

**CITY OF JOSEPHINE
LEGAL NOTICE
NOTICE OF PUBLIC HEARINGS**

The City of Josephine Planning and Zoning Commission will hold a Public Hearing on **Monday, October 5, 2026, at 6:00 p.m.** to consider testimony and act on the item listed below, and the City Council of the City of Josephine will hold a Public Hearing on **Tuesday, October 13, 2026, at 6:00 p.m.** to consider testimony and act on the item listed below:

- An amendment to the Code of Ordinances Chapter 14A – Zoning, Sections 16 (Local Retail), 17 (General Commercial), 18 (Manufacturing/Industrial District - Light), and 19 (Manufacturing/Industrial District - Heavy) to establish landscaping requirements for development within those zoning districts, and to adopt a new Appendix 2 – Landscape Regulations for non-residential development within the City of Josephine.

The public hearings will be held at the Josephine City Hall located at 201 Main Street, Josephine, Texas 75173 and will also be on the **City of Josephine YouTube Channel – live stream available.**

<https://www.youtube.com/@CityofJosephine>

The public is invited to attend the meeting and make comments for or against the requests. If you are unable to attend, you may provide written comments to planning@cityofjosephinetx.com for inclusion into the record no later than Tuesday, October 6, 2026, at 10:00 AM.

SEE BELOW FOR DRAFT APPENDIX 2 FOR PUBLIC REVIEW

City of Josephine
P.O. Box 99
201 Main Street Josephine, Texas 75164
972-843-8282

ZONING ORDINANCE

14A Attachment 1

Appendix 2

LANDSCAPE REGULATIONS

Adoption Statement. This Appendix 2 is adopted pursuant to the Zoning Ordinance of the City of Josephine, Texas (the "Zoning Ordinance"), and constitutes Exhibit 14A, Attachment 2 thereto. All references in this Appendix to "this Ordinance" or "the Zoning Ordinance" shall mean the Josephine Zoning Ordinance as adopted and as it may be amended from time to time. This Appendix 2 is intended as an interim landscape ordinance and as the foundation for a future Unified Development Code landscape chapter for the City of Josephine.

Section 1 – Purpose and Intent

The City of Josephine, Texas adopts these Landscape Regulations to advance the following public purposes and policy goals:

1. Support the Josephine Comprehensive Plan vision for quality development and small-town character by requiring landscaping that reflects the values, scale, and aesthetic identity of the community;
2. Encourage attractive commercial corridors that avoid generic highway strip development, particularly along FM 6 and FM 1777, by establishing enhanced corridor landscape standards designed to create cohesive, pedestrian-friendly, and visually distinctive streetscapes;
3. Promote shade trees and pedestrian comfort in all development by requiring canopy trees in parking areas, along building facades, and within street-facing landscape strips;
4. Require quality site design that prevents buildings from appearing as boxes sitting in parking lots, through the use of foundation landscaping, entrance features, and landscape integration requirements;
5. Encourage drought-tolerant and native-adapted landscaping consistent with the Texas SmartScape program of the North Central Texas Council of Governments (NCTCOG),

reducing long-term maintenance costs and water consumption while supporting regional biodiversity;

6. Conserve water through smart plant selection and efficient irrigation without imposing overly complex engineering requirements on property owners and small businesses;
7. Reduce urban heat island effects through parking lot canopy coverage requirements, thereby lowering ambient temperatures and energy consumption on commercial sites;
8. Preserve existing protected trees during development and redevelopment through a transparent permitting and mitigation system that rewards context-sensitive site design; and
9. Maintain and improve air quality, stormwater quality, and ecological habitat by integrating living landscapes as a functional component of all new and redeveloped sites within the City.

Section 2 – Applicability

A. Districts and Uses Subject to These Regulations.

These regulations shall apply to:

1. All developments in the LR (Local Retail), C (General Commercial), M-1 (Light Industrial), and M-2 (Heavy Industrial) zoning districts;

B. Redevelopment.

1. No site that was developed prior to the adoption of this Appendix 2 shall be required to conform to these regulations unless the site is redeveloped, or unless there is a thirty percent (30%) or more increase in the existing square footage of building area, or reconstruction of the existing parking lot.
2. Where a site is partially redeveloped, only the redeveloped portion shall be required to comply.

C. Exemptions.

1. Existing single-family residential uses in these zoning districts are not subject to these regulations.
2. Public utility infrastructure (towers, substations, pump stations) shall comply with screening requirements established elsewhere in the Zoning Ordinance but are not required to meet interior parking lot or building foundation landscaping requirements of this Appendix.
3. All retail, commercial, and wholesale nurseries, for trees and plants grown on the premises for sale or intended for sale in the ordinary course of business, are exempt from the landscape requirements of this Appendix.

Section 3 – Definitions

For purposes of this Appendix 2, the following terms shall have the meanings set forth below. Terms not defined herein shall have the meaning ascribed to them in the Josephine Zoning Ordinance, or their plain and ordinary meaning if not defined therein.

Adaptive Plant – A plant species that is not native to North Central Texas but is well-suited to the region's soils, climate, and precipitation patterns, does not require significant supplemental irrigation once established, and is listed on the Texas SmartScape plant database maintained by NCTCOG or an equivalent approved plant reference.

Berms – A landscaped earthen mound used to screen parking, loading areas, or unsightly features, or to provide visual interest and grade transition within a landscaped area.

Buffer Yard – A landscaped area required between a nonresidential or higher-intensity use and an adjacent residential or lower-intensity use to provide separation, screening, and aesthetic transition.

Caliper Inch (CI) – The measurement used to determine the trunk diameter of nursery stock trees, measured six (6) inches above natural ground level for trees up to and including four (4) inches in caliper size, and measured twelve (12) inches above natural ground level for trees greater than four (4) inches in caliper size, in accordance with American Standard for Nursery Stock (ANSI Z60.1).

Canopy Cover – The percentage of a parking lot area that would be shaded by tree canopies at ten (10) years of growth, measured at noon during the summer solstice using standard crown spread dimensions for the applicable tree species.

Certified Arborist – A person holding current certification from the International Society of Arboriculture (ISA).

Diameter at Breast Height (DBH) – The diameter of an existing tree measured at four and one-half (4.5) feet above natural ground level, expressed in caliper inches.

Drip Line – The outermost edge of a tree's canopy projected vertically to the ground, also known as the Critical Root Zone (CRZ) or Root Protection Zone (RPZ).

Evergreen Tree – A tree that retains its leaves or needles throughout all seasons of the year.

Foundation Landscaping – Required landscaping installed adjacent to or near the exterior walls of a commercial or multifamily building to visually integrate the building with the site and reduce the appearance of a building as a box surrounded by pavement.

Heritage Tree – Any protected tree species with a trunk measuring forty (40) caliper inches or greater as measured at DBH.

Landscape Area – Any area of a site covered by living plant material, mulched planting beds, decomposed granite within planting beds, or preserved natural vegetation, but not including impervious paving, concrete, bare soil, or areas covered with artificial turf.

Landscape Island – A raised, curbed area of landscaping within or at the perimeter of a parking lot or drive aisle, designed to contain at least one shade or ornamental tree and groundcover.

