

## 2.2 Article X - Landscape Plan Submission (10.123) and Compliance (10.127)

The process for landscape submission applies distinctly for different types of construction. The submittal requirements for single family construction varies significantly from the detailed landscape provisions for a large commercial retail site. The following information will help explain each process by providing the text of the ordinance directly.

### **Single family and duplex construction permits**

Only Section 51A-10.125(a) of the landscape division applies to lots containing single family or duplex use (see 10.121(b)). However, the general division (10.100) with the general maintenance requirements (10.108), and the urban forest conservation (10.130) division, do apply where not excepted by other ordinance.

The 2018 Article X amendments adjusted the minimum landscape requirements for single family and duplex construction to account for the size of the lot.

#### **Section 51A-10.125(a):**

(1) *General. Except as provided in Section 51A-10.127, a lot containing a single family or duplex use established after May 29, 1994, must comply with this subsection before the final inspection of any building on the lot. The minimum number of trees required on a lot is determined by the lot size. The trees may be located in the public right-of-way if all **private licensing requirements** of the city code and charter are met.*

(A) **Lots 7,500 square feet or greater in area.** A minimum of three large or medium nursery stock trees per lot with a minimum of two nursery stock trees in the front yard.

(B) **Lots between 4,000 square feet and 7,499 square feet in area.** A minimum of two large or medium nursery stock trees per lot with a minimum of one nursery stock tree located in the front yard.

(C) **Lots 4,000 square feet or less in area.** A minimum of one large or medium nursery stock tree per lot.

(D) *Additional requirements:*

(i) *Nursery stock trees must be a species listed in the **approved tree list** maintained by the director. (See **Appendix A**)*

(ii) *Trees must have a minimum caliper of two inches.*

(iii) Trees must be planted a minimum of 20 feet on center from the nearest point of an **overhead electric line**.

(iv) An existing, healthy, and protected tree on the lot or parkway may count as a required tree if it is not a **boundary tree** abutting adjacent private property.

Residential permitting procedures will require the site plan for the building permit review. If trees remain on the lot when applying for a permit, please submit a tree survey to help determine the location of trees for identifying the unrestricted zone (See Urban Forest Conservation), tree protection measures, and to help you determine how you can best comply with the minimal landscaping requirements for the single lot. Please refer to the Urban Forest Conservation section for more information on tree mitigation methods for single family construction.

## **Shared access development construction permits**

The shared access development (single-family construction) landscape review is completed before any building permits for grading or construction may be issued. A plan is submitted to the city arborist for review and approval at the beginning of the review process. If the plat design for the SAD does not conform to the minimum requirements for landscaping, then a revision may be required or the owner may need to seek a special exception through the Board of Adjustment.

(A) Shared access developments must comply with the following requirements:

(i) A **landscape plan** meeting the requirements of Section 51A-10.104 and Section 51A-10.123 must be approved before a **building permit for grading** is issued or a **private development contract pursuant to Section 51A-8.612** is approved, in conjunction with construction.

(ii) The minimum required landscape area for a shared access development is determined by the number of individual lots. Landscape areas in individual lots may be included in the total landscape area measurement for developments with a maximum of 36 individual lots. Permeable pavement does not count as landscape area.

(aa) Shared access developments with a **maximum of 10 individual lots** must provide a minimum **landscape area equal to 10 percent** of the total shared access development area.

(bb) Shared access developments with a **minimum of 11 and a maximum 36 individual lots** must provide a minimum **landscape area equal to 15 percent** of the total shared access development area.

(iii) **One site tree must be provided for every 4,000 square feet within** the shared access development. The trunk of any site tree must be located at least two-and-one-half feet from any pavement. Site trees must be species listed in the approved tree list. Large or medium nursery stock trees may not be planted within 20 feet on center of the nearest point of an **overhead electric line**.

(iv) **One plant group must be provided for every 40 feet of street frontage**. Plant groups may be located within the front yard or parkway if all **private licensing requirements** of the city code and charter are met. In this subparagraph, parkway means the portion of a street right-of-way between the projected street curb and the front lot line or corner side lot line. If the director determines that a large or medium tree would interfere with utility lines, one substitute small tree from a species listed in the approved tree list may be provided.

