

ORDINANCE NO. 2023-9-11 (9D)

AN ORDINANCE AMENDING CHAPTER 14 ZONING, BY AMENDING SECTION 14.02.122 LANDSCAPING AND SCREENING REQUIREMENTS, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council ("Council") is the governing body for the City of Rockdale, Texas, and therefore, it must bear the initial responsibility for the integrity of governance; and

WHEREAS, landscaping is an important tool that combats blighted areas and transforms a community; and

WHEREAS, xeriscape landscaping is another option that eliminates blight and can survive in drier climates;

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Amendment of Section 14.02.122 LANDSCAPING AND SCREENING REQUIREMENTS. Section 14.02.122 Landscaping and Screening Requirements is hereby amended as follows:

§ 14.02.122 Landscaping and screening requirements.

(a) Purpose. The purpose of this section is, in conjunction with the other requirements of this article, to promote and support the orderly, safe, attractive and healthful development of land located within the community, and to promote the general welfare of the community by preserving and enhancing ecological, environmental and aesthetic qualities, through established requirements for the installation and maintenance of landscaping elements and other means of site improvements in developed properties. The following are additional factors considered in establishing the requirements of this section:

(1) 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.

(2) The city encourages the practice of xeriscape through the use of native, drought-resistant vegetation that does not consume large quantities of water.

(b) 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 for A, R-1E, R-1C and R-1 districts.

(c) 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.

(d) Planting criteria.

(1) 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 recommended landscape trees are available from Texas A&M and allowed plants only include native species (Texas A&M Forest Service - Trees of Texas - List of Trees (tamu.edu). A minimum area of three (3) feet in radius is required around the trunks of all existing and proposed trees.

(2) Shrubs and ground cover. Shrubs, vines and ground cover planted pursuant to this section shall be good, healthy nursery stock from the Texas Native Shrubs (tamu.edu) listing. Shrubs must be, at a minimum, a one (1) gallon container size.

(3) Lawn grass. It is recommended that grass areas be limited. Areas that are grass planted shall be planted with drought-resistant species normally grown as permanent lawns, such as Bermuda, Zoysia, St. Augustine or Buffalo. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in areas subject to erosion.

Section 3. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances,

and sections of the City Code of Ordinances, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provision of this ordinance shall govern.

Section 4. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, unlawful, unenforceable, or unconstitutional, the same 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 5. Savings Clause. All rights and remedies of the City of Rockdale are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning and all other codes affected hereby including permit issuance, or vendor registration within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 6. Effective Date. This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the City Charter and the Texas Local Government Code.

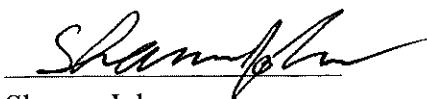
Section 7. Open Meeting Act. It is officially found and determine that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code.

PASSED AND APPROVED on first reading on this the Aug 14, 2023.

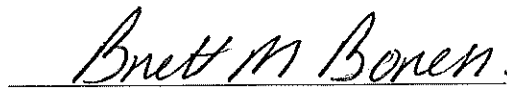
PASSED AND APPROVED on second reading on this the Sept 11, 2023.

ATTEST

THE CITY OF ROCKDALE



Shanna Johnson
City Secretary



Brett M. Boren, Mayor