Landscape Plan – A plan prepared by a licensed landscape architect or other qualified professional, as required by this Appendix, showing the location, species, size, and quantity of all proposed plant materials, irrigation design, soil amendment areas, and other landscape features.

Landscape Strip (Landscaped Edge) – A continuous strip of landscaping provided adjacent to a street right-of-way line, between the property line and required improvements, exclusive of any area within the public right-of-way.

Native Plant – A plant species indigenous to North Central Texas that evolved in the region's soils, climate, and ecological conditions without human introduction, as documented by the Texas Native Plant Society, Lady Bird Johnson Wildflower Center, or Texas SmartScape database.

Ornamental Tree (Understory Tree) – A smaller tree typically reaching a mature height of fifteen (15) to thirty (30) feet, used for accent, color, screening, or transition between shade trees and shrubs. Minimum planting size: two (2) caliper inches unless otherwise stated.

Parking Lot Landscaping – Required landscaping within the interior and perimeter of a parking area, including landscape islands, terminal islands, and perimeter landscape strips.

Protected Tree – Any tree species not specifically identified as an Unprotected Tree, having a trunk caliper of six (6) inches or more as measured at DBH. See Section 7 (Tree Preservation) for full definitions.

Registered Landscape Architect (RLA) – A landscape architect licensed to practice in the State of Texas.

Shade Tree (Canopy Tree) – A large deciduous or evergreen tree typically reaching a mature height of thirty (30) feet or greater, providing significant overhead canopy shade. Minimum planting size: three (3) caliper inches unless otherwise stated.

Tree Preservation Area – Any area designated on a site plan, landscape plan, Planned Development Concept Plan, or plat as a location where existing protected trees are saved, protected, and maintained.

Unprotected Tree (Exempt) – Trees that are exempt from tree mitigation requirements under Section 7 of this Appendix, including: Chinaberry (*Melia azedarach*), Siberian Elm (*Ulmus pumila*), Tree of Heaven (*Ailanthus altissima*), Mimosa (*Albizia julibrissin*), Bradford/Callery Pear (*Pyrus calleryana*), Salt Cedar (*Tamarix* spp.), Russian Olive (*Elaeagnus angustifolia*), Hackberry (*Celtis laevigata*) at the owner's discretion for mature specimens only, and any tree species identified as invasive by the Texas Parks and Wildlife Department. A Tree Removal Permit is still required for removal of Unprotected Trees of 6 CI or greater.

Xeriscape – A landscaping method that uses drought-tolerant, native, and adapted plants, efficient irrigation, mulching, and soil preparation to reduce or eliminate supplemental irrigation needs after plant establishment.

Section 4 – General Landscape Standards

A. Landscape Plan Required.

1. A landscape plan meeting the requirements of this Section shall be submitted as part of any application for site plan approval, building permit, or certificate of occupancy for any use subject to this Appendix 2.
2. The landscape plan shall be prepared by a Registered Landscape Architect (RLA) licensed in Texas for all nonresidential projects of two thousand (2,000) square feet of building area or greater, or for any site with twenty (20) or more parking spaces.
3. For smaller projects, the City Planner may accept a landscape plan prepared by the property owner or contractor, provided it contains all required information.
4. The landscape plan shall include, at minimum:
 - a. Legal description and site address;
 - b. Scale and north arrow;
 - c. Location, species (common and botanical name), quantity, and planted size of all proposed plant materials;
 - d. Location and width of all required landscape strips and islands;
 - e. Location and caliper of all existing trees to be preserved and those to be removed;
 - f. Irrigation system design, including controller location, zone layout, rain and freeze sensor locations;
 - g. Soil amendment areas and proposed mulch types and depths;
 - h. Identification of any water conservation features (rain gardens, native planting areas, xeriscape areas); and
 - i. Notation of compliance with Section 4.F (Water Conservation Requirement).

B. Plant Material Standards.

1. All plant materials shall be nursery-grown stock meeting American Standard for Nursery Stock (ANSI Z60.1) specifications and shall be in healthy condition at time of installation.
2. All plant materials shall be native or adaptive to the North Central Texas climate and shall be selected from the Approved Plant Material List in Appendix 2, Table 1. An administrative modification may be requested to use other native and adapted species not on the approved list that are comparable in form, function, and water demand.
3. No invasive species may be utilized. For purposes of this Appendix, invasive species include those designated as invasive or noxious by the Texas Invasive Plant Council (www.texasinvasives.org), the Texas Parks and Wildlife Department, or the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) for the North Central Texas region.
4. Artificial turf shall not count toward any minimum required landscaped area under this Appendix. The City Council may revisit this provision in the future in recognition of water conservation benefits.
5. No more than thirty percent (30%) of required trees shall be the same species, to promote species diversity and resilience against disease and pests.
6. Trees shall be spaced so that at mature growth, their canopies do not interfere with one another, overhead utilities, or required sight triangles.
7. Within required sight triangles as defined in the Zoning Ordinance, no plant material shall obstruct visibility at elevations between two (2) feet and seven (7) feet above established street grade.

C. Irrigation Standards.

1. An automatic irrigation system with rain and freeze sensors (compliant with Texas Commission on Environmental Quality Chapter 344 rules) is required for all landscape areas subject to this Appendix 2, except for areas planted exclusively with xeriscape,

native prairie, or other plant communities documented to require no supplemental irrigation after an initial twelve (12) month establishment period.

2. Irrigation systems shall be designed to apply water efficiently and shall not spray over impervious surfaces.
3. Drip irrigation or low-volume irrigation is required for shrub beds and foundation planting areas.
4. The City encourages, but does not require, rainwater harvesting systems, gray water reuse for irrigation, or soil moisture sensor-based smart controllers as components of site irrigation design.
5. Pressurized irrigation control lines, valves, and wires shall not be located within the public right-of-way except where approved in writing by the City Engineer.

D. Maintenance.

1. All plant material shall be maintained in a healthy, growing condition at all times. Dead, damaged, or diseased plant material shall be replaced with plant material of similar species and size within sixty (60) days, or within the next appropriate planting season if the sixty-day period falls outside of planting season.
2. Landscaped areas shall be kept free of trash, litter, weeds, and invasive plant species.
3. All cut turf areas, front, side, and rear, must be kept mowed and maintained for erosion control.
4. The property owner is responsible for all regular landscaping maintenance including mowing, irrigation, pruning, fertilizing, and replacement of dead plant material.
5. All landscaping required under an approved site plan, landscape plan, or Planned Development ordinance shall be considered a permanent condition of approval and may not be removed or substantially altered without City approval.
6. Replacement of dead landscaping shall occur prior to the issuance or renewal of a Certificate of Occupancy for the subject property.

E. Measurement of Trees.

1. Trees with a single trunk shall be measured at twelve (12) inches above the natural ground level.
2. Multi-trunk trees shall be measured as follows:
 - a. Measure the circumference of the largest trunk at 12 inches above ground;
 - b. Measure the circumference of each remaining trunk at 12 inches above ground and divide each by two (2); and
 - c. Add all values from (a) and (b) together for total circumference; divide by 3.14 to obtain caliper.
3. Existing trees to be preserved or removed are measured at DBH (4.5 feet above natural ground level), as defined in Section 3.

