

**ARTICLE X.
LANDSCAPE AND TREE CONSERVATION [~~PRESERVATION~~] REGULATIONS.**

Division 51A-10.100. In General.

SEC. 51A-10.101. DEFINITIONS.

In this article:

(1) AGE CLASS means a distinct group of trees originating from a single natural event or regeneration activity, or a grouping of trees, e.g., 10-year age class, as used in inventory management.

(2) ANSI A300 means the American National Standard for Tree Care Operations, including all parts, as amended.

(3) APPROVED TREE LIST means a list of trees approved as replacement trees determined and maintained by the by the Director.

(4) ARTIFICIAL LOT means an area within the building site that is delineated by the building official or the director of park and recreation for the sole purpose of satisfying the requirements of this article (see Section 51A-10.122).

(5) BOUNDARY TREE means a tree growing on a property boundary line between two lots resulting in joint ownership by the adjacent property owners when the trunk exists on each property, or a tree that has 20 percent or more of its critical root zone extending across a property boundary and into an adjacent property.

(6[2]) CALIPER means:

(A) for field grown stock, the measurement of a tree taken six inches above ground level;

(B) for container grown stock, the measurement of a tree taken six inches soil level; which should be at or near the top of the root flare, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size interval (i.e., from four inches up to, but not including, 4½ inches);

(C) if the caliper measured at six inches is four and one-half inches or more, the caliper must be measured at 12 inches above the ground level, soil line, or root flare, as appropriate; and

(D) for trees with multiple stems, it is the caliper specified as one-half of the caliper of the three largest trunks. [~~for a single stem tree, the diameter of the trunk measured 12 inches above the ground for a tree having a diameter up to and including eight~~

inches, and measured at four and one-half feet above the ground for a tree having a diameter of more than eight inches.

~~(B) for multi-stem trees, the diameter of the trunk measured at the narrowest point below branching when branching occurs higher than 12 inches above the ground. When branching occurs at or lower than 12 inches above the ground, caliper means the diameter of the largest stem plus the average diameter of the remaining stems, measured at four and one-half feet above the ground.]~~

(7[3]) CANOPY TREE means a species of tree that normally bears crown foliage no lower than six feet above ground level upon maturity.

(8[4]) CLEARING means any activity that removes or seriously injures one or more trees or the vegetative ground cover of one or more trees, such as root mat removal or topsoil removal.

(9) COVERED SOIL AREA means an area of soil that is under pavement and designed to accommodate tree root growth.

(10[5]) CRITICAL ROOT ZONE means the circular area of ground surrounding a tree extending a distance of one foot per diameter [~~caliper~~] inch of the tree, measured from the tree trunk or stem.

(8) DEVELOPMENT IMPACT AREA means the area of land or vegetation alteration within a property boundary including, but not limited to, clearing, grading, excavating, filling, and any construction, paving, or any other installation.

(9) DIAMETER means:

(A) the measure of a tree trunk measured at a height of 4 ½ feet above the ground, or diameter at breast height (DBH), measured at the uphill side of the tree or as recommended in the Landscape and Tree Manual for special situations for tree fork, lean, or on slopes;

(B) for trees with multiple stems, the diameter of the trunk measured at the narrowest point below branching when branching occurs below DBH, or near DBH; and

(C) when branching occurs at or lower than 12 inches above the ground, diameter means the diameter of the largest stem plus the average diameter of the remaining stems, measured at DBH.

() DRIP LINE means a vertical line that runs from the outermost portion of the crown of a tree to the ground.

(10[6]) ENHANCED PAVEMENT means any director approved permeable or nonpermeable decorative pavement material intended for pedestrian or vehicular use. Examples

of enhanced pavement include, but are not limited to, brick or stone pavers, grass paver, exposed aggregate concrete, and stamped and stained concrete.

(11[7]) EVERGREEN TREE OR SHRUB means a tree or shrub of a species that normally retains its leaves throughout the year.

(12[8]) FLOOD PLAIN means any land area susceptible to inundation by the hundred-year frequency flood.

(13) FOREST STAND DELINEATION (“FSD”) means a comprehensive assessment of the conditions of a property using multiple types of information, including, but not limited to, a tree survey, aerial imagery collected from private or public sources, natural resources assessments, topographic maps, management plans, a map of conservation areas, land use maps, etc., to provide the required data to determine tree replacement requirements and forest conservation objectives.

(14[9]) GRADING means any digging, scooping, removing, depositing or stockpiling, of earth materials.

(15[10]) GROUND COVER means natural mulch, or plants of species that normally reach a height of less than three feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

(16) HISTORIC TREE means a tree that has been recognized by a resolution of the city council as having significant cultural or historical significance.

(17[11]) HUNDRED-YEAR FREQUENCY FLOOD means the flood having a one percent chance of being equalled or exceeded in any given year. This flood is based upon the drainage area being fully developed to current zoning limitations.

(18) INVASIVE PLANT means a plant ‘whose introduction does or is likely to cause economic or environmental harm or harm to human health’ and has been classified as invasive to the Dallas region by Texas Parks and Wildlife or the Texas Department of Agriculture.

(19[12]) LANDSCAPE ARCHITECT means a person licensed to use the title of "landscape architect" in the State of Texas in accordance with state law.

(20[13]) LANDSCAPE AREA means an open soil area covered by natural grass, ground cover, or other natural plant materials maintained on a property for the sole purpose of landscaping application and growth and establishment of trees [an area at least 80 percent of which is covered by natural grass, ground cover, or other natural plant materials (excluding screening)].

(21[14])LANDSCAPE BUFFER STRIP means a landscape area that serves a buffer function.

(22[15])LARGE SHRUB means a shrub that normally reaches a height of six feet or more upon maturity.

(23[16])LARGE TREE means a tree which may typically attain a canopy height of 50 feet or greater and 50 feet or greater in width at maturity, or as classified by the director [a tree of a species that normally reaches a height of 30 feet or more upon maturity].

(24) LEGACY TREE means a large tree planted in a landscape area of 500 square feet or greater or a medium tree planted in a landscape area of 400 square feet or greater for the purpose of actively establishing and maintaining unencumbered sustainable large shade trees for future generations.

(25[17])LOT means:

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

(26[18])LOT WITH RESIDENTIAL ADJACENCY means any of the following:

(A) A building site containing a multifamily use that is adjacent to or directly across:

- (i) a street 64 feet or less in width; or
- (ii) an alley;

from private property in a single family, duplex, townhouse, or CH district.