(B) Plant groups for shared access developments must include the following:

- (i) one large tree and two small trees;
- (ii) one large tree and three large evergreen shrubs; or
- (iii) one large tree, two small trees, and one large evergreen shrub.

The SAD regulation amendments allow for street frontage landscaping to count toward site tree requirements. Landscaping for the smaller developments should focus on more extensive planting along the street corridor where the public interaction with the community takes place.

## Other uses.

Other uses refer to all of the different uses allowed by right in the Dallas Development Code which are not single family or duplex. These include non-residential uses in residential districts, such as a religious institution. Typically, Article X will provide the default landscape requirements unless a council, plan commission, or board of adjustment plan revises the conditions applied for a particular site. In some cases, a use (utility service) will have regulation which prohibits some or all landscape regulations.

## **Artificial lots (10.122)**

The artificial lot was provided to allow for reduced landscape areas and site trees when only a portion of the property is being developed. The building official determines the scope of the artificial lot on the site based on the standards below. It is not allowed on building site lots less than 2 acres in size.

*(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 division. The building official shall not create an artificial lot which would, in his or her 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;*

*(2) have an area that does not exceed 50 percent of the area of the developed or undeveloped building site;*

*(3) include all new exterior paving additions except portions of pedestrian pathways, that are between three feet in width and 15 feet in width;*

*(4) include the street buffer zone for new construction or additions that are located wholly, or in part, within 60 feet of the nearest street frontage; and*

*(5) include the residential buffer zone for new construction or additions that are located wholly, or in part, within 60 feet of the nearest residential adjacency.*

*(b) In city parks over five acres. In city parks over five acres in size, the director of park and recreation may create an artificial lot to satisfy the requirements of this division.*

*(1) Except as provided in this subsection, any artificial lot created by the director of park and recreation must wholly include the area on which the construction work is to be done.*

*(2) Portions of pedestrian pathways that are between three feet and 15 feet in width are excepted from this requirement.*

*(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.*

## Irrigation requirements (10.106)

The City of Dallas adopted the **Chapter 54 Dallas Plumbing amendments** which regulates the use of plumbing systems in Dallas, including outdoor irrigation systems. Appendix F of the plumbing code applies to all irrigation systems to assure their function will promote water conservation. All irrigation permits are submitted to and approved by the city's plumbing and mechanical inspectors in Building Inspection. The city arborist may require tests of the systems to assure functionality. Additional resources for water conservation may be found through the Dallas Water Utilities website, **savedallaswater.com**.

(a) In general.

(1) Except as provided in this section, **automatic irrigation systems** must be installed in conjunction with new required landscaping for commercial and multifamily uses with combined landscape areas of 500 square feet or more per building site.

(2) The automatic irrigation system must be:

(A) shown on a landscape plan or irrigation plan; and

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

(b) Renovations and additions that require landscaping. For building sites or artificial lots with an area of two acres or less, all required plant materials must be located a maximum of 100 feet from an irrigation source with a permanently installed threaded hose connection. Proposed watering methods (irrigation or otherwise) must be:

(1) shown on the landscape plan, if any; and

(2) capable of maintaining the plant materials in a healthy, growing condition at all times.

(c) Alternate irrigation. The building official may authorize an alternate method of irrigation for required landscape areas if the alternate irrigation method is:

(1) certified by a **landscape architect** or **licensed irrigator**;

(2) shown on a stamped landscape plan or irrigation plan; and

(3) capable of maintaining the plant materials in a healthy, growing condition at all times.

## Landscape submission (10.123)

The landscape submission will coincide with the tree survey and tree protection plan processes for urban forest conservation requirements. In some cases, plans may be drawn to provide the full scope of work. It is recommended that a registered landscape architect provides the plans, but it is not required in most cases. Some landscape design options require a landscape architect for a point increase. The city arborists are ready to answer questions prior to plan submittal.

