

ORDINANCE NO. 2003-03

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEALY, TEXAS, BY ADDING A NEW ARTICLE VI TO CHAPTER 14 THEREOF; ESTABLISHING LANDSCAPE REQUIREMENTS FOR RESIDENTIAL, COMMERCIAL, INSTITUTIONAL, AND INDUSTRIAL DEVELOPMENT WITHIN THE CITY; PROVIDING DEFINITIONS; REQUIRING A LANDSCAPE DEVELOPMENT PLAN; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$500.00 FOR VIOLATION OF ANY PROVISION HEREOF; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS:

Section 1. The Code of Ordinances of the City of Sealy, Texas, is hereby amended by adding to Article VI of Chapter 14 thereof a new Section 14-400 to provide as follows:

“ARTICLE VI.

LANDSCAPE REQUIREMENTS FOR RESIDENTIAL,
COMMERCIAL, INSTITUTIONAL, AND INDUSTRIAL DEVELOPMENT.

Sec. 14-400. Purpose.

The provisions of this Article, for the installation and maintenance of landscaping, are intended to protect the character and stability of residential, commercial, institutional, and industrial areas, to conserve the value of land and buildings of surrounding properties and neighborhoods, and to enhance the aesthetic and visual image of the community. In furtherance thereof, trees utilized to comply with the requirements of this Article shall be of a type contained in the List of Qualified Trees approved from time to time by the City Council. Such list shall be available at the office of the City's Building Official.

Sec. 14-401. Definitions.

Building site shall mean the tract, parcel, or lot of land area being developed.

Diameter shall mean the measurement of a tree at four and one-half feet (4-1/2') above ground level.

Drip line shall mean the periphery of an area underneath a tree, which would be encompassed by the perpendicular line dropped from the outermost edges of the crown of the tree.

Ground cover plants - No minimum size shall be required, but the planting is to be performed so as to develop full coverage within eighteen (18) months.

Landscape development shall mean trees, shrubs, ground cover, vines, or grass installed in planting areas having a minimum of ten (10) square feet of actual plantable area and a minimum inside dimension of eighteen inches (18") on any side.

Permeable area shall mean an area that is not covered with asphalt or concrete, or other impervious material.

Private property shall mean any industrial, commercial, business, multi-family, or townhouse site development.

Public property shall mean any land owned by the City, including street rights-of-way and yards around public buildings.

Protected tree shall mean a living tree with a trunk size of at least twelve inches (12") in diameter. Furthermore, the term "protected tree" shall only apply to all types or varieties of oak trees and pecan trees.

Screening shall mean any method of visually shielding or obscuring one land use from another, and shall meet minimum requirements that provide a year-round visual obstruction.

Shrubs shall mean self-supporting, woody, evergreen species that normally will grow in Austin County.

Tree shall mean any self-supporting wood plant of a species that normally grows to an overall height of a minimum of fifteen feet (15') in Austin County.

Visibility triangle shall mean the triangular area adjacent to the intersection of any public street or public alley within which no obstruction may be placed that would block the sight lines for vehicular traffic. The triangle is established by measuring a distance of forty-five feet (45') from the intersection of the extended curb or edge of the pavement of major thoroughfares, and twenty-five feet (25') from the extended edge of the curb or pavement of local streets. A straight line connecting the ends of each measured distance, which forms the hypotenuse, shall establish the visibility triangle. The visibility triangle shall not

contain any visual or physical impediments or obstructions to the vertical view between thirty inches (30") and seven feet (7') in height.

Sec. 14-402. Landscaping requirements.

A. Landscaping of site developments. This paragraph shall be a minimum standard and shall apply to any property on which construction occurs for which a building permit is required, except as follows:

1. The restoration of a building with a historic designation;
2. The remodeling of the interior of a building or the facade of a building that does not alter the location of exterior walls; or
- 3.. The expansion, repair, or renovation of a Single-Family or Two-Family Dwelling.

B. No building permit shall be issued unless the proposed development includes the following minimum landscape requirements:

Table (A)1.