(B) A building site containing a nonresidential use that is adjacent to or directly across:

- (i) a street 64 feet or less in width; or
- (ii) an alley;

from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, or manufactured housing district.

(C) An artificial lot containing a multifamily use if the lot is less than 200 feet from private property in a single family, duplex, townhouse, or CH zoning district.

(D) An artificial lot containing a nonresidential use if the lot is less than 200 feet from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, or manufactured housing zoning district.

(27) MEDIUM TREE means a tree which may typically attain a canopy height of 30 feet or greater and 15 feet to generally less than 50 feet in width at maturity, or as classified by the director.

() MONOCULTURE means a stand of at least 80 percent of a single species, generally even-aged (single age class) trees.

(28[49])NONPERMEABLE COVERAGE means coverage with any pavement that is not "permeable pavement" as defined in this section.

(29) NURSERY STOCK means a plant grown in or obtained from a nursery.

() OPEN SOIL AREA means an unpaved area of soil in a landscape area surrounding a tree or shrub.

(30[20])PERMEABLE PAVEMENT means paving systems, pavers, or other devices that provide a structural surface but allow stormwater infiltration as authorized for use by the Director [a paving material that permits water penetration to a soil depth of 18 inches or more. Permeable pavement may consist of nonporous surface materials poured or laid in sections not exceeding one square foot in area and collectively comprising less than two-thirds of the total surface area].

(31) PEDESTRIAN PATHWAY means an unobstructed area intended only for use by pedestrians or non-motorized vehicles.

(31[24])PRIVATE PROPERTY means any property not dedicated to public use, except that "private property" does not include the following:

- (A) A private street or alley.
- (B) Property on which a utility and public service use listed in Section 51A-4.212 is being conducted as a main use.
- (C) A railroad right-of-way.
- (D) A cemetery or mausoleum.

(30[22])PROTECTED TREE means:

(A) means trees of all species that are at least eight inches in diameter except for trees identified as unprotected in this section, and

(B) any tree in a stand which projects a tree canopy coverage over a lot or tract when identified within a Forest Stand Delineation review, and

(C) a tree that was planted as a replacement tree.
[a tree that has a caliper of eight inches or more and is not one of the following trees:

- (i) *Acer saccharinum* (Silver Maple).
- (ii) *Ailanthus altissima* (Tree of Heaven).
- (iii) *Albizzia julibrissen* (Mimosa or Silktree).
- (iv) *Celtis occidentalis/laevigata* (Hackberry or Sugarberry).
- (v) *Fraxinus velutina* (Arizona Ash).
- (vi) *Juniperus virginiana* (Eastern Red Cedar)[unless protected under subparagraph (B)].
- (vii) *Maclura pomifera* [female only] (Bois d'Arc or Horseapple).
- (viii) *Melia azedarach* (Chinaberry).
- (ix) *Prosopis glandulosa* (Mesquite) [unless protected under subparagraph (B)].
- (x) *Salix nigra* (Black Willow).
- (xi) *Sabium sebiferum* (Chinese Tallow).
- (xii) *Ulmus pumila* (Siberian Elm).

(B) an Eastern Red Cedar (*Juniperus virginia*) or Mesquite (*Prosopis glandulosa*) tree that has a caliper of eight inches or more and the trunk is located:

- (i) in, or within 120 feet of the boundary of: a floodplain [as defined in Article V]; a wetland area [as defined in federal environmental regulations]; or an escarpment zone [as defined in Article V]; or
- (ii) within 50 feet of a natural channel setback line [as defined in Article V].

(C) an Eastern Red Cedar (*Juniperus virginiana*) or Mesquite (*Prosopis glandulosa*) tree that has a caliper of at least 12 inches; or

(D) a tree that was planted as a replacement tree.]

(33[23])REMOVE OR SERIOUSLY INJURE means an intentional or negligent action that will more likely than not cause a tree to decline and die within five years of the act. Actions that constitute removing or seriously injuring a tree include, but are not limited to: cutting down a tree; excessively pruning or topping a tree; compacting the soil above the root system of a tree; changing the natural grade above the root system of a tree; damaging the root system or the trunk of a tree (such as by operating machinery near, or by clearing or grading the area around, the trunk of a tree); failing to repair an injury to a tree from fire or other causes, which results in or permits tree infections or pest infestations into or on the tree; applying herbicidal or other lethal chemicals; and placing nonpermeable pavement over the root system of a tree.

(34[24])RESPONSIBLE PARTY means the property owner and any other person or entity responsible for removing or seriously injuring a protected tree.

(35[25])REPLACEMENT TREE means a tree that is planted in accordance with Section 51A-10.134.

() ROOT PATH means a constructed path using aeration or drainage strips to provide roots a path from the tree space and under pavement to connect to adjacent open soil areas.

(36[26])SCREENING means screening that complies with Section 51A-4.602, except as those regulations may be expressly modified in this article.

(37) SIGNIFICANT TREE means a healthy native tree that because of age, size, unique type, or natural and historical significance are of special importance to the City, and meets the following size requirements:

(A) A post oak measured at a minimum of 12 inches in diameter or greater.

(B) All oak, pecan, cedar elm, American elm, eastern red cedar, and chittamwood trees of 24 inches in diameter or greater.

(38[27])SMALL TREE means a tree that may attain a height of up to 30 feet at maturity, or as classified by the director [a tree of a species that normally reaches a height of less than 30 feet upon maturity].

() STAND means a group of trees or other growth occupying a specific area that is sufficiently similar in species composition, size, age, arrangement, and condition, as to be distinguished from the forest or other growth in adjoining areas.

(39[28])SOIL means a medium that plants will grow in.

(40) SUSTAINABLE DEVELOPMENT INCENTIVE (“SDI”) means an optional alternative method of compliance that applies sustainable development, tree

preservation practices, and tree mitigation reductions based on providing large or medium 'legacy' trees in enhanced soil surface planting environments for a projected increase of the tree canopy coverage on the property.

(41) TOPPING means the reduction of tree size using internodal cuts without regard to tree health or structural integrity. Topping is not an acceptable practice. (ANSI A300 Part 1).

(42) TREE CANOPY COVER, or TREE CANOPY COVERAGE, means the amount of ground area directly beneath a tree's crown to the drip line or the combined crowns of a stand of trees, measured in square feet.