F. Water Conservation Requirement.

At least ten percent (10%) of the total required landscaped area for any nonresidential or multifamily site shall consist of one or more of the following:

1. Preserved existing native vegetation or tree preservation areas;
2. Xeriscape plantings (drought-tolerant native or adapted plants requiring little or no supplemental irrigation after establishment);
3. Native prairie or meadow plantings;
4. Rain gardens or biofiltration areas;
5. Rainwater harvesting systems that supply landscape irrigation; or
6. Preserved existing tree canopy areas.

These areas shall be clearly identified on the landscape plan and shall count toward minimum required landscaped area calculations.

G. Landscape Areas Adjacent to Structures.

1. All landscaped areas shall be protected from vehicle encroachment by a raised concrete curb of not less than six (6) inches in height, wheel stops, or equivalent barrier, except where landscape areas connect directly to building entrances.

2. Pavement shall not be placed closer than five (5) feet from the trunk of any new tree unless a City-approved root barrier is installed, in which case pavement may be placed no closer than two (2) feet from the trunk.
3. Existing trees designated for preservation shall be protected by an area equal to the full drip line.

Section 5 – Nonresidential Landscaping Requirements

A. Landscaping Along Street Rights-of-Way (Landscape Strip Requirements).

1. All commercial, industrial, and other nonresidential uses shall provide a continuous landscape strip between the property line and all street rights-of-way.
2. Minimum landscape strip widths (exclusive of right-of-way) shall be:
 - a. Adjacent to Arterial Street, FM Route, Expressway, or Freeway: Twenty (20) feet;
 - b. Adjacent to Collector Street: Fifteen (15) feet; and
 - c. Adjacent to Local Street: Ten (10) feet.
3. Within the required landscape strip along the property frontage:
 - a. One (1) shade tree (3-inch caliper minimum) shall be planted per every thirty (30) linear feet of landscape strip, or fraction thereof;
 - b. One (1) ornamental tree (2-inch caliper minimum) shall be planted per every twenty (20) linear feet of landscape strip in addition to required shade trees, or shade trees may be substituted at a 1:1 ratio for ornamental trees;
 - c. Grouping or clustering of required trees is permitted where conflicts arise due to driveway spacing, utilities, drainage facilities, or unique topographic conditions; and
 - d. Any permeable surface within the landscape strip not covered by trees, shrubs, or planting beds shall be planted with turf or other living ground cover. Decomposed granite or crushed granite may be used within two (2) feet of the back of curb or within drip irrigation bed areas.

4. Within the right-of-way parkway strip (the area between the sidewalk and curb, where present):
 - a. One (1) shade tree (3-inch caliper minimum) shall be planted per every thirty (30) linear feet within the parkway, subject to approval of the City Engineer; and
 - b. The Planning & Zoning Commission may approve an alternative planting rate or the planting of required parkway trees within the on-site landscape strip, where conflicts arise due to utilities, sight triangles, driveway spacing, or TxDOT requirements. The City Planner may approve minor adjustments to tree placement within this subsection where the conflict is attributable solely to utility lines, sight triangles, or TxDOT right-of-way requirements.
5. Where parking areas, drives, or access easements abut the landscape strip, opaque evergreen shrubs (5-gallon minimum) shall be planted to form a continuous vehicle headlight screen along the common boundary between the parking area and the landscape strip. Required shrubs shall achieve a minimum four (4) foot height within two (2) years of planting.
 - a. If the parking lot is located fifty (50) feet or more from the street right-of-way line, no shrubs or berms are required for headlight screening unless specifically required under Section 5.E.
6. Berms may be used within the landscape strip in lieu of or in addition to required shrubs, subject to the following:
 - a. Berm height shall be between eighteen (18) and forty (40) inches above the average grade of the street and parking lot curbs; and
 - b. Berm slope shall not exceed thirty-three percent (33%).

B. Corridor Enhancement Standards – FM 6 and FM 1777.

1. **Purpose.** FM 6 and FM 1777 are designated primary commercial corridors within the City of Josephine. Development along these corridors shall be held to enhanced landscaping standards to create attractive, shaded, and cohesive streetscapes that reflect

the City's small-town character and avoid generic highway strip commercial development.

2. **Applicability.** These Corridor Enhancement Standards apply to all nonresidential and mixed-use development located along or with frontage on FM 6 or FM 1777 within the City of Josephine. The corridor zone extends to a depth of two hundred (200) feet from the right-of-way line.
3. **Enhanced Landscape Strip.** In addition to the base landscape strip requirements of Section 5.A:
 - a. The required landscape strip along FM 6 and FM 1777 frontage shall be a minimum of twenty-five (25) feet in width, exclusive of right-of-way. This supersedes the 20-foot minimum in Section 5.A for arterial frontage; and
 - b. The landscape strip shall include a planted berm of not less than twenty-four (24) inches in height, or alternatively, a masonry or decorative fence element combined with dense shrub planting.
4. **Enhanced Tree Planting Along Corridor Frontage.**
 - a. One (1) shade tree (3-inch caliper minimum) shall be planted per every twenty-five (25) linear feet of corridor frontage within the landscape strip (reduced from 30 feet under Section 5.A);
 - b. One (1) ornamental tree (2-inch caliper minimum) shall be planted per every fifteen (15) linear feet of corridor frontage; and
 - c. At least fifty percent (50%) of required shade trees shall be large canopy shade trees selected from the Preferred Shade Tree List in Appendix 2, Table 1A.
5. **Entrance Feature Landscaping.** All primary vehicular entrances from FM 6 or FM 1777 shall be designed with an enhanced landscape entrance feature including:
 - a. A minimum of two (2) shade trees or four (4) ornamental trees flanking the entrance drive;
 - b. Decorative shrub and seasonal color planting beds with a minimum area of two hundred (200) square feet per entrance side; and

- c. Ground-level lighting of landscape materials is encouraged.
- 6. **Decorative Planting Areas.** A minimum of five percent (5%) of the site area within the two-hundred-foot corridor zone shall be devoted to enhanced decorative landscaping, including ornamental trees, flowering shrubs, native grasses, perennial plantings, or other features consistent with North Central Texas adapted plant material.
- 7. **Foundation Landscaping.** All buildings with frontage or visibility from FM 6 or FM 1777 shall comply with the enhanced foundation landscaping standards of Section 5.D, regardless of building size.
- 8. **Blank Wall Treatment.** Exterior walls exceeding forty (40) linear feet in length that face FM 6 or FM 1777 or that are visible from the corridor shall incorporate at minimum one (1) of the following:
 - a. Foundation landscape planting beds of minimum four (4) feet in depth placed adjacent to the wall;
 - b. Vertical climbing plants on trellis systems attached to the wall; or
 - c. Architectural wall articulation (pilasters, reveals, change in material) combined with shrub planting.

C. Interior Parking Lot Landscaping.

- 1. **Applicability.** Any nonresidential parking area containing twenty (20) or more parking spaces shall provide interior parking lot landscaping in addition to the required landscape strip under Section 5.A.
- 2. **Interior Landscape Area Requirement.** There shall be a minimum of ten (10) square feet of interior parking lot landscaping for each parking space.
 - a. Interior parking lot landscaping includes all landscape islands, terminal islands, and curbed landscape areas within the paved boundaries of the parking lot;
 - b. Landscaped areas outside the parking lot boundary may not be used to satisfy this interior requirement; and
 - c. The requirements of this subsection shall not apply to structured parking garages.

