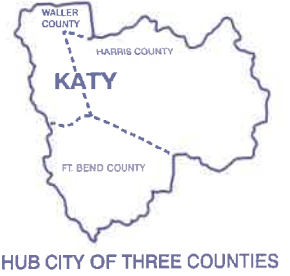




City of Katy



NOTICE

THE CITY COUNCIL OF THE CITY OF KATY, TEXAS, WILL CONVENE
IN SPECIAL WORKSHOP SESSION MONDAY, AUGUST, 25, 2025,
AT 5:30 P.M., AT KATY CITY HALL, 901 AVENUE C, KATY, TEXAS.
THE PURPOSE OF THE WORKSHOP IS TO DISCUSS
A LANDSCAPE ORDINANCE.

*I hereby certify posting this Notice at 2:00 p.m., Wednesday, August 20, 2025, at
Katy City Hall, 901 Avenue C, Katy, Texas.*


Becky E. McGrew, City Secretary

ARTICLE 3.09
LANDSCAPING

3.09.001 Purpose

The purpose and intent of this article is to facilitate a positive image of the City, promote quality development, encourage the use of indigenous and drought-resistant plants to conserve water, protect existing landscaping and provide guidance for replacement when needed, and ensure that high quality development is maintained throughout the community. Landscaping can provide shade and improve stormwater quality by mitigating runoff, aid in the abatement of noise, glare and heat, and provide contrast and relief from the built environment. For the purpose of landscaping, the City falls within Zone 9a of the United States Department of Agriculture (USDA) Hardiness Zone Map.

3.09.002 Applicability

This article applies to all new development, redevelopment, and improvements in the City, unless specified herein.

3.09.100 Plans/Permits Required

The person, corporation, partnership, developer, or entity as owner of property (“landowner”) to which this article applies shall, prior to commencement of any work on the site, submit all necessary plans and permits for the project area plus 50 feet.

3.09.101 Clearing Permit

A clearing permit must be obtained prior to the commencement of any clearing, grubbing, or other earth changes made to any property, both nonresidential and residential.

3.09.102 Grading Permit

A grading permit must be obtained prior to the commencement of any development, excavating, grading, regarding, landfilling, berming, paving, or other earth changes made to any nonresidential property as well as those residential properties that are located within a floodplain. A grading permit must be accompanied by either a SWPPP or erosion control plan, when a SWPPP is not required.

3.09.103 Tree Protection Plan

A Tree Protection Plan shall identify which trees on the development site or tract are to be removed, relocated, or replaced. For those that remain, the plan shall delineate the limits of all protected root zones for trees. In addition, the plan shall also include the delineation of easement locations, utility alignments, and building and parking footprints.

3.09.104 Landscape Plan

Compliance with the standards of this article shall be demonstrated by the development and submittal of a complete landscape plan as follows:

- (1) **Landscape Architect Required.** Landscape plans shall be prepared by a registered landscape architect, who is licensed to practice in the State of Texas.

(2) **Alternative Design Professional.** Submittal of landscape plans prepared by other design professionals such as architects, engineers, or landscape professionals, may be allowed, as authorized by the City Planner, for projects that meet any of the following three criteria:

- a) New development projects with site area not greater than one half (0.5) acre;
- b) Redevelopment projects with site area not greater than one (1) acre; or
- c) Single-family residential projects (excluding new residential subdivisions).

(3) **Contents of Landscape Plan.**

- a) Plan Drawing. A plan view, drawn to scale, that shows:
 - i. The location, species, and size of each planting;
 - ii. The location, alignment, and width of any easements or rights-of-way, as well as the footprints of principal and accessory buildings, parking, and other impervious areas delineated as both existing and proposed;
 - iii. The general layout of irrigation systems of which a separate permit is required; (if applicable)
 - iv. The location of existing landscaping for which credit is requested, including the caliper measurements of trees measured four and one-half (4-1/2) feet above the tree's natural grade; and
 - v. The location of property lines.
- b) Landscape Table. Table format of information for each landscaped area required by this article, that shows:
 - i. The pervious surface area available for planting;
 - ii. The number of canopy trees, non-canopy trees, shrubs, and groundcover that are required in each area to meet the buffering and landscape requirements of this Code; and
 - iii. The number, size in caliper inch, and species of existing and proposed canopy trees, non-canopy trees, shrubs, and groundcover that are provided in each area.