(43) TREE REMOVAL PROPERTY means the lot, parcel, right-of-way, or tract of land where a protected tree was removed or seriously injured.

(43[29]) TREE SURVEY means a report that meets all of the requirements for a tree survey in Section 51A-10.132.

(44[30]) UNDERSTORY means a grouping of natural low-level woody, herbaceous plant species, or plants that normally reach a height of less than three feet upon maturity.

(45) UNPROTECTED TREE means the following:

(A) Callery pear (all cultivars).

(B) Chinaberry.

(C) Chinese tallow.

(D) Palm (all plants in *Palmae*).

(E) Tree-of-heaven or *Ailanthus*.

(45) URBAN TREE means a tree of size, species, and habit that is determined to be suited for planting in a limited surface soil environment and in restrictive air space for optimum tree canopy growth.

~~[(31)VISIBILITY TRIANGLE means the term "visibility triangle" as defined in Section 51A-4.602.]~~

(46[32]) WATER COURSE means a natural or constructed channel for the flow of water.

SEC. 51A-10.102. PURPOSE.

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

- (1) To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground-water recharge, and storm water runoff retardation, while at the same time aiding in noise, glare, wind, and heat abatement.
- (2) To provide visual buffering between land uses of differing character to alleviate the harshness of urban life.
- (3) To enhance the beautification of the city.
- (4) To safeguard and enhance property values and to protect public and private investment.
- (5) To conserve energy.
- (6) To provide habitat for wildlife.
- (7) To encourage the preservation of large trees which, once removed, can be replaced only after generations.
- (8) To conserve water.
- (9) To recognize and conserve the urban forest as part of the city's green infrastructure.

SEC. 51A-10.103. ACCEPTABLE PLANT MATERIALS.

- (a) No artificial plant materials may be used to satisfy the requirements of this article.
- (b) In satisfying the requirements of this article, the use of high-quality, hardy, and drought-tolerant plant materials is recommended and encouraged.
- (c) No palm trees may be used to satisfy the requirements of this article.
- (d) Invasive plant material is prohibited in required landscapes.
- (e) A list of acceptable plant materials will be maintained by the Director.

(f) Synthetic, or artificial, turf may not be used to qualify for landscape area requirements. Synthetic turf is defined as ‘a grass-like ground cover that replicates lush natural grass in appearance and function.’ – Synthetic Turf Council. Synthetic turf is recognized as an impervious surface material for purposes of this ordinance unless otherwise determined by the building official. Synthetic turf may not be applied within the critical root zone of a protected tree.

SEC. 51A-10.104. SOIL AND PLANTING AREA REQUIREMENTS.

(a) In general. Planting areas dedicated to the growth of roots may consist of open soil areas, covered soil areas, and root paths. The planting areas must have native soils, prepared soils, or structural soils, and may include permeable pavement, sidewalk support, and soil cells.

(b) Planting area requirements. Except as provided in this section, p[P]lanting areas must ~~meet~~ [have] the following requirements [soil depths and dimensions]:

(1) For each [~~large shrub or~~] small tree installation, a minimum of 24 inches of soil depth and 25 [16] square feet of open soil [surface] area (total of 50 [32] cubic feet).

(2) For each large or medium tree installation, a minimum of 36 inches of soil depth and 160 [25] square feet of open soil [surface] area (total of 480 [75] cubic feet).

(3) Except as provided in this subsection, trees may share open soil areas.

(4) Legacy trees may not share open soil areas with large or medium trees.

(5) Except as provided in this section, large trees and medium trees must be planted a minimum of four feet from pavement.

(c[~~b~~]) Alternative planting area requirements. Planting areas located above underground buildings or structures or in an urban streetscape must have the following open soil area depths and dimensions:

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

(2) For each large or medium tree installation, a minimum of 40 inches of soil depth and 36 square feet of open soil [surface] area and a combination of open soil area, covered soil area, and root paths for a minimum of 240 cubic feet of soil volume. Trees planted in less than 480 cubic feet of soil volume do not count as replacement trees [~~(total of 120 cubic feet)~~].

(3) Trees may share open soil areas.

(4) Trees must be planted a minimum of two-and-one-half feet from pavement.

(d[e]) Waiver. The building official may waive the minimum open soil and planting area requirements if a landscape architect certifies that:

(1) the proposed alternative soil depths and dimensions are sufficient to support the healthy and vigorous growth of the plant materials affected; or

(2) the depth to impermeable subsurface prohibits minimum soil depth requirements; or

(3) that the proposed structural soils or suspended paving system are sufficient to support the healthy and vigorous growth of the plant materials.

(e) Large and medium trees. Large trees may not be planted closer than 20 feet to the closest point of an overhead electric distribution line. Medium trees may not be planted closer than 15 feet to the center line of an overhead electric distribution line.

(f) Space. All required trees must be planted in adequate space to allow unobstructed growth to maturity.

(g) Tree locations. At the time of planting all trees must be measured from the center of the trunk and be located:

(1) a minimum distance of two feet from side yard property boundaries;

(2) a minimum distance of 20 feet from traffic signs;

(3) a minimum distance of 20 feet from light poles;

(4) a minimum distance of five feet from underground local utility lines;

(5) a minimum distance of five feet from fire hydrants, electrical transmission boxes, water meters, and other ground utility access;

(6) from buildings:

(A) for large trees minimum distance is 15 feet;

(B) for medium trees minimum distance is 12 feet; and

(C) for small trees minimum distance is five feet;

(7) from large trees:

(A) for large trees minimum distance is 25 feet;

(B) for medium trees minimum distance is 20 feet; and

(C) for small trees minimum distance is 10 feet;

(8) from medium trees:

(A) for large trees minimum distance is 20 feet;

(B) for medium trees minimum distance is 20 feet; and

(C) for small trees minimum distance is 10 feet;

(9) a minimum distance of 10 feet from small trees.

(h) Street buffer zone trees.

(1) For street buffer zones with no existing obstructions to growth, large trees and medium trees must are required.

(2) For street buffer zones with existing obstructions to growth, small trees may be substituted for large trees or medium trees.

SEC. 51A-10.105. PROTECTION OF PLANTING AREAS.

Required areas for plant materials must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers.

SEC. 51A-10.106. IRRIGATION REQUIREMENTS.