3. **Landscape Islands Required.** Landscape islands shall be required within parking lots as follows:
 - a. At the end of every parking row: A terminal landscape island shall be provided at each end of every parking row. Each terminal island shall be a minimum of nine (9) feet in width and a depth equal to the adjacent parking space depth (typically 18 to 20 feet);
 - b. Within parking rows: A landscape island shall be required at a minimum of every ten (10) consecutive parking spaces within a parking row, creating parking bays of no more than ten (10) spaces;
 - c. Each landscape island shall contain at least one (1) shade tree (3-inch caliper minimum). Ornamental trees may be substituted at a 2:1 ratio (two ornamental trees per required shade tree) for islands that are less than nine (9) feet in width; and
 - d. The remaining area within each landscape island, beyond the required tree planting area, shall be covered with groundcover consisting of native or adapted plant material, ornamental grasses, shrubs, mulch, or decomposed granite within planting beds.
4. **Maximum Parking Row Length.** No uninterrupted run of parking spaces shall exceed ten (10) consecutive spaces without a landscape island break. This standard applies to parking rows running parallel to any public street, drive aisle, or access easement.
5. **Shade Canopy Objective.** Parking lot landscaping shall be designed with the goal of achieving at least thirty percent (30%) canopy coverage over the paved parking area at ten (10) years of tree growth. Tree species shall be selected from the Approved Plant Material List to achieve this goal. This is a design target, not a measured compliance standard, and shall be evaluated at the time of landscape plan review.
6. **Soil Volume for Parking Lot Trees.** To support long-term health of parking lot trees:
 - a. Landscape islands shall have a minimum soil depth of three (3) feet below grade;
 - b. Soil for landscape islands shall be amended with organic matter prior to planting; and

- c. Where structured or underground parking conflicts with soil depth requirements, the applicant shall provide engineered soil cells or equivalent approved technology.

7. Protection of Landscaping.

- a. All landscaped areas shall be protected by a raised six (6) inch concrete curb; and
- b. Pavement shall not be placed closer than five (5) feet from the trunk of any new tree unless a City-approved root barrier is utilized.

8. Alteration of Existing Parking Areas. Where an existing parking area is altered or expanded to increase the number of spaces to more than twenty (20), interior parking lot landscaping shall be provided on the new or reconstructed portion of the lot.

D. Building Foundation Landscaping.

1. **Purpose.** Foundation landscaping is required to visually integrate buildings with their sites, prevent buildings from appearing as isolated boxes surrounded by pavement, and enhance the pedestrian experience along building facades.
2. **Applicability.** Building foundation landscaping is required for all nonresidential buildings subject to this Appendix 2. Enhanced standards apply to buildings fronting FM 6 or FM 1777 as provided in Section 5.B.
3. **Street-Facing Facade Landscaping.**
 - a. A continuous planting bed of not less than five (5) feet in depth shall be provided adjacent to any building facade that faces or is visible from a public street or right-of-way;
 - b. Within this planting bed:
 - i. One (1) ornamental tree (2-inch caliper minimum) shall be planted per every twenty-five (25) linear feet of street-facing facade, or fraction thereof;
 - ii. Shrubs (3-gallon minimum) shall be planted at a minimum rate of one (1) per five (5) linear feet of facade; and
 - iii. Ground cover, native grasses, or perennial plantings shall cover all remaining bed area not occupied by trees or shrubs.

- c. Planting beds shall be mulched to a minimum depth of three (3) inches with organic mulch.
- 4. **Building Corner Landscaping.** At each corner of a building that is visible from a public street, a minimum landscaped area of one hundred fifty (150) square feet shall be provided within ten (10) feet of the building corner, planted with a combination of ornamental trees, shrubs, and groundcover.
- 5. **Building Entrance Landscaping.** At each primary public entrance to a building, a landscaped planting area of not less than one hundred (100) square feet shall be provided within fifteen (15) feet of the entrance, planted with shrubs, seasonal color, ornamental grasses, or ornamental trees. This requirement is in addition to foundation bed requirements.
- 6. **Large Buildings (10,000 SF or Greater).** Buildings or groups of contiguous buildings with a total gross building area of ten thousand (10,000) square feet or greater shall comply with the following additional foundation landscaping requirements:
 - a. One (1) large shade tree (3-inch caliper minimum) shall be required for every ten thousand (10,000) square feet of gross building area, or fraction thereof;
 - b. These trees shall be planted within thirty (30) feet of the primary street-facing facade;
 - c. Ornamental trees may be substituted for required shade trees at a ratio of three (3) ornamental trees per one (1) required shade tree; and
 - d. Trees required by this subsection are in addition to trees required under Section 5.A and Section 5.C.
- 7. **Outdoor Seating Areas.** Where outdoor patio or seating areas are provided adjacent to a building, the perimeter of such areas shall be landscaped with shrubs, ornamental grasses, planters, or ornamental trees as follows:
 - a. At least thirty percent (30%) of the perimeter of any outdoor seating area shall be defined by planted landscape elements; and
 - b. At least one (1) shade tree shall be provided per every four hundred (400) square feet of outdoor seating area to provide canopy shade.

8. **Tree Grates.** Trees planted less than four (4) feet from the back of curb or within a paved pedestrian area shall be installed in a tree grate with a minimum interior dimension of four (4) feet by four (4) feet.

E. Landscaping for Nonresidential Areas Adjacent to Residential Areas.

1. A landscape buffer yard of not less than twenty (20) feet in width shall be provided along any property line of a nonresidential use that is adjacent to or abutting a residentially-zoned lot or tract.
2. Within this buffer yard:
 - a. One (1) shade tree (3-inch caliper minimum) per thirty (30) linear feet of shared property line; and
 - b. One (1) ornamental tree (2-inch caliper minimum) per twenty (20) linear feet of shared property line.
3. Where a parking area is located within fifty (50) feet of a residentially zoned property and is not otherwise screened by a wall or berm, a continuous screen of shrubs (5-gallon minimum, planted in planting beds) shall be placed adjacent to the parking perimeter to create a minimum four (4) foot tall screen within two (2) years of planting.
4. Screening walls and fencing requirements for nonresidential uses adjacent to residential areas are addressed elsewhere in the Zoning Ordinance and are not duplicated in this Appendix.

F. Corner Lot Landscaping.

1. Corner lots at the intersection of two Arterial Streets, FM Routes, Expressways, or Freeways shall comply with the following additional requirements:
 - a. A minimum of ten percent (10%) of the site area shall be devoted to landscaping;
 - b. A minimum fifteen (15) foot wide landscaped area shall be located along all street right-of-way lines beginning at the corner and extending one hundred seventy-five (175) linear feet or to the closest driveway, whichever is less;

- c. A minimum landscaped area of nine hundred (900) square feet shall be located at the intersection corner, measured within forty (40) feet of the projected corner on both sides; and
- d. Landscaping at the corner area shall include at least two (2) shade trees and one (1) ornamental tree.

