

ORDINANCE
2014-08-0812

AN ORDINANCE RELATING TO “LANDSCAPING AND BUFFERING” WITHIN THE COMMERCIAL ZONES IN ALTON; PROVIDING FOR PROPER REGULATORY MANAGEMENT OF LANDSCAPING AND BUFFERING; PROVIDING A PENALTY FOR VIOLATIONS OF PROVISIONS OF SAID ORDINANCE; REPEALING CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING WAIVER OF THIRD READING;

WHEREAS, Ordinance 2014-08 herein known as “Landscaping and Buffering” Ordinance.

WHEREAS, in an effort to protect the wealth, public safety and promote the orderly development of the commercial and residential enterprises within the City of Alton, Texas;

WHEREAS, the City Council of Alton, Texas recognizes the need for the orderly development of commercial enterprises in the City of Alton, Texas;

WHEREAS, the Adoption of this Ordinance will provide for a minimum landscaping and buffering of the commercial interests and promote for economic development within the City of Alton.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ALTON:

SECTION 1.00: APPLICATIONS AND EXCEPTIONS.

(a) The landscaping requirements of this Ordinance apply to any premises on which construction occurs for which a building permit is required, except as follows:

- (1) The remodeling of the interior of a building or the façade of a building which does not alter the location of exterior walls; or
- (2) The expansion of a Single-Family Dwelling.

(b) Any requirement of this Ordinance that applies to a Front Yard also applies to the Street Side Yard, unless otherwise specified. Any other requirement of this Ordinance that applies to a Side Yard does not apply to a Street Side Yard, unless specified otherwise.

(c) Whenever this Ordinance imposes a requirement based on the classification of a premises as a Residential or Nonresidential use, the requirement shall also apply to the portions of a premises used for Residential uses and Nonresidential uses located in a planned unit development, as determined by the Planning Director.

SECTION 2.00: LANDSCAPE PLAN, DEVIATIONS AND APPEALS.

(a) For any premises to be developed for Multi-Family Dwellings or Nonresidential use, a landscape plan must be submitted to the City showing how the requirements of this chapter are to be met. The required plan must be submitted on sheets of a size not to exceed 24"x36". If the plan meets the requirements of this chapter, the Planning Director may approve the plan.

(b) Where improvements are proposed to a developed premises devoted to a Nonresidential use that was developed prior to the effective date of this Ordinance and does not meet the landscaping requirements of this Ordinance, the Planning Director may approve a landscape plan with deviations from the requirements of this Ordinance or impose alternative requirements that serve the purpose and intent of this Ordinance, if the requirements of this Ordinance cannot be reasonably complied with because of the existing developed conditions.

(c) In approving a landscape plan, the Planning Director may allow or require minor deviations from the requirements of this Ordinance whenever a literal application of a requirement to a premises that would, because of unusual circumstances or situations not generally common to other premises, not achieve the purpose or intent of the regulation or cause an undesired result.

SECTION 3.00: COMPLIANCE REQUIREMENTS.

(a) All landscaping requirements of this Ordinance, including the requirements contained in an approved landscape plan, must be met prior to and as a condition for the issuance of a Certificate of Occupancy for any premises to which these regulations apply. If weather conditions, scheduling delays, or similar conditions delay compliance, the Planning Director may grant a temporary Certificate of Occupancy if the owner or person in control of the premises enters into an agreement with the City to comply with the landscaping requirements within a specified time, not to exceed six months.

(b) All vegetation required to be installed must, after installation, be maintained in good condition. If the required vegetation becomes diseased, deteriorated, or dies, the owner of the premises must replace the vegetation within 60 days of notice from the City.

(c) All fences required by this chapter must be maintained by the owner in good condition so that there are no damaged or missing boards or parts, all structural supports are sound and sufficient to maintain the fence in its original upright condition, and any surface treatment, including paint or stucco, is substantially maintained in its original appearance to be free from graffiti, noticeable cracking, discoloration, or similar surface blemishes or defects.

SECTION 4.00: RESIDENTIAL FRONT YARD LANDSCAPING.

For any premises located in an R-1, R-2 and R-3 Single Family Residential District, and MH Mobile Home Subdivision District, the premises must have one shade tree located within 15 feet of the Front Lot Line for each 60 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 60 foot intervals. For D, Two-Family (Duplex) Residential District and MF, Multi-Family District, one additional tree must be planted in the Front Yard of the premises for each housing unit equivalent.

SECTION 5.00: NONRESIDENTIAL USE LANDSCAPING.