(a) In general. Except as provided in this section, automatic irrigation systems with dedicated water zones are required for all non-residential landscape designs that include landscape areas of 500 square feet or greater. The designed irrigation system must be:

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

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

(b) Renovations and additions. Permits for renovations and additions that increase floor area a maximum of 2,000 square feet, on building sites or artificial lots less than one acre, must have all required plant materials within 100 feet of a verifiable water supply. Proposed watering methods (irrigation or otherwise) must be:

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

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

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

~~(a) indicated on the landscape plan, if any; and~~

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

SEC. 51A-10.107. PLANTERS ALLOWED.

Planters may be used to satisfy the requirements of this article provided that the soil requirements in Section 51A-10.104 are met.

SEC. 51A-10.107.1. PEDESTRIAN PATHWAYS

(a) Pedestrian pathways must be a minimum of three feet in width and a maximum of 15 feet in width.

(b) Pedestrian pathways must be distinguished from parking and driving surfaces by landscape barriers or a change in surface materials such as pavers, patterned concrete, or flagstones.

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 plant that dies 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.

SEC. 51A-10.109. LANDSCAPE AND TREE MANUAL

A landscape and tree manual is provided as a technical guide for conserving, protecting, maintaining, and establishing the landscape and urban forest of the City.

~~[References to this section, or paragraphs or subsections of this section, now refer to Section 51A-10.135, or corresponding paragraphs or subsections of Section 51A-10.135.]~~

SEC. 51A-10.110. SPECIAL EXCEPTIONS.

(a) Landscaping.

(1~~a~~) The board may grant a special exception to the requirements of Division 51A-10.120 ~~[this article]~~ upon making a special finding from the evidence presented that:

(A~~1~~) strict compliance with the requirements of this article will unreasonably burden the use of the property;

(B~~2~~) the special exception will not adversely affect neighboring property; and

(C~~3~~) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

(2~~b~~) In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:

(A~~1~~) The extent to which there is residential adjacency.

(B~~2~~) The topography of the site.

(C~~3~~) The extent to which landscaping exists for which no credit is given under this article.

(D~~4~~) The extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

(b) Tree Conservation.

(1) The board may grant a special exception to the requirements of Division 51A-10.130 upon making a special finding from the evidence presented that:

(A) strict compliance with the requirements of this article 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 Subsection (a), the board shall consider the following factors:

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

(B) The topography of the site.

(C) The ability to plant replacement trees safely on the property.

(D) The extent to which alternative methods of replacement will compensate for a reduction or extended time for tree replacement.

Division 51A-10.120. Landscaping.

SEC. 51A-10.121. APPLICATION OF DIVISION.

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

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

(2) Property lots in the following districts:

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

(B) The Deep Ellum/Near East Side District (Planned Development District No. 269).

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

(D) Central area districts.

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

(4) Property located within or in close proximity to an airport boundary if the city's director of aviation determines that the required landscape materials will threaten public health or safety.

(b) Only Section 51A-10.125(a) of this division applies to lots containing single family or duplex uses.

(c) This division only becomes applicable to a lot or tract when the nonpermeable coverage on the lot or tract is increased by more than 2,000 square feet within a 24-month period, not including pedestrian pathways, or when an application is made for a building permit for construction work that:

(1) increases the number of stories and increases the height of [it] a building on the lot; or

(2) increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period. The increase in

combined floor area is determined by adding the floor area of all buildings on the lot within the 24 months prior to application for a building permit, deducting any floor area that has been demolished in that time or will be demolished as part of the building permit, and comparing this figure with the total combined floor area after construction.

(d) When this division becomes applicable to an individual lot or tract, its requirements are binding on all current and subsequent owners of the lot or tract.

(e) The city council shall, as a minimum, impose landscaping requirements that are reasonably consistent with the standards and purposes of this division as a part of any ordinance establishing or amending a planned development district, or granting or amending a specific use permit. (Note: This subsection does not apply to ordinances that merely renew a specific use permit when no substantive changes are made other than to extend the time limit of the permit.) All landscaping requirements imposed by the city council must be reflected in a landscape plan that complies in form and content with the requirements of Section 51A-10.123 and complies with Division 51A-10.100.

SEC. 51A-10.122. ARTIFICIAL LOT DELINEATION.

(a) In general. If the building site is over two acres in size, the applicant may request that the building official create an artificial lot to satisfy the requirements of this 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;
- [and]
- (2) have an area that does not exceed 50 percent of the area of the building site;[-]
- (3) include all new exterior paving additions except pedestrian pathways; and
- (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.

(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. 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. Artificial lot requirements do not apply to pedestrian pathways in a city park over five acres.

(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.

SEC. 51A-10.123. LANDSCAPE PLAN SUBMISSION.

(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[A] landscape plan submission must consist of two blueline or blackline 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 chapter, a[A]ny person may prepare the landscape plan required under this division. [~~There is no requirement that the plan be prepared by a landscape architect or by a person engaged in the landscape business.~~]

(c) A landscape plan required under this 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 adjacent to and within the building site, and the location of all utilities, utility easements, including the location of utility poles, generators, and equipment.

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

(~~6~~[5]) Location, height, and material of proposed screening and fencing (with berms to be delineated by one-foot contours).

(~~7~~[6]) Locations and dimensions of required [~~proposed~~] landscape areas [~~buffer strips~~].

(~~8~~[7]) 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 caliper must be specifically indicated to be counted as required trees.

(9[8]) Complete description of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area to be provided internal to parking areas and the number and location of required off-street parking and loading spaces.

(10[9]) 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.

(11[10]) Size, height, location, and material of proposed seating, lighting, planters, sculptures, and water features.

(12[11]) A description of proposed watering methods.

(13[12]) Location of visibility triangles on the lot (if applicable).

(14) Trees to be relocated on site must be identified with their existing and proposed locations.

SEC. 51A-10.124. LANDSCAPE PLAN REVIEW.

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 [comply with at least] the minimum number of design option points [two "design standards"] as described in Section 51A-10.126. Except as provided in this article, t[he] the same landscape features and elements may be used meet the requirements of multiple design options [strategically placed so as to comply with more than one provision]. (For example, the same large trees might be located so as to be classified as "street trees" and "parking lot trees.")

SEC. 51A-10.125. MANDATORY LANDSCAPING REQUIREMENTS.

(a) Single family and duplex uses.

(1) General. Except as provided in Section 51A-10.127, a lot containing a single family or duplex use established after Date of Passage [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 lot must have at least three trees with a caliper equal to or exceeding two inches. At least two of these trees must be located in the front yard. The trees must be species listed in Section 51A-10.134.] 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) For lots 7,500 square feet or greater: Minimum three nursery stock trees per lot with minimum of two nursery stock trees in front yard.

