

CITY OF LOWRY CROSSING, TEXAS

ORDINANCE NO. 188

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS, AMENDING ORDINANCE NO. 110, AS AMENDED, (THE LOWRY CROSSING ZONING ORDINANCE) BY ADDING A NEW SECTION 23A TO PROVIDE REGULATIONS REQUIRING AND GOVERNING LANDSCAPING; PROVIDING A PENALTY NOT TO EXCEED \$2,000; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that landscaping is important to aid in stabilizing the environment's ecological balance, to enhance property values, and generally to promote and protect the health, safety, and welfare of the public; and

WHEREAS, the City Council finds that it is in the public interest to amend Ordinance No. 110, as amended, (the Lowry Crossing Zoning Ordinance) to provide regulations requiring and governing landscaping within the City; and

WHEREAS, the City Planning And Zoning Commission and the City Council in accordance with state law and the applicable ordinances of the City, have given the required notices and have held the required public hearings regarding this amendment to the Lowry Crossing Zoning Ordinance; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS:

Section 1. That Ordinance No. 110, as amended, is amended by adding a new Section 23A to read as follows:

“SECTION 23A

LANDSCAPING REQUIREMENTS

23A-1 **Purpose.** Because the process of development with its alteration of the natural topography, vegetation, and creation of impervious cover can have a negative effect on the ecological balance of an area by causing increases in air temperatures and accelerating the processes of runoff, erosion, and sedimentation, the City Council adopts this ordinance generally to promote and protect the health, safety, and welfare of the public, and for the following specific purposes:

- (1) To preserve and enhance the unique natural beauty, environment, and vegetative space within the City.
- (2) To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground-water

recharge, and storm water runoff retardation, while at the same time aiding in noise, glare, wind, and heat abatement.

- (3) To provide for open space and more efficient drainage of land, thereby reducing the effects of soil erosion and the need for additional drainage facilities.
- (4) To conserve energy.
- (5) To preserve the country atmosphere and natural environment that define the community character of Lowry Crossing and make it a unique and desirable community.
- (6) To mitigate the ill effects of rapid and intense urbanization.
- (7) To safeguard and enhance property values and to protect public and private investment.

23A-2 Applicability. The provisions of this section apply to non-residential and surface parking lot developments in all zoning districts, including planned development districts, unless otherwise provided in the ordinance establishing the planned development district.

23A-3 Minimum Standards for Planting Materials.

- (1) Minimum caliper for trees required by this section is 3".
- (2) Minimum height is:
 - a. Seven feet (7') for shade trees.
 - b. Eight feet (8') for ornamental trees.
- (3) Except as otherwise provided herein, materials and planting standards must meet the American Association of Nurseryman, Inc., "American Standard for Nursery Stock" (latest edition).
- (4) For a list of approved trees, see Subsection 23A-11.

23A-4 Minimum Landscaping Area.

- (1) The minimum landscaping area for the following districts is ten percent (10%) of the area of the site:
 - a. "RET" Retail District
 - b. "HC" Highway Commercial District
 - c. "C" Commercial District

- d. "LI" Light Industrial District
- e. "HI" Heavy Industrial District

- (2) The minimum landscaping area for the "O" Office District is fifteen percent (15%) of the area of the site.

23A-5 Landscaping Along Street Rights-of-Way.

- (1) Except as otherwise provided, a minimum 15-foot-wide buffer strip is required adjacent to the right-of-way line of all dedicated public streets with a right-of-way of 100 feet or more. A minimum 25-foot-wide buffer strip is required adjacent to Highway 380 and Highway 546. No building or parking is permitted in a required buffer strip.
- (2) A minimum 10-foot-wide buffer strip is required adjacent to the right-of-way line of all dedicated public streets with a right-of-way of less than 100 feet.

23A-6 Landscaped Buffer Planting Requirements.

