

CITY OF KILLEEN
PERMITS & INSPECTIONS DEPARTMENT
FEB 27, 2006

ARTICLE VI. LANDSCAPING REGULATIONS

Sec. 8-500. Short title.

The following regulations are hereby adopted and shall be known and may be cited as "City of Killeen Landscaping Regulations."

Sec. 8-501. Purpose.

The purpose of this article is to promote the following community benefits:

- (a) ***Sustainability.*** 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 aid in abating soil erosion, noise, glare and heat.
- (b) ***Retention of vegetation.*** To ensure that healthy quality trees and native vegetation are retained and replenished to the greatest extent practicable.
- (c) ***Visual buffering.*** To provide visual buffering and to enhance the beautification of the city.
- (d) ***Enhancement of property values.*** To safeguard and enhance property values and to protect public and private real estate investments.
- (e) ***Preservation of economic base.*** To preserve and protect the unique identity and environment of the city and to preserve the economic base attracted to the city by these factors.
- (f) ***Conservation.*** To conserve energy and natural resources.
- (g) ***Protection.*** To promote the health, safety and general welfare of the city.

Sec. 8-502. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words not specifically defined shall have the meanings given in Webster's Ninth New Collegiate Dictionary, as revised.

Best management practices shall mean measures undertaken during the course of development that reduce the amount of pollutants entering surface waters, ground waters, air or land, and may take the form of a process, activity or physical structure.

Building shall mean any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattel or property of any kind.

Caliper shall mean the diameter of a predominant tree trunk measured twelve (12) inches above the base of the trunk.

Canopy tree shall mean any self-supporting woody-stemmed plant with a well-defined trunk and a distinct and definite formed crown, which will attain a mature height of at least thirty (30) feet above ground.

Development shall mean the construction of one (1) or more new buildings or structures, relocation or enlargement of one (1) or more new buildings or structures of an existing building or structure on one (1) or more building lots or sites, or the installation of site improvements to include parking lots.

Drip line shall mean the area beneath the canopy of a tree defined by a vertical line extending from the outermost edges of the tree branches to the ground.

Existing tree shall mean any self-supporting woody-stemmed plant with a well-defined trunk that is present on a property before its development.

Grass shall mean any herbaceous plant species that will attain a thick cover over soil.

Ground cover shall mean any woody or herbaceous planting that effectively shades out sod and will not attain a height of more than two (2) feet above the ground.

Landscaping shall mean altering, re-arranging or adding to existing vegetation or landforms, including reshaping of the land by moving earth, preserving native vegetation or adding new vegetation, or any combination of these land treatments.

Lot shall mean an undivided tract or parcel of land having access to a street, which is designated as a separate and distinct tract or lot number or symbol on a duly approved plat filed of record. The terms "lot" and "tract" shall be used interchangeably.

Non-canopy tree shall mean any self-supporting woody-stemmed plant with one or more trunks, which will attain a mature height of at least fifteen (15) feet above ground.

Planting materials shall mean living trees, shrubs, ground cover, grasses, forbs and flowering annuals, biennials and perennials.

Shrub shall mean a perennial plant that is distinguished from a herbaceous plant by its persistent woody stem, and from a tree by a mature height of less than fifteen (15) feet and no distinct elevated crown of foliage.

Street yard shall mean the area of a lot or parcel located between the street right-of-way line(s) and each building that faces the said street right-of-way.

Structure shall mean anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, buildings of all types and off-premise ground signs, but exclusive of customary fences or boundary or retaining walls.

Substantial damage shall mean the cost to repair or replace existing development that is more than 50% of the value of the building or structure before the damage occurred. For the purpose of this definition, the original valuation shall be determined by the county tax records.

Substitute landscaping plan shall mean a plan submitted for approval that differs from the standard landscaping requirements. Such substitute landscape plan shall clearly denote the differences from the standard required landscaping from the proposed substitute plan.

Vegetation shall mean any growing plant material.

Xeriscaping shall mean landscaping through use of slow-growing, native or adaptive vegetation that is drought tolerant.