3.09.200 General Landscaping Requirements

- (1) **Trees:** All new trees that are planted shall be a minimum of three (3) inch caliper measured at 12 inches above grade.
- (2) **Shrubs:** All new shrubs that are planted shall be a minimum of five (5) gallons.
- (3) **Existing Trees:** All existing trees intended to be made part of a proposed development shall be protected during construction activities. The following minimum standards apply to tree protection during construction activities.
 - a) Barricades made of wood or fencing material, not less than three (3) feet in height with horizontal and vertical structural members shall be installed at the protective root zone as identified by a landscape architect or arborist.
 - b) Barricades shall be removed only to prepare the development site for final landscaping.
 - c) Parking or storage of vehicles, equipment, or materials within the protective root zone is prohibited.

3.09.201 Non-Residential Landscaping Requirements

- (1) **Generally.** In addition to the buffering requirements, all premises developed for multi-family or nonresidential use that are not covered by buildings, driveways, or other improved hard surfaces

shall be sodded, planted, or landscaped with permitted groundcovers, with the exception of any areas left in their undeveloped state.

- (2) **Street Landscaping.** Street trees are required on any portion of a lot with frontage to a public or private street right-of-way and along primary access drives in or to multi-tenant centers and shall be located within a 15-foot landscape buffer measured from the property line. For each 25 linear feet of frontage one (1) canopy tree, three (3) shrubs, and groundcover shall be planted. Only groundcover shall be permitted within any easement or right-of-way. For properties with easements along property lines that overlap with the 15-foot landscape buffer alternative planting locations for street trees and shrubs shall be approved by the City Planner.
- (3) **Establishment of Minimum Percentages.** A minimum percentage of the total gross lot area (excluding any required detention facilities) on which development or redevelopment occurs shall be devoted to landscaping in accordance with the requirements of this article. Landscaped areas shall be bound by raised or ribbon curbs, adjacent to paved areas.

Minimum Required Landscaping Percentage By Land Use Type	
Land Use	Percent Landscaped Area Required
Multi-Family	20
Office and Professional Uses	15
Mixed Use	15
Retail and Commercial	15
Industrial	10
Note: Percentages are based on the total gross lot area excluding any required detention facilities	

- (4) **Parking Lot Landscaping.** Parking lot landscaping is required for parking lots that contain more than 10 parking spaces, and no parking space shall be further than 100 feet from a tree or landscaped island. Required parking lot planting standards are set out in the table and illustration below.
- (5) **Parking Lot Planting Location.**
 - a. Endcap Islands shall be provided at the end of each parking row.
 - b. Landscaping shall be provided along the perimeter of all parking areas adjacent to public or private street rights-of-way and along access drives in or to multi-tenant centers.
 - c. Interior islands shall generally be provided in the middle of parking rows at intervals of not less than one (1) island for each 10 parking spaces, in parking lots containing 20 or more parking spaces.

