

ORDINANCE NO. 365

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, ESTABLISHING REQUIREMENTS FOR LANDSCAPING AND SCREENING; PROVIDING FOR ENFORCEMENT AND A PENALTY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SAVINGS, SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the City Council of the City of Manor finds that the establishment of landscaping and screening requirements and regulations within the City of Manor will promote the general health, safety, and welfare of the City; and

Whereas the City Council of the City of Manor finds that the general health, safety, and welfare of the City will be protected and promoted by the adoption and enforcement of minimum landscaping and screening regulations to enhance and protect the environmental, ecological, and aesthetic appeal of the City of Manor;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS; THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Landscaping and Screening.

(a) Purpose.

(1) For the purpose of providing for the orderly, safe, attractive and healthful development of land located within the community and promoting the health, safety and general welfare of the community, it is deemed necessary to establish requirements for the installation and maintenance of landscaping elements and other means of site improvements in developed properties.

(2) The regulations contained herein are necessary to enhance the community's ecological, environmental and aesthetic qualities.

(3) Paved surfaces, automobiles, buildings and other improvements produce increases in air temperatures, a problem especially noticeable in this southern region, whereas plants have the opposite effect through transpiration and the creation of shade. Likewise, impervious surfaces created by development generate greater water runoff causing problems from contamination, erosion and flooding. Preserving and improving the natural environment and maintaining a working ecological balance are of increasing concern. The fact that the use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare and heat abatement as well as the preservation of the community's aesthetic qualities indicates

that the use of landscape elements is of benefit to the health, welfare and general well being of the community and, therefore, it is proper that the use of such elements be required.

(4) The City experiences frequent droughts and periodic shortages of adequate water supply; therefore, it is the purpose of this Section to encourage the use of drought resistant vegetation that does not consume large quantities of water.

(b) General Requirements.

(1) Installation: All landscape materials shall be installed according to American Association of Nurserymen (AAN) standards.

(2) Maintenance: The owner of the landscaped property shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of this Section.

(3) Planting criteria:

(i) Trees. Trees shall be a minimum of two (2) inches in caliper measured three (3) feet above finished grade immediately after planting. A list of preferred landscape trees is attached hereto as Exhibit "A". If the developer chooses to substitute trees not included on the recommended list, those trees shall have an average mature crown greater than fifteen (15) feet in diameter to meet the requirements of this Section. Trees having an average mature crown less than fifteen (15) feet in diameter may be substituted by grouping trees so as to create at maturity the equivalent of a fifteen foot (15) diameter crown if the drip line area is maintained. A minimum area three (3) feet in radius is required around the trunks of all existing and proposed trees.

(ii) Shrubs, vines and ground cover: Shrubs, vines and ground cover planted pursuant to this section shall be good, healthy nursery stock. Shrubs must be, at a minimum, a one (1) gallon container size.

(iii) Lawn grass: It is recommended that grass areas be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia, or Buffalo. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in areas subject to erosion.

(iv) Synthetic lawns or plants: Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.

(v) Architectural planters. The use of architectural planters may be permitted in

fulfillment of landscape requirements.

(vi) Other: Any approved decorative aggregate or pervious brick pavers shall qualify for landscaping credit if contained in planting areas, but no credit shall be given for concrete or other impervious surfaces.

(c) Landscape Requirements.

(1) A minimum percentage of the total lot area of property on which development occurs after the effective date of this Ordinance, shall be devoted to landscape development in accordance with the following schedule.

- (i) Multifamily Structures, 20%
- (ii) Office and Professional Uses, 15%
- (iii) Commercial Uses, 15%
- (iv) Industrial or manufacturing, 10%

(2) Minimum landscape requirements for detached single-family residential structures shall be a minimum of two (2) two-inch trees, six (6) two-gallon shrubs and lawn grass from the front property line to the front two (2) corners of the structure. Residential structures on Reverse Frontage Lots shall also be required to screen the rear of the structure from the abutting highway, access road, or other public right-of-ways.

(3) Exceptions to these provisions may be granted to require a lesser amount of landscaping, by the Commission, if the aesthetic, buffering and environmental intent of this Ordinance is met, and the reduction of the landscape area results in the preservation of natural features having comparable value to the reduced landscape requirements.