Sec. 8-503. Applicability.

- (a) Except as otherwise provided in this article, these regulations shall apply to all property within the city limits. These regulations shall run with the land and shall apply to any subsequent owner thereof.
- (b) When the requirements of this article conflict with the requirements of other provisions of this code, this article shall prevail; however, the provisions of this article shall be subordinate to regulations pertaining to traffic and pedestrian safety.

Sec. 8-504. Administration and enforcement.

- (a) The provisions of this article shall be administered by the building official, and shall be enforced by the building official or other official, such as a code enforcement officer, through issuance of stop work orders, or citations or summons.
- (b) While this ordinance establishes required landscape requirements, the City of Killeen encourages property owners of exempt properties to improve the value of their property, enhance the beauty of the City and assist in sustaining the environment by landscaping.

Sec. 8-505. Penalty.

Unless otherwise stated, violations of this article shall be punishable under the provisions of section 1-8 of the city code of ordinances. (Ord. No. 04-40, § I, 5-11-04)

Sec. 8-506. Landscape required.

(a) Landscaping is required for any type of new construction, including public owned and used property as follows:

1. New construction of one or more new buildings or new parking, loading or vehicle storage space development within a vacant lot. *Exception. Accessory storage sheds 200 square feet or less shall not be considered new construction.*
2. Construction of a new building or an addition to an existing building located within an existing developed lot that increases the total sum of all existing building footprint(s) on the lot by thirty percent (30%) or more.
3. Construction of any parking, loading or vehicle storage space additions or extensions within an developed lot that increases the total sum of all existing parking, loading or vehicle storage space(s) less than 90,000 square feet by thirty percent (30%) or more.

Any existing buildings or parking, loading or vehicle storage space areas to be removed for proposed new development shall not be considered for existing building or parking credits. The building footprint shall include the foundation line of the building(s) and include any roof projections at their outer most support lines. Any new development cannot be used as existing development credit until after one (1) year from final City approval of such development.

- (b) Should there be no land available for landscaping or should the area available for landscaping be severely restricted, the applicant may seek approval from the building official for alteration or modification of these landscaping requirements. It is the intent of the City of Killeen to empower the building official to apply good judgment and common sense in evaluating such requests for alternative plans.
- (c) Common development that encompasses more than one lot may be treated as one project for the purposes of application of this section. Split ownership, planning in phases, construction in stages, or multiple building permits for a project may not prevent it from being considered a common development, provided that a comprehensive site plan is submitted for all portions of the development being considered as a common development.

- (d) Upon prior approval from the building official, phased development within a single lot that is 90,000 square feet or more in size may be landscaped in two (2) or more phases. A master landscape plan must be submitted for the entire project at the beginning of the first phase submittal denoting such phases.

Sec. 8-507. Exceptions.

Landscaping is not required for the following development:

- (a) Any development in existence before the effective date of the ordinance from which this article is derived;
- (b) Residential development located within lots or parcels within zoning districts "A" agricultural, "A-R1" agricultural single-family residential, "R-1" single-family residential, "R1-A" single-family garden home, "RM-1" residential modular home single-family, "RT-1" residential townhouse single-family, "R-2" two-family residential and "R-MS" manufactured housing subdivision;
- (c) Residential development lots for the construction of a single allowable dwelling structure on a single lot or parcel located within zoning district "R-3" multifamily residential in the form of a building permit or plat submitted to the city before the original effective date of the ordinance from which this article is derived;
- (d) Any commercial development in the form of a building permit submitted to the city before the effective date of the ordinance from which this article is derived; and
- (e) Restoration of a conforming use building that has been damaged, destroyed or demolished, which does not qualify as substantial improvement.

Sec. 8-508. Landscape plan required.