Section 6 – Multifamily Residential Landscaping Requirements

A. Landscape Strip Along Streets.

- 1. A landscape strip shall be provided adjacent to all streets abutting a multifamily development, with minimum widths as follows (exclusive of right-of-way):
 - a. Adjacent to Arterial Street or FM Route: Twenty (20) feet;
 - b. Adjacent to Collector Street: Fifteen (15) feet; and
 - c. Adjacent to Local Street: Ten (10) feet.
- 2. Within the landscape strip:
 - a. One (1) shade tree (3-inch caliper minimum) per thirty (30) linear feet of frontage;
 - b. One (1) ornamental tree (2-inch caliper minimum) per twenty (20) linear feet of frontage; and
 - c. Shrubs (5-gallon minimum) shall be planted to screen parking areas abutting the landscape strip, achieving a four (4) foot height within two (2) years.

B. Parking Area Landscaping.

- 1. All multifamily parking areas shall provide interior landscaping at the rate of twenty (20) square feet of landscaping per parking space.
- 2. One (1) shade tree (3-inch caliper minimum) or ornamental tree shall be provided per ten (10) parking spaces within or adjacent to the parking area.
- 3. Landscape islands shall be required at the end of each parking row.
- 4. All landscaped areas shall be protected by a raised six (6) inch concrete curb.

C. Building Foundation and Common Area Landscaping.

1. If more than one apartment building is located on a single lot or development, the following areas shall be landscaped:
 - a. A twenty (20) foot landscaped strip along the front and rear of each building, measured from the building foundation;
 - b. A fifteen (15) foot landscaped strip along all other sides of each building, measured from the building foundation; and
 - c. The area adjacent to each building corner, defined by extending the front, rear, and side landscape limits to their point of intersection.
2. Common open space areas, amenity areas, and pool decks shall be landscaped with a minimum of one (1) shade tree per four hundred (400) square feet of outdoor common area.
3. Entry feature landscaping consistent with Section 5.B.5 (adapted for multifamily entrances) shall be provided at all primary vehicular and pedestrian entries to the development.

D. Open Space Landscaping.

One (1) shade tree (3-inch caliper minimum) or ornamental tree per one thousand (1,000) square feet of required open space (required yards and common area) shall be provided throughout the development.

E. Additional Requirements.

1. Solid vegetative ground cover or turf shall be provided for all areas of the site not occupied by buildings, pavement, planting beds, or other site improvements.
2. An automatic irrigation system with rain and freeze sensors shall be provided for all landscape areas in multifamily developments.

Section 7 – Tree Preservation

A. Purpose.

1. The purpose of this Section 7 is to establish regulations for the preservation and replacement of existing Protected Trees within the City of Josephine and to provide for the protection of trees during construction, development, or redevelopment of a site. In addition, this Section shall further the following public purposes:
 - a. Establish a permitting and enforcement process for tree removal;
 - b. Encourage preservation of existing Protected Trees and Protected Tree stands and groves through application of design principles that consider the environmental context of the site, including the preservation of open spaces in the design of undeveloped nonresidential and multifamily developments;
 - c. Reward context-sensitive, environmentally sensitive site design that preserves existing Protected Trees and associated habitat by offering preservation credits to offset required replacement rates for Protected Trees that are necessarily removed during construction, development, and redevelopment;
 - d. Preserve trees that further the ecological, environmental, and unique aesthetic qualities that make Josephine a special place to live, work, and play;
 - e. Preserve and provide for trees that offer shade and windbreaks; reduce the erosive effects of rainfall; protect water resources; mitigate ambient air temperatures; and improve air quality;
 - f. Provide for open space and more efficient drainage of land, thereby reducing the effects of soil erosion;
 - g. Prevent the untimely and indiscriminate removal or destruction and clear-cutting of trees that, once destroyed, may only be regenerated after generations have passed;
 - h. Maintain the quality of life in Josephine by preserving existing mature Protected Trees as important natural features and requiring replanting where preservation is not practical;
 - i. Protect healthy quality trees and promote preservation of habitat and the aesthetic qualities of the city; and
 - j. Preserve Heritage Trees (40 CI and greater) to the greatest extent possible.

B. Scope.

The scope of this Section 7 includes the removal and mitigation of Protected Trees as further detailed herein.

C. Applicability.

The terms and provisions of this Section shall apply to:

1. All vacant and undeveloped property within the City of Josephine;
2. All property to be developed or redeveloped within the City; and
3. All developed property for which a Tree Protection/Mitigation Plan, Landscape Plan, or Planned Development has been approved by the City identifying trees required to be planted or preserved.

D. Exemptions.

Except as expressly provided herein, the requirements of this Section requiring a Tree Removal Permit and Tree Mitigation shall not apply under the following circumstances:

1. Neither a Tree Removal Permit nor mitigation is required for removal of a dead, diseased, or structurally hazardous tree where the condition is documented by a Certified Arborist or Registered Landscape Architect, and where the death or damage was not caused by the actions or inaction of the owner. Replacement shall be required if the tree was required by an approved plan.
2. No Tree Removal Permit is required for emergency removal necessary to restore utility service during a declared emergency. Replacement shall still be required if the tree was required by an approved plan.
3. All retail and wholesale nurseries are exempt from mitigation for trees grown on the premises for sale in the ordinary course of business.
4. Utility Companies franchised by the City to use rights-of-way or easements are exempt from mitigation but shall obtain a Tree Removal Permit before removing any Protected Tree.

E. Tree Removal Permit Required.

1. A Tree Removal Permit shall be required for the removal of any Protected Tree, except as exempted above.
2. No tree that was required to be planted or preserved under any approved site plan, Landscape Plan, Tree Protection/Mitigation Plan, or Planned Development ordinance may be removed until a Tree Removal Permit has been issued.
3. Applications for a Tree Removal Permit shall be filed in conjunction with:
 - a. A request to remove a Protected Tree;
 - b. An application to fill or grade a property;
 - c. A plat or site plan application; or
 - d. A request to remove any tree identified on an approved Landscape Plan or Tree Protection/Mitigation Plan.

F. Application Contents.

An application for a Tree Removal Permit shall include:

1. A Tree Survey and Tree Protection/Mitigation Plan prepared by a Registered Landscape Architect or Certified Arborist, current within one (1) year of application;
2. A completed Tree Removal Permit Application form;
3. A summary narrative explaining the reason for proposed tree removal; and
4. Application fee per the City Fee Schedule.

G. Tree Survey and Tree Protection/Mitigation Plan Requirements.

1. The Tree Survey shall identify all Protected Trees on the property with:
 - a. Tree Identification Number (graphically located on plan);
 - b. Common and Botanical Name;
 - c. Trunk Size in Caliper Inches at DBH;
 - d. Condition Rating (excellent, good, fair, poor, dead) per accepted arboricultural standards;
 - e. Canopy Radius (graphic representation of drip line);

- f. Status: To be Preserved or Removed;
 - g. Replacement Rate Multiplier (from Table 2);
 - h. Mitigation Required (CI);
 - i. Credit Multiplier (if applicable, from Table 3); and
 - j. Adjusted Mitigation Required (CI).
2. The Tree Protection/Mitigation Plan shall graphically identify all Protected Trees to be preserved and removed for the entire property, and shall include a mitigation accounting table in the format required by the City Planner.
 3. A Landscape Plan shall accompany the Tree Survey and Tree Protection/Mitigation Plan, showing the location of all Replacement Trees relative to other required landscape plantings and preserved trees. The Landscape Plan shall clearly distinguish Replacement Trees from other required plantings.