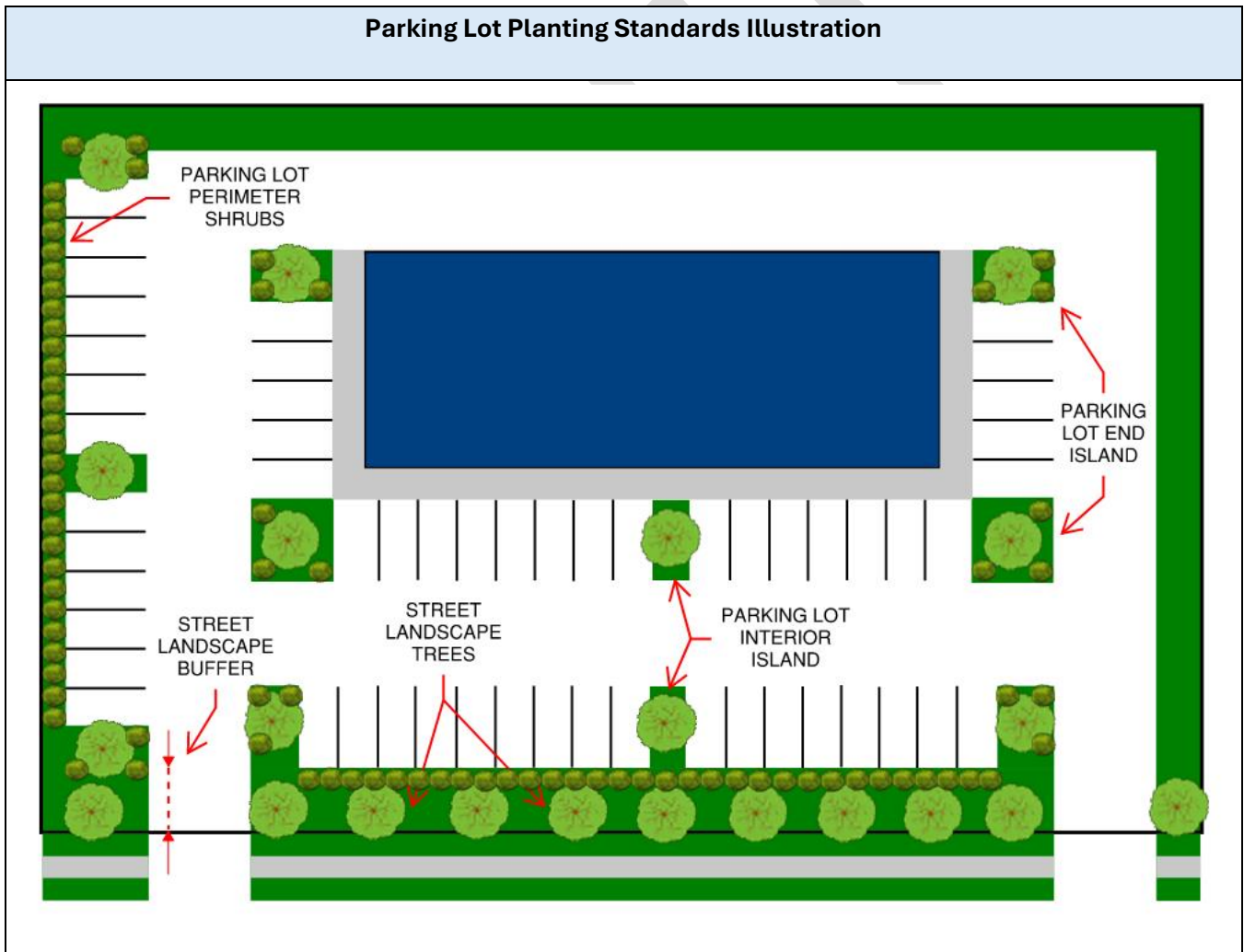
Parking Lot Planting Standards Table		
Planting Locations	Required Plantings	Design
Endcap Islands	1 canopy tree (or 2 non-canopy), 3 shrubs, and groundcover	Each endcap island shall generally be the same size as a parking space
Perimeter of Parking Lots	Hedge, shrub, or ornamental grasses and groundcover	3-foot wide by 3-foot-tall continuous hedge, shrub, or

		ornamental grasses immediately abutting and screening all parking spaces
Interior Islands	1 canopy tree and groundcover	Each interior island shall generally be the same size as a parking space

TABLE NOTES:

Islands shall consist of groundcover and shall not include concrete, asphalt, or other impervious surfaces, except for decorative pavers or stamped dyed concrete which may be used only within the first one and one half (1.5) feet of the parking island (not reduced parking islands) to allow persons to access their vehicle without stepping on landscaping. The height of groundcover plant species chosen shall not interfere with sight distance triangles along access drives or anywhere throughout the parking lot.

