

**CITY OF PRINCETON**

**ORDINANCE NO. 2008-05-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PRINCETON ESTABLISHING LANDSCAPE REQUIREMENTS; PROVIDING SCOPE AND ENFORCEMENT; REQUIRING PERMITS; REQUIRING A LANDSCAPE PLAN; PROVIDING GENERAL STANDARDS; ESTABLISHING MINIMUM LANDSCAPE REQUIREMENTS; PROVIDING FOR TREE PRESERVATION; ESTABLISHING SIGHT DISTANCE AND VISIBILITY REQUIREMENTS; REQUIRING MAINTENANCE; ESTABLISHING CRIMINAL AND CIVIL PENALTIES; PROVIDING FOR NO CULPABLE MENTAL STATE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City Council of the City of Princeton, Texas, ("City") has established and created by separate ordinances, a Comprehensive Zoning Ordinance and Subdivision Regulations; and

**WHEREAS,** the City Council deems it necessary and desirable to adopt a Landscape Ordinance to regulate and require landscape plans as part of the development within the corporate city limits of the City of Princeton and its extra-territorial jurisdiction.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRINCETON, TEXAS:**

**Section 1.     *Incorporation of Premises.***

That all of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**Section 2.     *Adoption of Landscape Requirements.***

The City Council of the City hereby adopts the following landscape requirements whereby landscape plans are required as part of any development within the corporate City limits of the City of Princeton and its extra-territorial jurisdiction and shall hereinafter read as follows:

**“Landscape requirements**

- (1)     *Purpose.* Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. Therefore, landscaping is hereafter required of new development.

(2) *Scope and Enforcement.*

- (a) The provisions of this ordinance shall be administered by the City Administrator or his designee. The standards and criteria contained within this ordinance are deemed to be minimum standards and shall apply to all new construction or any existing development which is altered by increasing the floor area by thirty percent (30%) or more of the originally approved floor area, either by a single expansion or by the cumulative effect of a series of expansions.
- (b) All uses which are a conversion or change in use requiring the expansion of, or significant improvements to meet, parking standards shall upgrade landscaping on the site and meet these requirements to the extent practical.
- (c) If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria as approved on the landscape plan, the Building Official or designee shall issue notice to the owner, citing the violation and describing what action is required to comply with this ordinance. The owner(s), tenant(s), and/or agent(s) shall make reasonable progress within thirty (30) days from date of said notice and shall have ninety (90) days to completely restore the landscaping as required. A thirty (30) day extension may be granted by the Building Official if a hardship due to extreme seasonal conditions can be demonstrated by the owner(s), tenant(s), and/or agent(s). If the landscaping is not restored within the allotted time, such person shall be held in violation of this ordinance and subject to fines and penalties set forth herein.

(3) *Permits.*

- (a) No permits shall be issued for building, paving, grading, or construction until a detailed landscape plan is submitted and approved by the City Planner or designee. 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 and a reproducible mylar copy of the landscaping as installed shall be provided to the City Secretary for permanent filing.

(b) In any case in which a certificate of occupancy is sought at a season of the year in which the City Administrator determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a temporary certificate of occupancy may be issued if a letter of agreement from the property owner is provided stating when the installation shall occur. All landscaping required by the landscape plan shall be installed within six (6) months of the date of issuance of the temporary certificate of occupancy or the site shall be deemed to be in violation of this ordinance and the temporary certificate of occupancy shall be revoked.

