

ORDINANCE NO. 19-2-21-06

LANDSCAPING REGULATIONS AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE CITY OF CORINTH UNIFIED DEVELOPMENT CODE (“UDC”), BY AMENDING SECTION 2.09.01, “LANDSCAPING REGULATIONS” AND SECTION 2.09.02 “TREE PRESERVATION” OF SUBSECTION 2.09 “ZONING DEVELOPMENT REGULATIONS” OF THE UDC; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR VIOLATIONS THEREOF AS MORE SPECIFICALLY SET FORTH HEREIN; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas is a home rule municipality located in Denton County, Texas created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City is authorized to adopt regulations governing the development of land within the City and its extraterritorial jurisdiction in the interest of the public health, safety and welfare of its citizens; and

WHEREAS, the City adopted the Unified Development Code (“UDC”) which specifies types and quantities of landscaping required within the City; and

WHEREAS, the Planning and Zoning Commission held a public hearing at which persons with interest were provided an opportunity to provide public input and comments and reviewed proposed amendments to existing regulations and procedures for landscaping regulations and tree preservation within the UDC; and

WHEREAS, after holding the public hearing, the Planning and Zoning Commission voted to recommend approval of the proposed amendments to the City Council; and

WHEREAS, after holding a public hearing at which persons with interest were provided an opportunity to provide public input and comments, the City has reviewed the proposed amendments to the regulations and procedures for landscaping regulations and tree preservation in the UDC and has determined that the incorporated amendments are appropriate to aid with the orderly development and use of land; and

WHEREAS, the City has determined that the amendments proposed relating to landscaping regulations and tree preservation will be beneficial to the public safety and welfare; and

WHEREAS, upon review and consideration of the foregoing factors, the City

Council has determined that the City’s landscaping regulations and tree preservation standards should be amended as set forth below;

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

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

**SECTION 2.
AMENDMENTS**

2.01. That the Comprehensive Zoning Ordinance, being a part of the City of Corinth Unified Development Code, Subsection 2.09 “Zoning Development Regulations”, Section 2.09.01 “Landscaping regulations”, is hereby amended to be read in its entirety as follows with all other sections of Subsection 2.09, “Zoning Development Regulations” not specifically amended hereby remaining in full force and effect:

“2.09.01. - Landscaping Regulations

A. Nonresidential Landscaping Requirements These standards shall apply to all Nonresidential Zoning Districts and Special Zoning Districts. Any area within a PD, Planned Development district containing landscaping standards shall be regulated by the more restrictive standards.

Nonresidential Landscaping shall be required according to the following sections:

<i>Table 13: Nonresidential Landscaping Requirements (Section References)</i>	
<i>Section Number</i>	<i>Section Title</i>
2.09.01. A.1	Landscaping Along Street Right-of-Way
2.09.01. A.2	Interior Parking Lot Landscaping
2.09.01. A.3	Landscaping for Corner Lots
2.09.01. A.4	Landscaping/Screening for Parking Lots Adjacent to Residential Areas
2.09.01. A.5	Foundation Plantings for Buildings 50,000 Square Feet or Larger
2.09.01. A.6	Landscaping for Nonresidential Areas Adjacent to Residential Areas
2.09.01. A.7	Landscaping for Below-Grade Open Parking Structures in the Front Yard

1. Landscaping Along Street Right-of-Way. All commercial, industrial and other nonresidential uses shall comply with the following streetscape requirements:
 - a. Landscaped Edge. A landscaped edge shall be provided adjacent to all streets.
 - i. The landscaped edge shall be the following minimum widths, exclusive of street Right-of-Way.

- (a) Landscape buffer width adjacent to Arterial Street, Freeway, or Expressway: Twenty (20) feet.
 - (b) Landscape buffer width adjacent to Collector Street: Fifteen (15) feet.
 - (c) Landscape buffer width adjacent to Local Street: Ten (10) feet.
 - ii. Within the landscaped edge, one (1) shade tree (3" caliper minimum) (per Table 15: Recommended Plant Material List) shall be planted per 30 linear feet of landscaped edge. the grouping or clustering of required trees to accommodate driveway spacing, utilities, drainage facilities, or similar site features is permitted.
 - iii. The number of required trees shall be calculated solely on the area of the required landscaped edge.
 - c. Vehicle headlight screening abutting the landscape edge. Where parking lots, drives, and access easements abut the landscaped edge, shrubs (5 gallon minimum) shall be planted to form a contiguous buffer along the common boundary line.
 - i. The number of required shrubs shall be calculated solely on the area of the required landscaped edge.
 - ii. Shrubs shall be planted in planting beds.
 - iii. A berm may be placed within the landscaped edge in lieu of the required shrubs unless needed for a headlight screen. (See 2.09.01. A.4 for possible additional landscaping requirements.)
 - iv. The berm must be 40 inches above the average grade of the street and parking lot curbs.
 - v. The slope of the berm shall not exceed a 33 percent grade.
 - c. If the parking lot is located 50 feet or more from the street Right-of-Way line, no shrubs or berms will be required unless needed for a headlight screen. (See 2.09.01. A.4 for possible additional landscaping requirements.)
 - d. The Applicant is also encouraged to plant a variety of ornamental trees and flowers in addition to the required plantings.
 - e. Any permeable surface not occupied by trees, shrubs, planting beds, signs or other permitted fixtures shall be planted with turf or other living ground cover. Crushed granite may be utilized within 2 feet of the back of curb. The Director of Development Services may approve additional areas with an approved landscape plan.
2. Interior Parking Lot Landscaping. Any nonresidential parking area which contains more than 20 parking spaces shall provide interior landscaping in addition to the required Landscaped Edge (2.09.01. A.1.a):
- a. Interior Parking Lot Landscaping shall include all areas within the paved boundaries of the parking lot as well as planting islands, curbed areas, corner lots, parking spaces and all interior driveways and aisles except those with no parking spaces located on either side.
 - i. Landscaped areas outside of the parking lot may not be used to meet the Interior Parking Lot Landscaping requirement.
 - b. There shall be ten (10) square feet of Interior Parking Lot Landscaping for each parking space or fraction thereof.
 - c. There shall be one (1) shade tree (3" caliper minimum) or an ornamental (per Table 15: Recommended Plant Material List) tree for every ten (10) parking spaces or fraction thereof.
 - d. All landscaped areas shall be protected by a raised six (6) inch concrete curb.