H. Mitigation Requirements for Protected Trees Removed.

The following replacement rates shall apply to all Protected Trees removed in conjunction with development, redevelopment, or other permitted activities requiring a Tree Removal Permit. Replacement rates are expressed as replacement caliper inches (CI) required per CI removed. All Replacement Trees shall be a minimum of three (3) caliper inches.

Table 2 – Replacement Rates for Protected Trees

Protected Tree Size (CI at DBH)	New Development Replacement Rate	Redevelopment Replacement Rate
6 CI to 11.9 CI	2:1	1:1
12 CI to 19.9 CI	2.5:1	1.5:1
20 CI to 29.9 CI	3:1	2:1
30 CI to 39.9 CI	3.5:1	2.5:1
Heritage Tree (40 CI or greater)	4:1 (maximum 50% credit offset)	3:1 (maximum 50% credit offset)

Rates expressed as replacement CI required per CI removed. All Replacement Trees shall be a minimum of 3 caliper inches. See Table 3 for applicable preservation credits.

I. Credits for Protected Tree Preservation Efforts.

The following preservation credits shall be applied to reduce the total mitigation CI required, based on the percentage of healthy Protected Tree CI retained on the property after development:

Table 3 – Credits for Protected Tree Preservation (Sliding Scale)

% of Healthy Protected Tree CI Preserved on Property	Credit Applied to Required Mitigation CI
Less than 10%	No credit
10% to 24%	10% reduction
25% to 39%	20% reduction
40% to 54%	30% reduction
55% to 69%	40% reduction
70% or greater	50% reduction (maximum)

Credits shall not be offered for Healthy Protected Trees located within utility easements or drainage easements unless no underground structures or surface appurtenances are proposed within the easement. A maximum 50% credit applies to Heritage Tree mitigation. Protected Trees preserved in deeded open space lots or common areas maintained by an HOA or POA in perpetuity may receive the full credit.

J. Replacement of Protected Trees.

1. Replacement Trees shall be planted on the same property from which Protected Trees were removed, in a CI amount equal to the total CI mitigation calculated using Tables 2 and 3.
2. All Replacement Trees shall be shade trees (canopy trees) selected from Table 1 of this Appendix, or from the Texas SmartScape Plant Database (www.txsmartscape.com) if not listed in Table 1, unless otherwise approved by the Planning & Zoning Commission. The City Planner may approve a species substitution for an individual tree where the

requested species is listed in the Texas SmartScape Plant Database and is comparable in form, function, and water demand to a listed species.

3. Each Replacement Tree shall be a minimum of three (3) caliper inches.
4. If Replacement Trees cannot all be located on the same property due to site constraints, the owner may plant required CI of Replacement Trees on City-owned property or within public rights-of-way, subject to City approval in writing.
5. Where replanting is not practical, the applicant may pay a fee-in-lieu of replanting into the City Tree Fund in accordance with the published Fee Schedule. Fee-in-lieu payments shall be a last resort, used only when the City determines that no practical replanting alternatives exist.
6. Timing: Fee-in-lieu payments and any required financial guarantees for future replanting shall be paid at the time of Tree Removal Permit issuance. Required Replacement Trees shall be planted prior to final inspection and issuance of Certificate of Occupancy or Acceptance of Public Improvements.
7. Each Replacement Tree shall survive in healthy condition for a period of three (3) years from final City inspection. Any Replacement Tree that becomes unhealthy or dies during this period shall be replaced by the owner.

K. Violation and Penalty.

1. It is an offense to directly or indirectly cause, permit, or allow the cutting down, destruction, removal, or damaging of a Protected Tree prior to receipt of an approved Tree Removal Permit.
2. An owner who removes, or causes the removal of, a Protected Tree without an approved Tree Removal Permit shall mitigate at an increased rate of five to one (5:1) for caliper inches removed. The CI of removed trees shall be estimated from the most recent aerial photography or by a Certified Arborist.
3. A violation of these provisions shall not relieve the owner of tree replacement obligations. Violations are punishable as a Class C misdemeanor with a fine up to **\$2,000 per day per violation.**

L. Pre-Clearing Conference.

A Pre-Clearing Conference with City staff shall be held prior to authorization for any clearing, grading, or construction on any property where Protected Trees are identified for removal or preservation. The Conference shall review procedures for protection of and operations around preserved trees.

M. Tree Protection Measures at Time of Construction.

All Protected Trees designated for preservation shall be protected by the property owner as follows:

1. **Tag/Mark Trees.** Prior to grading, brush removal, or construction, the owner shall clearly tag or mark all trees to be preserved in accordance with the approved Tree Removal Permit and Tree Protection/Mitigation Plan.
2. **Protective Fencing.** Before development or redevelopment begins, the owner shall install orange plastic mesh fencing or equivalent material of at least four (4) feet in height around the Drip Line or Critical Root Zone of each Protected Tree or group of Protected Trees. The fence shall be installed prior to any permit release. If the fence is found removed, damaged, or altered during construction prior to final inspection, a stop work order may be issued.
3. **Bark Protection.** For trees requiring extra care, bark protection shall be installed prior to construction start.
4. **Construction Entrance.** The owner shall establish a construction entrance that avoids Protected Trees and their Critical Root Zones.
5. **Prohibited Activities Within Drip Line/Critical Root Zone:**
 - a. No fill or excavation within the Critical Root Zone unless specifically approved in the Tree Protection/Mitigation Plan by an RLA or Certified Arborist;
 - b. No equipment cleaning, material disposal, or waste materials (paint, oil, concrete, mortar, solvents) may be deposited under the canopy or within the Critical Root Zone of any Protected Tree;

- c. No attachments or wires shall be fastened to any Protected Tree except hardware installed to support the structural integrity of the tree; and
 - d. Paving with concrete, asphalt, or other impervious materials within the Critical Root Zone is prohibited unless mitigation measures are approved.
6. **Grade Changes Near Trees.** Any plan proposing tree wells or retaining walls within the Drip Line of a tree to be preserved shall be designed by a Registered Landscape Architect. Major grade changes (6 inches or greater) will require specific measures to maintain root oxygen and water exchange.
7. **Alternative Compliance.** The mitigation requirements established in the Tree Removal Permit may be appealed to the City Council through an Alternative Compliance process, upon a showing of hardship that justifies an alternative solution that is more beneficial to the public good.

Section 8 – Approved Plant Material List

A. General.

All plant material required by this Appendix 2 shall be selected from the following approved lists or from the Texas SmartScape Plant Database (txsmartscape.com), maintained by the North Central Texas Council of Governments (NCTCOG). The Texas SmartScape program reflects plants tested and recommended for North Central Texas soils, climate, and water conditions.

B. Species Diversity.

No more than thirty percent (30%) of required trees of any category (shade trees, ornamental trees) shall be the same species within any one development.

