

## **DIVISION 6. LANDSCAPING REQUIREMENTS**

### **Sec. 4-10-246. Definition.**

Landscaping shall consist of the following or any combination thereof: grass, trees, shrubs, hedges, vines, domesticated blooming plants, and living ground cover. Such definition shall apply to the word "Landscaping" used in any tense, form, or part of speech. The use of native, drought-tolerant, or adapted plant material is encouraged.

(Code 1960, § 26-20.1(A); Ord. No. 5561, § 1, 12-3-85; Ord. No. 6699, § 8, 11-25-2003)

**Cross references:** Definitions to apply throughout Code, § 1-2-1.

### **Sec. 4-10-247. When required.**

Landscaping is required as follows:

(1) On all new construction and additions to or remodeling of existing Buildings, where the value of the additions or remodeling as calculated using the current Building valuation data cost per square foot as published in the Building Safety Journal of the International Code Councils, exceeds fifty (50) percent of the existing Building value as shown on the tax rolls and a minimum value of the improvement of fifty thousand dollars (\$50,000.00).

(2) Additions to any existing Off-Street Parking Area shall require Landscaping of the entire contiguous parking area.

(Code 1960, § 26-20.1(B); Ord. No. 5561, § 1, 12-3-85; Ord. No. 5669, § 1, 3-3-87; Ord. No. 6085, § 1(A), 6-28-94)

## **CHAPTER 4-10, ZONING**

### **Sec. 4-10-248. Where required.**

(a) On any Lot, Tract, Parcel of land or adjacent right-of-way in the R-1, R-2, R-3, MD, MF-1, MF-2, MH, O-1, O-2, NS, GR, LC and CB Districts, any multiple-family and nonresidential land use shall have the following minimum Landscaped areas:

(1) Five (5) percent of the total Off-Street Parking area shall be devoted to Landscaping. The required Landscaping shall be located on that portion of the Lot situated between the proposed Building Line and the property line or lines adjacent to a Street and shall be permanently maintained. Where section 4-10-170 does not require a Front Yard Setback for a Building, the Building must be set back to accommodate the required Landscaping.

(2) Public Rights-of-way between the back of Curb or edge of pavement and the property line (excluding the minimum required

Sidewalk) shall be completely Landscaped.

(3) Any Landscaped area in the Public Right-of-way in excess of ten (10) feet in width may be credited toward the five-percent requirement in subsection (a)(1) of the adjoining Lot.

(b) On any Lot, Tract or Parcel of land and adjacent Right-of-way in the HC District, any multifamily and nonresidential land use shall meet the requirements of subsection (a) when the property fronts or sides on a freeway, expressway, State highway or designated section line arterial.

(c) Required Right-of-way Landscaping for a nonresidential land use located on a Lot, Tract or Parcel of land having two hundred (200) feet or less of Street Frontage per Street may be alternatively located on the adjoining Lot if placed in accordance with and is in addition to the minimum five-percent landscaping requirement of section 4-10-248(a)(1).

(d) Landscaping of property located within the Downtown Urban Design District shall be subject to the Downtown Urban Design Standards adopted in Division 3 of this chapter. (Code 1960, § 26-20.1(C); Ord. No. 5561, § 1, 12-3-85; Ord. No. 6268, § 1(QQ), 12-24-96; Ord. No. 7223, § 4, 7-20-2010)

### **Sec. 4-10-249. Trees.**

In the Landscaping area, Trees having a minimum caliper size of two (2) inches when measured one (1) foot above ground level shall be planted on any Lot, Tract or Parcel of land as a part of the initial minimum Landscaping requirements. The Planning Department shall maintain a suggested tree list of species that are indigenous or well-adapted to Amarillo and make it available to the public. The minimum number of Trees and locations shall be as follows:

(1) At least one (1) Tree shall be planted for every five thousand (5,000) square feet of the total developed Lot area. Calculation of developed Lot area is based on the site frontage multiplied by the site depth of the developed lot area. For projects where the site frontage is less than the actual development project width (i.e. panhandle or flag lots), the area would be calculated by multiplying the site width, at the widest point within the developed site, by the developed site depth.

(2) All required Trees shall be planted in the Front Yard. Trees placed within the Public Right-of-way shall be planted within five (5) feet of the property line.

(Code 1960, § 26-20.1(D); Ord. No. 5561, § 1, 12-3-85; Ord. No. 6699, § 9, 11-25-2003)

**Sec. 4-10-250. Maintenance.**

(a) The property owner, tenant and any agent thereof shall be jointly and severally responsible for the maintenance of all Landscaping materials in good condition at all times so as to present a healthy, neat and orderly appearance. Any Landscaping material that dies shall be replaced with healthy material within a reasonable time. All Landscaped areas shall be continuously maintained free of weeds, debris and litter. Weeds and natural uncultivated grass shall not be considered Landscaping.