- a. Foundation plantings are required for buildings or groups of contiguous buildings that are 50,000 square feet or larger.
- b. One large tree [three (3) inch minimum caliper] shall be required for every ten thousand square feet of gross building area.
- c. These trees shall be planted within thirty feet (30') of the front facade.
- d. These plantings are intended to break up the large impervious areas.
- e. Plantings required by this section are in addition to trees required by other sections of this UDC.



Figure 3: Building without Foundation Plantings

- f. Trees can be grouped or planted in singular form.
- g. These tree plantings should be placed so as not to impede sign visibility or pedestrian safety.
- h. Trees intended for foundation plantings shall meet the following criteria:
 - i. Trees planted less than four feet (4') from the back of curb shall be planted in a tree grate with a minimum diameter width of four feet (4').
 - ii. Ornamental trees may be substituted for large trees at a building's foundation at the rate of five ornamentals for each required Large Tree (5:1).
 - (a) Ornamental trees shall have a minimum size of three (3) inch caliper.
 - (b) Multi-trunked trees will be required to meet a three (3) inch requirement based on standard nursery trade specifications.
 - iii. Trees may be placed in groups with appropriate spacing for the species.
 - iv. The requirements of this section may be reduced if approved by the City Council and when additional pedestrian features; such as, plazas, seating areas, fountains, and outdoor recreation facilities are provided. These facilities must occupy an area equal to or greater than five percent (5%) of the building's total square footage.
6. Landscaping for Nonresidential Areas Adjacent to Residential Areas. A 20-foot wide landscaped buffer shall be provided adjacent to land zoned for residential uses.
7. Landscaping for Below-Grade Open Parking Structures in the Front Yard
 - a. Where below grade open parking is provided in the front yard setback of non-residentially zoned properties, the required landscaping shall comply with the following regulations:

- i. An 18-foot wide landscape edge shall be provided between the below-grade Parking Structure and the street Right-of-Way.
- (a) The landscape edge is exclusive of street Right-of-Way; and
- ii. The 18-foot landscape edge shall include a minimum 36-inch tall berm, measured from the property line after grading.
- (a) The berm shall not exceed a 33 percent slope.
- (b) One shade tree (3 inch caliper minimum) (per Table 15: Recommended Plant Material List) shall be provided for each 50 feet of street frontage within the landscape edge between the below grade open parking and the street Right-of-Way.

8. Measurement.

- (1) Trees with a single trunk shall be measured at 12 inches above the natural ground level.
- (2) If the trunk splits into multiple trunks below the 12 inch level, then the multiple trunk trees are measured by the following formula.
 - (i) Measure largest trunk circumference at 12 inches above the natural ground level.
 - (ii) Remaining trunks, measure circumference at 12 inches above the natural ground level and divided by two.
 - (iii) Add subsections (A) and (B) for total circumference, divide total by 3.14 to get caliper.

B. Residential Landscaping Requirements These standards shall apply to all Residential Zoning Districts. Any area within a PD, Planned Development containing landscaping standards shall be regulated by the more restrictive standards.

Residential Landscaping shall be required according to the following sections:

<i>Table 14: Residential Landscaping Requirements (Section References)</i>	
<i>Section Number</i>	<i>Section Title</i>
2.09.01. B.1	Multi-Family, Single Family Attached and Retirement Housing Landscaping Requirements
2.09.01. B.2	Landscaping Requirements for Single Family Developments

1. Multi-Family, Single Family Attached and Retirement Housing Landscaping Requirements.

Landscape Edge. A landscaped edge shall be provided adjacent to all streets.

- a. The landscaped edge shall be the following minimum widths, exclusive of street Right-of-Way.
 - (a) Landscape buffer width adjacent to Arterial Street Freeway, or Expressway: Twenty (20) feet.
 - (b) Landscape buffer width adjacent to Collector Street: Fifteen (15) feet.
 - (c) Landscape buffer width adjacent to Local Street: Ten (10) feet.
- ii. Within the landscaped edge, one (1) shade tree (3 inch caliper minimum) (per Table 15: Recommended Plant Material List) shall be planted per 30 linear feet of landscaped

edge. The Director of Planning may approve the grouping or clustering of trees to accommodate driveway spacing, utilities, drainage facilities, or similar site features.

- iii. The number of required trees shall be calculated solely on the area of the required landscaped edge.
- b. Shrub Buffer for Parking Lots and Drives. Where parking lots and drives abut the landscaped edge, shrubs (5 gallon minimum) shall be planted to form a contiguous buffer along the common boundary line.
 - i. The number of required shrubs shall be calculated solely on the area of the required landscaped edge.
 - ii. Shrubs shall be planted in planting beds.
 - iii. A berm may be placed within the landscaped edge in lieu of the required shrubs unless needed for a headlight screen.
 - iv. The berm must be 18 to 40 inches above the average grade of the street and parking lot curbs.
 - v. The slope of berm shall not exceed a 33 percent grade.
- c. If the parking lot is located 50 feet or more from the street Right-of-Way line, no shrubs or berms will be required unless needed for a headlight screen.
- d. The Applicant is also encouraged to plant a variety of ornamental trees and flowers in addition to the required plantings.
- e. Any permeable surface not occupied by trees, shrubs, plantings beds, signs or other permitted fixtures shall be planted with turf or other living ground cover.
- f. The Planning and Zoning Commission and the City Council may reduce the width of the required landscaped edge during Site Plan review when the reduction is required for a Public Improvement.
- g. Parking areas shall be landscaped in addition to the required landscaped edge.
 - i. Twenty (20) square feet of landscaping for each parking space shall be provided within the paved boundaries including one (1) shade tree (3" caliper minimum) or ornamental tree (per Table 15: Recommended Plant Material List) per ten (10) parking spaces.
- h. All landscaped areas shall be protected by a raised six (6) inch concrete curb.
 - i. Pavement shall not be placed closer than five (5) feet from the trunk of a tree unless a staff approved root barrier is utilized.
- i. One (1) shade tree (3" caliper minimum) or ornamental tree per 1,000 square feet of required open space (e.g., required yards) shall be provided.
- j. No site developed prior to the effective date of this section shall be required to conform to the landscaping requirements of this section unless the site is redeveloped or there is a thirty percent (30%) or more increase in the existing square footage of building area and/or reconstruction of the existing parking lot.
- k. Additional Multi-family Landscape Requirements. The multi-family complex shall be landscaped in accordance with 2.09.01. Landscaping Regulations. If more than one apartment building is permitted to be placed upon a single lot, the following areas shall be landscaped:

- i. A twenty (20) foot strip along the front and rear of the buildings as measured from the foundation.
- ii. A fifteen (15) foot strip along all other sides of the buildings as measured from the foundation.
- iii. That area adjacent to building corners determined by extending the front, rear, and side landscape limits to their point of intersection.
- iv. Any additional landscape area that is needed to meet the City's requirements shall be indicated and fully described upon the plat.

2. Landscaping Requirements for Attached and Detached Single Family Developments.

A. Perimeter landscaping requirements.

- a. Landscaped Edge. A landscaped edge shall be provided adjacent to all streets which lay on the perimeter of a residential subdivision.
 - i. The landscaped edge shall be the following minimum widths, exclusive of street Right-of-Way.
 - (a) Landscape buffer width adjacent to Arterial Street, Freeway, or Expressway: Twenty (20) feet.
 - (b) Landscape buffer width adjacent to Collector Street: Fifteen (15) feet.
 - (c) Landscape buffer width adjacent to Local Street: Ten (10) feet.
 - ii. Within the landscaped edge, one (1) shade tree (3" caliper minimum) (per Table 15: Recommended Plant Material List) shall be planted per 30 linear feet of landscaped edge. The Director of Planning may approve the grouping or clustering of trees to accommodate driveway spacing, utilities, drainage facilities, or similar site features.
 - iii. The number of required trees shall be calculated solely on the area of the required landscaped edge.

B. Landscaping requirements for attached and detached Single Family lots.

(a) Required Landscaping

- (1) Trees shall be planted to meet the total number of caliper inches referenced in the table below. Required large trees shall not be smaller than three (3) caliper inches; required small trees shall not be smaller than two (2) caliper inches in size. A minimum of one (1) large and one (1) small tree shall be located in the front yard of all residential lots. The remaining required trees may be placed in the front or rear of the residential lot.

<u>Size of lot (sq. ft.)</u>	<u>Caliper Inches</u>	<u>Number of Shrubs</u>
2,500–6,999	5	12
7,000–8,999	8	15
9,000–19,999	11	20
20,000+	14	25

(b) Location of trees.

- (1) No trees are to be planted within the parkway, the area between the back of curb and the right-of-way/property line.
- (2) Trees are to be placed in a location which does not interfere with overhead and/or underground utility easements.
- (3) Trees are to be spaced so that at mature growth their canopies do not interfere with one another.

(c) Measurement.

- (1) Trees with a single trunk shall be measured at 12 inches above the natural ground level.
- (2) If the trunk splits into multiple trunks below the 12 inch level, then the multiple trunk trees are measured by the following formula.
 - (i) Measure largest trunk circumference at 12 inches above the natural ground level.
 - (ii) Remaining trunks, measure circumference at 12 inches above the natural ground level and divided by two.
 - (iii) Add subsections (A) and (B) for total circumference, divide total by 3.14 to get caliper.

(d) Additional vegetation requirements.

- (1) Required shrubs shall be a minimum of three (3) gallon in size when planted and shall be planted in the front yard of all residential lots. Shrubs may be substituted with small trees when planted in the front yard.
- (2) Solid vegetative ground cover or lawn for the entirety of the lot that is not otherwise covered by mulched planter beds, building(s) and/or driveway area(s).
- (3) All landscaping required above shall be planted prior to issuance of the certificate of occupancy on the dwelling(s).

C. Landscape Maintenance Requirements

1. All plant material shall be maintained in a healthy and growing condition, and must be replaced with plant material of similar variety and size if damaged, destroyed, or removed.
2. Landscaped areas shall be kept free of trash, litter, weeds and other such materials or plants not a part of the landscaping.
3. An automatic irrigation system with rain and freeze sensors is required for all landscaping except for single family residences.
4. All cut areas front, side, and rear must have sod for erosion control.
5. Any Developer desiring to install and maintain landscaping materials and irrigation facilities within the City Right-of-Way must first receive written approval from the Director of Public Works.
7. Replacement of dead landscaping shall occur prior to the issuance of a certificate of occupancy.

D. Landscaping Incentives: Private Detention and Retention Ponds Designed as Amenities

1. Incentive. If a private detention or retention pond is designed and maintained according to the following standards, then a ten (10) percent increase in the maximum building area coverage listed in 2.08.05. Nonresidential Dimensional Regulations Chart shall be granted.
2. Applicability. All non-residentially zoned land or uses shall be eligible for the incentive.

3. Standards for Detention and Retention Ponds as Amenities. A private detention or retention pond shall be considered an amenity if it meets the following design considerations:
 - a. Located between the building and the street or completely bounded by streets,
 - b. Viewable from public space,
 - c. Any slope of the pond area does not exceed thirty-three (33) percent,
 - d. Accessible by patrons,
 - e. Seating area, public art, or fountain,
 - f. One tree or planter at least sixteen (16) square feet in size for every two hundred (200) square feet of open space, and be located within or directly adjacent to the open space; and
 - g. The Site Plan and plat, if applicable acknowledge the responsibility of the owner or property owners association to maintain the pond.
4. Example of a Detention/Retention Pond Designed as an Amenity.



