

ORDINANCE NO. 093-051

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS,
AMENDING THE LANDSCAPE REGULATIONS AS SET
FORTH IN ORDINANCE NO. 091-059; PROVIDING A
SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE
DATE**

WHEREAS, the Town of Addison has adopted landscape regulations; and

WHEREAS, the Town of Addison desires to make certain amendments to its landscape regulations; and

WHEREAS, the amendments are deemed reasonable and necessary and for the public's welfare and benefit;

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

1. The above recitals are hereby found to be true and correct and incorporated herein in their entirety.

2. The landscape regulations of the Town of Addison, as set forth in Ordinance 091-059, are hereby amended in the following respects:

(a) Section 2 is amended to revise the definition for Decorative Paving to include "flagstone."

(b) Section 3C is amended to reflect that the Landscape Regulations of the Town shall be applicable whenever a property owner seeks "a building permit or certificate of occupancy for a building that has been previously unoccupied."

(c) The second sentence of the introductory paragraph of § 4 is hereby amended to read as follows: "The plans must have a scale of one inch equals 30 feet or larger and be on a standard drawing sheet of a size no smaller than 24 inches by 36 inches, not to exceed 36 inches by 48 inches."

(d) The introductory paragraph to § 4 is hereby amended to add the following sentence: "Irrigation plans must be submitted when the building permit application is made."

(e) Section 7A is amended to add "Mixed-Use Residential" as a district that requires twenty percent of the gross site or lot to be landscaped area.

(f) Section 7B(2) is amended to read in its entirety as follows:

When screening for off-street loading spaces is provided by earthen berm or evergreen plant materials, the following regulations apply:

- (a) An earthen berm must be planted with turf grass or ground cover recommended for local area use by the Director of Parks and Recreation. The berm must have a minimum side slope of 3:1 and a minimum crown width of 3 feet.
- (b) Evergreen plant materials must be recommended for local area use by the Director of Parks and Recreation. In addition, the plant materials must:
 - (1) be located in a bed that is at least 3 feet wide.
 - (2) be placed a maximum of 36 inches on center in staggered rows over the entire length of the bed unless the Director of Parks and Recreation approves an alternative planting density as being capable of providing a solid appearance within one year; and
 - (3) provide a visual barrier of the required height within one year of their initial planting.

(g) Section 7C(1) is amended to read in its entirety as follows:

- 1. The surface parking lot screening must be at least 3.5 feet higher than the finished elevation of the adjacent parking lot. The screening may be provided by using any two of the following, subject to approval by the Director of Parks.

(h) Section 7C(1)(b) is hereby amended to read in its entirety as follows:

- (b) a berm at least two and one half (2 1/2) feet to three (3) feet high with a minimum side slope of 3:1. The minimum crown width must be three (3) feet. Berms must be covered in live vegetation. Plants used for screening on a berm must reach a minimum height of thirty (30) inches within two (2) years of installation and be at least eighteen (18) inches high when planted.

(i) Section 7D(1) and (2) are hereby amended to read as follows:

- (1) The perimeter strip shall be at least five (5) feet wide for sites larger than 10,000 square feet or at least three (3) feet wide if the site is smaller than ten thousand (10,000) square feet.

(2) **The minimum requirement for perimeter landscaping shall be one large tree and eight (8) shrubs for each thirty-five (35) linear feet of perimeter.**

(j) Section 7F is amended to read as follows:

F. One half the number of required shade trees may be satisfied on a two-to-one basis with ornamental and evergreen trees that are a minimum of 8 to 10 feet tall.

(m) Section 4 is hereby amended by adding new §§ 4A(8) and (9) which shall read as follows:

(8) Landscape plans shall contain the certification and stamp of a landscape architect licensed in the State of Texas that such plans have been reviewed by such architect and satisfy all requirements of these Landscape Regulations.

(9) Irrigation plans shall contain the certification and stamp of a irrigator licensed by the Texas Board of Irrigators that such plans were prepared by such irrigator and satisfy all requirements of these Landscape Regulations.

(n) Sections 7J, 7L, 7M, 9 and 10, as originally written, are repealed.

(o) Section 8B(4) is amended to read as follows:

4. Minimum size for ornamental shade trees, i.e. Bradford Pear shall be three (3) inches in diameter.

(p) Section 8B(6) is amended to read as follows:

6. Minimum size for evergreen trees shall be eight (8) to ten (10) feet in height.

(q) A new § 9 is hereby added that shall read in its entirety as follows:

9 - MAINTENANCE

Every Property Owner and any tenants shall keep their landscaping in a well-maintained, safe, clean and attractive condition at all times. Such maintenance includes, but is not limited to, the following:

- Prompt removal of all litter, trash, refuse and waste;**
- Lawn mowing on a regular basis;**

- Tree and shrub pruning;
- Watering landscaped areas on a regular basis;
- Keeping landscape lighting in working order;
- Keeping lawn and garden areas alive, free of weeds, and attractive;
- Cleaning of abutting waterways and landscaped areas lying between public right-of-way lines and the property unless such streets, waterways or landscaped areas are expressly designated to be maintained by applicable governmental authority.

(r) A new § 10 is hereby added that shall read in its entirety as follows:

10 - ENFORCEMENT

If, in the opinion of the Building Official, any Property Owner or tenants have failed in any of the foregoing duties or responsibilities, then the Town may give such person written notice of such failure and such person must within ten (10) days after receiving such notice perform the maintenance required. Should any Property Owner fail to fulfill this duty and responsibility within such period, then the Town shall:

- A. Revoke any building permits, certificates of occupancy, or other approvals or permits previously issued for the premises;
- B. Withhold approval for building permits, certificates of occupancy, and other permits or approvals relating to the premises;
- C. To the full extent permitted by law, the Town shall have the right and power to enter onto the premises and perform care and maintenance. The Property Owner and tenants of any part of the premises on which such work is performed shall jointly and severally be liable for the costs of such work and shall promptly reimburse the Town for such cost. If such Property Owner or tenant shall fail to reimburse the Town within thirty (30) days after receipt of a statement for such work from the Town, the said indebtedness shall be a debt of all of said persons jointly and severally, and shall constitute a lien against the premises on which the work was performed. The lien may be evidenced by an affidavit of costs filed in the Real Property Records.

D. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Five Hundred Dollars (\$500.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(s) A new § 11 is hereby added that shall read in its entirety as follows:

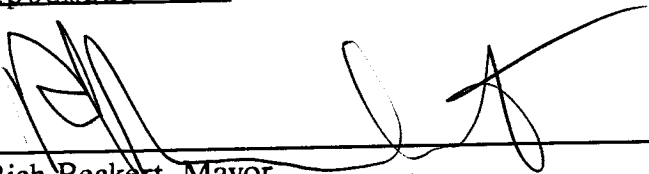
11 - BONDING

When a Property Owner seeks a certificate of occupancy, the Director of Parks and Leisure Services may, in his discretion, require a maintenance bond, letter of credit, personal undertaking, cash escrow, or other security acceptable to the Director, that guarantees and secures maintenance of newly installed landscape for a period not to exceed two years.

3. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

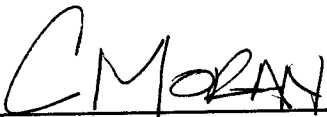
4. This Ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such case provides.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, on this the 14th day of September, 1993.




Rich Beckert, Mayor

ATTEST:



Carmen Moran, City Secretary

APPROVED AS TO FORM:



Ken Dippel, City Attorney

Published
10/14/93