(4) *Landscape Plan (Pre-construction/Construction Phase)*

- (a) A tree survey which identifies large trees with a DBH ("diameter at breast height" measured at 4.5 feet above grade) of four and one-half inches (4.5") or greater and small trees with a DBH of two inches (2") or greater, shall be submitted prior to submission of the engineering and construction plans. The tree survey shall include the species and caliper at DBH of each tree in a tabular form, with each tree identified by a number corresponding to a numbered tree on the tree survey site plan. The tree survey must denote which trees will be saved and which will be removed.
- (b) The tree survey must be reviewed and approved by the Planning and Zoning Commission prior to the Preliminary Plat being submitted and prior to staff approving the engineering and construction plans. The commission shall act on the tree survey within thirty (30) days after it is officially filed. If the commission does not approve the tree survey, that decision may be appealed to City Council for consideration at the next available City Council meeting, and the City Council shall act on the appealed tree survey within thirty (30) days after the date the tree survey was denied by the commission. Inaction by the City Council within this period shall be considered as approval.
- (c) The commission, or the council upon appeal, shall approve the tree survey if it finds and determines that the developer has made a good faith effort to save as many trees, 6" caliper or greater at DBH, as possible, given the subdivision layout, lot size, and topography of the proposed development.
- (d) As part of the Final Plat Application, the developer must submit to the Planning Department a spreadsheet that summarizes, for each lot, the number of trees that were to be saved per tree survey, as well as the number of trees to be saved that were lost during construction. The spreadsheet must denote the caliper inch and species of each tree saved, as well as for the trees to be saved, but lost during development. This will allow staff to verify how many replacement trees are needed for each lot at the building permit stage.
- (e) No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging any protected tree situated on property regulated by this ordinance.
- (f) Prior to the Final Inspection in connection with a building permit, any tree(s) shown on the tree survey as being retained on the lot, and which is removed or lost during development of the lot or home, shall be replaced by the developer or builder by planting a tree or trees of equivalent caliper inches. The trees used as replacement trees must each have a caliper of at least two inches (2"), be container grown or balled and burlaped and a canopy tree found in Appendix: Approved Plant List - Canopy Trees. The replacement trees(s) must be planted on the same lot where the tree(s) it is replacing was, provided that the Development Department Manager may approve placement of the tree(s) on another lot(s) in the subdivision, if he finds it to be in the public interest.

(5) *Landscape Plan (For a Completed Subdivision/Commercial Project)*

(a) A conceptual or generalized landscape plan shall be shown as part of the land use plan. Prior to the issuance of a building, paving, grading, or construction permit for any new use, a final landscape plan shall be submitted to the City Secretary. The City Planner or designee shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations and the approved land use plan. If the plans are not in accord, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

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

1. Minimum scale of one inch (1") equals forty feet (40');
2. Location, size, and species of all trees to be preserved (do not use "tree stamps" unless they indicate true size and location of trees);
3. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features (except that location of plants and landscaping materials may be generalized on a conceptual landscape plan);
4. Species, size, spacing, and quantities of all plant material to be used in a tabular form (except that conceptual landscape plans may provide general plant types in-lieu-of species);
5. Affidavit on the plan stating that irrigation, sprinkler, or water systems, including placement of water sources, shall be provided;
6. Person(s) responsible for the preparation of the landscape plan, including affidavit of their qualifications to prepare said plan;
7. Mark indicating North;
8. Date of the landscape plan, including any revision dates;
9. Planting details (not required on conceptual landscape plans);
10. Percentage of total site in permanent landscaping;
11. Percentage of street yard in permanent landscaping;
12. Dimensions of all landscape areas;
13. Number of required trees and number of trees provided;
14. Location of all existing and planned overhead and underground utilities shall be shown on the landscape plan (or on an accompanying utility plan drawn at the same scale, if necessary for clarity).

(6) Exemptions:

1. FEMA. All trees within a FEMA designated flood hazard area are exempt from the provisions of this ordinance unless the trees would be affected by construction activities and/or reclamation activities that are approved by the City Council.
2. Fence Row. The owner shall preserve all Fence Row Trees

by providing a 15-foot width protected area centered seven and one-half foot on each side of the centerline of the Fence Row Trees, except that Fence Row Trees may be removed if approved by the City Council.