Parking Lot Planting Standards Illustration



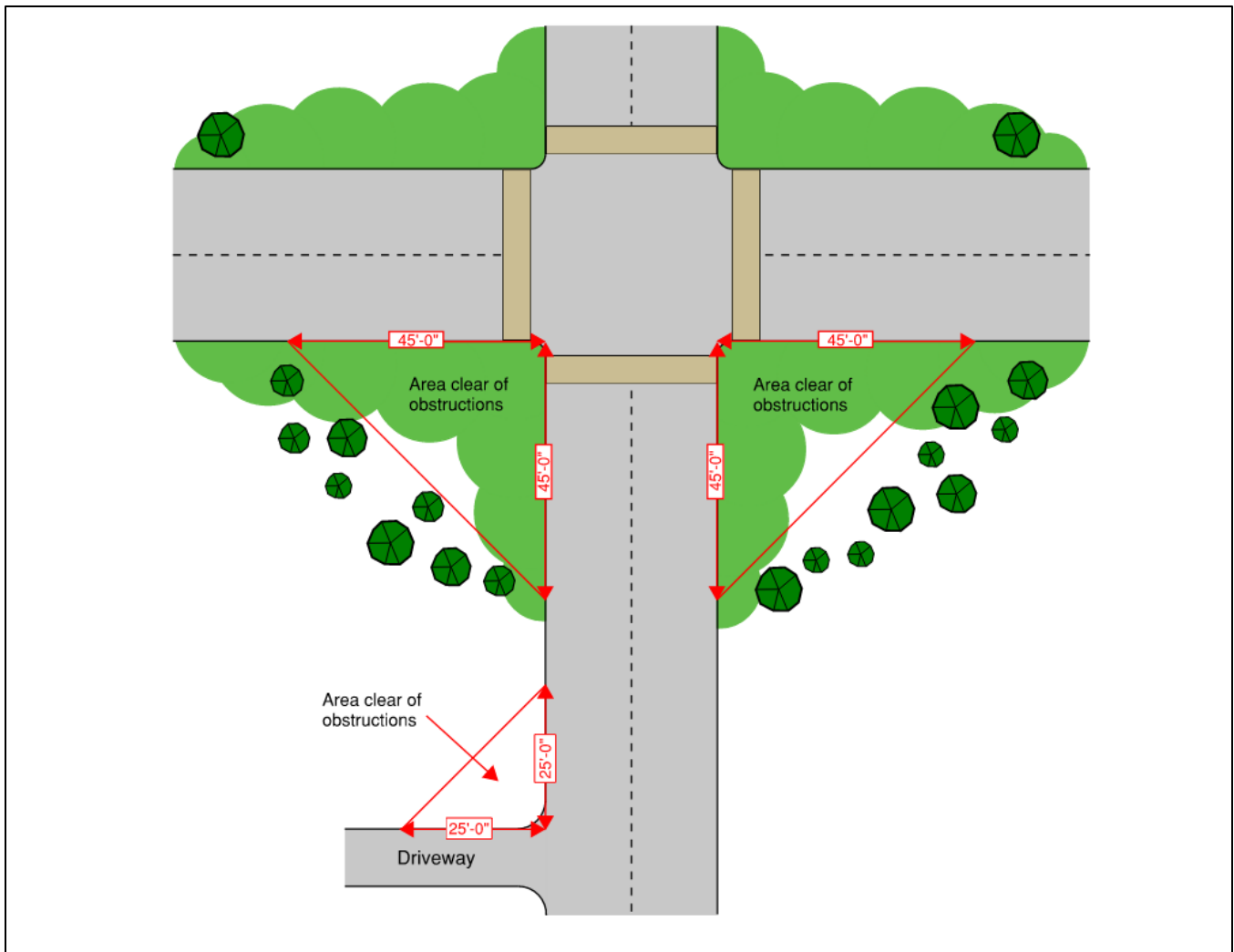
3.09.202 Residential Landscaping Requirements

- (1) **Generally.** Single-family detached and single-family attached residential lots shall be surrounded by landscaped areas.

- (2) **Planting Location.** Required plants shall be installed as specified below. Any plants in excess of the minimum required plants may be installed in any location on the lot provided there is adequate room for healthy growth and stability. Front yards shall be planted as follows:
 - a. One (1) canopy tree and three (3) shrubs within the front yard outside of any easements.
- (3) **Ground Covers and Sod.** Areas of residential lots that are not covered by buildings, driveways, swimming pools, or other improved hard surfaces shall be sodded, planted, or landscaped with permitted groundcovers, with the exception of any areas left in their undeveloped state.
- (4) **Alternative Landscaping.** Xeriscaping, artificial turf, or any other alternative landscaping may be utilized on a case-by-case basis and must be presented on a landscape plan to the City Planner at the time of permitting.