- (a) When a building permit application is required, a landscape plan shall be prepared and submitted to the city. It shall contain the following information:
 - (1) Date, graphic scale, north arrow, title and name of applicant/owner;
 - (2) Location of existing boundary lines and dimensions of the lot or tract;
 - (3) Approximate centerline of existing watercourses or drainageways; location of significant drainage features; and the location and size

- of existing and proposed streets, alleys, utility and fire lanes and sidewalks;
 - (4) Location, size, number, and type (tree, shrub, ground cover, grass) of landscaping in proposed areas and location and size of proposed landscaped areas;
 - (5) Information necessary for verifying the required minimum amount of landscaping as well as any substitute landscape comparisons; and
 - (6) Location and size of the proposed hose bib irrigation system, if required.
- (b) Persons desiring use of special or unusual plant materials, or unique landscaping materials, as a part of an overall site design shall prepare a substitute landscape plan. Such plan shall include all information required to support the need for substitute landscaping. Artificial planting materials shall not be credited toward the landscaping requirements of this article.
 - (c) Native plant species that conserve water and may have reduced maintenance requirements are suggested for use in landscaping plans. Landscape planning advice may be obtained by contacting the Bell County Extension Office.
 - (d) The landscaping plan shall ensure that all impervious areas are developed and maintained in a manner that employs best management practices to control soil erosion and excess sedimentation.
 - (e) Landscaping provided in vehicular and pedestrian use areas shall be designed so that the maturing of the landscaping will not conflict with the lighting scheme or such traffic areas.

Sec. 8-509. Landscaping standards for single-structure use lots located on R-3 multifamily zoned districts.

- (a) All single-structure use lot located within zoning district "R-3" multifamily residential developed after the original effective date (August 11, 2004) of the ordinance from which this article is derived shall have installed not less than six (6) three-gallon (minimum) shrubs and two (2) two-inch caliper (minimum) trees within the street yard. The remaining portion of the street yard(s) shall be planted in ground cover or grass.
- (b) Existing landscaping that matches or exceeds the required number, size, and type of landscaping located in the side or rear yards of a three and four-family dwelling lot or parcel may be credited toward the requirements of this section.

- (c) All required landscaping required by this section shall be in place and in a thriving condition on the date a final inspection and/or certificate of occupancy is issued for the structure or should seasonal planting be an issue, partial landscaping may be delayed to a later date with the approval of the building official. Such request shall be in writing, state the reasons for delay, and present a timeline for completion as required in section 8-514.

Sec. 8-510. Landscaping standards for non-residential, multiple apartment complex development, and commercial use lots and parcels.

- (a) **Landscaping required.** Minimum required landscaping shall be determined by this section. Where possible, approximately fifty percent (50%) of the required landscaping should be located in the street yard; however, any reasonable distribution of landscaping in proportion to street frontage may be approved by the building official.
- (b) **Trees.** The following requirements shall apply to tree landscaping:
 - (1) The minimum number of required trees shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by 25. The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of trees required. The length of the lot lines for irregular lots shall be the average width or length of the lot. A reduction in the required number of trees shall apply to lots with more than one street frontage by dividing the total lot frontages by 30 instead of 25.
 - (2) Not less than fifty percent (50%) of the required trees planted in the area to be landscaped shall be canopy trees.
 - (3) Newly planted trees shall measure at least two (2) inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter.
 - (4) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least four (4) inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.
 - (5) Should an existing tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.

- (6) Recommended plantings include the quality tree species listed in Subdivision A
- (c) **Shrubbery.** The following requirements shall apply to shrubbery landscaping:
 - (1) The number of required shrubs shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by 5. The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of shrubs required.
 - (2) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by ten (10). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by six (6). In like manner, 10 shrubs can be substituted for 1 canopy tree and 6 shrubs can be substituted for a non-canopy tree.
 - (3) Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials shall reduce the number of shrubs required by one (1).
 - (4) Shrubs shall not be less than three (3) gallons in size.
 - (5) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.
- (d) **Ground cover.** The following requirements shall apply to ground cover landscaping:
 - (1) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.
 - (2) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, sand, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses

- (e) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a hose bib attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.

Sec. 8-511. Landscaping standards for parking lots.