(7) *General Standards.*

- (a) The following criteria and standards shall apply to landscape materials and installation:
1. Required landscaped open areas shall be completely covered with living plant material. Non-living landscaping materials such as wood chips and gravel may be used only under trees, shrubs, and other plants.
  2. Plant materials shall conform to the standards of the approved plant list for the City of Princeton (see "Approval Plant List"). Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
  3. Ornamental trees shall have a minimum spread of crown of greater than fifteen feet (15') at maturity. Ornamental trees having a minimum mature crown of less than fifteen feet (15') may be substituted by grouping the same so as to create the equivalent of fifteen feet (15') of crown width. Canopy trees shall have a minimum spread of crown of twenty-five feet (25') at maturity.
  4. Large 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.
  5. Small trees shall be a minimum of one inch (1") in caliper as measured twenty-four inches (24") above the ground and five feet (5') in height.
  6. Shrubs not of the dwarf variety shall be a minimum of two feet (2') in height when measured immediately after planting.
  7. Hedges, where installed for buffering purposes required by this ordinance, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be three feet (3') high within two (2) years after time of planting.
  8. Landscaping, except required grass and low ground cover, shall not be located closer than three feet (3') from the edge of any parking space.
  9. Evergreen vines not intended as ground cover shall be a minimum of two feet (2') in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening and/or buffering requirements, as set forth herein and as approved by the City Planner.
  10. Grass areas shall be sodded, plugged, sprigged, hydro-mulched, or seeded, except that solid sod shall be used in swales, or when necessary to prevent erosion. Grass areas shall be established with complete coverage within a six (6) month period of time from

planting, and shall be re-established, if necessary, to ensure grass coverage of all areas.

11. Ground covers used in-lieu-of grass shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.

- (b) All required landscaped open space shall be provided with an automatic underground irrigation system, except for required landscaping in single family or two family development. Said irrigation system shall be designed by a qualified professional and installed by a licensed irrigator after receiving a permit, as may be required.
- (c) Earthen berms shall have side slopes not to exceed 3:1 (three feet (3') of horizontal distance for each one foot (1') of height). All berms shall contain necessary drainage provisions, as may be required by the City Engineer.
- (d) No tree shall be planted closer than four feet (4') to a right-of-way line nor closer than eight feet (8') to a public utility line (water or sewer), unless no other alternative is available. Further, a landscaping area in which trees are to be provided shall not conflict with a utility easement, unless no alternative is available.
- (e) No tree which has a mature height of twenty-five feet (25') or greater shall be planted beneath an existing or proposed overhead utility line.

(8) *Minimum Landscaping Requirements.*

- (a) For all non-residential and multiple-family at least fifteen percent (15%) of the street yard shall be permanent landscape area. The street yard shall be defined as the area between the front property line and the minimum front set back line.
- (b) For all non-residential and multiple-family parcels located at the intersection of two dedicated public streets (rights-of-way), a six hundred (600) square foot landscape area shall be provided at the intersection corner, which can be counted toward the fifteen percent (15%) requirement.
- (c) For all non-residential and multiple-family parcels, a minimum of ten percent (10%) of the entire site shall be devoted to living landscape which shall include grass, ground cover, plants, shrubs, or trees.
- (d) For all non-residential and multiple-family parcels, a minimum ten-foot (10') landscape buffer adjacent to the right-of-way of any street is required. If the lot is a corner lot, all frontages shall be required to observe the ten-foot (10') buffer. Slight variances may be allowed to the minimum ten-foot (10') landscape buffer in unusual circumstances, as approved on the site plan.
- (e) For all non-residential and multiple-family parcels, developers shall be required to plant one (1) large tree (minimum of three inch (3") caliper and seven feet (7') high at time of planting) per forty (40) linear feet, or portion thereof, of street frontage. Trees may be grouped or clustered to facilitate site design.
- (f) Landscape areas within parking lots should generally be at least one (1) parking space in size (180 square feet).