The following landscape requirements apply to all premises developed for a Nonresidential Use:

- (1) If the premises abutting the opposite side of the street is used or zoned for Residential Use, the premises must have one shade tree located in the Front Yard for each 30 feet of lot width, or portion thereof, measured along the front lot line. If the premises abutting the opposite side of the street is used or zoned for Nonresidential Use, the premises must contain one shade tree for every 50 feet of lot width, or portion thereof, measured along the front lot line. The trees may be clustered or spaced linearly and need not be placed evenly.
- (2) If the premises abuts another premises used for residential purposes, the premises must have an opaque screen at least eight feet in height located along the abutting lot line, from the front building line to the rear lot line. The fence is not required if a comparable fence is already existing on the abutting residential property.
- (3) All portions of the ground located in the front yard or the street side yard of the premises which are not covered by driveways, parking lots, and similar permanent improvements, must be landscaped.
- (4) All side yards must contain a six-foot wide landscaped area extending from the front lot line to the rear lot line.

SECTION 6.00: FRONT YARD PARKING LOT LANDSCAPING.

Any premises zoned or used for Nonresidential Use that contains a parking lot or vehicle use area within a front yard or street side yard must have a 15 foot wide landscaped area located between all portions of the parking lot, including a vehicle use area, and the public street. The landscaped area must have a continuous hedge, fence or berm of a minimum height of three feet to screen the parking lot and vehicle use area from the street. If fences are used to provide screening, one shrub or vine must be planted on the street side of the fence or berm for each ten feet of street frontage, but the plants need not be spaced evenly apart. If berms are utilized they shall have a slope no steeper than 3 to 1. The remainder of the landscaped area must contain plants, grass, or ground cover. All other portions of the front yard lying between the parking lot and front lot line which are not improved, must be landscaped.

SECTION 7.00: SIDE AND REAR YARD PARKING LOT LANDSCAPING.

(a) Any premises used or zoned for a nonresidential use that contains a parking lot or vehicle use area in a side yard or rear yard that abuts a premises used or zoned for a residential use, must have a continuous hedge, fence or berm, with a minimum height of eight feet, located between the parking lot, including a vehicle use area, and the lot line.

The area required to be screened must also contain one tree for each thirty linear feet of landscaping or screening, or portion thereof.

(b) Any premises used or zoned for nonresidential use that contains a parking lot or vehicle use area in a side or rear yard that abuts a premises used or zoned for nonresidential use, must have a screen of hedges, fences or berms, of a minimum height of three feet, located between the parking lot, including the vehicle use area, and the side or rear lot line so as to provide screening for 25% of the parking lot and vehicle use area. The required screening may be grouped and dispensed randomly and need not be spaced evenly. The area required to be screened must also contain one tree for each fifty linear feet of screened area, or portion thereof.

(c) All plants used to satisfy the requirements of this section must be located in landscaped areas that are at least 2 ½ feet in width.

(d) Each required tree must be planted in a landscaped area of at least 36 square feet, with a minimum dimension of six feet.

SECTION 8.00: INTERIOR PARKING LOT LANDSCAPING.

Any premises containing a parking lot that has more than ten parking spaces must meet the following landscaping requirements for the parking lot:

(a) For each twenty parking spaces, or fraction thereof, landscaped areas containing a total of at least 162 square feet must be provided within the parking lot. Landscaped areas or islands must be a minimum of six feet in width, measured from the back of curb, and be dispersed throughout the parking lot. One shade tree must be provided for each required landscaped island. The remaining area or island must be landscaped with plants not exceeding three feet in height.

(b) Landscaped islands must be protected from vehicle intrusion by curbs or similar structures. The front of a vehicle may encroach upon the island when the area is a minimum of six feet in depth and protected by wheel stops or curbs. Two feet of the landscaped area may be counted as part of the required depth of the abutting parking space.

SECTION 9.00: ACCESSORY STRUCTURE SCREENING.

The following landscape and screening requirements apply to premises use for Multi-Family Dwellings or a Nonresidential Use:

(a) Areas used to hold refuse containers must be screened from the public view with a solid masonry fence not less than six feet in height.

(b) Exterior ground-mounted or building-mounted equipment to serve as a building, including mechanical equipment, utility meter banks, and heating and cooling equipment must be screened from public view with landscaping or with an architectural treatment compatible with building architecture.

(c) All rooftop equipment must be screened from the public view with an architectural treatment which is compatible with the building architecture. The methods of screening rooftop equipment include the use of parapet walls and the encasement of partition screens.

(d) All materials, products, or equipment which are stored outside of a fully-enclosed building, other than for display, must be entirely screened from the public view.

(e) For the purposes of this section, "screened from the public view" means not visible at eye level from any point on the lot line of the abutting premises or from any point on a street.

SECTION 10.00: TREE PRESERVATION.

(a) The landscape plan required by this chapter must show the location of all existing trees with a caliper equal to or greater than six inches, wooded areas, areas with dense shrubbery, and which trees and plants will be preserved and which will be removed.