1. Single-family and two-family residential development: The front yard of the premises must have one shade tree located within fifteen (15) feet of the front lot line for each fifty (50) feet of lot width or portion thereof, measured along the front lot line. Trees may be clustered or spaced linearly and need not be placed evenly at fifty-foot intervals.

2. All development(s) other than single-family or two-family residential structures:

(a) The percentage of area required to be landscaped:

<u>Total Area of Site</u>	<u>Required Landscape Development</u>
Up to 20,000 sq. ft.	5% of area not covered by building or structure
20,000 to 200,000 sq. ft.	7-1/2% of area not covered by building or structure
Above 200,000 sq. ft.	10% of area not covered by building or structure

(b) The required number of trees on the building site:

<u>Area Not Covered By building or Structure</u>	<u>Trees Required</u>
Less than 3,000 sq. ft.	0
3,000 - 7,000	1
7,001 - 10,000	2
10,001 - 20,000	3
20,001 - 30,000	4
30,001 - 40,000	6
40,001 of greater	3 per 20,000 sq. ft.*

*Round to the next highest whole tree

Sec. 14-403. Approved plants.

Trees, shrubbery, and ground cover plants utilized shall be limited to those published or approved by the City Council. A list of approved plants is maintained on file in the office of the City's Building Official and shall be reviewed and approved by the City Council. Developers wishing to use alternate species of plants shall submit any information on the alternate species to the Building Official for review. If after review, the Building Official decides the alternate species of plants meet the intent of this Article to enhance the aesthetic and visual image of the community, the Building Official may allow the use of the alternate species of plants.

Sec. 14-404. Minimum diameter of planted trees.

Trees planted to meet the requirements of this Article must have a minimum diameter of one inch (1").

Sec. 14-405. Tree preservation.

A. Improvements shall be designed, whenever reasonably possible, to preserve a protected tree. The Building Official may approve a landscape plan that provides for the removal of a protected tree when he determines that the development cannot reasonably preserve the protected tree.

B. If the Building Official approves the removal of a protected tree, the landscape plan must provide for the planting of two replacement trees of like type for each protected tree to be removed. Such replacement trees shall be in addition to any other trees required to be planted under this Article.

C. Whenever one or more existing trees, whether protected trees or otherwise, or existing shrubs provide an effective and desirable buffer or screen for a proposed use or development, the Building Official may require that all or some of the existing trees or shrubs, be preserved if the preservation can be accomplished without undue interference with the development of the premises.

The Building Official will credit any existing trees or shrubs which are preserved against any requirements for trees, shrubs, or screening as provided in this Article, if the preserved trees or shrubs substantially serve the purpose of the requirement.

Sec. 14-406. Tree preservation credit.

Landscape plans that preserve existing trees found on the approved List of Qualified Trees shall be given credit toward the total number of trees required as shown below:

<u>Diameter of Existing tree</u>	<u>Credit Against tree Requirement</u>
1" - 3"	2.0 trees
3-1/2" - 9"	3.0 trees
9-1/2" - 15"	5.0 trees
15-1/2" or greater	10.0 trees

Sec. 14-407. Replacement of credited trees.

If a credited tree dies, it must be replaced with the credit number of trees.

Sec. 14-408. Buffering and screening.

When a commercial or industrial use is established on a lot or premises located adjacent to any residential area, a ten-foot wide landscaped open space buffer strip shall be installed and maintained by the owner, developer, or operator of the commercial or industrial property between it and the adjacent residential area. In addition, a six-foot high opaque fence or wall shall be erected and maintained along the property line to provide visual screening. The fence or wall shall be constructed of wood or masonry. A wooden fence may be a diagonal, horizontal, or vertical stockade-type privacy fence and framing may be metal. The provisions of this paragraph shall not apply where the residential area is separated by a public street, drainage ditch, or canal with a minimum easement of thirty feet (30'). Conversely, when a single-family use is established on property adjacent to any commercial, industrial, or multiple-family area, a six-foot high opaque fence or wall shall be erected and maintained along the property line.

Sec. 14-409. Landscape plan.