Figure 4: Example of a Detention/Retention Pond Designed as an Amenity

5. Example of a Detention/Retention Pond not Designed as an Amenity.



Figure 5: Example of a Detention/Retention Pond not Designed as an Amenity

E. Approved Plant Materials

1. The use of artificial plants or turf are expressly prohibited for compliance with this UDC.
2. Use of drought tolerant plants are encouraged to meet the requirements of this UDC.
3. The following is the approved plant material list for plant materials required in this UDC:

Table 15: Recommended Plant Material List.

CANOPY (SHADE) TREES – HARDINESS ZONE 8								
Common Name	Botanical Name	TX Native	Mature Height	Mature Spread	Light Req.	Water	Foliage	Util. Appr.
Ash, Texas	<i>Fraxinus texensis</i>	Y	30'	40-50'	Sun	VL	Decid.	
Cedar, Eastern Red	<i>Juniperus virginiana</i>	Y	20-50"	15-25'	Sun	M	Everg.	
Cherry, Escarpment Black	<i>Prunus serotina var. eximia</i>	Y	25-50'	25-35'	Sun/part shade	L	Decid.	
Cypress, Arizona	<i>Cupressus arizonica</i>	Y	20-50'	15-25'	Sun	L	Everg.	
Elm, American	<i>Ulmus americana</i>		70-90'	50-90'	Sun/part shade	M	Decid.	
Elm, Cedar	<i>Ulmus crassifolia</i>	Y	25-60'	25-35'	Sun/part shade	L	Decid.	
Elm, Lacebark	<i>Ulmus parvifolia</i>		40-60'	30-40'	Sun	M	Decid.	
Locust, Honey (thornless)	<i>Gleditsia triacanthos inermis</i>	Y	30-50'	25-35'	Sun/part shade		Decid.	
Maple, Big Tooth	<i>Acer grandidentatum</i>	Y	40-50'	20-30'	Sun/part shade	VL	Decid.	

CANOPY (SHADE) TREES – HARDINESS ZONE 8

Common Name	Botanical Name	TX Native	Mature Height	Mature Spread	Light Req.	Water	Foliage	Util. Appr.
Mesquite, Honey	<i>Prosopis glandulosa</i>	Y	Y	25-30'	Sun	VL	Decid.	Yes
Oak, Bur	<i>Quercus macrocarpa</i>	Y	50-75'	50'+	Sun	VL	Decid.	
Oak, Chinquapin	<i>Quercus muhlenbergii</i>	Y	30-60'	30-40'	Sun	M	Decid.	
Oak, Lacey	<i>Quercus laceyi</i>	Y	20-35'	25'	Sun	VL	Decid.	
Oak, Monterey (Mexican White)	<i>Quercus polymorpha</i>	Y	40-60'	30-40'	Sun	VL	Everg.	
Oak, Escarpment Live*	<i>Quercus fusiformis</i>	Y	20-40'	50'+	Sun	L-VL	Everg.	
Oak, Shumard Red*	<i>Quercus shumardii</i>	Y	30-50'	30'-50'	Sun	L	Decid.	
Oak, Southern Live*	<i>Quercus virginiana</i>	Y	30-50'	50'+	Sun	L-VL	Everg.	
Oak, Texas Red*	<i>Quercus texana</i>	Y	15-30'	15-30'	Sun	L	Decid.	
Oak, Post	<i>Quercus stellata</i>		30-50'	60-80'	Sun/part shade	M	Decid.	
Pecan	<i>Carya illinoensis</i>	Y	60-90'	60-75'	Sun	M	Decid.	
Pine, Italian Stone	<i>Pinus pinea</i>		35-60'	20-40'	Sun	L	Everg.	
Sycamore, Mexican	<i>Platanus mexicana</i>		30-50'	40'	Sun/part shade	M-L	Decid.	
Walnut, Texas Little	<i>Juglans microcarpa</i>	Y	18-20'	20'	Sun/part shade	M	Decid.	

* May not be used in Oak Wilt prone area.

UNDERSTORY (SMALL) TREES – HARDINESS ZONE 8

Common Name	Botanical Name	TX Native	Typ. Height	Typ. Spread	Light Req.	Water	Foliage	Util. Appr.
Buckeye, Mexican	<i>Ungnadia speciosa</i>	Y	8-15'	12-20'	Sun/part shade	L	Decid.	Yes
Cherry Laurel	<i>Prunus caroliniana</i>	Y	15-20'	12-15'	Sun/part shade	M	Everg.	
Chitalpa	<i>Chitalpa tashkentensis</i>		25-30'	15-20'	Sun/part shade	L	Decid.	
Crapemyrtle	<i>Lagerstroemia indica</i>		4-30'	10-20'	Sun	L-M	Decid.	Yes
Desert Willow	<i>Chilopsis linearis</i>	Y	10-25'	15-20'	Sun/part shade	VL	Decid.	Yes
Dogwood, Rough-leaf	<i>Cornus drummondii</i>	Y	8-15'	10-15'	Sun/shade	M	Decid.	
Eve's Necklace	<i>Sophora affinis</i>	Y	10-20'	15-20'	Sun/part shade	L	Decid.	Yes
Possumhaw	<i>Ilex decidua</i>	Y	12-15'	12'	Sun/part shade	L-M	Decid.	Yes
Holly, Yaupon	<i>Ilex vomitoria</i>	Y	15-25'	10-15'	Sun/part shade	L-M	Everg.	Yes
Mountain-laurel, Texas	<i>Sophora secundiflora</i>	Y	10-20'	8-12'	Sun/part shade	L	Everg.	Yes
Persimmon, Texas	<i>Diospyros texana</i>	Y	8-15'	8-12'	Sun/part shade	VL	Decid.	Yes
Pistache, Texas	<i>Pistacia texana</i>	Y	10-30'	30-45'	Sun/part shade	VL	Everg.	
Plum, Mexican	<i>Prunus mexicana</i>	Y	15-25'	15-20'	Sun/part shade	L	Decid.	Yes
Redbud, Mexican	<i>Cercis canadensis</i> var. <i>mexicana</i>	Y	15-30'	12-15'	Sun/part shade	VL	Decid.	Yes
Redbud, Texas	<i>Cercis canadensis</i> var. <i>texensis</i>	Y	15-30'	12-15'	Sun/part shade	L	Decid.	Yes
Retama Palo Verde	<i>Parkinsonia aculeata</i>	Y	12-20'	12-20'	Part shade/ sun	VL	Decid.	
Sumac, Flameleaf	<i>Rhus lanceolata</i>	Y	10-30'	15-20'	Sun/part shade	L	Decid.	
Viburnum, Rusty Blackhaw	<i>Viburnum rufidulum</i>	Y	10-30'	10-15'	Sun/shade	L	Decid.	
Wax Myrtle	<i>Myrica cerifera</i>	Y	10-15'	6-15'	Sun/part shade	M	Everg.	Yes

