

7.7 Landscaping, Screening, Buffering, and Fences

7.7.5 Landscape and Tree Canopy Requirements.

G. Landscape Installation and Maintenance.

1. Landscaping installed as part of the requirements of the landscape standards shall be free from diseases and insects and maintained in a healthy and growing condition at all times.
2. The property owner is responsible for regular weeding, mowing, irrigation, fertilizing, pruning, litter removal, and other maintenance as needed for all plantings.
3. The property owner shall remove and replace any required landscaping as part of an approved landscape plan that dies with other approved living plants from the approved plant list contained in the ~~Site Design~~ [Landscape and Tree Preservation](#) Criteria Manual no later than 30 days after: The landscaping has died, or after the postmarked date of written notification from the city, whichever is sooner. The Director or designee may, in his sole discretion, extend this time period due to weather, appropriate planting season, or other events outside of the reasonable control of the property owner.
4. [A minimum of two inches of mulch shall be added around all plant material and landscape areas that are not turf or hardscape](#)

H. Irrigation.

1. To ensure viability, landscape areas shall be irrigated by one or a combination of the following method
 - a. An automated underground system;
 - b. A drip irrigation system; and/or
 - c. The Director or designee may waive the irrigation system requirement if the approved landscape plan includes drought tolerant plants, a xeriscape system, or other approved materials. In such cases, a temporary irrigation system shall be installed and maintained until the plants are established.
2. [A preliminary irrigation plan shall be required alongside Civil Engineering Plan submittals for multifamily, non-residential, and common area lots in residential developments.](#)
3. [For irrigation system requirements and regulations, reference Denton Code of Ordinances Subchapter B, Chapter 28, Article XI and Title 30, Texas Administrative Code, Chapter 344 Landscape Irrigation, and as amended.](#)

I. Permits, Enforcement, and Drought.

1. No permits will be issued for any nonresidential and multifamily development until a landscape plan is submitted as part of the ~~site-plan~~ [zoning compliance plan](#), specific use permit, [planned development application](#), [civil engineering plan](#), or building permit review process.
2. 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 approved landscape plan and applicant shall call for inspection of all landscape installation.
3. An as-built landscape plan shall be provided to the city upon final inspection.

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4. Landscaping that dies shall be replaced by the owner with plants of similar variety and size no later than 30 days after the landscaping dies or 30 days after being notified from the Director or designee, whichever occurs first. The Director or designee may in his sole discretion, extend this time period due to weather or other events outside of the reasonable control of the property owner. Replacement trees of similar mature canopy may be replanted with approval from the Director or designee. Replacement trees must be a minimum of three-inch caliper, measured six inches above the ground.
 5. A planting extension may be granted by the Director or designee, in his sole discretion, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent. Seasons of drought, extreme heat, or heavy rainfall causing construction delays are examples of abnormal circumstances.
- J. **Payment in Lieu of Planting.** In instances where easements, encumbrances, physical constraints, or life safety requirements limit the ability to plant the required trees needed to meet the minimum tree canopy coverage, an applicant may pay into the tree fund as an alternative. The Director may approve a reduction in minimum tree canopy area of up to 10 percent of the required amount. Any reduction in tree canopy area shall be mitigated by payment into the city's tree fund based upon the standard canopy size of a large canopy tree as specified in the ~~Site Design~~ [Landscape and Tree Preservation](#) Criteria Manual, assuming each required tree measures two caliper inches. The payment per inch shall be calculated as provided in the city's payment schedule.