Table 1A – Approved Shade Trees (Canopy Trees) for the City of Josephine

Common Name	Botanical Name	Mature Height	Water Need	Notes
Live Oak	<i>Quercus virginiana</i>	40–60 ft	Low	Evergreen; excellent for corridors

Common Name	Botanical Name	Mature Height	Water Need	Notes
Texas Live Oak	<i>Quercus fusiformis</i>	20–40 ft	Low	Native; excellent for hot dry sites
Shumard Red Oak	<i>Quercus shumardii</i>	40–60 ft	Low-Moderate	Native; fall color
Texas Red Oak	<i>Quercus buckleyi</i>	30–50 ft	Low	Native; drought-tolerant
Bur Oak	<i>Quercus macrocarpa</i>	60–80 ft	Low	Native; very durable
Post Oak	<i>Quercus stellata</i>	40–60 ft	Low	Native; avoid disturbing roots
Cedar Elm	<i>Ulmus crassifolia</i>	50–70 ft	Low	Native; outstanding performer
Lacebark Elm	<i>Ulmus parvifolia</i>	40–50 ft	Low-Moderate	Adapted; pest resistant
Pecan	<i>Carya illinoensis</i>	70–100 ft	Moderate	Native Texas state tree
Sycamore (American)	<i>Platanus occidentalis</i>	75–100 ft	Moderate	Large sites/parks only
Mexican Sycamore	<i>Platanus mexicana</i>	40–65 ft	Low-Moderate	Adapted; excellent choice for corridors
Chinquapin Oak	<i>Quercus muhlenbergii</i>	40–60 ft	Low	Native; outstanding shade
Texas Ash	<i>Fraxinus texensis</i>	20–35 ft	Low	Native; fall color
Honey Locust (Thornless)	<i>Gleditsia triacanthos inermis</i>	40–70 ft	Low	Adapted; light filtered shade
Baldcypress	<i>Taxodium distichum</i>	50–70 ft	Low (once est.)	Native; spectacular fall color; tolerates wet
Montezuma Cypress	<i>Taxodium mucronatum</i>	40–60 ft	Low	Semi-evergreen; very heat tolerant
Loblolly Pine	<i>Pinus taeda</i>	60–90 ft	Low	Native; evergreen; screening
Chinese Pistache	<i>Pistacia chinensis</i>	25–35 ft	Low	Adapted; best fall color; highly recommended
Caddo Maple	<i>Acer saccharum</i> 'Caddo'	40–60 ft	Low	Native variety; superior to other maples for Texas

Common Name	Botanical Name	Mature Height	Water Need	Notes
Texas Persimmon	<i>Diospyros texana</i>	15–35 ft	Very Low	Native; multi-trunk form

Table 1B – Approved Ornamental/Understory Trees for the City of Josephine

Common Name	Botanical Name	Mature Height	Water Need	Notes
Crape Myrtle (Large form)	<i>Lagerstroemia indica/fauriei</i> hybrids	15–30 ft	Low	Widely adapted; summer color; use named variety
Desert Willow	<i>Chilopsis linearis</i>	15–25 ft	Very Low	Native; drought-tolerant; hummingbirds
Mexican Plum	<i>Prunus mexicana</i>	15–25 ft	Low	Native; fragrant spring bloom; wildlife value
Eve's Necklace	<i>Styphnolobium affine</i>	15–30 ft	Low	Native; attractive flowers
Yaupon Holly (Tree form)	<i>Ilex vomitoria</i>	15–25 ft	Low	Native; evergreen; excellent bird habitat
Mexican Buckeye	<i>Ungnadia speciosa</i>	10–18 ft	Low	Native; fragrant pink flowers; multi-trunk
Possumhaw Holly	<i>Ilex decidua</i>	7–15 ft	Low	Native; excellent winter bird interest
Rusty Blackhaw Viburnum	<i>Viburnum rufidulum</i>	10–20 ft	Low	Native; multi-season interest
Texas Mountain Laurel	<i>Sophora secundiflora</i>	10–15 ft	Very Low	Native; evergreen; fragrant purple flowers
Mexican Redbud	<i>Cercis canadensis</i> var. <i>mexicana</i>	12–20 ft	Low	Native; excellent drought tolerance
Eastern Redbud	<i>Cercis canadensis</i>	20–30 ft	Moderate	Native; spring color
Little Gem Magnolia	<i>Magnolia grandiflora</i> 'Little Gem'	20–25 ft	Moderate	Adapted; evergreen; compact
Vitex (Texas Lilac/Chaste Tree)	<i>Vitex agnus-castus</i>	15–20 ft	Very Low	Adapted; drought-tolerant; summer color

Common Name	Botanical Name	Mature Height	Water Need	Notes
Anacacho Orchid Tree	<i>Bauhinia lunarioides</i>	8–12 ft	Very Low	Native; spring flowers; excellent small tree

Table 1C – Approved Shrubs (Partial List)

Common Name	Botanical Name	Mature Height	Water Need
Texas Sage (Cenizo)	<i>Leucophyllum frutescens</i>	4–8 ft	Very Low
Dwarf Texas Sage	<i>Leucophyllum frutescens</i> 'Compactum'	3–4 ft	Very Low
Yaupon Holly (Dwarf)	<i>Ilex vomitoria</i> 'Nana'	3–4 ft	Low
Nellie R. Stevens Holly	<i>Ilex</i> x 'Nellie R. Stevens'	10–15 ft	Low
Elaeagnus	<i>Elaeagnus pungens</i>	6–10 ft	Very Low
Autumn Sage	<i>Salvia greggii</i>	2–3 ft	Very Low
Mexican Bush Sage	<i>Salvia leucantha</i>	3–5 ft	Low
Coral Berry	<i>Symphoricarpos orbiculatus</i>	2–5 ft	Low
Aromatic Sumac	<i>Rhus aromatica</i>	3–6 ft	Very Low
Smooth Sumac	<i>Rhus glabra</i>	5–10 ft	Very Low
Compact Nandina	<i>Nandina domestica</i> 'Compacta'	3–4 ft	Low
Oakleaf Hydrangea	<i>Hydrangea quercifolia</i>	4–6 ft	Moderate
Glossy Abelia	<i>Abelia</i> x <i>grandiflora</i>	3–5 ft	Low
Indian Hawthorn	<i>Raphiolepis indica</i>	3–5 ft	Low
American Beautyberry	<i>Callicarpa americana</i>	4–8 ft	Low

Table 1D – Approved Groundcovers, Native Grasses, and Perennials (Partial List)

Common Name	Botanical Name	Type	Water Need
Turk's Cap	<i>Malvaviscus arboreus drummondii</i>	Perennial	Low
Black-Eyed Susan	<i>Rudbeckia hirta</i>	Perennial	Low
Coneflower	<i>Echinacea purpurea</i>	Perennial	Low