A landscape plan must be submitted in conjunction with any preliminary plat or building permit application. Single-family and two-family residential structures are not required to submit a landscape plan in order to obtain a building permit. However, all other applicable requirements within this Article must be adhered to.

The landscape plan required under this Article must contain the following information:

1. Location and type of all existing trees on the lot over six inches (6") in diameter, any other natural features, and the delineation of which trees or natural features are to be retained;
2. An indication of how existing healthy trees to be retained will be protected from damage during construction;
3. Location, height, and material of proposed screening and fencing;
4. Location and dimension of proposed landscape development; and
5. A description of all trees, shrubs, ground cover plants shown on the plan, including names, location, quantities, size (diameter and/or container), height, spread, and spacing.

Sec. 14-410. Parking lot planting of trees.

In addition to any other trees that may be required pursuant to this Article, the owner of a building site shall provide one (1) tree for every forty (40) parking spaces, rounding up or down, in the case of a fraction, to the nearest whole number. Trees planted in accordance with this Section must be located within the interior of, or an area adjacent to, the parking lot. In the case of a parking lot that is being expanded, the trees required pursuant to this Section may be planted in any area within or adjacent to the entire parking lot.

Sec. 14-411. Alternate landscaping.

The Planning Commission may approve an alternative plan, which is not in strict compliance with the requirements of this Article. Such alternative plan must meet the objectives and purposes of this Article, as determined by the Planning Commission, and clearly be superior to a plan that would otherwise be in strict compliance. In making such determination, the Planning Commission may consider the topography, shape, size, or other natural features of the property; the suitability of any alternative screening or buffering proposal; and other similar factors.

Sec. 14-412. Replacement of dead landscaping plants.

If any required landscaping tree, shrub, or ground cover plant should die, the owner shall replace these plants in compliance with this Article by the end of the next planting season.

Sec. 14-413. Replacement of existing landscape development plan.

Any major modification to the existing landscape development plan must be in accordance with this Article and must be approved by the City's Building Official.

Sec. 14-414. City-owned land.

The requirements of this Article shall apply to land owned and developed by the City.

Sec. 14-415. General planting standards.

When located within a visibility triangle, trees shall be headed to a minimum height of seven feet (7'), and shrubs shall be maintained at a maximum height of thirty inches (30"), as measured from the surrounding soil line.

Sec. 14-416. Landscape planting and installation.

All proposed landscaping must be installed in accordance with the approved landscape plan prior to issuance of a final certificate of occupancy for a building site. However, the property owner may elect to provide the Building Official with documented assurances that the landscaping will be completed within a six-month period. If so, a conditional certificate of occupancy may be issued by the Building Official for a period of six (6) months. For purpose of this Section, "documented assurance" shall mean a copy of an executed contract for the proper installation of the required landscaping in accordance with the approved landscape plan within a six-month period.

The property owner is responsible for notifying the Building Official when the landscape installation is complete. If the property owner fails to notify the Building Official within the prescribed six-month period, the Building Official shall revoke the conditional certificate of occupancy.

Sec. 14-417. Penalty.

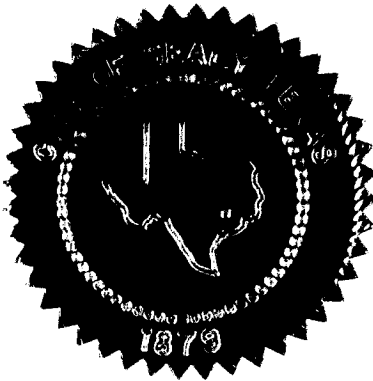
Any person who violates any provision of this Article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 1-7 of the City of Sealy's Code."


Section 2. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500. Each day of violation shall constitute a separate offense.

Section 3. Severability. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Sealy, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this 12th day of February 2003.

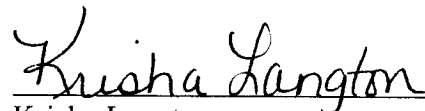
PASSED, APPROVED, AND ADOPTED on second and final reading this 12th day of March 2003.





Betty Reinbeck
Mayor

ATTEST:



Krisha Langton
City Secretary