SHRUBS – HARDINESS ZONE 8

Common Name	Scientific Name	TX Native	Mature Height	Mature Spread	Light Req.	Water	Evergreen/Deciduous
LARGE (SCREENING)							
Abelia Glossy	<i>Abelia grandiflora</i>		6'	6'	Sun/part shade	L-M	E
Acuba	<i>Acuba japonica</i>		3-5'	3-5'	Part shade	M	E
Cotoneaster	<i>Cotoneaster sp.</i>		3-5'	4-7'	Sun/Part shade	M	E
Hawthorne, Indian	<i>Rhaphiolepis indica</i>		4-6'	4-6'	Sun/part shade	M	E
Holly, Burford	<i>Ilex cornuta 'Burfordii'</i>		8-12'	8-10'	Sun/part shade	L	E
Holly, Dwarf Burford	<i>Ilex cornuta 'Burfordii Nana'</i>		4-6'	3-4'	Sun/Part shade	L	E
Holly, Dwarf Chinese	<i>Ilex cornuta 'Rotunda nana'</i>		3-4'	3-6'	Sun/Part shade	L	E
Holly, Nellie R. Stevens	<i>Ilex cornuta 'Nellie R. Stevers'</i>		8-10	5-6'	Sun	L-M	E
Holly, Dwarf Yaupon	<i>Ilex vomitoria 'Nana'</i>	Y	2-4'	2-4'	Sun/shade	L	E
Rosemary, Upright	<i>Rosmarinus officinalis</i>		4'	4-6'	Sun	M	E
Sage, Texas	<i>Leucophyllum frutescens</i>	Y	4-5'	4-5'	Sun	L	E
Wax Myrtle, Dwarf	<i>Myrica pusilla; Morella cerifera var. pumila</i>		3-5'	3-6'	Part shade/ sun	M	E
Wax Myrtle, Southern	<i>Myrica cerifera</i>	Y	Shrub to 12'	6-15'	Sun/ part shade	M	E
Yucca, Spanish Dagger	<i>Yucca rostrata</i>	Y	5-15'	4'	Sun/part shade	VL	E
MEDIUM							
Agave, Blue	<i>Agave tequilana</i>		6'	6'	Sun	VL	E
Agave, Century Plant	<i>Agave americana</i>	Y	6'	8-10'	Sun/part shade	VL	E
American Beautyberry	<i>Callicarpa americana</i>	Y	4-6'	6'	Part shade/shade	L-M	D
Cactus, Prickly Pear	<i>Opuntia spp.</i>	Y	3-4'	3-4'	Sun	L	E
Esperanza/ Yellow Bells	<i>Tecoma stans</i>	Y	4'-8'	4-6'	Sun	L-M	D
Flame Acanthus	<i>Anisacanthus quadrifidus var. wrightii</i>	Y	3-4'	3-4'	Sun/part shade	VL	D
Indigo Spires	<i>Salvia 'Indigo Spires'</i>	Y	3-4'	5-7'	Sun/part shade	L-M	D
Lantana, Texas	<i>Lantana horrida</i>	Y	2-6'	4-5'	Sun	VL	D
Palmetto, Texas Dwarf	<i>Sabal minor</i>	Y	3-5'	4-6'	Sun/shade	M	E
Rose, 'Knock Out'	<i>Rosa 'Knock Out'</i>		3'	3'	Sun	M	SE
Sage, Cherry (Autumn Sage)	<i>Salvia greggii</i>	Y	2-3'	2-3'	Sun	L	E
Sage, Henry Duelberg (Blue Sage)	<i>Salvia farinacea 'Henry Duelberg'</i>	Y	3'	3'	Sun	L	D
Sage, Majestic	<i>Salvia guaranitica</i>		3-5'	4-5'	Sun/shade	L	D
Sage, Mexican Bush	<i>Salvia leucantha</i>		4-5'	4-5'	Sun	L	D
Sage, Russian	<i>Perovskia atriciplifolia</i>		3"	3'	Sun	L	D
Sotol, Texas	<i>Dasyliirion texanum</i>	Y	3-4'	3-4'	Sun/part shade	L	E
Sumac, Fragrant	<i>Rhus aromatica</i>	Y	6-9'	4-6'	Sun/part shade	L	D
Turk's Cap	<i>Malvaviscus arboreus</i>	Y	2-6'	3-5'	Sun or shade	L	E

Yucca, Red	<i>Hesperaloe parviflora</i>		6'	4'	Sun	VL	E
Yucca, Softleaf	<i>Yucca recurvifolia</i>	Y	4-6'	3'	Sun/part shade	VL	E
SMALL							
Agave, Parry's	<i>Agave parryi</i>	Y	1-1.5'	1.5'	Sun/part shade	VL	E
Agave, Queen Victoria	<i>Agave victoriae-reginae</i>	Y	1.5'	1.5'	Sun/part shade	VL	E
Artemisia	<i>Artemisia 'Powis Castle'</i>		1-2'	3-6'	Sun	VL	E
Coralberry	<i>Symphoricarpos orbiculatus</i>	Y	2-3'	2-3'	Sun/ part shade	L	D
Sage, Scarlet or 'Tropical'	<i>Salvia coccinea</i>	Y	1.5-3'	1-1.5'	Sun/Shade	L	D
Skullcap, Pink	<i>Scutellaria suffrutescens</i>		1'	3'	Sun/ part shade	L	E
Yucca, Red	<i>Hesperaloe parviflora</i>	Y	2-4'	4'	Sun/part shade	VL	E

