

## Exhibit 14A. Zoning Ordinance

### Part V. DEVELOPMENT STANDARDS

#### § 34. LANDSCAPE REQUIREMENTS.

##### 34.1 PURPOSE:

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area which, in turn, helps to reduce the amount of impervious surface area, storm water runoff; and consequent nonpoint pollution in local waterways. Therefore, landscaping is hereafter required of new development, except single- and two-family and agricultural uses, adjacent to public streets. Single- and two-family uses are generally not required to provide extensive landscaping at the time of development because they rarely fail to comply with the requirements set forth herein.

##### 34.2 SCOPE AND ENFORCEMENT:

The standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new or altered construction occurring within the City, except that single-family or duplex dwellings shall be exempt. Additionally, any use requiring a Specific Use Permit or a PD zoning designation must comply with these landscape standards unless special landscaping standards are otherwise provided for in the ordinance establishing the SUP or PD district. The provisions of this Section shall be administered by the City Administrator, or his/her designee. The landscape standards in this Section apply only to nonresidential and multifamily developments (including uses such as schools, day care centers, and churches within a residential zoning district).

If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be not in conformance with the standards and criteria of this Section, the City Administrator (or his/her designee) shall issue notice to the owner, citing the violation and describing what action is required to comply with this Section. The owner, tenant or agent shall have thirty (30) days from date of said notice to establish/restore the landscaping, as required. If the landscaping is not established/restored within the allotted time, then such person shall be in violation of this Ordinance.

##### 34.3 PERMITS:

No permits shall be issued for building, paving, grading or construction until a detailed landscape plan is submitted and approved by the City Administrator, or his/her designee, along with the site plan and engineering/construction plans. A conceptual or generalized landscape plan shall be required as part of the site plan submission, as required in Section 12. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.

In any case in which a certificate of occupancy is sought at a season of the year in which the City Administrator, or his/her designee, determines that it would be impractical to plant trees, shrubs or groundcover, or to successfully establish turf areas, a temporary certificate of occupancy may be issued provided a letter of agreement from the property owner is submitted that states when the

installation shall occur. All landscaping required by the landscaping plan shall be installed within six (6) months of the date of the issuance of the certificate of occupancy.

#### 34.4 LANDSCAPE PLAN:

Prior to the issuance of a building, paving, grading or construction permit for any use other than single-family detached or duplex dwellings, a landscape plan shall be submitted to the City Administrator, or his/her designee. The City Administrator, or his/her designee, shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in conformance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

Landscaping plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.) and shall contain the following minimum information:

- A. Minimum scale of one inch (1") equals fifty feet (50'); show scale in both written and graphic form.
- B. Location, size and species of all existing trees that are greater than or equal to a six-inch (6") caliper size (do not use "tree stamps" unless they indicate true size and location of trees).
- C. Location and planting design of all new plant and landscaping materials to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, and all other landscape features
- D. Species and common names of all plant materials to be used
- E. Size of all plant material to be used (container size, planted height, etc.)
- F. Spacing of plant material where appropriate
- G. Layout and description of irrigation, sprinkler, or water systems including location of water sources
- H. Description of maintenance provisions
- I. Name and address of the person(s) responsible for the preparation of the landscape plan
- J. North arrow/symbol, and a small map showing where the property is located
- K. Date of the landscape plan

#### 34.5 GENERAL STANDARDS:

The following criteria and standards shall apply to landscape materials and installation:

- A. All required landscaped open areas shall be completely covered with living plant material, and all required landscaping shall be continuously maintained in a living and growing condition. Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants, but shall not comprise a significant portion of the total landscaped area.
- B. Plant materials shall conform to the standards of the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- C. Trees shall have an average crown spread of greater than fifteen feet (15') at maturity. Trees having a lesser average mature crown of fifteen feet (15') may be substituted by grouping the same so as to create the equivalent of fifteen feet (15') of crown spread. Trees shall be a minimum of three inches (3") in caliper (as measured twenty-four inches (24") above the ground) and seven feet (7') in height at time of planting. No tree shall be located closer than five feet (5') to any paved surface (e.g., street/parking lot paving and curbs). Trees may be located closer than five feet (5') to a sidewalk only when an acceptable root barrier is used to

prevent tree roots from growing underneath the sidewalk, and only if trees are maintained with a seven-foot (7') vertical clearance over the sidewalk.