3.09.203 Traffic Safety and Visibility

- (1) No tree or shrub shall be planted as to create a traffic hazard or interfere with driver visibility.
- (2) A visibility triangle of 25 feet shall be provided at all driveways onto streets measured from the edge of pavement. Driveways for single family residential lots located on local streets are exempt from the visibility triangle requirement.
- (3) A visibility triangle of 45 feet shall be provided at all street intersections measured from the edge of pavement.
- (4) Any plantings within a visibility triangle must be maintained to not exceed three (3) feet in height.
- (5) No planting is permitted within five feet of a fire hydrant.
- (6) No planting is permitted to overgrow or obstruct a sidewalk. Any tree limbs growing over a sidewalk must keep a minimum clearance of 14 feet above the street or sidewalk level.



3.09.300 Maintenance

- (1) The property owner(s) of all residential and nonresidential properties shall be responsible for the maintenance of all landscaped areas.
 - a. The areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of garbage and debris.
 - b. All planted areas shall be provided with a readily available water supply and watered sufficiently to ensure continuous healthy growth and development.
 - c. The city may seek damages against any person including but not limited to the costs for treatment when property owner fails to maintain after notice.
- (2) Maintenance shall include the removal and replacement of all dead or hazardous plant material within 30 days or as determined by City Staff.
- (3) Irrigation Systems, if provided, shall be located outside of the public right-of-way and shall be maintained and replaced when needed at the owner's expense.

- (4) It shall be the responsibility of the property owner(s) to maintain grass height and health of the landscaping within the right-of-way adjacent to their property.
- (5) The city shall have the right to prune or remove trees, plants and shrubs within the lines of all public right-of-way, as necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public property.
- (6) Nothing in this chapter shall be deemed to impose any liability for damages or a duty of care and maintenance upon the city or upon any of its officers or employees.
- (7) It shall be unlawful for any person without authorization from the city to:
 - a. Place, maintain, or permit a tree or plant to obstruct a public way or otherwise prevent or hinder public use of public property;
 - b. Attach any cable, wire, rope, sign or any other thing to a public tree;
 - c. Plant, transplant, remove, paint or spray any tree, plant or shrub on any public property;
 - d. Damage, cut, or carve any public tree;
 - e. Recklessly cause or allow a harmful substance to contact a public tree;
 - f. Store harmful material within the drip line of a public tree;
 - g. Set fire to a public tree or recklessly permit a fire to burn that could damage a public tree;
 - h. Place or store an impervious cover or material that impedes the passage of water, air, or nutrients to the roots of a public tree; or
 - i. Park heavy equipment within the drip line of public trees, except on paved surfaces.
- (8) The city may seek damages against any person causing injury or destruction of a public tree, including but not limited to the costs for treatment or removal and replacement of the tree, and/or any loss of tree value.

3.09.400 Tree Preservation

3.09.401 Purpose

The City of Katy is recognized as a Tree City, through Tree City USA and is committed to growing and protecting the urban canopy. Development will invariably result in the removal of trees. Uncontrolled and indiscriminate destruction of trees would detrimentally affect the quality and appearance of the natural environment and the aesthetic value and enjoyment for the citizens of Katy. The preservation program outlined in this section contributes to the preservation of natural beauty and aesthetics of the community and is for the purpose of retaining the historical and environmental value of these trees.

3.09.402 Applicability

- 1) **Generally.** This preservation program is applied to new development, redevelopment, improvements of infill nonresidential land uses, as well as new subdivisions within the corporate limits of Katy and shall show compliance through required landscape plans, tree protection plans, tree surveys, and clearing permits.
- 2) **Exempt.** The following are exempt from the provisions and requirements of this section but shall still require a clearing permit prior to removal.
 - a. Individual lots of record that are existing as single-family detached and attached dwellings;
 - b. Non-protected trees, including:
 - i. Trees that do not exceed 19 inches in caliper (or 60 inches in circumference) when measured four and one-half (4-1/2) feet above the tree's natural grade or trees that do not exceed eight (8) inches in caliper (or 25 inches in circumference) when located on a property within the Old Katy District (OKD).
 - c. Damaged Trees, including those:
 - i. Damaged by thunderstorms, windstorms, floods, fires or other natural disasters, and determined to be dangerous by a peace officer, firefighter, or code enforcement officer in their official capacity. The City shall be promptly notified of the nature of the emergency and action taken; or
 - ii. Trees damaged by disease or rot, which are deemed to be a hazard by a certified landscape architect or arborist.
 - d. Emergency Situations. Trees that require removal by fire, police, or other emergency services personnel actively engaged in fighting a fire or other emergency services response.
 - e. Public Utility Easements. Trees located within public utility easements; provided that the trees are interfering with the safe provisions of these utilities services and may only be authorized to be removed by the utility provider or City.