ORNAMENTAL GRASSES – HARDINESS ZONE 8							
Common Name	Scientific Name	TX Native	Mature Height	Mature Spread	Light Req.	Water	Evergreen/Deciduous
Bluestem, Big	<i>Andropogon gerardii</i>	Y	4-8'	2-3'	Sun/part shade	L	D
Bluestem, Little	<i>Schizachyrium scoparium</i>	Y	2-3'	1-1.5'	Sun/part shade	L	D
Feathergrass, Mexican; Mexican Wiregrass	<i>Nassella tenuissima</i>	Y	1-2'	1-2.5'	Sun/part shade	L	SE
Fountain Grass, Dwarf	<i>Pennisetum alopecuroides</i>		2.5-3'	2.5-3'	Sun	M	D
Indiangrass, Yellow Indian Grass	<i>Sorghastrum nutans</i>	Y	3-5'	1-1.5'	Sun/part shade/shade	L'	D
Inland Seoats	<i>Chasmanthium latifolium</i>	Y	1-3'	3-6'	Part sun/shade	L-M	D
Muhly, Bamboo	<i>Muhlenbergia dumosa</i>		4-5'	4-5'	Sun/part shade	L	E
Muhly, Big; Lindheimer Muhly	<i>Muhlenbergia lindheimeri</i>	Y	3-5'	3-4'	Sun/part shade	M-L	D
Muhly, Deer	<i>Muhlenbergia rigens</i>	T	1-1.5'	1-1.5'	Sun/part shade	L	D
Muhly, Gulf	<i>Muhlenbergia capillaris</i>	Y	2-2.5'	2-3'	Sun/part shade	L-M	D
Muhly, Pine	<i>Muhlenbergia dubia</i>	T	1-3'	1-3'	Sun/part shade	VL	E
Muhly, Seep	<i>Muhlenbergia reverchonii</i>	T	2-3'	1.5-2'	Sun	VL	D
Nolina; Ribbon Grass, Devil's Shoestring	<i>Nolina lindheimeriana</i>	E	1-3'	4-5'	Sun/part shade	L	E
Rye, Canada Wild	<i>Elymus canadensis</i>	T	2-4'	2-3'	Sun/part shade	M	D
Sideoats Grama	<i>Bouteloua curtipendula</i>	Y	1-3'	2-3'	Sun/part shade	L	D
Switchgrass	<i>Panicum virgatum</i>	Y	3-6'	1-3'	Sun/part shade	M	D
Wheatgrass, Western	<i>Pascopyrum smithii</i>		1-3'	1-1.5'	Sun/part shade	M	D

PROHIBITED PLANT SPECIES *	
Common Name	Scientific Name
Bamboo	<i>Phyllostachys aurea; Bambusa spp.</i>
Cat's Claw Vine	<i>Macfadyena unguis-cati</i>
Cattail	<i>Typha spp.</i>
Chinaberry	<i>Melia azedarach</i>
Chinese Parasol Tree	<i>Firmiana simplex</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Chinese Tallow	<i>Sapium sebiferum</i>
English Ivy	<i>Hedera helix</i>
Giant Cane; Giant Reed	<i>Arundo donax</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Jimsonweed	<i>Datura stramonium</i>
Jujube	<i>Ziziphus zizyphus</i>
Kudzu	<i>Pueraria lobata</i>
Ligustrum, Japanese	<i>Ligustrum, lucidum</i>
Ligustrum, Wax Leaf	<i>Ligustrum japonicum</i>
Mimosa (non-native)	<i>Albizzia julibrissin</i>
Mulberry, Paper	<i>Broussonetia papyrifera</i>
Mulberry, White	<i>Morus alba</i>
Nandina (fruiting varieties)	<i>Nandina spp.</i>
Oleander	<i>Nerium oleander</i>
Pampas Grass	<i>Cortadenia selloana</i>
Princess Tree; Empress Tree	<i>Paulownia tomentosa</i>
Pines, non-native	<i>Pinus elliotii; P. eldarica, P. virginiana</i>
Photinia, Chinese	<i>Photinia spp.</i>
Privet, Common	<i>Ligustrum sinense, Ligustrum vulgare (and others)</i>
Pyracantha	<i>Pyracantha spp.</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Tamarsik, Salt Cedar	<i>Tamarix spp.</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Vinca, Periwinkle	<i>Vinca major & V. minor</i>
Vitex, Lilac Tree; Chaste Tree	<i>Vitex agnus-castus</i>
Wisteria, Chinese	<i>Wisteria sinensis (and others)</i>

F. Approval of Alternative Landscaping . A request for alternative landscaping may be submitted and acted upon in accordance with the accompanying site plan or planned development request. The City Council, or alternatively the Director of Planning and Development if the site plan or planned development amendment meets the criteria for administrative approval, may approve the following, based upon a finding that the proposed alternative meets the spirit and intent of this Section 2.09.01 Landscaping Regulations:

1. Location or Type of Required Landscape Material.

- a. Alternatives or minor changes to the location or type of required landscape materials due to unusual topographic constraints, sight restrictions, siting requirements, preservation of existing stands of native trees or similar conditions, or in order to maintain consistency of established front yard setbacks.
- b. These minor changes may vary the location of required landscape materials, but may not reduce the amount of required landscape area or the amount of landscape materials.

2. Required Landscaping Edges and Buffers.

- a. Alternatives or minor changes to the required landscape edges and buffers along a street frontage if immediately adjacent properties on both sides (at side property lines) have a smaller or no landscape buffer strip, in order to maintain consistency between existing parking lot and drive aisle alignments.
- b. If an alternative landscape edge or buffer is granted, an equal amount of landscaped area and trees shall be provided elsewhere on the site as may be deemed appropriate by the City Council.

