

ORDINANCE NO. 506

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING THE MANOR CODE OF ORDINANCES CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.09 LANDSCAPE AND SCREENING; ARTICLE 3.10 SIGNS; PROVIDING FOR CONFLICTING ORDINANCES AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, it is appropriate for the City to add and modify ordinances to better provide an attractive living environment and to protect the health, safety, morals, and welfare of the present and future residents of the City;

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

Section 1: Findings Incorporated. The findings set forth above are incorporated as if fully set forth herein.

Section 2: Amendment of Chapter 3, Article 3.09, Section 3.09.002 as follows:

Section 3.09.002 Definitions

As used in this article, all words shall have the common meaning of such word and the following terms shall have the meaning indicated below unless the context clearly indicates otherwise:

Buffer means an area within a property or site, generally adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms and/or fences, and designed to limit views and sound from the site to adjacent properties and vice versa.

Building means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Building Area means the gross area covered by a structure when placed on the lot.

Building Plot means the land, lot, lots or tract of land upon which a building or buildings are located, or upon which they are to be constructed, including yards.

Building Setback Line means a line or lines designating the interior limit of the area of a lot within which structures may be erected. The building lines generally provide the boundaries of the buildable area of any given lot and no structure or building may be erected between a building and the corresponding lot line.

Caliper means the trunk diameter of a tree at three (3) feet above natural grade.

City means the City of Manor, Texas.

City Administrator means the Mayor of the City, or other chief administrative officer designated by ordinance, or his or her designated representative.

City Building Official or Building Official means the designated Building Official for the City or his or her designated representative

City Council or Council means the City Council of the City.

City Engineer means the City Engineer for the City or his or her designated representative.

City Limits or Within the City means the, or within the, incorporated boundaries of the City.

City Staff means the officers, employees and agents of the City assigned and designated from time to time by the City Administrator and/or Council, including but not limited to the City Engineer, to review, comment and/or report on zoning applications.

City Standard Details and Specifications means a library of City-approved drawings and technical data representing typical drainage, transportation, erosion & sedimentation control, and utility appurtenances to be constructed for City acceptance.

Commission means the Planning and Zoning Commission of the City.

Critical Root Zone means a circular area around a Significant Tree equal to one (1) foot in radius for each one (1) inch caliper, and the center of the circular area located at the trunk

Developed Area means that portion of a lot, easement, or parcel upon which a building, structure, pavement or other improvements have been placed.

Developer means the legal owner of land to be improved and/or subdivided or his/her authorized representative.

Development means the construction or placement of any buildings, utilities, access, roads or other structures, excavation, mining, dredging, grading, filling, clearing or removing vegetation, or the deposit of refuse, waste or fill. Lawn and yard care, including mowing of tall weeds and grass, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces, and ranching and farming shall not constitute development. Utility, drainage, and street repair, and any construction maintenance and installation which does not require land disturbance or result in additional impervious cover, shall also not constitute development.

Easement means a grant by the property owner of the use of a strip of land for stated purposes.

Floodplain means that land which is lying within a stream channel or adjacent to a stream channel within which flooding frequently occurs, the elevation above sea level of which shall be as established by the City and made of record. It is land which is required to be kept open and non-urbanized in order to maintain upstream floodplain characteristics and insure continued adequate drainage of adjacent land.

Front Yard means a space extending the full width of the lot between any building setback line and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

Frontage means that side of a lot, parcel or tract of land abutting a street right-of-way and ordinarily regarded as the frontal orientation of the lot.

Frontage Block means all the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

Governing Body means the City Council of the City.

Grade means the slope of a road, street, other public way or utility line specified in terms of percent (%); the topographic relief of a parcel of land; the average elevation at ground level of the buildable area of a lot or parcel of land.

Grading means any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition.

Impervious Cover means roads, parking areas, buildings, swimming pools, rooftop landscapes and other construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.

Improvements means any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, water line system, wastewater system, storm drainage network, public park land, landscaping, or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

Loading Space means an off-street space for the parking of a vehicle while loading or unloading merchandise or materials from commercial or industrial vehicles.

Lot means a separate parcel of land, created by the division or subdivision of a block or other parcel, intended as a unit for transfer of ownership, or for development, or for occupancy and/or use, platted in compliance with state law. See also: Legal Lot.

Lot Depth means the average horizontal distance between the front and rear lot lines.

Lot Lines means the lines bounding a lot as defined herein.

Lot Width means the average horizontal distance at the front building setback line of a lot.

Natural Channel means the topography of a waterway prior to construction, [or] installation of improvements thereof.

Natural Drainage means a stormwater runoff conveyance system not altered by development.

Natural State means substantially the same conditions of the land that existed prior to its development, including but not limited to the same type, quality, quantity and distribution of soils, ground cover, vegetation and topographic features.

Open Space means an area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and plant material.

Overland Drainage means stormwater runoff which is not confined by any natural or man-made channel such as a creek, drainage ditch, storm sewer, or the like.

Parking Lot means a paved parking area to accommodate the vehicles which utilize any multiple-family, retail, commercial, office, business or industrial property.

