

ORDINANCE NO. 2009-07

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEALY, TEXAS, BY ADDING NEW DEFINITIONS TO SECTION 14-401 OF ARTICLE VI OF CHAPTER 14 THEREOF; BY DELETING ALL OF PARAGRAPH (b) OF SECTION 14-402 OF ARTICLE VI OF CHAPTER 14 THEREOF AND SUBSTITUTING THEREFOR A NEW PARAGRAPH (b) OF SECTION 14-402; ESTABLISHING LANDSCAPE REQUIREMENTS OF SITE DEVELOPMENTS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500 FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING SEVERABILITY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS:

Section 1. The Code of Ordinances of the City of Sealy, Texas, is hereby amended by adding to Section 14-401 of Article VI of Chapter 14 thereof new definitions to read as follows:

“CHAPTER 14. BUILDINGS AND BUILDING REGULATIONS

...

ARTICLE VI. LANDSCAPE REQUIREMENTS FOR RESIDENTIAL, COMMERCIAL, INSTITUTIONAL, AND INDUSTRIAL DEVELOPMENT

...

Sec. 14-401. Definitions.

...

Developed land shall mean that portion of real property that has been altered from its natural landscape by the construction or reconstruction of any structure, parking lot, or other improvement.

...

Groundcover shall mean a spreading plant, including sods and grasses of less than eighteen inches (18”) in height, which may be used for erosion control.

...

Impervious surface shall mean any surface area that prevents infiltration of water into the soil. Impervious surface may include, but not be limited to, those surfaces covered by asphalt, concrete, crushed stone, clay, bedrock, limestone, and compacted soil.”

Section 2. The Code of Ordinances of the City of Sealy, Texas, is hereby further amended by deleting all of paragraph (b) of Section 14-402 of Article VI of Chapter 14 thereof and substituting therefor a new paragraph (b) of Section 14-402 to read as follows:

“Sec. 14-402. Landscaping requirements.

...

(b) No building permit shall be issued unless the proposed development includes the following minimum landscape requirements:

(1) Single-family and two-family residential development:

a. The front yard of the premises must have one shade tree located within 15 feet of the front lot line for each 50 feet of lot width or portion thereof, measured along the front lot line. Trees may be clustered or spaced linearly and need not be placed evenly at 50-foot intervals.

b. The front yard shall have a minimum of 75 percent of open space. The open space shall consist of ground cover and be clear of any concrete, asphalt, gravel or other impervious material. The front yard requirement for a home built in a cul-de-sac shall have a minimum of 60 percent of open space.

(2) All development(s) other than single-family or two-family residential structures:

a. The percentage of area required to be landscaped:

Total Area of Proposed Development Site	Required Landscape Open Space
Up to 20,000 sq. ft.	5% of area not covered by building or structure
20,000 to 200,000 sq. ft.	7 1/2% of area not covered by building or structure
Above 200,000 sq. ft.	10% of area not covered by building or structure

At least 50 percent of the required landscaped open space shall be located within the parking lot as an island or as a peninsula in order to be applied towards the landscaped requirements of this section. The remaining 50 percent of the required landscape open space may be located outside of the parking lot, but must be located forward of the rear building line of the primary structure and be visible from the public street.

The owner of the developed land shall not plant any tree on such land at a location which is adjacent to a street right-of-way where overhead utility lines are present. The intent of this restriction is to prevent a mature tree from being trimmed from the utility line area that would substantially hinder the longevity of the tree and its appearance.

Trees such as crepe myrtles and other species that typically do not mature at a height that exceed 16 feet are acceptable to be planted under utility lines conditional to the setback provision of the city code for pertaining to traffic safety.

Trees that have the potential to grow over a long period of time that will exceed 16 feet in height such as elm, oak, pecan and similar species are prohibited from planting under or near the overhead utility lines. A buffer area is required for these type trees of at least eight feet from the utility right-of-way.

b. The required number of trees on the developed land of the building site:

Area Not Covered By Building or Structure	Trees Required
Less than 7,000 sq. ft.	0
7,000 sq. ft. or greater	1, plus one tree for each additional 1,500 sq. ft., rounded to the next highest whole tree"

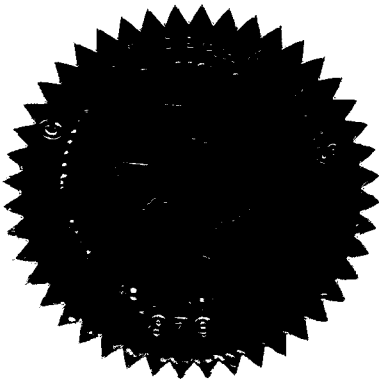
Section 3. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500. Each day of violation shall constitute a separate offense.

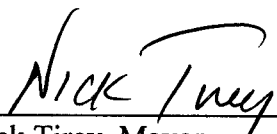
Section 4. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Sealy, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this 9th day of September 2009.

PASSED, APPROVED, AND ADOPTED on second and final reading this 23rd day of September 2009.





Nick Tirey, Mayor

ATTEST:



Krisha Langton, City Secretary