

**ORDINANCE NO. 2024-0XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH AMENDING CITY OF WOLFFORTH CODE OF ORDINANCES BY AMENDING CHAPTER 14 ZONING, §14.04.018 LANDSCAPING STANDARDS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Wolfforth through its zoning regulations regulates the uses of property within the Wolfforth city limits including landscaping;

WHEREAS, the City has experienced rapid growth which has resulted in increased water usage;

WHEREAS, the City is taking measures to plan for the long-term growth of the City and for future residential and commercial development;

WHEREAS, the Planning and Zoning Commission held a public hearing on May 14, 2024, regarding amending the City landscaping standards; and

WHEREAS, the City published notice on April 26, 2024, in the Lubbock-Avalanche Journal for the May 14, 2024, public hearing before the Planning and Zoning Commission and the May 20, 2024, public hearing before the City Council; and

WHEREAS, the City Council believes it is in the best interest of the City to amend and update the landscaping standards in the City zoning regulations; NOW THEREFORE

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

**Part 1. Enacted.**

THAT City of Wolfforth Code of Ordinances is hereby amended by amending Chapter 14 Zoning, §14.04.018 Landscaping standards, which as amended shall read as follows:

**14.04.018 Landscaping standards**

(a) The purposes of the landscaping regulations are to:

- (1) Improve the aesthetic quality of the community including major thoroughfares, City right-of-way, and commercial frontage.
- (2) Increase ground permeability while reducing erosion and runoff;
- (3) Decrease the use of water by requiring the efficient use of irrigation, appropriate plant material, and regular maintenance.

- (4) Maintain and increase the value, of commercial property; and
- (5) Promote a flexible attitude of enforcement sufficient to meet the spirit and intent of these requirements.

(b) Applicability:

(1) The provisions of these regulations shall apply to all land within the corporate limits of the city and within the zoning districts specified in this section and shall be applied as follows:

(A) When a building permit for a new structure is required, or when a paving permit for a new parking area is required;

(B) When a building permit for remodeling, renovation, or expansion of an existing structure that increases the gross floor area by 50% or more or a paving permit that increases the number of off-street parking spaces by 50% or more is required.

(2) As a minimum standard; this Section shall apply to the following zoning districts; C-1, C-2, C-3, M-1, and M-2.

(3) Minimum standards for planned developments shall be determined at such time as the approval of a planned development site plan is requested or a planned development ordinance is established.

(c) Landscaping requirements:

(1) Definitions

(A) Landscape Area- An area which is covered by turf, ornamental shrubs, trees, ornamental landscape rock, bark, creative concrete designs, brick pavers, living grass, ground cover, or other plant material.

(B) Landscaping- A combination of materials that improve the aesthetic appearance of private property and/or public right-of-way.

(2) Total landscaping area will be calculated as follows:

(A) Total square footage of the site deducting the total square footage of the building pad, fenced-in retail and/or storage areas, permanent canopies, and other improvements reasonably considered to be part of the building and cover area for the primary activities carried on at the commercial site. The resulting number shall be described as the parking lot.

(B) An amount of land equal to ten percent (10%) of the parking lot is the amount of land required to be landscaped. Landscaping can be placed on private property, in the public right-of-way, or both.

(C) At least seventy-five percent (75%) of the total area required to be landscaped shall be located with the front perimeters of the site adjacent to an adjacent street or to adjacent streets for corner sites. The required landscaping need not be continuous along the entire front perimeters but can be situated in noncontiguous locations allowing driveways, signs, and other uses of portions of the front perimeters.

(D) Landscaping must not obstruct visibility for traffic flow or traffic devices.

(d) Irrigation-

The City would like to promote the use of efficient irrigation methods and practices. Only non-aerial systems such as flood irrigation, porous pipe or emitter/drip systems shall be utilized. Landscaping material that does not require irrigation and conserves water is recommended but not required.

(e) Plant material required-

(1) Ground cover shall be selected from at least two of the following categories:

(A) Ground cover- turf or low-growing vegetation;

(B) Flowering vegetation;

(C) Non-irrigation coverage – man-made or natural sculptures, rock, decomposed granite or similar material, or bark;

(D) Permanent landscaping- concrete design work or pavers; and

(E) Vegetation- native, low-irrigation shrubs or trees.