Parking Space means an area that is not a street, alley or public right-of-way that is used or designed to be used for motor vehicle parking, that is not less than nine (9) feet by eighteen and one-half (18-1/2) feet, exclusive of the driveways connecting said space with a street or alley. Said parking space and connecting driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile.

Parking Structure or Garage means a structure devoted to the parking or storage of automobiles for a fee and may include a facility for servicing of automobiles provided such facility is primarily an internal function for use only by automobiles occupying the structure and creates no special problems of ingress or egress.

Planting Area means any area designed for landscape planting having a minimum of ten (10) square feet of actual plantable area and a minimum inside dimension on any side of eighteen (18) inches.

Primary Structure means a structure in which the principal use of the lot is conducted. For example, for single-family residential lots, the house is the primary structure.

Privacy Fence means an opaque fence or screen of wood, masonry or a combination thereof at least six (6) feet in height. A fence shall be considered opaque if it is made of opaque materials and constructed so those gaps in the fence do not exceed one-half (1/2) inch. Fences using boards placed on alternating sides of fence runners shall be considered opaque if the boards overlap at least one-half (1/2) inch and are dog-eared picketing.

Rear Yard means a space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

Regulatory 100-Year Floodplain means the one hundred (100) year floodplain as defined by the Federal Emergency Management Act (FEMA).

Replacement Trees means new landscape trees to be planted by the developer to replace Significant Trees removed during the development of property. A list of approved Replacement Trees can be obtained at the office of the City.

Required Yard means the open space between a lot line and the buildable area within which no structure shall be located except as provided for herein.

Reverse Frontage Lot means a double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Shrub means any self-supporting woody evergreen and/or deciduous species.

Side Yard means a space extending from the front yard to the rear yard between the setback line and the side lot line measured perpendicular from the side lot line to the closest point of the setback line.

Significant Tree means a living tree that the City desires to preserve to the greatest extent possible. All trees larger than eight (8) inches in caliper are significant trees.

Site Plan means a plan showing the use of the land, to include locations of buildings, drives, sidewalks, parking facilities, temporary and permanent erosion/sedimentation controls, and other structures to be constructed.

Street means any public or private right-of-way that affords the primary means of vehicular access to abutting property.

Street Line means that line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the streets.

Street Side Yard means an area between any required building setback line and the side property line abutting a public right-of-way, and measured perpendicular to the building to the closest point of the side property line abutting the right-of-way.

Tree means any self-supporting woody plant species that normally grows to an overall minimum height of fifteen (15) feet.

Tree Survey means a scaled drawing accurately showing the location, Caliper and Critical Root Zone of Significant Trees in relation to the property boundaries.

Vines means any woody or herbaceous plants, which may cling by twining, by means of aerial rootlets or by means of tendrils or which, may simply sprawl over the ground or other plants.

Watershed means area from which stormwater drains into a given basin, river or creek.

Waterway means any natural or man-made channel conducting stormwater from a two (2) year storm event at a depth of eight (8) inches or more and at a rate of fifteen (15) cubic feet per second or more. Street pavement shall in no instance be considered a waterway.

Section 3: Amendment of Chapter 3, Article 3.09, Section 3.09.003 as follows:

Sec. 3.09.003 Landscaping and screening requirements

(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 and plan. All landscape materials shall be installed according to American Association of Nurserymen (AAN) standards. An approved landscape plan shall be required for all new development in any zoning district, save and except A, OS, R-1, and R-2 districts.

(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.

(A) 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 included as exhibit A at the end of this article. 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 (15) foot 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.

(B) 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.

(C) 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 area may be sodded, plugged, sprigged or seeded except that solid sod shall be used in areas subject to erosion.

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

(E) Architectural planters. The use of architectural planters may be permitted in fulfillment of landscape requirements.

(F) Other materials. 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) Minimum area. A minimum percentage of the total lot area of property on which development occurs after the effective date of this subsection shall be devoted to landscape development in accordance with the following schedule:

<u>Zoning or Use</u>	<u>Percentage</u>
(A) Multifamily structures	20%
(B) Open space	20%
(C) Office and professional uses	15%
(D) Commercial or retail uses	15%
(E) Industrial or manufacturing uses	10%
(F) Institutional uses	10%
(G) Agricultural	None
(H) Single-family residential	See subsection (c)(2) of this section

(2) Residential structures. 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 extending from all sides of the structure to the front, rear, and side property lines. 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 rights-of-way.

(3) Exceptions. 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 article 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) Placement. Landscaping shall be placed upon that portion of a tract that is being developed. Fifty percent (50%) of the required landscaping 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 rights-of-way shall not be credited to the minimum landscape requirements by this section. Auto sales facilities, golf courses, and similar facilities may place up to ninety percent (90%) of required landscaping along the side or back property lines of the tract with approval of the commission.

(5) Credit for significant trees. In order to reward the preservation of significant trees, no more than fifty percent (50%) of the critical root zone shall be disturbed and/or distressed with impervious cover, and the remaining critical root zone shall consist of at least one hundred (100) square feet.

(6) Required plantings.