(a) *If this division applies to a lot pursuant to Section 51A-10.121, a **landscape plan** must be submitted to the building official with the application for a building permit for work on the lot. For landscape plans that are not **submitted electronically**, 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) *Except as provided in this article, any person may prepare the landscape plan required under this division.*

(c) **A landscape plan required under this division must contain the following information:**

(1) *Date, scale, north point, and the names, addresses, and telephone numbers of each 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 flood plain, the escarpment zone, and geologically similar areas, as those terms are defined in **Article V**, 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) *Location of centerlines of overhead and underground utility lines within and adjacent to the building site, and the location of all utilities, utility easements, including the location of utility poles, generators, and equipment, and any items listed in Section 51A-10.104(h).*

(5) *Project name, street address, and lot and block description.*

(6) Location, height, and material of proposed screening and fencing (with berms to be delineated by one-foot contours).

(7) Locations and dimensions of required landscape areas.

(8) Complete description of plant materials shown on the plan, including names (common and scientific 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 diameter must be specifically indicated to be counted as required landscape trees.

(9) 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.

(10) An indication of which protected trees will be removed during construction and how existing healthy trees proposed to be retained will be protected from damage during construction. (see **Tree Protection Plan in Section 3.0**)

(11) Size, height, location, and material of proposed seating, lighting, planters, sculptures, and water features.

(12) A description of proposed watering methods or an irrigation plan.

(13) Location of visibility triangles on the premises (if applicable).

(14) Existing and proposed locations of trees transplanted on-site.

## Plan review (10.124)

(a) In general. The building official shall review each landscape plan submitted to determine whether it complies with the requirements of this division. All landscape plans must comply with the mandatory provisions in **Section 51A-10.125**. In addition, all landscape plans must meet the minimum number of landscape design option described in **Section 51A-10.126**. Except as provided in this article, the same landscape features and elements may be strategically placed so as to comply with more than one provision. (For example, the same trees may be located so as to qualify as required street buffer zone trees and required parking lot trees.)

(b) Landscape plan revisions. If requested by the applicant, the building official may approve revisions to staff-approved **landscape plans** and related permits if

*the revisions further the spirit and intent of this article. Revisions of elements required by this article are limited to:*

- (1) Substitution of more appropriate plant species.*
- (2) Revisions required by utility conflicts.*
- (3) Locations of plant materials up to a maximum of 10 feet.*

The Article X amendments provided multiple situations where the building official may intervene in a process to make reasonable allowances for the landscape design if the amendments did not violate of the intent of the ordinance itself. The amendments may include waivers for irrigation standards to allow a separate plant option, or to authorize the relocation of a proposed tree due to a utility conflict determined after review.

## **Special exceptions (10.110)**

*(a) In general and landscaping.*

*(1) The board may grant a special exception to the requirements of Division 51A-10.100 and Division 51A-10.120, other than fee and notice requirements, upon making a special finding from the evidence presented that:*

*(A) strict compliance with the requirements of Division 51A-10.100 or Division 51A-10.120 will unreasonably burden the use of the property;*

*(B) the special exception will not adversely affect neighboring property; and*

*(C) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.*

*(2) In determining whether to grant a special exception under Paragraph (1), the board shall consider the following factors:*

*(A) The extent to which there is residential adjacency.*

*(B) The topography of the site.*

*(C) The extent to which landscaping exists for which no credit is given under this article.*

*(D) The extent to which other existing or proposed amenities will compensate for the reduction of landscaping.*



## Completion (10.127)

(a) Except as otherwise provided in Subsection (b), all landscaping must be completed before the final inspection of any building on the lot. If there is an approved landscape plan for the lot, the landscaping must comply with that plan before the final inspection.

(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 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, at the end of the six-month period, 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.

## General maintenance and enforcement (10.108)

Landscape compliance is a complicated matter which requires many hours of research to determine the actual violation and to know what to enforce. All Article X landscaping, including single-family and duplex uses, fall under the general maintenance standard in Division 10.100.

### **SEC. 51A-10.108. General Maintenance**

(a) *Required plant materials 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 required plant that dies or is removed must be replaced with another living plant that complies with this article and the approved landscape plan, if any, 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 plant materials 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 plant 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.*

### **10.128. Enforcement by Building Official**

*Whenever any work is being done contrary to the provisions of this division, the building official may order the work stopped by notice in writing served on any person engaged in the work or causing the work to be done. A person issued this notice shall stop work immediately until authorized by the building official to proceed with the work.*