- (g) No landscape area counting toward minimum landscaping requirements shall be less than twenty-five (25) square feet in area or less than five feet (5') in width.
- (h) For all non-residential and multiple-family parcels, internal landscape areas shall:
  1. equal a total of at least eight (8) square feet per parking space;
  2. have a landscaped area with at least one (1) tree within sixty-five feet (65') of every parking space;
  3. have 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.
- (i) 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 each parking row, and should contain at least one tree. All landscape areas shall be protected by a monolithic curb or wheel stops and remain free of trash, litter, and car bumper overhangs.
- (j) All existing trees which are to be considered for credit shall be provided with a permeable surface (a surface which does not impede the absorption of water) within a minimum five foot (5') radius from the trunk of the tree. All new trees shall be provided with a permeable surface under the drip line a minimum two and one-half foot (2½') radius from the trunk of the tree.
- (k) At least seventy-five percent (75%) of the frontage of parking lots, adjacent to a public right-of-way, within the street yard shall be screened from public streets with evergreen shrubs attaining a minimum height of three feet (3'), an earthen berm of a minimum height of three feet (3'), a low masonry wall of a minimum height of three feet (3'), or a combination of the above with a minimum combined height of three feet (3'). A wall used for parking lot screening should be accompanied with landscape planting in the form of low shrubs and groundcover to soften the appearance of the wall.
- (l) A minimum of fifty percent (50%) of the total trees required for the property shall be large (minimum three inch (3") caliper, seven feet (7') in height at time of planting) canopy trees as specified on the approved plant list (see Appendix: "Approved Plant List").
- (m) Necessary driveways from the public right-of-way shall be allowed through all required landscaping areas in accordance with city regulations. Shared drives shall be allowed through perimeter landscape areas.
- (n) For all non-residential and multi-family parcels, whenever an off-street parking area or vehicular use area abuts an adjacent property line, a perimeter landscape area of at least five feet (5') shall be maintained between the edge of the parking area and the adjacent property line.
- (o) Whenever a non-residential use, mobile home use, or multiple family use is adjacent to a property used or zoned for single family or duplex residential use, the more intensive land use shall provide a landscaped area of at least ten feet (10') in width along the common property line planted with one large tree (minimum three inch (3") in caliper and seven feet (7') in height at time of planting) for each forty (40) linear feet or portion thereof of adjacent exposure.

(9) *Tree Preservation.*

- (a) Any trees preserved on a site meeting the specifications provided herein may be credited toward satisfying the tree requirement of any landscaping provision of this ordinance for that area within which they are located, according to the following table:

<u>Caliper of Existing Tree</u>	<u>Credit Against Tree Requirement</u>
6" to 8"	2 trees
9" to 15"	3 trees
16" to 30"	4 trees
31" to 46"	5 trees
47" or more	8 trees

For purposes of this ordinance, caliper measurement shall be taken at a height of 4.5 feet above the ground, and shall be rounded to the nearest whole number.

- (b) Existing trees may receive credit if they are not on the City's approved plant material list provided, however that said existing trees are pre-approved, in writing, by the City Planner or designee; however, trees must be located within the landscape area to which credit is applied.
- (c) Any tree preservation proposed shall designate the species, size, and general location of all trees on the conceptual or general landscape plan. The species, size, and exact location shall be shown on the final landscape plan.
- (d) During any construction or land development, the developer shall clearly mark all trees to be maintained 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 heavy equipment or the storage of equipment, materials, debris, or fill to be placed within the drip line of any trees. This is not intended to prohibit the normal construction required within parking lots.
- (e) 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 to remain in satisfaction of the landscape requirement. Neither shall the developer allow the disposal of any waste material including but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees to remain in satisfaction of the landscape requirement. No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.

(10) *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 two (2) or more streets or driveways occur, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between two feet (2') and six feet (6'). 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. The triangular areas shall comply with the sight triangle illustrations in this ordinance.
- (b) In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the City Planner, the requirements set forth herein may be modified to eliminate the conflict.

(11) *Maintenance.*

- (a) The owner(s), tenant(s), and/or their agent(s), 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 be limited to:
1. mowing (of grass of six inches (6") or higher);
  2. edging;
  3. pruning;
  4. fertilizing;
  5. watering;
  6. weeding; and
  7. other such activities common to the maintenance of landscaping.
- (b) Landscape 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.
- (c) Plant materials used to meet minimum required landscaping provisions which die or are removed for any reason shall be replaced with plant material of similar variety and size, within ninety (90) days.
1. Trees with a trunk diameter in excess of six inches (6") measured twenty-four inches (24") above the ground may be replaced with trees of similar variety having a minimum trunk diameter of three inches (3") measured twenty-four inches (24") above the ground up to the equivalent caliper diameter of the tree being replaced.
  2. If any tree which was preserved and used as a credit toward landscaping requirements is later removed for any reason, it shall be replaced by the number of trees for which it was originally credited. Replacement trees shall have a minimum trunk diameter of three inches (3") measured twenty-four inches (24") above the ground.
  3. A time extension may be granted by the City Planner if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner, tenant, or his agent.