(A) Institutional (I): For every six hundred (600) square feet of required landscape area, two (2) trees and four (4) shrubs shall be planted for the first twenty thousand (20,000) square feet of required landscape area. For every six hundred (600) square feet of required landscaped area in excess of twenty thousand (20,000) square feet shall plant one-eighth (1/8) tree and three (3) shrubs.

(B) General office (GO), multifamily (R-3) (R-4): For every six hundred (600) square feet of required landscape area, two (2) trees and four (4) shrubs shall be planted for the first twenty thousand (20,000) square feet of required landscape area. For every six hundred (600) square feet of required landscaped area in excess of twenty thousand (20,000) square feet shall plant one-fourth (1/4) tree and three (3) shrubs.

(C) All other zoning districts, save and except, agricultural (A) and single-family (R-1) (R-2): For every six hundred (600) square feet of required landscaped area, two (2) trees and four (4) shrubs shall be planted.

(D) To reduce the thermal impact of unshaded parking lots, additional trees shall be planted, if necessary, so that no parking space is more than fifty (50) feet away from the trunk of 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. (Ordinance 365, sec. 2, adopted 6/17/09)

(8) Replacement tree ratio.

- (A) 1:2 for significant trees eighteen (18) caliper inches and larger;
- (B) 1:1 for significant trees between eight (8) and eighteen (18) caliper inches; and
- (C) Replacement trees shall not be required for the removal of trees smaller than eight (8) caliper inches. The removal of significant trees eighteen (18) caliper inches or larger requires commission approval.
- (D) A fee-in-lieu, determined at the time of request, for this subsection may be granted by the city council.

(d) Screening requirements.

(1) Generally. In addition to the landscaping requirements of this section, the screening of off-street parking, loading spaces and docks, refuse, dumpster 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 rights-of-way. This subsection does not apply to areas of auto sales facilities where automobiles are displayed for sale. Automobiles displayed for sale in an auto sales facility must be kept clean and neatly parked on a paved area, with all wheels on the paved area.

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

(3) Privacy fences.

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

(B) 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.

(C) Fences less than or equal to four (4) 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.

(D) No fence or other structure more than thirty percent (30%) solid or more than four (4) feet high shall be located within twenty-five (25) feet of the intersection of any rights-of-way.

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

(F) 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 article.

(5) Landscape berms. 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. Existing vegetation, demonstrating significant visual screening capabilities and as approved by the commission, shall fulfill the requirements of this section.

Section 4: Amendment of Chapter 3, Article 3.09, adding Section 3.09.004 as follows:

Sec. 3.09.004 Penalty; enforcement

(a) Any person who shall violate any of the provisions of this article, 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 in accordance with the general penalty provided in section 1.01.009 of this code. 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 article. 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 article 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 article.

(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 in accordance with the general penalty provided in section 1.01.009 of this code. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

Section 5: Amendment of Chapter 3, Article 3.10, Section 3.10.006 Definitions repealing the definition for “*Portable Sign*”.

Section 6: Amendment of Chapter 3, Article 3.10, Section 3.10.006 Definitions replacing the definition for “*Sign, portable*” as follows:

Sign, portable. A sign that is not permanently anchored or secured to a building or not having supports or braces permanently secured in the ground or signs mounted on wheels so as to be capable of being pulled by a motor vehicle from one location to another. Including but not limited to inflatables, tethered balloons, moving signs, and beacons.

Section 7: Amendment of Chapter 3, Article 3.10, Section 3.10.014(h)(2) as follows:

(2) Existing billboard signs.

- (A) Signs in existence prior to September 20, 2017 shall not exceed forty feet (40') in height and shall not have a face area, or gross surface area greater than six hundred seventy-two (672) square feet; provided that a billboard with signs located back to back and facing opposite directions may have up to (or no more than a total of) six hundred and seventy-two (672) square feet of surface area for each of the two sign faces.
- (B) Existing billboards cannot be modified, upgraded, or converted to an electronic, changeable message (digital) billboard format.
- (C) Existing billboards cannot be relocated within or onto another property

Section 8. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this ordinance are hereby amended to the extent of such conflict and shall hereinafter read as provided herein. To the extent only, if any, necessary to accomplish the purposes of this ordinance, any such term, condition or provision of any ordinance of the city that is in conflict herewith is hereby repealed to the extent of such conflict.

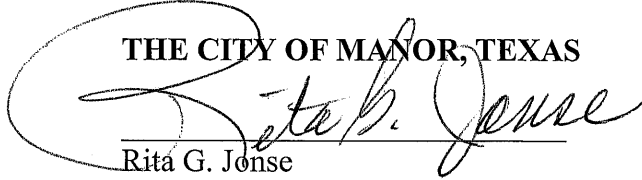
Section 9. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 10. 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 11. Effective Date. This ordinance shall take effect immediately from and after its passage and publication.

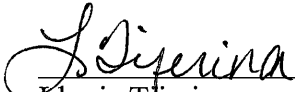
PASSED AND APPROVED this 17th day of January 2018.

THE CITY OF MANOR, TEXAS



Rita G. Jonse
Mayor

ATTEST:


Luvia Tjerina
City Secretary