(B) For lots between 4,000 square feet and 7,449 square feet: Minimum two nursery stock trees per lot with minimum one nursery stock tree in front yard.

(C) For lots 4,000 square feet or less: Minimum one nursery stock tree per lot.

(D) Planting requirements:

(i) The nursery stock trees must be species listed in the approved tree list maintained by the Director.

(ii) Trees must be a minimum caliper of at least two inches.

(iii) An existing tree in the front yard setback may qualify as a required tree if it is protected and maintained.

(iv) The trees may be located in the public right-of-way if all private licensing requirements of the city code and charter are met.

(v) Trees must be planted a minimum of twenty feet on center from the nearest point of an overhead electric distribution line.

(2) Shared access development.

~~[(A) Single family districts. Shared access developments in single family districts must comply with the following requirements:~~

~~(i) Three trees with a caliper equal to or exceeding two inches are required for each individual lot in the shared access development. One of the three required trees per lot may be located on the individual lot, but at least two trees per individual lot must be located in the front yard of the shared access development, where all of the property in the shared access development is considered to be one lot ("shared trees").~~

~~(ii) If there is more than one front yard to the shared access development, where all of the property in the shared access development is considered to be one lot, the shared trees must be evenly distributed within those front yards.~~

~~(iii) The trees must be species listed in Section 51A 10.134. 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[B]) [~~Districts other than single family districts.~~] Shared access developments [~~in districts other than single family districts~~] must comply with the following requirements:

(i) A minimum of 20 percent of the shared access development must be designated as landscape area. Permeable pavement does not count as landscape area.

(ii) One site tree must be provided for every 4,000 square feet within the shared access development. [~~Every site tree must have a planting area of at least 25 square feet.~~] 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 [~~Section 51A-10.134~~]. Nursery stock trees may not be planted within twenty feet on center of the nearest point of an overhead electric distribution line.

(iii) In addition to any site trees, one plant group [~~large canopy street tree~~] must be provided for every 40 [~~25~~] feet of street frontage, [~~excluding shared access points, with a minimum of two street trees required~~]. Street trees 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 [~~canopy~~] tree would interfere with utility lines, a substitute street tree from a species listed in the approved tree list [~~Section 51A-10.134~~] 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.
- (iii) One large tree, two small trees, and one large evergreen shrub.

(b) Other uses. Lots containing a use other than single family or duplex must comply with the following requirements:

(1) Street buffer zone. Except as provided in this paragraph, the landscape area to be provided along the entire length of the lot adjacent to the public street frontage including paved surfaces at points of vehicular and pedestrian ingress and egress must meet the following requirements:

| (A) | <u>Right-of-way</u> | <u>Average Depth</u> | <u>Minimum Depth</u> | <u>Maximum Depth</u> |
|-----|---------------------|----------------------|----------------------|----------------------|
| | Highways/Freeways | 20 feet | 5 feet | 50 feet |
| | Major Streets | 15 feet | 5 feet | 40 feet |

Local Streets 10 feet 5 feet 30 feet

(B) Urban streetscape. For required front yards of 0 to 15 feet that create a pedestrian-oriented street environment in the front yard and the right-of-way, the building official may approve an urban streetscape plan to conform to the available frontage in accordance with the following conditions:

(i) A planting area a minimum of six feet in width is required with the minimum soil area and volume requirements in this article.

(ii) The planting area may be designed with open soil areas or covered soil areas.

(iii) The planting area is measured from the property line unless the building official determines that the planting area may be measured from the back of curb based on conditions on the property.

(iv) A minimum of at least one design option must be provided in the front yard and right-of-way area.

(C) The right-of-way adjacent to the property line may be used to satisfy the required street buffer zone subject to:

(i) minimum five foot depth maintained on the property;

(ii) local utility location;

(iii) appropriate planting conditions; or

(iv) city licensing and permit requirements.

(D) Required Planting:

(i) One large tree must be provided for every 50 linear feet of frontage

(ii) Tree to be a minimum 2" caliper

(iii) When existing conditions prohibit planting large trees or medium trees, two small trees may be substituted for each large tree or medium tree upon approval of the building official.

(E) Properties less than 10,000 square feet may reduce the street buffer zone on the lot to the greater of five feet minimum width multiplied by the length of lot frontage with the street, or an area no less than five percent of the total lot area.

(2) Residential buffer zone. The landscape area to be provided along the entire length of the portion of the perimeter of the lot where a residential adjacency exists. The residential buffer zone must have an average width of 10 feet, but not less than 5 feet width and no more than 30 feet at any point, except that any portion of the residential buffer zone need not exceed 10% of the lot width.

(A) Required planting at a minimum average density of one group for each 40 linear feet of the residential buffer zone with a minimum of one group provided.

(i) When a fence is required: one large or medium tree.

(ii) When no fence is required:

(aa) One large or medium tree and three small trees, or

shrubs, or

(bb) One large or medium tree and three large evergreen

large evergreen shrub, or

(cc) One large or medium tree, two small trees, and one

large evergreen shrubs.

(dd) One large or medium tree, one small tree, and two

(B) When the location of a local utility prohibits planting large trees or medium trees, two small trees may be planted for each large tree or medium tree.

(3) Interior zone. The remaining area of a lot not included in the Street Buffer Zone or the Residential Buffer Zone (if applicable).

(A) Facade area: area of a lot abutting an active storefront or an office or mixed use building front. Required planting from one facade option as listed in SEC. 51A-10-126.

(B) Parking Lots:

(i) Minimum caliper of trees is three inches, planted in a landscape area and located no closer than four feet to paving.

(ii) Minimum landscape area is 160 square feet, with a minimum width of 8 feet.

(iii) Parking lots with 21 to 100 spaces: No parking space shall be located more than 70 feet from the trunk of a large tree or medium tree.

(iv) Except as provided in Paragraph (C), for parking lots greater than 100 spaces:

(aa) No parking space shall be located more than 70 feet from the trunk of a large tree or medium tree.

(bb) Except as provided in in this item, a landscape area must be located at each end of a single row of parking spaces and contain a minimum of one tree.

(I) The building official may waive this requirement in order to preserve existing trees and natural features or due to unique site features.

(II) Handicapped parking space areas do not require row end landscape areas.

(cc) Except as provided in Item (dd), maximum number of parking spaces allowed between landscape areas is 12.