Common Name	Botanical Name	Type	Water Need
Inland Sea Oats	<i>Chasmanthium latifolium</i>	Native Grass	Low
Little Bluestem	<i>Schizachyrium scoparium</i>	Native Grass	Very Low
Sideoats Grama	<i>Bouteloua curtipendula</i>	Native Grass	Very Low
Switchgrass	<i>Panicum virgatum</i>	Native Grass	Low
Mealy Blue Sage	<i>Salvia farinacea</i>	Perennial	Very Low
Maximilian Sunflower	<i>Helianthus maximiliani</i>	Perennial	Low
Lindheimer's Muhly	<i>Muhlenbergia lindheimeri</i>	Native Grass	Very Low
Asiatic Jasmine	<i>Trachelospermum asiaticum</i>	Groundcover	Low
Horseherb	<i>Calyptocarpus vialis</i>	Groundcover	Very Low
Liriope	<i>Liriope muscari</i>	Groundcover	Low
Frogfruit	<i>Phyla nodiflora</i>	Groundcover	Very Low
Coreopsis (Lanceleaf)	<i>Coreopsis lanceolata</i>	Perennial	Very Low
Texas Lantana	<i>Lantana urticoides</i>	Perennial	Very Low
Zexmenia	<i>Wedelia texana</i>	Perennial	Very Low
Blanket Flower	<i>Gaillardia aristata</i>	Perennial	Very Low

This is a recommended list. Applicants may request administrative approval to use additional native or adapted species from the Texas SmartScape Plant Database (www.txsmartscape.com) or the Lady Bird Johnson Wildflower Center Native Plant Database, subject to approval by the City Planner. No more than 30% of required trees in any category shall be the same species.

Section 9 – Alternative Compliance

A. Purpose.

The alternative compliance process provides flexibility where strict application of the standards in this Appendix would result in practical hardship or produce a less desirable outcome than an alternative approach that meets the intent of the regulations.

B. Request Process.

A request for alternative landscape compliance may be submitted and acted upon in conjunction with a site plan application. The Planning & Zoning Commission may approve the following

alternatives based upon a finding that the proposed alternative meets the spirit and intent of this Appendix 2. Minor and clearly ministerial alternatives, such as approving a species substitution from the approved plant list or adjusting tree placement due to a utility conflict, may be acted upon administratively by the City Planner.

C. Grounds for Alternative Compliance.

1. **Location or Type of Required Landscape Material.** Alternatives or minor changes to the location or type of required landscape materials due to:

- a. Unusual topographic constraints;
- b. Sight restriction requirements;
- c. Preservation of existing stands of native trees;
- d. Utility conflicts; or
- e. The need to maintain consistency with established streetscape patterns along an existing commercial corridor.

Such changes may vary the location or type of landscape materials but may not reduce the total required landscape area or number of required plantings.

2. **Landscape Strip Width Reduction.** The required landscape strip width along a street frontage may be reduced where:

- a. Immediately adjacent properties on both sides have a smaller or no landscape strip, and reduction is needed to maintain consistency between existing improvements; or
- b. A public improvement (ROW widening, utility installation) requires a reduction.

If a reduction is granted, equal area of landscaping shall be provided elsewhere on the site.

3. **Parking Lot Island Waiver.** The City Council may waive or modify the interior parking lot island requirement for:

- a. Sites with fewer than thirty (30) parking spaces where the island requirement would cause a significant reduction in available parking; or

- b. Sites where underground utilities prevent adequate tree planting depths and engineered soil solutions are infeasible.

A waiver shall require compensatory landscaping elsewhere on the site.

- 4. **Buffer Yard Reduction.** Partial or complete relief from the nonresidential-to-residential buffer yard requirement may be granted where:

- a. The applicable lot is smaller than one (1) acre; or
- b. The adjacent residential use is separated by a street, alley, or existing screening wall.

If relief is granted, adequate alternative screening shall be required.

- 5. **Water Conservation Credit.** Additional flexibility in landscape strip width, foundation landscaping, or parking lot island design may be granted where the applicant demonstrates that:

- a. At least twenty-five percent (25%) of the required landscape area will be planted with xeriscape, native prairie, or water-harvesting features; and
- b. No potable water irrigation will be required after an initial 12-month establishment period.

D. Council Incentive – Detention/Retention Ponds as Amenities.

If a private detention or retention pond is designed and maintained as a landscape amenity in accordance with the following standards, the Planning & Zoning Commission may grant up to a ten percent (10%) increase in maximum building area coverage:

- 1. Located between the building and a public street or completely bounded by streets;
- 2. Viewable from public space;
- 3. Slope of pond area does not exceed thirty-three percent (33%);
- 4. Accessible by site occupants;
- 5. Includes seating, public art, or a water feature;
- 6. One (1) tree per two hundred (200) square feet of open space within or directly adjacent to the pond area; and

7. The site plan acknowledges the ongoing maintenance responsibility of the owner or property owners association.

Landscaping Credit. All landscaping installed within fifty (50) feet of the edge of a qualifying pond shall count toward required minimum landscaped area for the site, subject to the following caps:

1. **Dry Detention Basins.** For ponds that do not maintain a permanent pool of water, pond area landscaping credits may not reduce the total required minimum landscaped area by more than ten percent (10%).
2. **Wet Retention Ponds.** For Amenity Retention Ponds that maintain a permanent pool of water and meet all qualifying standards of this Section, pond area landscaping credits may not reduce the total required minimum landscaped area by more than twenty-five percent (25%).

Section 10 – Enforcement, Fees, and Penalties

A. Enforcement.

The City Planner, City Building Official, or their designees shall be responsible for enforcement of this Appendix 2. All landscape plans and tree surveys shall be reviewed as part of the site plan approval process.

B. Inspections.

City staff shall conduct landscape inspections prior to the issuance of a Certificate of Occupancy and upon any complaint of noncompliance. Replacement of dead or damaged landscaping, as required, shall be verified by inspection prior to re-issuance of a Certificate of Occupancy.

C. Violations.

Any person, firm, or corporation that violates any provision of this Appendix 2 shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine as provided in the general penalty provisions of the Josephine Code of Ordinances, not to exceed two thousand dollars (\$2,000) per day per violation, except for tree removal violations, which shall be subject to the mitigation and penalty provisions of Section 7.

D. Fee Schedule.

Application fees for landscape plan review, tree removal permits, and tree fund contributions shall be established by the City Council through the adopted City Fee Schedule, as amended. Fee-in-lieu contributions for Tree Fund mitigation shall be updated annually.

E. Appeals.

Any person aggrieved by a decision of the City Planner under this Appendix 2 may appeal to the City Council in accordance with the appeals procedures established in the Zoning Ordinance.

Section 11 – Administration and Amendments

A. Authority.

The City Planner is authorized to administer and interpret this Appendix 2 and to develop administrative procedures, checklists, and standard forms necessary for implementation.

B. Approved Plant Lists.

The approved plant material lists in Section 8 (Table 1A through 1D) may be updated administratively by the City Planner, with input from the City's landscape plan reviewer, to reflect current Texas SmartScape recommendations, new cultivar availability, disease or pest pressures, or regional climate adaptations. Substantive changes affecting required plant types shall be approved by the City Council.

C. Amendments.

Amendments to this Appendix 2 shall be processed in accordance with the amendment procedures applicable to the Zoning Ordinance as provided in Section 36 thereof.

D. Relationship to Future UDC.

This Appendix 2 is expressly intended as the foundation for a future Unified Development Code (UDC) landscape chapter for the City of Josephine. When a UDC is adopted, the provisions of this Appendix 2 shall be incorporated and superseded by the UDC landscape chapter.