- D. Hedges, where installed for screening purposes, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be six feet (6') high within three (3) years after time of planting (except for parking lot/headlight screens, which shall form a continuous, solid visual screen three feet high within two years after planting).
- E. Grass areas shall be sodded, plugged, sprigged, hydro-mulched and/or seeded, except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.
- F. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.
- G. Any trees preserved on a site meeting the herein specifications may be credited toward meeting the tree requirement of any landscaping provision of this Section according to the following table:

Caliper Size of Existing Tree	Credit Against Tree Requirement
6" to 8"	1.0 tree
9" to 30"	1.5 trees
31" to 46"	2.0 trees
47" or more	3.0 trees

Due to their limited height, size and value as quality shade trees, mesquite, hackberry, willow and sycamore trees will receive only fifty percent (50%) of the above credit for tree preservation. All other existing trees may receive credit if they are not on the City's approved plant material list but are approved by the City Administrator, or his/her designee. Should any required tree designated for preservation in the landscape plan die, the owner shall replace the tree with a three inch (3") minimum caliper tree in accordance with the credits listed above. The caliper size of existing trees shall be measured at forty-eight inches (48") above natural grade. No living trees greater than six inches (6") in caliper may be cut, destroyed or damaged on the development site until approved as part of the site plan requirements in this Ordinance, and such trees shall be preserved and protected, wherever possible.

- H. Earthen berms shall have side slopes not to exceed 33.3 percent (three feet (3') of horizontal distance for each one foot (1') of vertical height). All berms shall contain necessary drainage provisions as may be required by the City's Engineer.
- I. All required landscaped areas shall be provided with an automatic, underground irrigation system. Landscaped areas having less than ten (10) square feet in area may be irrigated by other inconspicuous methods.

#### **34.6 MINIMUM LANDSCAPING REQUIREMENTS FOR NONRESIDENTIAL AND MULTIFAMILY:**

- A. For all nonresidential and multifamily developments (including schools, churches, day care facilities, and other similar uses in a residential district), at least fifteen percent (15%) of the street yard shall be permanently landscaped area (see Illustration 13). The street yard shall be defined as the area between the building front and the front property line, and shall apply to all street frontages of the building. The required landscaped area shall be defined as the total square footage of the street yard area minus the area occupied by any structure, parking area, sidewalk, or other paved or impervious surface area.

For gasoline service stations, the requirement is a minimum of fifteen percent (15%) landscaped area for the entire site, including a minimum six hundred (600) square foot landscaped area at the street intersection corner (if located on a corner), which can be counted toward the fifteen percent (15%) requirement.

- B.** A minimum ten-foot (10') landscape buffer (interior parkway) adjacent to the right-of-way of any major thoroughfare street is required. Corner lots fronting two (2) major thoroughfares shall provide the appropriate required landscape buffer on both street frontages. All other street frontages shall observe a minimum five-foot (5') landscape buffer. Developers shall be required to plant one (1) large tree per forty (40) linear feet (or portion thereof) of street frontage (existing trees that meet the criteria of Subsection \_\_\_\_\_ below may count toward the required number of trees). Trees within street rights-of-way shall not count toward the number of trees required for a development site. Trees should be grouped or clustered to facilitate site design and to provide an aesthetically pleasing, natural looking planting arrangement. The landscaped portion of interior parkways may be included in the required landscape area percentage. The interior parkway is defined as that area on private property between the street right-of-way line and the curb of the parking area or building area.
- C.** Landscape areas within parking lots should generally be at least one parking space in size, and no landscape area having a tree shall be less than fifty (50) square feet in area. Landscape areas shall be no less than five feet (5') wide, and shall equal a total of at least sixteen (16) square feet per parking space. There shall be a landscaped area with at least one (1) tree within sixty feet (60') of every parking space. There shall be a minimum of one (1) tree planted in the parking area for every ten (10) parking spaces within parking lots with more than twenty (20) spaces. Within parking lots, landscape areas should be located to define parking areas and assist in clarifying appropriate circulation patterns. A landscape island shall be located at the terminus of all parking rows, and should contain at least one tree. All landscape areas shall be protected by a monolithic curb or wheel stops, and shall remain free of trash, litter, and car bumper overhangs.
- D.** A minimum of fifty percent (50%) of the total trees required for the property shall be large trees as specified on the approved plant list. Only shrubs and groundcovers (i.e., no trees) shall be used under existing or proposed overhead utility lines.
- E.** All existing trees which are to be preserved shall be provided with undisturbed, permeable surface area under (and extending outward to) the existing drip line of the tree. All new trees shall be provided with a permeable surface under the dripline that is a minimum of five feet (5') by five feet (5') in size.
- F.** Necessary driveways from the public right-of-way shall be permitted through all required landscaping, and shall be in accordance with City regulations.