(dd) No maximum number of parking spaces when a parking row:

(I) abuts a median landscape area running the length of the parking row with a minimum of one tree per 40 linear feet;

(II) abuts a residential buffer zone landscape area; or

(III) abuts a street buffer zone landscape area.

(C) The requirements in Romanette 51A-10.125(b)(3)(B)(iv) for parking lots greater than 100 spaces, do not apply to industrial uses in IM or IR districts that provide at least one tree meeting the requirements for street trees in the street buffer zone for each 25 feet of frontage.

~~[(b) Other uses. Lots containing a use other than single family or duplex must comply with the following requirements:~~

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

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

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

(1) Additional Provisions

(A[2]) Screening of off-street loading spaces.

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

(ii[B]) In all districts except CS and industrial districts, all off-street loading spaces on a lot must be screened from all public streets adjacent to that lot.

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

(B[3]) Site trees.

(i[A]) One tree having a caliper of at least two inches must be provided for each 4,000 square feet of lot area, or fraction thereof, [~~with a minimum of four trees being provided,~~] except for industrial uses in IM and IR districts, where one tree having a caliper of at least two inches must be provided for each 6,000 square feet of lot area, or fraction thereof[, ~~with a minimum of four trees being provide~~].

(ii[B]) Existing trees that are determined by the building official to be healthy may be used to satisfy the site tree requirement, in accordance with the tree credit chart below:

| <u>CALIPER OF RETAINED TREE</u> | <u>NUMBER OF SITE TREES CREDIT GIVEN FOR RETAINED TREE</u> |
|---|--|
| Less than 2 inches | 0 |
| 2 inches or more but less than 8 inches | 1 |
| 8 inches or more but less than 14 inches | 2 |
| 14 inches or more but less than 20 inches | 4 |
| 20 inches or more but less than 26 inches | 8 |
| 26 inches or more and less than 32 inches | 10 |
| 32 inches or more but less than 38 inches | 18 |
| 38 inches or more | 20 |

~~[(4) Street trees. A large tree must be provided for each 50 feet of frontage, with a minimum of two trees being provided. These trees must be located within 30 feet of the projected street curb. The trees may be located in the public right of way provided that all private licensing requirements of the city code and charter are met. For purposes of this paragraph, "projected street curb" means the future location of the street curb consistent with the city thoroughfare plan as determined by the director of public works.~~

~~(5) Parking lot trees.~~

~~(A) No required parking space may be located more than 120 feet from the trunk of a large canopy tree. No parking space in excess of required parking may be located more than 100 feet from the trunk of a large canopy tree, and the tree must be located in a landscape area of a minimum of 120 square feet. Each tree required by this subparagraph must have a caliper of at least two inches and may not be planted closer than two and one-half feet to the paved portion of the parking lot.~~

~~(B) An industrial use in an IM or IR district need not comply with Subparagraph (A) if it provides at least one tree meeting the requirements for street trees in Paragraph (4) for each 25 feet of frontage.]~~

(C[6]) Minimum sizes. Except as provided in Subsections (a), (b)(3), and (b)(5) of this section, plant materials used to satisfy the requirements of this division must comply with the following minimum size requirements at the time of installation:

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

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

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

For purposes of this paragraph, "height" is measured from the top of the root ball or, if the plant is in a container, from the soil level in the container.

[7) Buffer plant materials:

~~(A) If a fence with a buffer strip is required along any part of the perimeter of a lot, the buffer strip must contain either one large canopy tree or two large non-canopy trees at a minimum average density of one large canopy tree or two large non-canopy trees for each 50 linear feet of the buffer strip, with new trees spaced no less than 25 feet apart.~~

~~(B) In all other cases, a landscape buffer strip provided to comply with this section or Section 51A 10.126 must contain one of the following groups of plant materials at a minimum average density of one group for each 50 linear feet of the buffer strip:~~

~~(i) One large canopy tree and one large non-canopy tree.~~

~~(ii) One large canopy tree and three small trees.~~

~~(iii) One large canopy tree and three large evergreen shrubs.~~

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

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

(iv) ~~Two large non-canopy trees.]~~

SEC. 51A-10.126. DESIGN OPTIONS [STANDARDS].

(a) The minimum number of design option points required for a lot are:

| <u>Lot size</u> | <u>Points required</u> |
|--------------------------------------|------------------------|
| <u>0 to <1000 sf</u> | <u>0</u> |
| <u>1000 sf to <2000 sf</u> | <u>1</u> |
| <u>2000 sf to <10000 sf</u> | <u>2-9</u> |
| <u>(One point for every 1000 sf)</u> | |
| <u>10000 sf to 19999 sf</u> | <u>10</u> |
| <u>20000 sf to 39999 sf</u> | <u>15</u> |
| <u>40000 sf to <3 acres</u> | <u>20</u> |
| <u>3 acres to <10 acres</u> | <u>30</u> |
| <u>10 acres to <20 acres</u> | <u>35</u> |
| <u>20 acres to <50 acres</u> | <u>40</u> |
| <u>50 acres and greater</u> | <u>50</u> |

(b) Points. Points must be obtained by complying with design options in order to comprise total number of points required for the property.

(c) Design options. An applicant shall comply with the following design options to obtain the required number of points for the property. Examples of the design options and methods for application are provided in the Landscape and Tree Manual.

(1) Plant material upgrade. Points may be provided for plant materials added to the landscape design when the required amount of points for a standard design option is deficient by five points or less. All added plant materials must be provided within the front yard. Maximum 5 points.

(A) Large or medium tree caliper increase: One point per additional caliper inch for each required tree (up to a maximum caliper of six inches.)

(B) Additional small tree: 0.5 points.

(C) Additional large shrub plant: 0.25 points.

(D) Additional large or medium tree: 1 point.

(2) Buffer zones enhancements. Maximum of 20 points.

(A) Large enhanced buffer zone. A buffer zone may be widened by a minimum average of five feet greater than the required width. The design option is not available if the buffer zone is reduced to no more than five percent of the lot area. 5 points.

(B) Small enhanced buffer zone. A buffer zone may be widened by a minimum average of two feet greater than the required width. The design option is not available if the buffer zone is reduced to no more than five percent of the lot area. 2 points.

(3) Application of engineered solutions for soil volume. The use of engineered solutions for soil volume may be credited when required trees are planted in impervious environments while attaining the threshold requirement for soil volume.