- (a) Area required. The minimum amount of landscaped area required for parking, loading or vehicle storage space development within a single lot that is 90,000 square feet or more shall be five percent (5%) of all vehicular use areas, which shall be devoted to landscape islands, peninsulas or medians.
- (b) Street yard landscape credit. Landscape islands, peninsulas and medians may be included in calculating the minimum required street yard landscaping.
- (c) Distribution of landscaping. The number, size and shape of landscape islands, peninsulas, and medians, in both street and non-street yards, shall be at the discretion of the applicant. All required islands, peninsulas and medians shall be reasonably distributed throughout parking areas; however, the distribution and location of landscape islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features so long as the total landscape area requirement for all parking areas is satisfied.
- (d) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a hose bib attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping watering plan is used.

Sec. 8-512. Landscaped buffer screening devices.

- (a) Where approved by the building official, a landscaped buffer may be planted to meet the screening device requirements specified within chapter 31 – zoning regulations, sections 31-250 and 31-280. Such alternate screening shall become applicable only upon a change of land use, property ownership, or building occupancy, or at such time a building

permit application is made, except as otherwise specified within this chapter.

- (b) A landscaped buffer shall provide a visual barrier from adjacent properties and streets. The owner of the property on which the landscaped buffer screening is planted shall permanently and adequately maintain such screening.
- (c) Landscaped buffer screening shall consist of earthen and planting materials not less than five (5) feet in width and include hedge-like shrubbery or evergreen planting materials capable of obtaining a minimum height of six (6) feet within the first three (3) years of initial planting.
- (d) Where approved by the building official, an earthen berm with elevated planting materials may be used as a landscaped buffer to meet the requirements of this section.
- (e) If required, an automatic underground drip irrigation or sprinkler system shall be provided for all landscaped buffer screens. A landscaped buffer shall be continuously maintained in a healthy thriving condition.

Sec. 8-513. Public rights-of-way.

- (a) Landscaping shall not be placed in a public right-of-way without the approval of the building official and city engineer, and in the case of right-of-way controlled by the state, only with the approval of the State Department of Transportation.
- (b) Landscaping shall not be located or placed so as to obstruct any fire hydrant or similar connection, nor shall landscaping be placed in a manner that obstructs emergency ingress/egress access to any building.
- (c) Landscaping shall not obstruct views between the street and access drives or parking aisles near street yard entries and exits, nor shall any landscaping obstruct views within the radius of any curb return.
- (d) Sight triangles shall be maintained for all landscaped property at all driveways and street intersections in accordance with section 28-241, visibility at intersections of the Killeen code of ordinances.

Sec. 8-514. Completion and maintenance.

- (a) The building official shall review all landscaping for compliance with this article. Landscaping shall be completed in compliance with the approved Landscape Plan before a final inspection and/or certificate of occupancy is issued, unless otherwise provided in this article. In the event that

placement of certain or partial landscaping materials is not practicable at the time the final inspection and/or certificate of occupancy is requested, a written placement schedule shall be submitted to the building official for approval before issuance of the certificate of occupancy. Such request cannot exceed forty-five (45) days unless an escrow for the cost of completion is provided. Failure to meet the approved placement schedule and place the required landscaping materials as shown on the Landscape Plan shall constitute a violation of this article.

- (b) Dead, damaged, diseased or displaced landscaping shall be promptly replaced or repaired, and in any event, within a reasonable time after notification by the building official. Replaced or repaired landscaping shall be of similar type and character as the material it replaces.
- (c) Replacement of dead landscaping shall occur within thirty (30) days of the required replacement date issued by the building official or other official, such as a code enforcement officer. In the event that placement of dead landscaping materials is not practicable within thirty (30) days of notification, a placement schedule shall be submitted to the building official for approval. Replacement material shall be of similar type and character as the dead landscaping. Failure to replace dead landscaping, as required by the building official, shall constitute a violation of this article.
- (d) Should installed landscaping not be maintained or is determined to not be in compliance with this article, the landscaping shall be declared a nuisance and the property owner shall replace it with materials that are in compliance with the requirements of this article.

