

CITY OF PORT LAVACA
PART II – CODE OF ORDINANCES

CHAPTER 42 – SUBDIVISIONS AND PLATS
ARTICLE VII. - GROUP HOUSING AND COMMERCIAL DEVELOPMENT

Sec. 42-1. - Definitions.

Building setback line means the line on a plat delineating the nearest point to which buildings may be located to the property line...

Building site means a lot or parcel of land in a single or joint ownership and occupied or to be occupied by a building or buildings, together with such open spaces as a required by the terms of this title and having its frontage on a public street, road, highway, or permanent means of access by way of City-approved public accessway or thoroughfare for vehicular or pedestrian travel.

Buffer yard means an area of land along the perimeter of a lot or parcel of land not constituting any part of a required yard and not on any portion of an existing right-of-way having thereon specified dimension, types and amounts of vegetation, or structures which may be required to reduce or eliminate the effects of land uses upon adjoining land uses or thoroughfares.

Drainage channel means a natural watercourse or manmade indenture for the drainage of surface water...

Intrusive/invasive species means weeds, undesirable natural and/or nuisance plants or aggressive species

Off-street parking means a parking area, situated entirely within the boundary lines of a lot, which is accessible only by use of the entrance/exit driveways...

Open space means an area, excluding parking or paved area but including any side, rear or front yard or any unoccupied space on the lot, that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches.

Pedestrian way means an easement or right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets, roadways and properties...

Permeable/pervious area means an area having pores or openings that allow water to pass through that is sufficient to foster plant maturity, health, and absorbability.

Street means a right-of-way, other than an alley, dedicated or otherwise legally established for public or private use, with a surface, usually affording the principal means of access to abutting property. Streets are intended primarily as a means of vehicular travel...

Street yard means the portion of a lot between the street right-of-way, or easement, or common access drive, and the required building placement; the portion of a lot adjoining a street as measured from the right-of-way.

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Tract means an area or parcel of land that the developer intends to subdivide and improve, or to cause to be subdivided and improved, pursuant to the requirements...

Yard means an open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward.

Sec. 42-161 – Landscaping

(1) Purpose.

- a. The purpose of this article is to establish landscaping standards for nonresidential and multifamily residential developments that protect and preserve the appearance and character of the City;
- b. Improve the compatibility of abutting uses;
- c. Protect the health and quality of life of the residents through the preservation of protected trees on property within the City;
- d. Conserve scarce water resources by promoting the planting of native and drought-resistant trees and shrubs;
- e. In establishing these standards, it is the City Council's intent to:
 1. encourage the preservation of trees and their value to the community;
 2. increase the compatibility of abutting uses;
 3. aid in energy conservation;
 4. and to minimize the effects on the surrounding environment due to noise, dust, debris, artificial light intrusions, and other impacts of an adjoining or nearby use.

(2) Applicability.

This article applies to all new nonresidential and multifamily developments, redevelopments, and substantial improvements in the city, and where specifically indicated, to existing trees and landscaping.

Exceptions. The following are exceptions to the standards of this article:

- a. Individual existing lots of record that are used for existing single-family detached or attached dwellings, or duplexes.
- b. Modifications to nonresidential buildings where the building expansion or redevelopment does not exceed the gross floor area of the existing building by more than 10 percent or 3,000 square feet, whichever is less.
- c. Sites that are proposed for redevelopment or substantial improvement, where due to the geometry of the site or existing improvements, installation of landscaping in compliance within this article would be impractical or unreasonable, in which case the Pre-Development Committee may approve a lesser landscaping requirement, provided that the reduction of landscaping standards is only the extent necessary to make the installation practicable. In no case shall this exception be interpreted to lessen these requirements for reasons other than those provided.

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(3) Landscape Plan.

A landscape plan is required where this article specifies below and shall apply to all building sites within the city limits where any of the following conditions are present:

- a. New construction:
 - 1. Any new building construction for which a building permit is required.
 - 2. Any construction of a new parking lot or parking area.
- b. Additions/renovations: Any building addition or renovation exceeding fifty (50) percent of the existing building area or existing building value as defined by the footprint of the existing building for which the building permit is required.
- c. Parking lot additions: Any parking lot addition on an existing or legal non-conforming property by more than one thousand (1,000) square feet or ten (10) percent in area of the existing parking lot must add landscaping in conformance with the provisions of this article.

(4) General Requirements.

- a. Irrigation. All landscaped areas shall be irrigated by means of a subsurface irrigation system and/or a hose attachment within 75 feet of a landscaped area or plant for nonresidential, and multifamily lots that require continued or periodic watering to be sustained.
- b. Clear view. All landscaping shall be located so as to not interfere with the act of parking, so as to not create traffic hazard by obscuring driver or pedestrian vision of intersections, walkways, driveways, and streets or a combination thereof.
- c. Time allowance. All approved vegetative landscaping, including screening and irrigation systems, shall be in place prior to the issuance of a certificate of occupancy, or if reasonable considerations prohibit completion of the planting of landscape material, a temporary certificate of occupancy may be issued for such time as is reasonable.
- d. Maintenance. It is the responsibility of the owner, tenant, or anyone exercising control of the premises, and their agents and employees, shall be responsible for the placement and maintenance of all landscaping required herein, including irrigation systems; and to keep same in good condition as to present a healthy, neat and orderly appearance free of debris.
- e. Requirements. Requirements for the removal and/or planting of all landscape material is set out in this article. The minimum landscape surface ratio (LSR) is combined with this Section, in addition to other applicable requirements of this article, to determine the type, quality, quantity, and location of required landscape material on a parcel proposed for development.