(2) Shown in Appendix “A” is a list of recommended plants within each plant material type.

The applicant may propose plants other than those listed if the plant seems appropriate for the intended use or the applicant maintains a plant care program sufficient to properly care for the proposed plant material.

(3) Concrete curb: Landscape adjacent to driveways and parking areas shall be protected from vehicle damage through the provision of a minimum six-inch (6”) high and six-inch (6”) wide concrete curb or other suitable type of barrier, as approved by the Director of Development Services.

- (4) Drought tolerant: Plant material shall emphasize drought-tolerance and/or climate appropriate species.
- (5) Clear of service lines: Trees and shrubs shall be planted so that at maturity they do not interfere with utility lines and traffic safety sight areas.
- (6) Prevent damage: Trees planted near public curbs or sidewalks shall be of a species and installed in a manner that prevents physical damage to the curbs, gutters, sidewalks, and other public improvements.
- (7) Groundcover: Living plants are acceptable, but quantities of bark, colored rock, gravel, and similar materials may be used in combination with living groundcover.

(f) Landscaping Plan

(1) A landscaping plan shall be submitted in conjunction with the construction plans to the planning department. The plan shall be scaled, detailed drawing comprehensive in nature, detailing the specific locations of irrigation, all dimensions, and landscaping material. All materials should be identified by type and usage.

(A) Clearly show the location and size of any buildings or structure;

(B) Clearly show the location of all paved off-street parking areas; and

(C) Clearly show any fencing and the location, size, and description of all landscaping materials to be utilized.

(2) No certificate of occupancy shall be issued unless the landscaping plan required herein complies with this section.

(g) Maintenance

(1) General: The owner of the landscaped property shall be responsible to maintain, trim, and prune the landscaping of that owner's property as well as the landscaping that owner places in the public right-of-way. 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 keeping beds mulched in accordance with standard practices or common landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not part of the landscaping. All material shall be maintained in an appropriate condition, as suitable for the season of year.

(2) Maintenance Requirements:

- (A) Planting areas shall be pruned and maintained to ensure a healthy and thriving condition.
- (B) Dead, dying, and diseased vegetation shall be replaced.
- (C) Planted areas shall be maintained in a relatively weed-free condition and clear of undergrowth which may cause undue fire hazards.
- (D) Landscape shall be maintained to avoid obstructing motorists' views.
- (E) Mulch or non-irrigation coverage shall be replenished as needed. Supplemental soil amendments shall be added when necessary to support and maintain healthy plant growth.
- (F) Integrated pest management principles and practices shall be included in the maintenance program.
- (G) All irrigation systems must be maintained in a state to prevent the waste of water.

(h) Exceptions

- (1) When seasonal conditions warrant, the Director of Development Services may issue a temporary certificate of occupancy for up to one hundred and eight days (180) pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements.
- (2) Whenever there are practical difficulties involved in complying with the provisions of this Section, the Director of Development Services may grant modifications in individual cases provided he/she shall first find that a special or unique circumstances that make a strict compliance with this Section impractical; that the modification is in conformity with the intent and purpose of this Section; and that the proposed modification is at least the equivalent of the requirements prescribed by this Section. Such modifications may only be made upon written application filed with the Director of Development Services. The details of any action granting a modification shall be recorded, and such written record shall be maintained by the Director of Development Services or designee in the files of the City.

**Part 2. Severability.**

If any section, sub-section, clause, phrase, or portion of this Ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase or portion shall be deemed to be separate, distinct and independent provision and such invalidity shall not affect the validity of the remaining portion.

**Part 3. Repeal.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

**Part 4. Open Meetings.**

That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

**Part 5. Effective Date.**

This Ordinance shall take effect immediately upon its passage and adoption by the City Council.

**PASSED AND APPROVED ON THIS THE 20<sup>th</sup> day of May 2024.**

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Charles Addington, II, Mayor  
City of Wolfforth, TX

ATTEST:

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Terri Robinette, City Secretary