3. Landscaping for Nonresidential Areas Adjacent to Residential Areas.

- a. Partial or complete relief from the landscaping buffer requirement within 2.09.01. A.6, if the applicable lot is smaller than two (2) acres.
- b. If an alternative buffer is granted, adequate screening shall be provided to ensure an equivalent buffer effect.

G. Entryways and Amenity Features within City Right-of-Way

1. Entryway or amenity features within City Right-of-Way may be developed under the responsibility of a Homeowners' or Property Owners' Association.
 - a. Documents shall be submitted, reviewed, and approved by the Director of Planning.”

2.02. That the Comprehensive Zoning Ordinance, being a part of the City of Corinth Unified Development Code, Subsection 2.09 “Zoning Development Regulations”, Section 2.09.01 “Tree Preservation”, is hereby amended to be read in its entirety as follows with all other sections of Subsection 2.09, “Zoning Development Regulations” not specifically amended hereby remaining in full force and effect:

“2.09.02. Tree Preservation

A. Definitions For the purposes of this Section 2.09.02. Tree Preservation, the following terms shall have the special meaning respectively ascribed to them below, which special meanings shall govern in case of any conflict with other definitions set forth in the City Code of Ordinances.

1. Approval. Approval of a Preliminary Plat Application, or Site Plan Application pursuant to a duly executed Application for a Tree Survey, Tree Protection Plan, or Tree Mitigation Plan.
2. Owner. The person who has legal title to the property or a lessee, agent, employee or other person acting on behalf of the titleholder with authorization to do so.
3. Protected Tree.
 - a. Any tree having a trunk caliper of six inches (6") or more, measured 4' 6" above natural grade level.
 - b. The following trees are excluded from the above definition of Protected Tree:

Table 16: Trees Excluded from the Protected Tree Definition

#	<i>Common Name</i>	<i>Botanical Name</i>
1	Bois d' Arc	Maclura pomifera
2	Chinaberry	Melia azedarach
3	Cottonwood	Populus deltoides
4	Hackberry, Texas Sugarberry	Celtis laevigata
5	Honey Locust	Gleditsia triacanthos
6	Mesquite	Populus deltoides
7	Mimosa	Mimosa sp.
8	Mulberry	Morus rubra
9	Silver Leaf Maple	Acer saccharinum
10	White Poplar	Populus alba
11	Willow	Willow sp.

4. Removal. As applied to a Protected Tree, means uprooting, severing the main trunk of the tree, or any act which causes, or may reasonably be expected to cause, the tree to die, including but not limited to:
 - a. Damage inflicted upon the root system by machinery, storage of materials, or soil compaction;
 - b. Substantially changing the natural grade above the root system or around the trunk;
 - c. Excessive pruning; or
 - d. Paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.
5. Tree. A self-supporting, woody, perennial plant which may have one or more stems or trunks, in which case the cumulative total diameters of those trunks shall be calculated in determining whether the trunk of the tree is six inches (6") in diameter or larger.

B. Tree Preservation and Replacement

1. City Approval Required. Any person commits an offense if the person, directly or indirectly, causes, permits or allows the cutting down, destruction, removal, or damaging of any Protected Tree prior to the approval of a:
 - a. Tree Survey,
 - b. Tree Protection Plan, or
 - c. Tree Mitigation Plan.
 2. The following are exempt from Section 2.09.02. B.1:
 - a. A tree is located in the yard area of developed and owner-occupied residential property, or
 - b. A tree or parts of trees and branches over hang and extend laterally into the space over public property.
 3. Replacement Trees Required.
 - a. The owner of the property from which a Protected Tree was removed or where such tree died shall replace the tree with new trees having a total tree caliper width equal to the width of the tree(s) removed.
 - b. Replacement trees must be of a variety listed within Table 15: Recommended Plant Material List.
 4. Heavily Treed Lots.
 - a. A lot shall be considered "heavily treed" if the lot has tree canopy coverage of 50 percent or more of the lot's land area.
 - b. The Applicant shall be responsible for showing and calculating the tree canopy coverage on the Application.
 - c. A heavily treed lot shall be allowed to reduce the amount of Protected Trees (required in 2.09.02. B.3) needing to be replaced by 50 percent.
- C. Tree Survey Every Preliminary Plat Application, or Site Plan Application must be accompanied by a Tree Survey and Tree Protection Plan.
1. The Tree Survey shall graphically identify all trees including Protected Trees and be in a format acceptable to the Director of Planning.
 2. The Tree Survey shall be prepared by a Registered Professional Landscape Architect or Certified Arborist.
 3. No Application shall be deemed complete until a Tree Survey has been submitted.
- D. Tree Protection Plan At or before the Preliminary Plat or Site Plan review and prior to the removal of any trees, the Applicant shall submit a Tree Protection Plan, which shall graphically identify Protected Trees and identify those being preserved and those being removed. Notably, the Tree Protection Plan is submitted jointly with the Tree Survey or a previously approved Tree Survey, if development is occurring in stages or phases.
- E. Tree Mitigation Plan If a property owner or his agent removes a Protected Tree without an approved Tree Survey/Tree Protection Plan, he shall submit a Tree Mitigation Plan to remedy the damage and such plan shall not become effective until approved by the City Council.
- F. Tree Removal Prohibited Any person commits an offense if the person, directly or indirectly, causes, permits or allows development subject to 2.09.02. C. Tree Survey to begin; including, but not limited to, grading or tree removal on applicable sites prior to the approval of a Tree Survey and Tree Protection Plan.