#### 34.7 TREE PRESERVATION:

- A. During any construction or land development, the developer shall clearly mark all trees to be preserved/retained on site, and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the dripline of any trees that are designated for preservation.

During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees that are being preserved. Neither shall the developer allow the disposal of any waste/toxic material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees to remain.

No attachment or wires of any kind, other than those of a protective or supportive nature, shall be attached to any tree.

- B. Tree Removal - In any nonresidential or multifamily development or zoning district, no person shall, directly or indirectly, cut down, destroy, remove, or effectively destroy through damaging, any tree that is six inches (6") or larger in caliper size (as measured forty-eight inches (48") above the ground at the trunk) on any nonresidential or multifamily property within the City of Hutchins without first obtaining a Tree Removal Permit as provided by this Section.

1. Permit Required - Trees shall not be damaged, destroyed or removed prior to the issuance of a Tree Removal Permit, nor until the City Administrator (or his/her designee) approves removal of trees due to the following:
  - a. Said trees are injured, dying, diseased or excessively infested with harmful insects; or
  - b. Said trees are in danger of falling, interfering with utility services, or creating an unsafe visual obstruction; or
  - c. Said trees create a hazardous or dangerous condition so as to endanger the public health, safety or welfare.
2. Utility companies shall be exempt from authorization of the City Administrator (or his/her designee) when public health, safety or welfare of the general citizenship is in danger.
3. Under no circumstances shall the clear-cutting of trees, six-inch (6") caliper size and larger (as measured forty-eight inches (48") above the ground at the trunk), on any nonresidential or multifamily property within the City of Hutchins be allowed prior to the issuance of a Tree Removal Permit for said property. Any tree removed will be required to follow the guidelines of this Ordinance.
4. Penalties for Unauthorized Removal of Trees - If any trees are removed from any nonresidential or multifamily property, including any injury to a tree resulting from the developer's or contractor's failure to follow required tree protection measures that causes or may reasonably be expected to cause the tree to die, the property owner shall be determined to be in violation of this Ordinance. Each and every tree removed in violation of this Ordinance shall constitute a separate and distinct offense, and shall be subject to the penalties provided in Section 44 of this Ordinance.
5. Application for Tree Removal Permit - A permit for the removal of trees shall be obtained by making application to the City of Hutchins, Building Department, on a form provided by the City, and shall be subject to the following procedures:
  - a. Review of Application for Tree Removal Permit - Upon receipt of a proper application for a Tree Removal Permit, the City Administrator (or his/her designee) shall review the application and may conduct field inspections of the proposed development.
  - b. The application for a Tree Removal Permit (if applicable) shall be considered an integral part of the application for site plan approval (see Section 12), and no site plan or development plan for any development that is subject to the provisions of this Section shall be approved without approval of the required Tree Removal Permit.
  - c. Denial of an application for a Tree Removal Permit may be appealed (in writing) to the City Council.
6. This Subsection does not apply to any area that was platted prior to the effective date of this Ordinance.

#### 34.8 SIGHT DISTANCE AND VISIBILITY:

- A. Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an intersection of a street(s), alley and/or driveway occurs, a triangular visibility area shall be created (see Section 37.9). Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between twenty-four inches (24") and eight feet (8') above the ground. Single-trunked trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area and provided that their trunks, when mature in size, will not produce a "picket fence" effect which would hinder visibility.
- B. Landscaping, except required grass and low ground cover, shall not be located closer than three feet (3') from the edge of any accessway pavement.

- C. In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the City Administrator, or his/her designee, the requirements set forth herein may be reduced to the extent to remove the conflict.

34.9 MAINTENANCE:

- A. The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not to be limited to, mowing (of grass six inches or higher), edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size, within one hundred and twenty (120) days. Trees with a trunk diameter in excess of six inches (6") measured twenty-four inches (24") above the ground may be replaced with ones of similar variety having a trunk diameter of no less than three inches (3") measured twenty-four inches (24") above the ground. A time extension may be granted by the City Administrator, or his/her designee, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his/her agent.
- B. Failure to maintain any landscape area in compliance with this Section is considered a violation of this Section and may be subject to penalties of Section 44 of this Ordinance.

(Ordinance 782 adopted 2/16/04; Ordinance 2013-0950 adopted 9/5/13; Ordinance 2017-1023 adopted 6/5/17; Ordinance 2018-1051 adopted 7/16/18)