7.7.7 Street Tree Requirements.

- A. **Applicability.** Applications for [new or Tier 2](#) development [as defined in DDC Subsection 7.2.2.B](#) shall propose and be required to plant street trees in accordance with the following standards, and in accordance with the spacing requirements identified in the [Landscape and Tree Preservation Criteria Manual](#). The Director may approve alternative plans due to special site conditions, which may, for reasons such as safety or existing trees on the lot, affect the ability to meet these regulations. All replacement trees included as part of an approved tree preservation/replacement plan will be credited against the required street trees.
- B. **Street Tree Plan.** A street tree plan [noting location, number, and species of trees to be used within the development](#) shall be submitted with a ~~site plan~~ [zoning compliance plan](#) for multifamily or nonresidential developments and with a ~~final plat~~ [Civil Engineering Plans](#) for new residential subdivisions. Additionally, street trees should be specifically called out on building permits and landscape plans.
- C. **Street Tree Location.** Street trees shall be located within the street right-of-way or within 10 feet of the street right-of-way. [Alternative placement shall be subject to Director approval as described in Subsection 7.7.7G below.](#)
- D. **Number and Spacing.**
1. At least one street tree is required for every ~~30~~ [40](#) feet of street frontage.
 2. Street trees are not required to be regularly spaced at ~~30~~[40](#)-foot intervals; however, street trees shall not be planted further apart than 50-foot intervals and not closer than 25 feet apart.
 3. Street trees shall be planted in accordance with the spacing requirements from utilities, intersections, and driveways as described in the [Landscape and Tree Preservation](#) Criteria Manual.
 4. To ensure biodiversity and protect against tree disease, if 20 or more street trees are planted, no one species of tree may exceed ~~30~~ [20](#) percent of the total new street trees, [and no more than 50 percent of the same genus may be planted as new trees.](#) Where multiple species are required within a single block, trees of the same species shall be planted non-contiguously to the greatest extent possible.
- E. **Tree Planting.**
1. Tree planting standards shall be in accordance with the ~~Site Design~~ [Landscape and Tree Preservation](#) Criteria Manual.
 2. Each tree planted shall meet the most current version of American Standards for Nursery Stock ANSI Z60.1, and shall have a minimum size of ~~two three~~-inch caliper measured six inches above grade, unless the trees are planted as replacement for the removal of existing trees, in which case the trees must have a minimum size of two inches dbh. Any tree that does not meet ANSI Z60.1 may be rejected by the Director.
- F. **Maintenance.**
1. **Property Owner Responsibility.**
 - a. Street trees shall be maintained by the adjoining property owner.
 - b. It is the adjoining property owner's responsibility to water, prune, fertilize, and treat for insect and disease, as may be deemed necessary. All incurred costs are to be borne by the property owner.
 - c. It is the adjoining property owner's responsibility to remove any hazardous or dead tree, as may be deemed necessary. All incurred costs are to be borne by the property owner.

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2. **Tree Canopy Clearance Height.** All trees shall be maintained by pruning and other necessary care by the adjacent property owner to ensure a minimum clearance of 15 vertical feet from the curb line, 15 vertical feet from an alley, and eight vertical feet from the sidewalk.
 3. **Removal of Trees or Plantings in Public Right-of-Way.** The city may prune or remove any tree or planting that constitutes a hazard to person or property or for any other reason for trees and plantings located in public right-of-way or in a landscape maintenance easement.
 4. **Pruning.** All pruning shall be in accordance with the most current version of American National Standards for Tree Care Operations ANSI A300.
 5. **Tree Replacement.** The city may replace an approved street tree or other planting that has died or may have been removed for any reason, or plant additional street trees deemed appropriate and consistent with available resources.
 6. **Abuse or Mutilation.** It shall be unlawful for any person to break, destroy, or mutilate any approved street tree, or to set fire or permit any fire to cause damage to any portion of any street tree, or to attach or place any rope or wire, sign, poster or other device on any street tree. Each occurrence shall constitute a distinct and separate offense.
 7. **Trees Adjacent to Overhead Electric Utilities.**
 - a. Street trees planted adjacent to overhead electric distribution lines shall be of a species having a mature height less than 30 feet to accommodate maintenance of a 10-foot minimum separation between vegetation and electric lines.
 - b. [Street trees shall be planted outside of the provided electric utility easements where possible.](#)

G. Street Tree Alternatives.

1. Applicability.

- a. [All alternatives to the required street trees above are subject to Director approval.](#)
- b. [Sites with significant site constraints such as unique property shape, easements, topography, existing driveway placement, or utility infrastructure, etc.](#)
- c. [Infill development as defined in Subsection 9.2.](#)

2. Authorized Alternatives.

- a. [Street trees located more than 10 feet from the right-of-way shall be called out as alternative street tree placements on the Landscape Plan.](#)
- b. [Street tree requirement may be reduced by 10% or a minimum of 2 trees by providing an additional element from Table 7.E: Landscape Area Point System, Section A: ROW Screening Elements](#)