(b) All Landscaping must be irrigated or located within one hundred (100) feet of a private water outlet to which a hose may be connected. (Code 1960, § 26-20.1(E); Ord. No. 5561, § 1, 12-3-85)

**Sec. 4-10-251. Exceptions.**

(a) Landscaping shall not be used which would conflict in any way with the sight distance requirements or sight restriction requirements of Chapter 16-3, Article III.

(b) Landscaping shall not be allowed in the area within ten (10) feet of the back of Street Curb which Landscaping is at a height greater than thirty (30) inches as measured from the top of the adjacent Street Curb.

**CHAPTER 4-10, ZONING**

(c) Landscaping shall not be required in the Right-of-way of unpaved Streets when any such Street is not scheduled for paving within one (1) year of the completion of the required Landscaping.

(d) Landscaping shall not be placed in an area of Right-of-way where a capital improvement project has been funded for such location. The City may at any time require such Landscaping in the Right-of-way to be removed or the City may remove such Landscaping if the property owner refuses to remove the Landscaping.

(e) Landscaping shall not be required for a temporary use which will be in operation for a period of one (1) year or less.

(f) Landscaping shall not be required on a Lot of twelve thousand (12,000) square feet or less except when such Lot adjoins another Lot which is smaller than twelve thousand (12,000) square feet.

(g) Landscaping shall not interfere with handicap accessibility.

(h) Where it has been determined that site constraints exist which render conformance of a particular site to the landscape requirements impracticable, the Director of Community Services or designee may approve an alternate proposal, which provides for landscaping as

intended by this chapter, yet takes into account the constraints unique to the property in question. In determining the practicability and acceptability of the alternate proposal, the Community services Director shall consider the following factors:

- (1) The configuration of the lot or tract in question;
- (2) The square footage of the property in question;
- (3) The square footage of the property to be developed;
- (4) The zoning district of the property in question;
- (5) The zoning districts and landscaping on adjacent property;
- (6) The square footage of property abutting a roadway, compared with the square footage of the entire property;
- (7) The topography and soil on the property in question;
- (8) Alternate proposals of similarly situated properties; and/or
- (9) Other factors relevant or material to the circumstances of the site in question.

An appeal of the Director's or designee's decision may be made to the Zoning Board of Adjustment in accordance with the requirements and procedures in Article 11, Division 2 of this chapter.

(Code 1960, § 26-20.1(F); Ord. No. 5561, § 1, 12-3-85; Ord. No. 6699, § 10, 11-25-2003)

**Sec. 4-10-252. Landscaping plan.**

(a) Prior to the issuance of a Building Permit or prior to the issuance of a paving permit, two (2) copies of a Landscaping Plan shall be submitted to the Code Enforcement Department for review and approval. The Landscaping Plan shall be drawn to scale, including all dimensions, and shall meet each of the following requirements:

- (1) Clearly show the location and size of any Buildings or Structures;
- (2) Clearly show the location of all paved Off-Street Parking areas;
- (3) Clearly show any fencing and the location, size and description of all Landscaping materials to be utilized on a site in accordance with the requirements of this section.

(b) No Certificate of Occupancy and paving permit or either of them shall be issued unless the Landscaping Plan required herein complies with this section.

(Code 1960, § 26-20.1(G); Ord. No. 5561, § 1, 12-3-85)

**Sec. 4-10-253. Occupancy of property.**

It shall be unlawful to occupy or allow the occupancy

of any Lot, Block, Parcel, Tract or Building site unless Landscaping is first installed and maintained in accordance with this division. In cases where a Building or Structure or paving project has been completed and a Certificate of Occupancy is needed, but due to weather conditions the required Landscaping has not been completed, the Building Official is authorized to issue a conditional Certificate of Occupancy. Such issuance shall be contingent upon the property owner or Developer filing of record in the deed records of the proper county an instrument with associated Landscaping Plans stating that the required Landscaping shall be installed within six (6) months of the issuance of the Certificate of Occupancy. Failure to install the

## **CHAPTER 4-10, ZONING**

Landscaping in accordance with the Landscaping Plan shall cause revocation of the Certificate of Occupancy.

(Code 1960, § 26-20.1(H); Ord. No. 5561, § 1, 12-3-85)

### **Sec. 4-10-254. Variances.**

Variances to the requirements of this division may be authorized by the Zoning Board of Adjustment in accordance with the requirements and procedures in Article II, Division 2 of this chapter.

(Code 1960, § 26-20.1(I); Ord. No. 5561, § 1, 12-3-