(5) Approval and Maintenance.

- a. Generally. The landscape plan shall have the following information and must be submitted concurrently with and approved as a part of the application for building permit:
 - 1. A planting plan of landscape material identifying location, size and quantity and labeled by its scientific and common names.

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2. Plans with dimensions and elevations, where appropriate, of special structural elements such as fences, walls, planters, fountains, berms, walkways, irrigating systems, and other elements included as special features to the landscape plant material. For the purpose of evaluating the effectiveness of proposed screening, site sections may be required.
 3. Building outlines, parking areas and arrangements, fences, monument signs and other structural features to be constructed on the site.
 4. Dimensions and locations of sight distance triangles.
- b. Changes to the landscape plan. Prior to alteration, enlargement, or change to an approved landscape plan, an amended plan shall be submitted to and approved by the Director of Development Services and shall be submitted in accordance with the provisions of this article.
- c. Required landscape surface ratio.
1. A minimum of 10 percent of the total building site, as defined herein, shall be devoted to landscaping; except that the square footage of all portions of the building site covered by buildings footprints or areas designated as fenced and secured storage areas shall be subtracted from the building site area prior to making the 10 percent calculation.
 2. At least 70 percent of the required landscaped area shall be located within the street yard.
 3. For multi-family developments, where it would be more desirable to disperse the landscaping throughout the site, the percentage of landscaping to be located in the street yard may be reduced by the approval of the Pre-Development Committee.
- (6) **Landscape area.** Landscape areas shall meet the following minimum requirements:
- a. Only approved landscape plants count towards the landscape requirements of this Article. Such plants shall be suitable for the City's region in accordance with the most current U.S. Department of Agricultural Hardiness Zone Map.
 - b. Plants that are not suitable for the City's region are allowed, but they are not counted towards compliance with this Article.
 - c. Plant species that are listed as *Invasive and Noxious Weeds* list for the State of Texas by the United States Department of Agriculture or on the *Texas Noxious and Invasive Plants* list by the Texas Department of Agriculture, are not allowed in the City.
 - d. Landscaped areas shall include a combination of the following types of materials: trees, shrubs, annual and/or perennial plants, vines, grass, and/or groundcover. Nonliving, durable materials commonly used in landscaping, such as, but not limited to organic mulches, rocks, pebbles, sand, walls and fences, but excluding paved surfaces, may also be utilized in landscaped areas. Pervious, decorative paving materials and brick pavers may be included in the form of walkways or driveways through landscaped areas; however, off-street parking areas paved with such materials shall not be considered as landscaped areas.

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- e. All landscaped areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to and encroachment of these areas.
- f. At least one tree shall be provided per 800 square feet of landscaped area required by the provisions of this section. A landscaped area of at least five feet by five feet shall be provided surrounding each tree. Each tree shall be a minimum caliper of two (2) inches and a minimum height of five (5) feet when planted. Outdoor car lots and other exhibitors of merchandise will be exempt from the tree requirement on any part of the landscaped areas that directly abut the show or display area.
- g. Shrubs, annual and/or perennial plants, vines, grass, and ground cover planted to meet the requirements of this section shall be good, healthy nursery stock. Shrubs shall be a minimum of one (1) foot in height or width when planted.
- h. Grass areas shall be planted in species normally grown as permanent lawns in The City of Port Lavaca. Grass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in the right-of-way, street yard and swales or other areas subject to erosion.

(7) Parking Lot Landscaping

Parking lot landscaping is required within and around nonresidential and multifamily parking lots that contain more than twenty parking spaces.

- a. *Parking Lot Planting Locations.* Parking lot landscape areas are required as follows:
 - 1. At the ends of parking rows, planted in endcap islands that are not less than nine feet wide and the length of the parking row (i.e., if there is single row of 90-degree parking spaces, the length is 18 feet; if there is a double row of 90-degree parking spaces, the length is 36 feet), with 10-foot curb radii on the side closest to the parking aisle.
 - 2. In the middle of parking rows at intervals required by subsection (c.), below, planted in interior islands that are not less than nine feet wide and the length of the parking space (i.e., if there is single row of 90-degree parking spaces, the length is 18 feet; if there is a double row of 90-degree parking spaces, the length is 36 feet), with five-foot curb radii on the side closest to the parking aisle.
 - 3. At the corners of parking lots, planted in corner islands, which is the area defined by the extension of the edges of intersecting parking rows.
 - 4. Three-foot landscape hedge along 25 percent of parking lot when it is adjacent to street right-of-way and access drives to multi-tenant shopping centers.
- b. *Parking Lot Planting Requirements.* Parking lot landscape islands shall be provided at an interval of one island for each 20 parking spaces, or fraction thereof, planted as follows:
 - 1. Each interior and endcap island shall be planted with a minimum of:

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- i. One large tree per parking row; and
- ii. Ground cover, which shall:
 - a) Consist of xeric shrubs, ornamental grasses, or perennials that are planted at intervals of not less than three feet in a bed of mulch, and sod, which may only be used for a maximum of 25 percent of the ground cover area.
 - b) Not include concrete, asphalt, or other impervious surfaces, with the exception of decorative pavers or stamped, dyed concrete which may be used only within the first foot of the parking island to allow persons to access their vehicle without stepping on landscaping.
 - c) Each parking lot corner shall be planted with two large trees or five small trees and ground cover in conformance with this Section.

(8) Street Trees

- a. Street Trees. Street trees are those trees which are planted at regular intervals in the street right-of-way and shall be planted according to the standards of subsection (e.), below, in the following circumstances:
 - 1. Along both sides of all streets (except alleys) within nonresidential and multi-family developments (except where the street is an existing street without room for the installation of street trees);
 - 2. Along both sides of new streets in other developments where there is sufficient right-of-way width to accommodate the street tree lawn; and
 - 3. Along existing rights-of-way where a street tree lawn is present and the entity responsible for the right-of-way authorizes the improvement.
- b. Street Tree Requirements. Generally, Street trees shall be provided in street tree lawns or street tree grates in sidewalks as follows:
 - 1. Along new public streets or private street easements that are created on a parcel proposed for development;
 - 2. In medians (including cul-de-sacs) that are created on a parcel proposed for development;
 - 3. In medians that are constructed near a parcel proposed for development in order to manage the traffic impacts of the development, provided that the medians:
 - i. Are of sufficient width to accommodate the root system;
 - ii. Are maintained by the property owners' association of the development that provides the median; and
 - iii. The installation of street trees in the median would not be detrimental to public safety.

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4. Unless otherwise approved, generally, Street trees shall be spaced 60 feet on center in street tree lawns or street tree grates, but shall not be installed in locations that interfere with required site triangles (see below). Special plantings may be clustered if it is demonstrated that the cluster arrangement will not negatively affect the long-term health of the clustered trees.
- c. Street Tree Plan Approval. A street tree plan shall be submitted to the City with the civil infrastructure construction plans.
- d. Maintenance of street trees. Street trees required by this ordinance shall be maintained by a developer, lot owner/operator, tenant, property owners' association or other entity having legal interest in the ownership of the commercial or multifamily development. The City will not be responsible for the replacement of landscape materials or irrigation which must be removed during the repair or maintenance of public utilities or other public improvements.
- (9) **Distance from Utilities.**
- a. No street trees or large trees shall be planted under or within 10 lateral feet of any overhead utility lines.
- b. No trees, except street tree species that are approved by the City, shall be planted over or within five lateral feet of any underground water line, sewer line, transmission line, or other utility line, or as required by the owner of the utility or the requirements of the specific easement.
- (10) **Sight Distance Triangles.**
- a. Trees or hedges shall not be installed in locations where there is a substantial likelihood that the mature form of the tree would have to be materially compromised in order to maintain sight distance triangles at the intersection within an area defined by lines of joining points located 20 feet back from the intersection of all curb lines extended.
- (11) **Completion of Landscape Improvements.**
- a. Buffer yard and Street Trees. Buffer yard and street tree landscaping must be completed prior to a certificate of occupancy being issued. If this requirement would result in the installation of landscaping during an inappropriate season, then the City may:
1. Allow the site plan to be recorded upon condition that security is provided for the installation of the required landscaping during planting season; or
 2. Issue a temporary certificate of occupancy, on the condition that a permanent certificate of occupancy will not be issued unless the required landscaping is installed.
- b. All Other Landscaping. All other landscaping must be installed before issuance of a permanent certificate of occupancy. A temporary certificate of occupancy may be issued if necessary to allow for the planting of landscaping improvements during an appropriate season or weather condition.

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(12) Maintenance.

- a. Upon the issuance of a certificate of occupancy, maintenance of the landscape areas and plantings required by this Article shall be maintained and all plant materials that die shall be replaced by the owner/operator.
- b. The City may inspect each site periodically after issuance of the certificate of occupancy to ensure compliance with the Article.

(13) Penalty.

- a. *Criminal.* Any person who shall violate any provision of this article, or fail to comply with any of the requirements of this article, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued, and upon conviction of any such violation such person shall be punished by a fine of up to five hundred dollars (\$500.00).
- b. *Civil.* The city may file a civil action in the district court seeking an injunction and civil penalties of up to one thousand dollars (\$1,000.00) per day for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued.

State Law reference - enforcement of municipal ordinances, V.T.C.A., Local Government Code Chapter 54.

END OF EXHIBIT A