(A) Minimum required soil volume: 5 points

(B) Increase in soil volume 10 percent above requirement: 6 points

(C) Increase in soil volume 15 percent above requirement: 7 points

(D) Increase in soil volume 20 percent above requirement: 8 points

(E) Increase in soil volume 25 percent above requirement: 9 points

(F) Increase in soil volume 30 percent or greater above requirement: 10 points.

(4) Screening. An applicant may provide screening for all parking lots on the building site, or artificial lot, whichever is applicable, from all adjacent public streets, in accordance with the following paragraphs.

(A) The screening must be voluntary.

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

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

(ii) visibility triangles.

(C) Underground parking and enclosed garage parking structures are considered to be screened for purposes of this subsection.

(D) The screening may be designed with the following options for a maximum total of points of 20:

(i) Option 1: Standard design is provided with screening materials per 51A-4.602 and shrubs with a minimum height of two feet at time of planting and a single row of material. 5 points for complete frontage.

(ii) Option 2: Enhanced design is provided by a landscape architect and includes a minimum of two plant species, or plant species and additional materials in order to provide the full screening effect. 10 points for complete frontage.

(iii) Option 3: Grouped beds may be added to Option 1 or option 2 to complement the screening row with planting beds placed at intervals of no less than 1 per 50 feet of frontage. 5 points for complete frontage.

(iv) Option 4: A short screen wall or fence of no less than three feet in height may be provided along with the screening plant materials of Option 1 or Option 2. 5 points.

(v) Option 5: A berm with groundcover may complement standard screening materials or be used in replacement of Option 1 or Option 2 and provided at a height of no less than three feet. 5 points.

(5) Building facade. An applicant may provide planting areas for building frontages on the building site, or artificial lot, whichever is applicable, adjacent to public streets or private driveways, in accordance with the following paragraphs. The facade planting areas may be designed with the following options for a maximum total of 15 points:

(A) Option 1: Standard design is provided along the foundation of the structure. The planting area for the shrubs must be a minimum of three feet in width and extend along at least 50 percent of the portion of the foundation that faces a street. The shrubs must be spaced no more than six feet apart measured from trunk to trunk. 5 points.

(B) Option 2: An enhanced design may be provided as designed by a landscape architect. The design may vary from the standard foundation row to create depth and layering of landscaping for visual enhancement contiguous to and extending fifteen feet or more from the building facade to complement and soften the foundation of the building. The planting area must be a minimum of five feet in width. A minimum of two plant species and water conservation irrigation method is required. The landscape area must extend for at least a minimum of 50 percent of the street front facade or a combination of the street front facade and the building facade facing a surface parking lot. 10 points.

(C) Option 3: Additional grouping of medium or small trees may be added to the enhanced landscape design to provide an improved pedestrian environment within 25 feet from the facade of the structure. A minimum of one tree per 50 feet of front or side yard building facade is required. 5 points.

(D) Option 4: One small tree per 30 feet of front facade within 15 feet from the facade. 5 points.

(6) Pedestrian uses. An applicant may provide private or publicly accessible special pedestrian facilities and features such as plazas, covered walkways, fountains, lakes and ponds, seating areas, and outdoor recreation facilities. These facilities and features must occupy at least five percent of the lot area. The facilities may be designed for the following options for a maximum total of 25 points.

(A) Option 1: Urban streetscape. At least two of the following types of pedestrian amenities along street frontages must be provided. May only be used in an urban streetscape in the street buffer zone. 10 points.

(i) Benches located at one per 60 feet of street frontage
(minimum of two.)

(ii) Pedestrian street lamps (free-standing or wall mounted) at one per 50 feet of frontage.

(iii) Enhanced sidewalk with stamped concrete or brick pavers for pedestrian uses for the full width of the sidewalk, along the entire frontage. Pavement cannot be used to meet the enhanced pavement option in Paragraph (7).

(iv) Minimum unobstructed sidewalk width of eight feet.

(v) Water feature.

(B) Option 2: Special amenities. An applicant may provide private or publicly accessible special amenities to the building site including plazas, covered walkways, fountains, lakes and ponds, seating areas, and outdoor recreation facilities. The credited facilities must occupy at least five percent of the lot area provided in no more than two locations on the lot. The special amenities area must be fully identified on a landscape plan. Private or interior courtyards are excluded. 5 points for private amenities, 10 points for publicly accessible amenities.

(C) Option 3: Adjacent to 'habitat restoration' areas. Special amenities built contiguous to habitat preservation and restoration areas will be credited for their location in or around the habitat when constructed according to a design supporting or enhancing the habitat protection. 10 for private amenities, 15 points for publicly accessible amenities.

(D) Option 4: Athletic fields. Open spaces maintained for athletic fields which are a minimum of five percent of the lot. 10 points. For athletic fields on lots greater than 10 acres. 20 points.

(7) Pavements. An applicant may provide enhanced or special pavement. Pavement must be a minimum of 25 percent of all outdoor vehicular pavement on the lot. The same pavement cannot satisfy multiple categories. (Note: All vehicular pavement must comply

with the construction and maintenance provisions for off-street parking in this chapter.)
Maximum total of 15 points.

(A) Option 1: Enhanced vehicular pavement.

(i) Enhanced texture: Stamped concrete, sand-blasted, rock-salt finished, pavers on concrete base, stone, etc: 3 points.

(ii) Enhanced color: Color integral to above textured pavement: 3 points.

(B) Option 2: Permeable vehicular pavement: 5 points.

(C) Option 3: Enhanced pedestrian walkways.

(i) Enhanced texture: Stamped concrete, sand-blasted, rock-salt finished, pavers on concrete base, stone, etc: 3 points.

(ii) Enhanced color: Color integral to above textured pavement: 3 points.

(8) Conservation. The applicant may conduct conservation programs on the property. The conservation program must occupy at least five percent of the lot area. Maximum of 25 points.

(A) Option 1: Tree preservation in the development area. Large or medium trees maintained in the development impact area may be credited as well as attain site tree credit in 10.125. The trees must be protected and maintained in areas as required by this article. Each tree may attain 2 points each for a total of 10 points. Significant trees may attain 5 points.

(B) Option 2: Habitat preservation and restoration - preserved and passive management. The applicant may preserve existing healthy native and mixed species grassland or woodland areas maintained in its established condition at the time immediately prior to the new development. Site maintenance is kept to purposes of retaining conditions for health and safety. 5 points.

