



City of Rowlett

Official Copy

Ordinance: ORD-025-15

4000 Main Street
Rowlett, TX 75088
www.rowlett.com

AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 77-504 OF CHAPTER 77-500 (“DEVELOPMENT AND DESIGN STANDARDS”) OF CHAPTER 77 (“DEVELOPMENT CODE”) TO AMEND SUBPARTS (2)(g) AND (3)(e) OF SUBSECTION (D), SUBPARTS (4) AND (5) OF SUBSECTION (E), AND ADDING A NEW SUBPART (9) TO SUBSECTION (E); AMENDING LANDSCAPING REQUIREMENTS PERTAINING TO AREAS WITHIN UTILITY EASEMENTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Rowlett and the governing body of the City of Rowlett, in compliance with the laws of the State of Texas and the ordinances of the City of Rowlett, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing and where the governing body in the exercise of its legislative discretion has concluded that the Zoning Ordinance of the City of Rowlett should be amended.

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

Section 1. That subsection (g) of subpart (2) of subsection (D) of Section 77-504 of Chapter 77-500 (“Development and Design Standards”) of Chapter 77 (“Development Code”) be and is hereby amended to read in its entirety as follows:

**“CHAPTER 77
DEVELOPMENT CODE**

...
CHAPTER 77-500. DEVELOPMENT AND DESIGN STANDARDS
...

Sec. 77-504. Landscaping and screening.
...

D. *Required landscaping.*
...

(2) *Perimeter buffer landscape requirements.*
...

(g) *Compatibility buffer.* Compatibility buffers shall serve to provide a minor transitional buffer between similar land uses. A compatibility buffer with a

minimum width of six feet shall be provided along all property lines where there is no existing buffer.

...”

Section 2. That subsection (e) of subpart (3) of subsection (D) of Section 77-504 of Chapter 77-500 (“Development and Design Standards”) of Chapter 77 (“Development Code”) be and is hereby amended to read in its entirety as follows:

**“CHAPTER 77
DEVELOPMENT CODE**

...
CHAPTER 77-500. DEVELOPMENT AND DESIGN STANDARDS

...
Sec. 77-504. Landscaping and screening.

...
D. *Required landscaping.*

...
(3) *Off-street parking landscaping requirements.*

...
(e) *Trees.* In addition to the trees required to be planted in parking landscape islands, there shall be a minimum of one tree planted for each 400 square feet or fraction thereof of required interior landscape area. A minimum of 75 percent of all trees required in the interior planting area shall be canopy trees. Ornamental trees substituted at a rate of 3:1 may count as one required tree, not to exceed 25 percent of the total required trees. Where only three or fewer trees are required, those trees shall all be canopy trees. Interior parking lot landscaping trees should not be placed in compatibility buffers. The number of interior parking lot landscaping trees may be reduced by the director of planning if the applicant provides written information documenting that providing the required interior parking lot landscaping trees would result in unhealthy conditions for tree growth.

...”

Section 3. That subparts (4) and (5) of subsection (E) of Section 77-504 of Chapter 77-500 (“Development and Design Standards”) of Chapter 77 (“Development Code”) be and are hereby amended to read in their entirety as follows:

**“CHAPTER 77
DEVELOPMENT CODE**

...
CHAPTER 77-500. DEVELOPMENT AND DESIGN STANDARDS

...
Sec. 77-504. Landscaping and screening.

...

E. *General landscaping requirements and standards.* The following criteria and standards shall apply to landscape materials and installation:

...
(4) *Proximity to overhead utilities.* To minimize conflicts with overhead power lines and overhead utility installations, the applicant may substitute canopy trees with ornamental trees from the approved plant list in section 77-504J at a ratio of three ornamental trees to one canopy tree when located under overhead utilities. Where overhead utilities exist, trees shall be maintained so that the mature tree canopy is a minimum of ten feet from the overhead utilities.

(5) *Irrigation and maintenance.* All landscape areas and open space shall be provided with an adequate, inconspicuous, and complete-coverage automatic irrigation system according to the following standards:

(a) All planted areas shall be irrigated.

(b) Irrigation systems shall be calibrated and designed to provide the appropriate amount of water that relates to the plant species, and shall not overwater.

(c) All irrigation systems shall be equipped with functioning rain and freeze sensors and shall comply with backflow and cross-connection regulations.

(d) Drip or soaker irrigation shall be used in all vegetated areas exclusive of turf grass areas.

(e) Under high-voltage power lines (operating voltages greater than 60,000 volts) and in easements for transmission towers, low pressure systems (drip and soaker hoses) shall be used. No control valve shall be located within an easement for transmission towers.

...”

Section 4. That subpart (9) of subsection (E) of Section 77-504 of Chapter 77-500 (“Development and Design Standards”) of Chapter 77 (“Development Code”) be and is hereby repealed and replaced with a new subpart (9), to read in its entirety as follows:

**“CHAPTER 77
DEVELOPMENT CODE**

...
CHAPTER 77-500. DEVELOPMENT AND DESIGN STANDARDS

...
Sec. 77-504. Landscaping and screening.

...
E. *General landscaping requirements and standards.* The following criteria and standards shall apply to landscape materials and installation:

...
(9) *Utility easements.* When locating landscaping and/or irrigation within a public or private utility easement, the applicant shall first obtain consent from the owner(s) of the utility easement. An easement owner’s refusal to consent shall not relieve or exempt the applicant from compliance with the landscaping and irrigation

requirements of this section; provided, however, that if consent cannot be obtained, plants and irrigation required in the easement area shall be located in the same yard as approved by the City.

Section 5. That all ordinances of the City of Rowlett, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Rowlett not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 6. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

Section 7. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

Section 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Rowlett, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two-thousand dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section 9. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such case provide.

At a meeting of the City Council on July 7, 2015 this Ordinance be adopted. The motion carried by the following vote:

Ayes: 7 Mayor Gottel, Mayor Pro Tem Gallops, Deputy Mayor Pro Tem Dana-Bashian, Councilmember van Bloemendaal, Councilmember Pankratz, Councilmember Bobbitt and Councilmember Sheffield

Approved by [Signature]
Mayor

Date July 7, 2015

Approved to form by [Signature]
City Attorney

Date July 7, 2015

Certified by [Signature]
City Secretary

Date July 7, 2015