Sec. 8-515. Appeals.

The construction board of appeals shall hear all appeals from the decision of the building official, and requests for variance from the requirements of this article. Any action of the construction board of appeals shall be in accordance with the provisions of this chapter.

Sec. 8-516. Separate Offenses.

It shall be an offense for a person to park a vehicle on a landscaped area. It shall be an affirmative defense to prosecution under this section that at the time of the alleged offense the vehicle was parked or left standing due to a mechanical defect that made it unsafe to move, provided that the person having ownership or control of the vehicle obtained consent from the property owner to park the vehicle in that location, and as soon as reasonably possible completed emergency repairs or summoned tow removal equipment, as appropriate. Ten (10) days is considered a reasonable period to complete emergency repairs or remove the disabled vehicle.

Secs. 8-517—529. Reserved.

SUBDIVISION A. RECOMMENDED TREE PLANTINGS

Sec. 8-530. Recommended Quality tree species list.

Common Name	Scientific Name	Type
Amer. Elderberry	Sambucus Canadensis	Small
Car. Buckthorn	Frangula caroliniana	Small
Callery Pear	Pyrus calleryana	Small
Crape Myrtle	Lagerstroemia indica	Small
Deciduous Holly	Ilex deciduas	Small
Desert Willow	Chilopsis linearis	Small
Eve's Necklace	Sophora affinis	Small
Mesquite	Prosopis glandulosa	Small
Mexican Plum	Prunus mexicana	Small
Purpleleaf Plum	Prunus cerasifera	Small
Rusty Blackhaw	Viburnum rufidulum	Small
Texas Buckeye	Aesculus arguta	Small
Texas Persimmon	Diospyros texana	Small
Texas Redbud	Cercis canad. 'Texana'	Small
Wax Myrtle	Myrica cerifera	Small
Youpon Holly	Ilex vomitoria	Small
Cedar Elm	Ulmus crassifolia	Medium
Chinese Pistache	Pistachia chinensis	Medium
East. Red Cedar	Juniperus virginianum	Medium
Hawthorn	Crataegus viridis	Medium
Jap. Black Pine	Pinus thunbergii	Medium
Lacebark Elm	Ulmus parvifolia	Medium
Little Walnut	Juglans microcarpa	Medium
Afghan Pine	Pinus eldarica	Large Non-Canopy
Bald Cypress	Taxodium distichum	Large Non-Canopy
Black Pine	Pinus nigra	Large Non-Canopy
Eastern Red Cedar	Juniperus virginiana	Large Non-Canopy
Pond Cypress	Taxodium ascendens	Large Non-Canopy
So. Magnolia	Magnolia grandiflora	Large Non-Canopy
American Elm	Ulmus Americana	Canopy
Black Oak	Quercus veluntina	Canopy
Bigtooth Maple	Acer grandidentatum	Canopy
Bur Oak	Quercus macrocarpa	Canopy
Chinquapin Oak	Quercus muhlenbergii	Canopy
Durand Oak	Quercus durandii	Canopy
Green Ash	Fraxinus pennsylvanica	Canopy
Gum Bumelia	Bumelia lanuginose	Canopy

Ken. Coffeetree	Gymnocladus dioicus	Canopy
Live Oak	Quercus virginiana	Canopy
Pecan	Carya illinoensis	Canopy
Persimmon	Diospyros virginiana	Canopy
Red Mulberry	Morus rubra	Canopy
Shumard Oak	Quercus shumardii	Canopy
So. Sugar Maple	Acer barbatum	Canopy
Sugarberry	Celtis laevigata	Canopy
Sweetgum	Liquidambar styraciflua	Canopy
Sycamore	Plantus occidentalis	Canopy
Texas Ash	Fraxinus texenses	Canopy
Texas Red Oak	Quercus texana	Canopy
Trident Maple	Acer buergerianum	Canopy
Water Oak	Quercus nigra	Canopy
West. Soapberry	Sapindus drummondii	Canopy
White Ash	Fraxinus Americana	Canopy