- (1) One shade tree per lot is required for lots with less than 50 feet of street frontage.
- (2) One shade tree for every 33 feet of street frontage, or portion thereof, is required for lots with greater than 50 feet, but less than 100 feet of street frontage. In addition, one ornamental tree must be provided for every two shade trees required.
- (3) One shade tree for every 40 feet of street frontage, or portion thereof, is required for lots with greater than 100 feet of street frontage. In addition, one ornamental tree must be provided for every two shade trees required.

23A-7 Surface Parking Lot Landscaping. Planting and landscaping requirements for surface parking lots are as follows:

- (1) Retail Uses: One shade tree and one ornamental tree for every 40 parking spaces must be planted from the outside edge of the parking lot and dispersed within the parking lot area.
- (2) Non-Retail Uses: One shade tree and one ornamental tree for every 30 parking spaces shall be planted, starting from the outside edge of the parking lot, distributed such that one tree per twenty spaces is distributed in the parking lot and the remainder dispersed within the building site.
- (3) Parking lots with more than 200 spaces shall be subdivided into separate parking areas of not more than 200 spaces each. Such areas must be separated by a landscaped area with a minimum width of 10 feet.

- (4) Curb stops must be provided to prevent damage to landscaped buffers and plantings by motor vehicles. A landscaped buffer expanded by two feet may substitute for the installation of curb stops.
- (5) No parking space shall be more than 50 feet from any tree.
- (6) Parking lot islands at the ends of rows must be a minimum of eight feet wide.
- (7) Landscape areas shall be no less than four feet wide and must be a minimum of 16 square feet in area.
- (8) If the parking lot is located 50 feet or more from the street right-of-way, no shrubs or berms shall be required unless needed for a headlight screen. Where parking lots and drives abut the landscaped buffer strip, one shrub (five gallon minimum) must be planted per 50 square feet of landscaped buffer strip. The number of required shrubs shall be calculated solely on the area of the required landscaped buffer strip. A berm may be used in conjunction with the required shrubs, provided that the intent of the screening is accomplished. The berm must be a minimum of 42 inches above the average grade of the street and parking lot curbs. The slope of the berm shall not exceed a four to one grade.
- (9) If approved by the City Council, the required width of a landscaped buffer may be reduced by up to 50% when public improvements are necessary.
- (10) All landscaped areas shall have fully automated underground irrigation systems.
- (11) All landscaped areas shall be protected by a raised six (6) inch concrete curb. Pavement shall not be placed closer than the drip line of the tree at the time of installation, unless a root barrier approved by the City is utilized.
- (12) Where an existing parking area is altered or expanded to increase the number of spaces to more than 20 parking spaces, interior landscaping shall be provided on the new portion of the lot in accordance with the above standards.

23A-8 Corner Lots. Lots located at the intersection of two thoroughfares must comply with the following landscaping requirements in addition to the landscaped buffer and parking lot landscaping planting requirements:

- (1) A minimum 20-foot-wide landscaped buffer shall be located along all street rights-of-way beginning at the corner and extending 175 feet or to

the closest driveway. Beyond such point, the landscaped edge may be gradually reduced (over a distance of 25 feet) to 15 feet in width.

- (2) Where adjacent to a right-turn lane, the landscaped edge may be reduced to a minimum of 10 feet.
- (3) A minimum landscaped area of 900 square feet shall be located at the intersection corner of the lot. The landscaped area shall be provided within an area measured a minimum distance of 40 feet from the projected corner of the intersection on both sides of the lot. No trees shall be planted in this area.

23A-9 Landscape Screening for Parking Lots Adjacent to Residential Areas. Where parking is within 50 feet of property zoned for residential purposes and is not otherwise screened from view, a continuous screen of evergreen shrubs (five gallon minimum) of not less than 42 inches in height shall be planted a minimum of four feet on center adjacent to the parking lot.

23A-10 Maintenance Requirements.