(b) Improvements must be designed whenever reasonably possible to preserve existing trees. The Planning Director may approve a landscape plan that provides for the removal of existing trees where it is determined by the Planning Director that the development cannot reasonably preserve the trees. For each existing tree that is preserved, the owner may receive credit for two trees that are otherwise required to be installed to comply with this chapter.

(c) If the Planning Director approves the removal of an existing tree, the landscape plan must provide for the planting of two replacement trees of like type for each existing tree to be removed. The replacement trees are in addition to any other trees required to be planted by this chapter.

(d) Whenever one or more existing trees, or existing shrubs provide an effective and desirable buffer or screen for a proposed use or development, the Planning Director may require that the existing trees or shrubs or portions thereof, be preserved if the preservation can be accomplished without undue interference with the development of the premises. The Planning Director will credit any existing trees or shrubs which are preserved against any requirements for trees, shrubs, or screening as provided in this chapter, if the preserved trees or shrubs substantially serve the purpose of the requirement.

SECTION 11.00: DESIGN PLANTING AND CRITERIA.

(a) Any tree, shrub, plant, fence, or screen installed to satisfy the requirements of this chapter must meet the following requirements:

(1) Trees must be a minimum of two inch caliper, measured six inches above ground level, with a twelve to fourteen foot average height immediately after planting and must have an average mature crown spread of at least 15 feet in diameter. Trees having an average mature crown spread of less than 15 feet in diameter may be grouped in sufficient number so as to create the equivalent of a 15 foot crown spread. Tree trunks shall be free of branches to seven feet (illustrated in Figure 1). Any trees or plants used to meet the requirements of this chapter are recommended to be one of the preferred trees or plants listed in Table A.

(2) Planting of trees shall be consistent with Figure 2.

(3) Shrubs must have a minimum of two feet in height when measured immediately after planting. When used for screening purposes, the shrubs must be planted in triangular centers and not be separated by more than two and ½ feet.

Whenever hedges are used to meet a screening requirement, the plants must be planted and maintained so as to form a continuous, unbroken, solid, visual screen within one year of planting.

(4) Vines must be a minimum of 30 inches in height immediately after planting and may be used in conjunction with fences to meet physical barrier requirements.

(5) Ground covers used in place of grass, in whole or in part, must be planted to present a finished appearance and reasonable complete coverage within three months after planting.

(6) Grass must be of a species normally grown as permanent lawns in the Texas Rio Grande Valley Region. Solid sod must be used to provide coverage and soil stabilization in swales or other areas subject to erosion.

(7) Detention and retention basins and ponds must be landscaped with shade and ornamental trees, shrubbery, hedges, or other plants.

(8) Indigenous and drought resistant plant material should be used, but if not used, an irrigation system must be installed or a watering source made available within 100 feet.

(9) Any fence installed to meet the requirements of this chapter must, unless otherwise specified, be constructed of wood, stone, brick, masonry, stucco, or concrete.

TABLE A

PREFERRED LANDSCAPE MATERIALS

Preferred trees and shrubs to be used to meet the city landscaping standards include, but are not specifically restricted to:

Plant Type	Botanical Name	Common Name
Shade Trees		
	Quercus Virginiana	Live Oak; Encino
	Celtis Laevigata	Sugar Hackberry; Palo Blanco
	Ulmus Crassifolia	Cedar Elm; Olmo
	Pithecellobium Ebano	Texas Ebony; Ebano
	Leucaena Pulverulenta	Tepeguaje; Lead Tree
	Prosopis Glandulosa	Honey Mesquite
	Fraxinum Berlandieriana	Rio Grande Ash; Fresno
	Ehretia Anacua	Anacua; Sugarberry
Ornamental Trees		
	Lagerstroemia Indica	Crepe Myrtle
	Celtis Pallida	Granjeno, Spiny Hackberry
	Pithecellobium Pallens	Tenaza
	Acacia Smallii	Texas Huisache
	Acacia Berlandieri	Guajillo
	Parkinsonia Aculeata	Retama; Lluvia de Oro
	Cercidium Texanum	Texas Paloverde
	Guaiacum Angustifolium	Soapbush; Guayacan
	Esenbeckia Runyonii	Jopoy

