 3-25-08)

Section 13. - Certificate of occupancy.

It shall be unlawful to issue an occupancy permit prior to the approval and complete installation of the landscape and irrigation plans. However, for a variety of reasons, it is not always possible to complete the landscape installation as quickly as desired or needed. In such cases, an extension of time may be granted and a temporary certificate of occupancy may be issued for variable periods from 15 to 45 days.

(Ord. No. 008-006, § 2(13), 3-25-08)

Section 2. Recitals. The above and foregoing recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 3. Savings; Repealer. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or an penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 4. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5. Penalty. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense and each and every such day such offense shall continue shall be deemed to constitute a separate offense.

Section 6. Effective Date. This Ordinance shall take from and after its adoption and publication as required by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the _____ day of _____, 2016.

Todd Meier, Mayor
Town of Addison, Texas

ATTEST:

Laura Bell, City Secretary

APPROVED AS TO FORM:

Brenda N. McDonald, City Attorney
OFFICE OF THE CITY SECRETARY
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ORDINANCE NO. _____