(4) The landscaping shall be placed upon that portion of a tract or lot that is being developed. Fifty percent (50%) of the required landscaped area and required plantings shall be installed between the front property lines and the building being constructed. Undeveloped portions of a tract or lot shall not be considered landscaped, except as specifically approved by the Commission. Landscaping placed within public right-of-ways shall not fulfill the minimum landscape requirements by this Section.

(5) Credit for Significant Trees. In order to reward the preservation of Significant Tees, no more than fifty percent (50%) of the Critical Root Zone shall be disturbed and/or distressed with impervious cover, and that the remaining Critical Root Zone consists of at least one hundred (100) square feet.

(6) Required plantings. For every six hundred (600) square feet of landscape area required by this Section, two (2) trees and four (4) shrubs shall be planted. To reduce the thermal impact of unshaded parking lots, additional trees shall be planted, if necessary, so

that no parking space is more than 50 feet away from the trunk of a tree, unless otherwise approved by the Commission.

(7) Replacement of Required Trees. In cases of death or removal of a tree planted pursuant to the terms of this Section, a replacement tree of equal size and type shall be required to be planted. A smaller tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree in this Section is retained.

(d) Screening Requirements.

(1) In addition to the landscaping requirements of this Section, the screening of off-street parking, loading spaces and docks, refuse and outside storage areas, satellite dishes larger than 18 inches in diameter, antennas, mechanical equipment, and the rear of structures on reverse frontage lots must be screened from view from the street or public right-of-ways.

(2) Approved screening techniques include privacy fences, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof.

(3) Privacy Fences.

(i) All fences along a common property boundary shall be less than or equal to six (6) feet in height.

(ii) Fences less than or equal to eight (8) feet in height shall be allowed for impeding access to hazardous facilities including, but not limited to, electrical substations, swimming pools and chemical or equipment storage yards; where the slope of a line drawn perpendicular to the fence line averages twenty percent (20%) or more on either side of the fence over a distance no less than fifteen (15) feet; or where the fence forms a continuous perimeter around a subdivision and the design of said perimeter fence is approved by the Commission.

(iii) Fences less than or equal to three (3) feet in height shall be allowed in front yards for lots one (1) acre in size, or less, or as otherwise approved by the Commission.

(iv) No fence or other structure more than thirty percent (30%) solid or more than three (3) feet high shall be located within twenty-five (25) feet of the intersection of any rights-of-way.

(v) All fences shall be constructed to maintain structural integrity against natural forces such as wind, rain and temperature variations.

(vi) The finished side of all fences built to comply with these regulations shall face away from the screened object.

(4) Evergreen Vegetative Screens. Evergreen plant materials shall be shrubs, at least thirty (30) inches in height and at a minimum spacing of 48 inches at the time of installation, in combination with landscape trees fulfilling the requirements of this Section.

(5) Landscape Berms, in combination with trees, shall fulfill the screening requirements of this Section if the berms are at least three (3) feet in height and have maximum side slopes of four (4) feet of horizontal run for every one (1) foot in vertical rise.

(6) Existing vegetation, demonstrating significant visual screening capabilities and as approved by the Commission, shall fulfill the requirements of this Section.

Section 3. Penalty; Enforcement.

(a) Any person who shall violate any of the provisions of this ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of five hundred dollars (\$500.00). Each day the violation exists shall constitute a separate offense. Proof of culpable mental state shall not be required to establish a violation of this ordinance. Such penalty shall be in addition to all the other remedies provided herein.

(b) Any person who shall remove a notice of violation or a placard posted pursuant to this ordinance from a property prior to correction of the deficiencies indicated thereon shall be deemed guilty of a misdemeanor offense.

(c) No certificate of occupancy or utility tap shall be issued by the City for or with respect to any lot, tract or parcel of land within the City limits that is not in compliance with this ordinance.

(d) Any person who shall occupy a building, or any part thereof, without having received a Certificate of Occupancy, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2,000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

Section 4. Conflicting Ordinances. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby amended to the extent of such inconsistency or conflict. In the event of a conflict between this ordinance and another ordinance of the City, this ordinance shall control.

Section 5. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.


Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

Section 7. Effective Date. This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code.

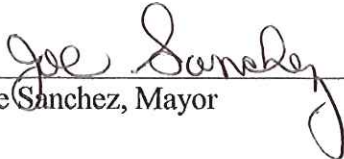
PASSED AND APPROVED on this 17th day of JUNE, 2009.

ATTEST:

THE CITY OF MANOR, TEXAS



Dustin Haisler, City Secretary



Joe Sanchez, Mayor

EXHIBIT "A"