	<i>Sapindus Drummondii</i>	Western Soapberry; Jaboncillo
	<i>Condalia Hookeri</i>	Brasil, Bluewood
	<i>Bumelia Celastrina</i>	Coma Del Sur; Saffron-plum
	<i>Diospyros Texana</i>	Chapote; Persimmon
	<i>Cordia Boissieri</i>	Mexican Olive; Anacahuita
	<i>Sophora Secundiflora</i>	Mountain Laurel
Shrubs for Screening		
	<i>Photinia Fraseri</i>	Oleander
	<i>Leucophyllum Frutescens</i>	Purple Sage; Cenizo
		Bouganvillea
	<i>Xylosma Flexuosa</i>	Holly; Coronillo
	<i>Acacia Rigidula</i>	Black Brush
	<i>Citherexylum Berlandieri</i>	Tamaulipan Fiddlewood
	<i>Tecoma stans</i> var. <i>angustata</i>	Yellowbells; Esparanza
Shrubs for Mass Plantings		
	<i>Viguiera Stenoloba</i>	Skeletonbush
	<i>Schaefferia Cuneifolia</i>	Desert Yaupon; Capul
	<i>Coursetia Axillaris</i>	Texas Baby-Bonnets
	<i>Sophora Tomentosa</i>	Yellow Sophora; Tambalisa
	<i>Salvia Ballotiflora</i>	Blue Sage; Mejorana
	<i>Malpighia Glabra</i>	Manzanita
	<i>Croton Humilis</i>	Low Croton
	<i>Ruellia Equisetiforma</i>	Firecracker Plant
	<i>Hesperaloe Parviflora</i>	Red Yucca
	<i>Hamelia Patens</i>	Firebush
Groundcover Plantings		
	<i>Lantana Horrida</i>	Texas Lantana
	<i>Buchloe Dactyloides</i>	Buffalo Grass
		Verbena
	<i>Ruellia Corzoi</i>	Ruellia
Vines		
	<i>Passiflora Foetida</i>	Blue Passion Vine
	<i>Passiflora Filipes</i>	Yellow Passion Vine

FIGURE 1

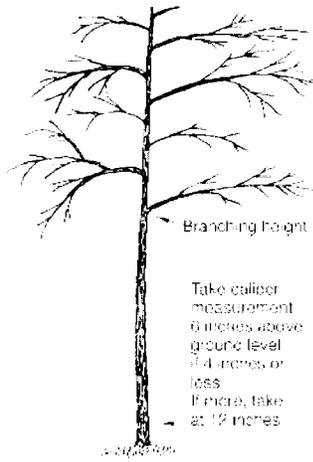
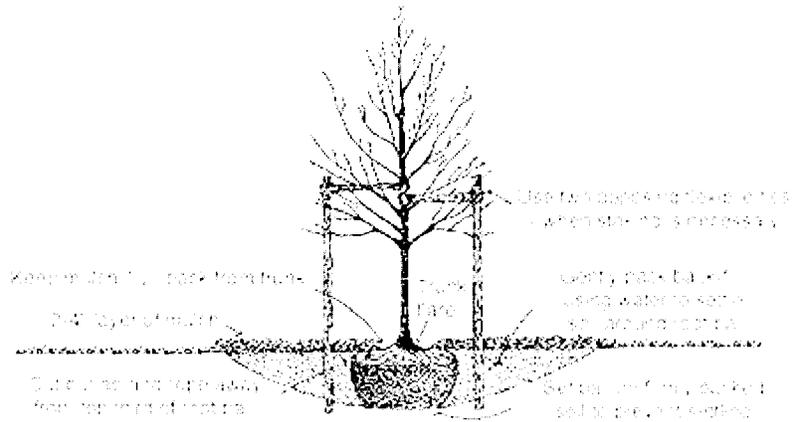


FIGURE 2



PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF ALTON, TEXAS, on the first reading on this the 22nd day of July, 2014.

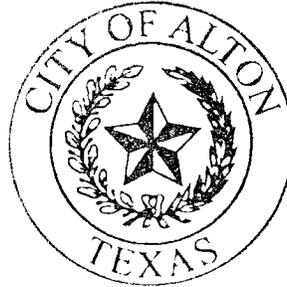
READ, PASSED, AND APPROVED BY THE CITY COMMISSION OF THE CITY OF ALTON, TEXAS, on the second reading, waiving third reading BY A VOTE of 5 ayes and 0 nays on this 12th day of August, 2014 at a **GENERAL AND DULY CALLED MEETING OF THE CITY COMMISSION OF THE CITY OF ALTON TEXAS**, at which a quorum was present and which was held in accordance with Chapter 551, of the Texas Government Code.

EXECUTED THIS 12th DAY OF August, 2014.

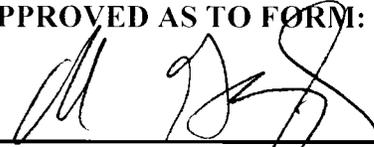

BY: HONORABLE SALVADOR VELA,
MAYOR

ATTEST:


BAUDELIA ROJAS TRMC/CPM
CITY SECRETARY



APPROVED AS TO FORM:


HON. RICARDO GONZALEZ, CITY ATTORNEY