- (1) All plant material must be maintained in a healthy and growing condition, and must be replaced with plant material of similar variety and size if damaged, destroyed, or removed.
- (2) Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping.
- (3) An automatic irrigation system must be installed in all required landscaped areas and in all front yards along thoroughfares with a right-of-way in excess of eighty feet (80').
- (4) Any person desiring to install and maintain landscaping materials and irrigation facilities within the City right-of-way must first enter into and execute a "Median Right-of-Way Landscape and Irrigation Agreement with the City.
- (5) Diameters of existing trees are measured at four feet (4') above grade. If the tree is on a slope, measurement shall be from the high side of the slope. Measurements must be taken above unusual swells in the trunk
- (6) To determine the diameter of a multi-trunk tree, all trunks must be measured and the total diameter of the largest trunk must be added to one-half (1/2) the diameter of each additional trunk. Diameter measurements should be accurate to the nearest one-half (1/2) inch. Trees may be measured with a caliper, cruise stick, standard tape measure or diameter tape.

23A-11 Approved Trees for New Plantings. The following is a list of approved high quality, long-living trees which are considered suitable for local soil conditions and climate. Other species may be planted with approval from the City Council.

(1) Shade Trees – Height Range 30-60'

Bald Cypress	Taxodium distichum
Cedar Elm	Ulmus crassifolia
Lacebark (Drake) Elm	Ulmus parvifolis "Drake"
Pecan	Carya Illinoensis
Chinese Pistacke	Pistacia chinensis
Bur Oak	Quercus macrocerpa
Shumard or Texas Red Oak	Quercus shumardi or texana
Sweet Gum	Liquidation styraciflua
Green Ash	Fraxinus pennsylvanica "Marshall Seedless"
Live Oak	Quercus virhinians
Western Soapberry	Sepindus drummondi
Eastern Red Cedar	Juniperus virginiana
Cedar Elm	Ulmus crassifolla
Red Oak	Quercus shumerdil
Pecan	Carya illinoensis
Burr Oak	Quercus macrocarpe
Chinquapin Oak	Quercus muhlenbergil
Live Oak	Quercus virginiana
Green Ash Cultivare	Fraxinus pennsylvania ssp.
Bald Cypress	Taxodium disticum
Pistachio	Pistaola chinensis
American Elm	Ulmus americana

(2) Ornamental Trees – Height Range 10-20'

Japnese Black Pine	Pinus thunbergil
Afghan (Eldarica) Pine	Pinus eldarica
Redbud	Cercis Canadensis
Crape Myrtle	Lagerstremia indica
Ysupon Holly	Ilex vernitoria
Flowering Pear	Pyrus calleryana "Bradford", "Capital", "Aristocrat"
Texas Sophora	Sophora affinis
Mexican Plum	Prunus Mexicana
Purple Plum	Prunus cerasifera
Crabapple	Malus augustufolia
Deciduous Holly	Ilex daciua
Chaste Tree	Vitex Agnus-castus
Mexican Buckeye	Ungnadia speciosa
Wax Myrtle	Myrica carifera
Desert Willow	Chilpsos llnearis

23A-12 Conflict With Other Regulations. If a provision of this section conflicts with a provision of another section of this ordinance or with a provision of another ordinance, the stricter regulation controls."

Section 2. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

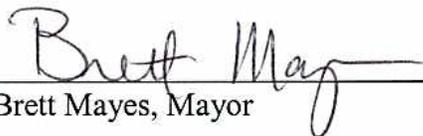
Section 3. That Ordinance No. 110, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

Section 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance which shall remain in full force and effect.

Section 5. That this ordinance shall take effect upon passage and publication.

DULY ADOPTED by the City Council of the City of Lowry Crossing, Texas on the 1st day of June, 2004.

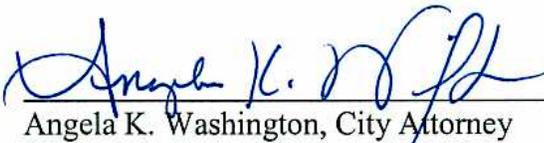
APPROVED:


Brett Mayes, Mayor

ATTEST:


Eddie Sturgal, City Secretary

APPROVED AS TO FORM:

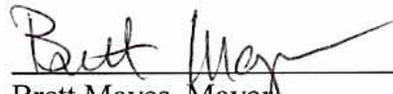

Angela K. Washington, City Attorney

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