G. Tree Protection at Time of Construction

1. All trees within an approved building site to be preserved shall be flagged and encircled with protective fencing that extends beyond the full spread of the tree branches.
2. No construction is to occur within an area that constitutes more than fifty (50) percent of the critical root zone (as measured from the edge of the drip line to the trunk of the tree) for each tree being preserved.
3. Additionally, no more than thirty (30) percent of the viable portion of a Protected Tree's crown may be removed.
4. No grading or tree removal shall occur on a lot until the grading and Tree Protection Plan has been approved.
 - a. Tree wells. Tree wells shall be limited to a maximum depth of four (4) feet measured from finished grade.
 - b. Tree Islands. Tree islands shall be limited to a maximum height of four (4) feet measured from finished grade.

H. Enforcement and Violations

1. Enforcement of these criteria shall be in the field as well as on the plan.
2. Plan adjustments made during construction must be approved by the Director of Planning.

I. Protected Tree Removal Information

1. Application for the removal of a Protected Tree located on privately owned property shall be made by the owner of the property on which such tree is located.
2. An application for the removal of a Protected Tree shall specify:
 - a. The location of the tree.
 - b. The caliper of the trunk of the tree, as measured 4' 6" above natural grade level.
 - c. The approximate crown size of the tree.
 - d. The species and/or common name of the tree.
 - e. The approximate size of the lot, tract, or parcel on which it is located.
 - f. The reason for the proposed removal.
 - g. Such other information as may be reasonably required by the Director of Planning.

J. Protected Tree Removal

1. Approval Criteria for Public Land. The City shall approve an Application for the removal of a Protected Tree in connection with construction, maintenance, or repair of public facilities in or above a public street, alley, Right-of-Way or easement, or other public land under one or more of the following conditions:
 - a. The location of the tree prevents the opening of reasonable and necessary vehicular traffic lanes in a street or alley;
 - b. The location of the tree prevents the construction of utility lines or drainage facilities which may not feasibly be rerouted;
 - c. The location of the tree prevents all reasonable access to the property; or

- d. The denial of approval of such Application would deny a political subdivision of the state the reasonable use of public property for the achievement of its public purpose.
2. Approval Criteria for Building Sites. The City shall approve an Application for the removal of a Protected Tree in connection with one or more of the following conditions:
 - a. Building pad site (including an area 5' from the edge of the building pad),
 - b. Street Right-of-Way,
 - c. Utility Easement, or
 - d. Driveway.
3. Special Approval Criteria. Notwithstanding any of the foregoing provisions of this section, the City shall approve an Application for the removal of a Protected Tree under the following circumstances:
 - a. The Building Official determines that the tree constitutes a hazard to life or property which cannot reasonably be mitigated without removing the tree; or
 - b. The Building Official determines that the tree is dying, dead or diseased to the point that its restoration to sound condition is not practicable, or that its disease can be expected to be transmitted to other trees and to endanger their health.

K. Approval of Alternative Compliance

1. Replacement Trees.
 - a. The City Council may approve a developer's request to plant replacement tree(s) either on the same property from which the tree was removed or on other property within the City Limits. Trees may be planted on City property.
 - b. The applicant shall plant trees selected from the City approved list of trees and purchase them from a nursery or supplier approved by the City. A list of approved suppliers shall be kept on file in the Planning and Development Department.
 - c. The trees shall be shown on the approved Landscape Plan as part of the Site Plan.
2. Fee in Lieu of Replacement Trees.
 - a. The City Council may approve payment of a fee in lieu of replacement trees. A developer may apply for approval of a fee in lieu of replacement only for developments which meet one of the following criteria:
 - i. If the proposed subdivision is heavily treed and the existing tree canopy would prohibit the growth of the replacement trees, or
 - ii. If the required replacement trees were to be installed, the replacement trees would be planted under the canopy of any existing tree.
 - iii. If the required replacement trees were to be installed, the economic viability of the property is compromised. (Ex. The value of mitigated trees exceeds the value of the property.)
 - iv. If the City has no available property for additional trees to be planted.
3. The fee shall be established by the City Council at a cost of \$150 per caliper inch.
4. Administration of Tree Fund.

- a. The City shall administer the Tree Fund. Tree funds shall be used only for the following purposes: to purchase, plant and irrigate trees on public property, to preserve wooded property that remains in a naturalistic state in perpetuity, to perform and maintain a city-wide tree inventory and to educate citizens and developers on the benefits and value of trees.
- b. Fees contributed to the Tree Fund shall be paid prior to the pre-construction meeting on all Commercial, Industrial, Multi-Family Residential, Residential and Mixed Use Developments, and prior to filing a Final Plat in the Denton County Clerk's Office for all single-family Residential Subdivisions.
- c. No acceptance of public improvements shall be authorized until all replacement trees have been planted or a fee in lieu of replacement has been approved, and required payments have been made to the Tree Fund.
- d. Voluntary contributions for tree preservation shall be placed in the Tree Fund.”

**SECTION 4.
PENALTY**

Any person, firm or corporation who intentionally, knowingly or recklessly violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving violation of any provision of this Ordinance or Code of Ordinances, as amended hereby, governing the fire safety, zoning, or public health and sanitation shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

**SECTION 5.
CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 6.
SAVINGS**

All rights and remedies of the City of Corinth, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

**SECTION 7.
SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

**SECTION 8.
EFFECTIVE DATE**

This ordinance shall take effect upon its publication as required by law. The City Secretary is directed to publish the caption and penalty of this ordinance two times.

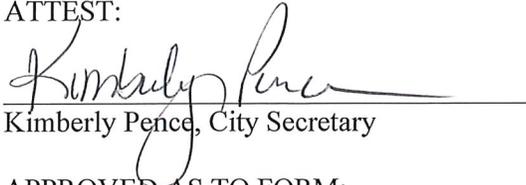
PASSED AND APPROVED THIS 21 DAY OF February 2019.

APPROVED:



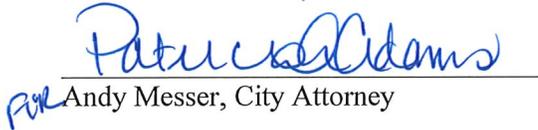
Bill Heidemann, Mayor

ATTEST:



Kimberly Pence, City Secretary

APPROVED AS TO FORM:



FOR Andy Messer, City Attorney