(C) Option 3: Habitat preservation and restoration - new design or restoration of site and with active management. The applicant may create or restore natural habitat conditions as designed and implemented by a qualified professional. Site maintenance is continual for the purpose of sustaining the purpose of the vegetated area. The option may be combined with low impact development design for the vital drainage functions of the property. 10 points.

(D) Option 4: Habitat preservation and restoration - adjacent to sensitive land area. The applicant may preserve and restore land areas adjacent to wetlands,

creeks, floodplain, and slopes which help buffer the development impact area from the protected habitat and woodland. This option may be combined with pedestrian amenities. The area must be at least 5% of the lot or tract area. 15 points.

(9) Low Impact Development (LID). The applicant may improve the property with low impact development design to manage stormwater flow and provide surface heat abatement. The improvements may be combined for a maximum of 20 points.

(A) Option 1: Rain garden. Maximum 6 points.

(i) 0-5,000 square feet: 3 points

(ii) each additional 1,000 square feet: 1 point.

(B) Option 2: Bioswale. Maximum 10 points per bioswale.

(i) 50-100 feet long: 3 points

(ii) each additional 50 feet: 1 point.

(10) Parking Lots. The applicant may improve the surface parking environment on the property through various means to provide wider landscape areas and improved shade tree environment. The improvements may be combined for a maximum of 30 points for development impact areas 10 acres or larger, and 20 points for development impact areas less than 10 acres.

(A) Option 1: Protected and shaded pedestrian pathway to building from the right-of-way. The expansion of a wide landscape median with trees and a walkway through the parking lot. A minimum of 1 large or medium tree is required for each 40 linear feet of landscape median. 5 points.

(B) Option 2: Parking islands - Interior - a maximum of 10 spaces provided between landscape islands. 5 points.

(C) Option 3: Parking islands - Interior – increasing the landscape area to a minimum of 200 sf per large or medium tree.

(i) Increase landscape area of 50% of the required parking islands. 5 points.

(ii) Increase landscape area of 75% of the required parking islands. 10 points.

(D) Option 4: Parking islands - Interior - a planting area of at least 300 sf in area, per large or medium tree.

(i) Increase landscape area of 50% of the required parking islands. 5 points.

(ii) Increase landscape area of 75% of the required parking islands. 10 points.

(E) Option 5: Parking islands – Interior – each additional parking island - 3 points.

(F) Option 6: Landscape medians - Interior - a minimum width of 10 feet wide landscape median and extending the length of the parking row, minimum 12 parking space row. 5 points.

(G) Option 7: Landscape medians - Interior - a minimum width of 12 feet wide landscape median with large or medium trees and extending the length of the parking row, minimum 12 parking space row. 10 points for each full median for a maximum of 20 points on the lot.

(H) Option 8: Landscape medians - Interior - a minimum width of 16 feet wide landscape median with large trees and extending the length of the parking row, minimum 12 parking space row. 15 points for each full median for a maximum of 30 points on the lot.

(I) Option 9: Large trees in minimum of 500 square feet dedicated open soil area. 2 points for maximum of 20 points.

(J) Option 10: Pocket park - Interior from buffer zone - a minimum of 2500 square feet of contiguous open soil surface. 20 points.

(11) General. The applicant may prove the application and demonstrate ability to achieve specific conditions.

(A) Option 1: Provide application and demonstrate ability to attain SITES certified level or greater. 10 points.

(B) Option 2: Provide and implement a landscape maintenance plan for a 3 year minimum period. 3 points.

(C) Option 3: Provide and prove a water wise irrigation system implemented throughout the property.

(i) Drip Irrigation in all planter bed areas: 4 points.

(ii) Evapo-transpiration based controller: 3 points.

(iii) Head with check valves and pressure regulation: 3 points.

[An applicant shall comply with at least two of the following design standards:

~~(a) Enhanced perimeter buffers. An applicant may enhance the perimeter landscape buffer strip to a minimum average width equal to or greater than 15 feet.~~

~~(b) Street buffers. An applicant may provide a landscape buffer strip along public street frontage. The landscape buffer strip must:~~

~~(1) be provided along the entire adjacent public street frontage, exclusive of driveways and accessways at points of ingress and egress to the lot; and~~

~~(2) have a minimum width of 10 feet or 10 percent of the lot depth, whichever is less.~~

~~(c) Screening of off-street parking. An applicant may provide screening for all parking lots on the building site or artificial lot, whichever is applicable, from all adjacent public streets in accordance with the following paragraphs.~~

~~(1) The screening must be voluntary (not required by ordinance).~~

~~(2) The screening must extend along the entire street frontage of the parking lot, exclusive of:~~

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

~~(B) visibility triangles.~~

~~(3) The screening must be at least three feet in height.~~

~~(4) Underground parking is considered to be screened for purposes of this subsection.~~

~~(d) Enhanced vehicular pavement. An applicant may provide enhanced pavement. This pavement must be at least 25 percent of all outdoor vehicular pavement area on the lot. The same pavement cannot satisfy both Subsections (d) and (e). (Note: All vehicular pavement must comply with the construction and maintenance provisions for off-street parking in this chapter.)~~

~~(e) Permeable vehicular pavement. An applicant may provide permeable enhanced pavement. This pavement must be at least 25 percent of all outdoor vehicular pavement on the lot. The same pavement cannot satisfy both Subsections (d) and (e). (Note: All vehicular pavement must comply with the construction and maintenance provisions for off-street parking in this chapter.)~~

~~(f) Pedestrian facilities. An applicant may provide publicly accessible special pedestrian facilities and features such as plazas, covered walkways, fountains, lakes and ponds, seating areas, and outdoor recreation facilities. These facilities and features must occupy at least five percent of the lot area.~~

~~(g) Foundation planting strip. An applicant may plant large shrubs along the foundation of the main building. The planting area for the shrubs must be a minimum of three feet in width and extend along at least 50 percent of the portion of the foundation that faces a street. The shrubs must be spaced no more than six feet apart measured from trunk to trunk.~~

~~(h) Understory preservation. The applicant may preserve existing healthy understory. The preserved understory must occupy at least five percent of the lot area.~~

~~(i) Enhanced pedestrian walkways. The applicant may provide enhanced pedestrian walkways. These walkways must consist of enhanced pavement intended for pedestrian use and occupy at least five percent of the lot.]~~

SEC. 51A-10.127. WHEN LANDSCAPING MUST BE COMPLETED.

(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. (

SEC. 51A-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.

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