3.09.403 Protected Trees

- 1) **Generally.** This section applies to the protection of existing trees on all properties zoned or developed for non-residential or multifamily uses, with the exception of properties used for single-family residential purposes that are located in a commercial zoning district.
- 2) **Protected Individual Trees.** The following trees are protected and shall be preserved and maintained in accordance with the standards of this article.
 - a. Any tree on the approved planting list with a caliper measurement of 19 inches or a circumference of 60 inches or more when measured four and one-half (4-1/2) feet about the tree's natural grade.
 - b. Any tree on the approved planting list with a caliper measurement of eight (8) inches or a circumference of 25 inches or more when measured four and one-half (4-1/2) feet above the tree's natural grade and when located on a property or within a right-of-way within the Old Katy District (OKD).
 - c. Any tree that has been identified and recognized as a Legacy Tree by Keep Katy Beautiful (KKB).
- 3) **Protected Stands of Trees.** Developments shall be designed so that existing stands of trees are preserved in designated open spaces, whenever practical.

3.09.404 Limitation on Tree Removal

Parcels proposed for development that include tree removal shall not be clear cut in preparation for development without an approved clearing permit. Parcels that are not proposed for development or do not have imminent development plans may clear underbrush and diseased or hazardous trees with an approved clearing permit but shall not remove any other trees. Developments shall be designed to preserve protected trees and existing stands of trees. Before a permit can be issued, a tree survey shall be provided.

- 1) **Minimum Submittal Requirements.** No clearing permit shall be approved unless all of the following information is provided with the permit application:
 - a. Tree Survey
 - b. Tree Protection Plan that includes
 - i. Tree species;
 - ii. Tree size in caliper inch;
 - iii. Tree health and viability;
 - iv. Tree location;
 - v. Table with the number of Protected trees to remain on site and the number of trees being removed; and
 - c. Copy of companion plat or site development plan
- 2) **Expiration.** A clearing permit shall remain valid for the longer of;
 - a. The period of validity of the accompanying development application(s); or
 - b. 60 days from the issuance of the clearing permit.
- 3) **Exemption.**
 - a. Single-Family lots not located in a floodplain.
 - b. Local, Regional, State, and Federal Government Agencies or Organizations shall not be required to obtain a clearing permit prior to the removal of trees.

3.09.405 Tree Survey Required

- 1) **Generally.** A tree survey performed by a certified arborist, registered landscape architect or a registered land surveyor and shall be submitted prior to any new development, redevelopment, or improvement that is proposed where a clearing permit is required that would impact a protected tree.
- 2) **Tree Survey Contents.** The tree survey shall address the location, species, size in caliper inch, and condition of all trees, and clearly identify those trees that are to remain and those that are to be removed.

3.09.500 Tree Replacement Standards / Mitigation

- 1) **Generally.**
 - a. Protected trees shall not be removed, damaged, or destroyed unless approved by the City.
 - b. If a protected tree that is shown on an approved landscape plan is removed for any reason it shall be replaced according to the tree replacement standards table in this section.
 - c. All existing trees that are removed shall be replaced according to the tree replacement standards table in this section.
 - d. Replacement trees shall not count toward the landscaping requirements and shall be provided in excess of the landscaping requirements.

2) **Exemptions from Tree Replacement Standards / Mitigation.**

- a. Trees on properties used for existing single-family residential purposes.
- b. A tree infected with an epidemic, insect, or disease where the recommended practice to prevent transmission is removal.
- c. A tree that poses an extreme public nuisance because of its species, size, location, or condition.
- d. A tree that poses a severe safety hazard that cannot be corrected by pruning, transplanting, or other treatments.

Tree Replacement Standards Table			
Size of Tree to be Removed	On Site Replacement	Minimum Caliper Per Tree in Inches	Fee In Lieu per Tree
8" - 24"	200%	4-inch	\$2,000
24" - 36"	250%	6-inch	\$5,000
Greater than 36"	300%	8-inch	\$10,000

Note: Caliper measured four and one-half (4-1/2) feet above the tree's natural grade

- 3) **Timing of Replacement.** Replacement trees that are required by this section shall be installed within 30 days of removal or as City Staff deems appropriate.

