

ORDINANCE NO. 2023-11-13 (10A)

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, the plantings of the appropriate amount of native species provides for an overall better development for developers and consumers; and

WHEREAS, the City Council finds it necessary to allow for enough space between each planting to improve the chance of each plantings survival;

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:

Sec. 14.02.122 Landscaping and screening requirements

(i) Additional required plantings.

For every one thousand (1000) square feet of landscape area required by this section, two (2) trees and four (4) shrubs shall be planted. To reduce the thermal impact of unshaded parking lots, additional trees shall be planted, if necessary, so that no parking space is more than 50 feet away from the trunk of a tree, unless otherwise approved by the commission. This subsection (i) shall

not apply to any property included in any of the following zoning categories: A, and R-1.

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ordinances, and sections of the City Code of Ordinances, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect.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.

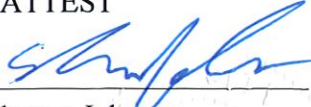
Section 6. Effective Date. This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the City Charter and the Texas Local Government Code.

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 9th day of October 2023.


PASSED AND APPROVED on second reading on this the 13th day of November 2023.

ATTEST



Shanna Johnson
City Secretary

THE CITY OF ROCKDALE



Brett M. Boren, Mayor