

ORDINANCE 04-15

AN ORDINANCE OF THE CITY OF COMMERCE, AMENDING SECTION 22 OF THE CITY OF COMMERCE CODE OF ORDINANCES BY ADDING ARTICLE XIII TITLED LANDSCAPING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS:

Article XIII: Landscaping

Applicability: Landscaping shall hereafter be provided and maintained on all NS (neighborhood services), GB (general business), HC (heavy commercial) and I (industrial) zoned properties where development or construction and expansion, reconstruction, or redevelopment of 50% or more occurs in accordance with the following requirements.

Sec 22-386. Landscape and Screening

- A) The Planning and Zoning Commission may recommend and the City may require screening, fencing and landscape requirements on the final plat where the final plat is adjacent to other residential zoned property, to insure adequate screening, fencing and landscaping to the properties. The requirements shall be common to urban residential developments. All refuse storage areas shall be visually screened. In no case shall this screen exceed eight (8') feet in height. The maintenance of all required landscape and screening shall be maintained by the development in a clean, healthy and orderly manner, free of trash, litter, weeds and other such materials and plants not part of the landscape or screen.
- B) Permits – No permits shall be issued for building, paving, grading or construction until a landscape plan is submitted and approved by the City Manager or his designee. In the event that the proposed development requires an approved subdivision plat, site plan, or master development plan, no such final approval shall be granted unless a landscape plan is submitted and approved.
- C) Exception – In any case in which an occupancy certificate is sought at a season of the year in which the City Manager or his designee determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, an occupancy certificate may be issued notwithstanding the fact that the landscaping required by the landscape plan has not been completed, the owner shall install all landscaping required by the landscaping plan within six months of the date of the application. Failure to complete the required landscaping is a violation of this Ordinance.
- D) Landscape plans – Prior to the issuance of a building, paving, grading or construction permit for any use, a landscape plan shall be submitted to the City Manager or his designee. The City Manager or his designee, shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in accord, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.
 - 1) Landscaping plans shall be prepared by a landscape architect, landscape contractor, landscape designer, knowledgeable in plants, materials and landscape design. However, the Irrigation Plan will not be required to be submitted prior to issuance of the building permit. The Irrigation Plan

will be designed by a licensed Irrigator. Landscape plans shall contain the following information:

- a) Minimum scale of one inch equals 50 feet;
 - b) Location of all trees to be preserved;
 - 2) Location of all plant and landscaping material to be used including plants, paving, benches, screens, or other landscape features:
 - a) Species of all plant material to be used;
 - b) Size of all plant material to be used;
 - c) Spacing of plant material where appropriate;
 - 3) Description of maintenance provisions for the landscape plan;
 - 4) Person(s) responsible for the preparation of landscape plan.
- E) Maintenance – The owner shall be, if any, responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size.
- F) General standards – The following criteria and standards shall apply to landscape materials and installation.
- 1) Quality. Plant materials used in conformance with the provisions of this ordinance shall conform to the standards of the American Standard For Nursery Stock, or equal thereto. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
 - 2) Trees. Trees referred to in this section shall be of a species common to this area of Texas and shall have an average spread of crown of greater than 15 feet at maturity. Trees having a lesser average mature crown of 15 feet may be substituted by grouping the same so as to create the equivalent of a 15 feet crown of spread. Trees shall be of a minimum of two caliper inches when measured six inches above the ground.
 - 3) Shrubs and hedges. Shrubs shall be a minimum of eighteen inches in height when measured immediately after planting. Hedges, where installed, shall be planted and maintained so as to form a continuous unbroken, solid, visual screen which will be three feet height within one year after time of planting.
 - 4) Vines. Vines shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet screening requirements as specified.
 - 5) Ground cover. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year of planting.
- G) Minimum landscape requirements for non-vehicular open space – All remaining open spaces on any developed lot or parcel shall conform to the following minimum requirements:
- 1) Grass, ground cover, shrubs and other landscape materials shall be used to cover all open ground within 20 feet of any building or paving or other use such as storage.
 - 2) All structures shall be treated with landscaping so as to enhance the appearance of the structure and to screen any detractive or unsightly appearance.
 - 3) Trees shall be planted in non-vehicular open space to meet the following requirements. Existing trees that are preserved on a developed site may be credited to the following requirements:

Percentage of Site in Non-vehicular Open Space

Less than 30
30-49
Over 50

Tree Ration per Non-vehicular Open Space

1 tree/2,500 square feet
1 tree/3,000 square feet
1 tree/4,000 square feet

H) Sight distance and visibility – Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind comers at intersections. Whenever an access way intersects a public right-of-way or when the subject property abuts the intersection of two or more public rights-of-way, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between three and six feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas are:

- 1) The areas of property on both sides of the intersection of an access way and a public right-of-way shall have a triangular visibility area with two sides of each triangle being ten feet in length from the point of the intersection and the third side being a line connecting the ends of the other two sides.
- 2) The areas of property located at a comer formed by the intersection of two or more public rights-of-way shall have a triangular visibility area with two sides of each triangle being 20 feet in length from the point of the intersection and the third side being a line connecting the ends of the other two sides.
- 3) Landscaping, except required grass and low ground cover, shall not be located closer than three feet from the edge of any access way pavement.
- 4) In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the City Manager or his designee, the requirements set forth herein may be reduced to the extent to remove the conflict.

Sec. 22-387

- A) Street Landscaping. A landscape buffer strip a minimum of five (5) feet in width must be provided along the entire length of the property to be developed that is adjacent to a major arterial or collector street, as defined in the City's thoroughfare plan, exclusive of driveways and access ways. Large trees, as herein defined shall be provided in the required buffer in numbers equal to one tree for each fifty (50) feet of street frontage.
- B) B) Right-of-way landscaping requirements. All street right-of-way located adjacent to the proposed development shall be improved with grass material and shall be maintained. It shall be the responsibility of the developer to design the irrigation system within the lot to ensure that the grass placed in the right-of-way is watered and maintained and to ensure that minimal water will enter the street itself. The designer of the irrigation system shall base the design on the ultimate proposed width of the street when designing the system. The plans for design of the irrigation system shall be approved by the City prior to installation.
- C) Parking lot landscaping. Any parking lot with more than two (2) rows of spaces shall have a minimum of five (5) percent or two hundred (200) square feet, whichever is greater, in the interior of the parking lot in landscaping. Such landscaping shall be counted toward the total landscaping. If the parking and

maneuvering space exceeds twenty thousand (20,000) square feet, one (1) large tree for every twenty (20) required parking spaces shall be required internal to the parking lot. No tree shall be planted closer than two and a half (2 1/2) feet to the pavement.

- D) Dimensions of landscaping. All required landscaping shall be no less than five (5) feet wide and a minimum of twenty (25) square feet in area unless it is within ten (10) feet of the building.
- E) Required landscaping. Minimum square footage requirements for landscaping shall be provided and maintained in the zoning districts set forth as follows. The requirements shall be applied to the total site area to be developed:

District	% Requirement		
Neighborhood Service	20%		
General Business	15%		
Heavy Commercial	10%		
Industrial	10%		
		I	I

Sec. 22-388 Exceptions Authorized

The City Council shall have authority to authorize reasonable exceptions to a property's strict conformity with these regulations upon request of a property owner, when it is shown the requested exceptions (1) are not contrary to public interest or the spirit of the Planned Development, (2) do not cause injury to other properties in the area, and (3) allow for the development in a manner contemplated by the Planned Development.

If any section, subsection, word, sentence, or phrase of this ordinance is declared to be invalid it shall not affect the validity of this ordinance.

PASSED AND APPROVED on the **FIRST READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 7th day of September 2004.

PASSED AND APPROVED on the **SECOND READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 21st day of September 2004.

ATTEST:

Marty Cunningham
Marty Cunningham, City Secretary

(seal)

CITY OF COMMERCE:

Sheryl Zelhart
Sheryl Zelhart, Mayor

I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an ordinance, and that the same has not been repealed and is in full force and effect.

Marty Cunningham
Marty Cunningham, City Secretary

(seal)

Sworn to and subscribed before me, on this the 23 day of September
2004 to certify which witness my hand and seal of office.

(seal)



LEAH NORMAN
Notary Public
State of Texas
Comm. Expires 09-20-2005

Leah Norman
Notary Public, State of Texas

cityordinance/LandscapeOrd.092104