3.09.501 Tree Fund

The tree fund, which shall be administered by the City Planner or their designee, shall include all revenues, mitigation fees, and penalties received pursuant to this article, or for the enforcement thereof, and any donations or grant monies received to achieve the purpose of tree preservation or replacement. The amount paid to the tree fund shall be applied at a maximum of \$50,000.00 per acre (or fraction thereof) with a maximum total payment of \$300,000.00 per development.

The owner or developer of any lot or tract of land required to replace trees in accordance with this chapter may, as an alternative, and upon approval by the city, pay a prescribed fee/amount into the tree fund in accordance with the following conditions:

- 1) **Residential and non-residential site plans/plats.** Payment to the tree fund must be received by the city prior to the approval of the development site plan and/or final plat approval by the planning and zoning commission.
- 2) **Building permits not requiring site plans/plats.** Payment to the tree fund must be received by the city prior to issuance of a building permit.

The tree fund may be used to plant, maintain, and remove any landscaping on public property or within public rights-of-way for the benefit of the community. The tree fund may not be utilized to plant, maintain, or remove any landscaping on private property for the benefit of private individuals or entities.

3.09.600 Compliance

- 1) All requirements of this article shall be completed prior to permit approval or issuance of a certificate of occupancy.

- 2) The obligation to create and maintain landscape areas shall apply to the landowner and their successors and assigns.

3.09.700 Appeals

- 1) Appeals to the terms, requirements, standards, provisions, or otherwise, except for maintenance and replacement of landscaping, shall be made to the Landscape Appeal Board.

3.09.701 Landscape Appeal Board

- 1) **Creation.** There is hereby created a landscape appeal board (the board) to hear appeals arising from the enforcement of this article.
- 2) **Membership and Terms.** The board shall consist of five (5) persons:
 - a. One (1) councilmember
 - b. One (1) Keep Katy Beautiful board member
 - c. Three (3) members of the public to be appointed by the mayor and approved by the city council.
 - d. Members shall be appointed to three-year terms to run concurrently with the office of the mayor.
- 3) **Quorum.** No hearing shall be conducted unless three members are present for the hearing.
- 4) **Appeal Process.** Any person who is denied a permit and such denial is based solely on noncompliance with this article may file notice of appeal with the board.
 - a. Such appeal must be made within 15 working days following the date of the denial of a permit.
 - b. The notice of appeal shall contain a statement of the grounds of the denial and the name of the person who denied the permit (the notice).
 - c. The notice of appeal shall be submitted to the Community Development Director, or their assignee.
 - d. Within 10 working days after receipt of a complete notice of appeal, the Community Development Director, or their assignee, shall deliver to the board copies of all documents and papers filed with the department relative to the permit denial (the documents). Only papers and documents relating to landscaping need be submitted. The building official shall also state in writing the grounds for the denial.
 - e. Upon receipt of the notice, documents, and statements from the department, the board shall call a hearing where it shall consider the action taken and hear oral statements and arguments from the aggrieved party and the city, who shall be represented by the Community Development Director, or their designee.
 - f. The board shall hear and decide all appeals of a permit denial. The board may, by majority vote, uphold the decision of the department or reverse the decision of the department and order the issuance of a permit as requested.
 - g. As an alternative to upholding or reversing the decision of the department, the board may grant a variance to this article based upon an alternate plan presented by the permit applicant. In granting a variance, the board must find that the variance is:
 - i. Within keeping of the general goals of this article,
 - ii. Will not affect the value or aesthetics of adjoining property,
 - iii. Is not based solely on economic grounds, or

- iv. Is not necessitated by any conduct or action by the applicant.
- h. Any decision of the board or variance granted by the board shall be in writing and a copy provided to the landowner indicated on the permit application.
- i. Any landowner aggrieved by a decision of the board may appeal such board decision by filing a petition for the same in a court of competent jurisdiction specifying the grounds for such appeal. Such petition shall be filed within fifteen (15) working days following the date the board has rendered its decision and not thereafter.

3.09.800 Penalty

Any person found to have violated this article shall, upon a finding of guilty, be guilty of a misdemeanor and subject to a fine in accordance with the general penalty provision found in section 1.01.009 of this code, for each day a violation exists.

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