(12) *Penalties*

- (a) Criminal Penalties. Failure to maintain any landscape area in compliance with this ordinance is considered a violation and shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00), and each and every day this ordinance is violated shall constitute a separate offense.
- (b) Civil Penalties. In addition to any other remedies or penalties contained herein, the City may enforce the provisions of this ordinance pursuant to the applicable provisions of Chapter 54 of the Texas Local Government Code relative to the enforcement of municipal ordinances.
- (c) Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this ordinance."

**Section 3.** *Repeal of Conflicting Ordinances.*

This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Princeton, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the

provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

**Section 4. Severability.**

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.

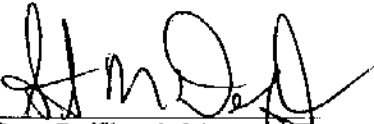
**Section 5. Penalty**

Any person violating the terms and provisions of this ordinance shall, upon conviction, be punished by a fine of not more than Five Hundred Dollars (\$500.00) and each and every day this ordinance is violated shall constitute a separate offense.

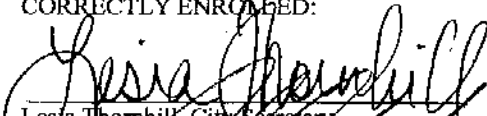
**Section 6. Providing an Effective Date.**

The ordinance shall become effective immediately upon its passage.

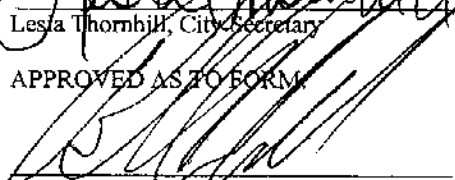
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PRINCETON, TEXAS, ON THIS THE 15 DAY OF May, 2008.

  
Steve Deffibaugh, Mayor

ATTEST AND  
CORRECTLY ENROLLED:

  
Lesia Thornhill, City Secretary

APPROVED AS TO FORM:

  
BONNIE LEE GOLDSTEIN, City Attorney

## APPENDIX: APPROVED PLANT LIST

### Notes:

— This list applies only to materials planted or preserved to satisfy requirements of the landscape ordinance. It is not intended to limit or prohibit other plant materials planted or preserved in excess of these requirements.

— Additional plant materials may be approved as appropriate.

### Canopy Trees

Pecan	Shumard Red Oak	Caddo Maple
Chinese Pistachio	Cedar Elm	Lacebark Elm
Live Oak	Texas Ash	
Red Oak	Chinquapin Oak	

The following canopy trees are acceptable only in non-vehicular areas: Bur Oak

### Ornamental Trees

Bradford Pear	Aristocrat Pear	Large Crape Myrtle
Purple Plum	Mexican Holly	Standard Yaupon Holly
Golden Raintree	Wax Myrtle	Redbud
Japanese Black Pine	Texas Persimmon	Lacey Oak
Eve's Necklace	Saucer Magnolia	Mexican Buckeye
Austrian Pine		

### Evergreen Shrubs (acceptable for low screening: 5' or less)

Dwarf Abelia	Dwarf Yaupon Holly	Dwarf Burford Holly
Barberry	Japanese Boxwood	Dwarf Eleagnus

### Evergreen Shrubs (acceptable for 6' screening)

Cleyera	Nellie R. Stevens Holly	Waxleaf Ligustrum
Sweet Viburnum	Willowleaf Holly	Cherry Laurel
Standard Burford Holly		

### Other Shrubs

Possumhaw Holly	Texas Sage (Ceniza)	Nandina
Chinese Holly	Juniper	Sumac