

ORDINANCE NO. 0082
RESIDENTIAL AND COMMERCIAL/INDUSTRIAL LANDSCAPING
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ORDINANCE NO. 0082

**AN ORDINANCE ADOPTING RULES AND REGULATIONS
FOR RESIDENTIAL AND COMMERCIAL/INDUSTRIAL
LANDSCAPING WITHIN THE MUNICIPAL LIMITS OF
THE TOWN OF HORIZON CITY, TEXAS**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HORIZON CITY,
TEXAS, THAT:**

SECTION 1 - PURPOSE AND INTENT

The purpose of this Ordinance is to establish minimum standards for the development, installation and maintenance of landscaped areas; and to encourage conservation of water by using Xeriscape techniques for landscape beautification of homes and businesses.

The provisions of this Ordinance shall be interpreted and applied as the minimum requirements for landscaping in the Town of Horizon City.

It is not intended that this Ordinance interfere with, abrogate, or annul any protective covenants or other agreements between individual parties. When there is a conflict between the requirements of this Ordinance and any protective covenant, agreement or other requirements imposed on the property, the more stringent requirement shall apply.

Nothing in this Ordinance shall be construed to annul or waive requirements in any other applicable Town of Horizon City Ordinance.

SECTION 2 - LANDSCAPING IN AREAS ZONED RESIDENTIAL

2.1 APPLICABILITY

The provisions of this Ordinance shall apply to the development, redevelopment or the total rehabilitation of all residential property within present or future incorporated areas of the Town of Horizon City.

A permit shall be obtained by anyone who intends to install initial landscaping, or any subsequent landscaping, in that area commonly known as “the front yard” in residential areas. The front yard shall be defined as the area between the sidewalk and the house, including the yard areas that extend to the rock wall enclosing the back yard area. When there is not a sidewalk on the property, the front yard shall be deemed to begin at the line where the sidewalk would be if there was one on the property.

The following fee schedule for permits shall apply:

Project cost up to \$5,000.00	Permit fee: \$30.00
Project cost \$5,001.00 and above	Permit fee: \$45.00

EXEMPTION MAY BE GRANTED BY THE BOARD OF ADJUSTMENTS OF THE TOWN OF HORIZON CITY ON RECOMMENDATION OF THE BUILDING INSPECTOR OF THE TOWN OF HORIZON CITY FOR INDIVIDUAL PROJECTS, IF THE APPLICANT CAN DEMONSTRATE ACCEPTABLE REASONS FOR THE REQUESTED EXEMPTION.

2.2 BOARD OF ADJUSTMENTS

When the Town of Horizon City Building Inspector does not approve a landscape or irrigation plan, or the installation of improvements, the applicant or their duly authorized representative may appeal that decision to the Board of Adjustments of the Town of Horizon City.

2.2.1 The Board of Adjustments of the Town of Horizon City may only grant exceptions to this Ordinance for the following circumstances.

1. When topography is such that full compliance is an excessive hardship.
2. For in-fill development of redevelopment when surrounding landscaping or prevailing practices in the vicinity dictate different standards than those contained in this Ordinance.
3. When the requirements of this Ordinance create a safety hazard.

2.2.2 The Board of Adjustments of the Town of Horizon City may only grant exemption when the applicant has provided evidence sufficient to show that the proposal meets or exceeds the purpose of this Ordinance.

2.2.3 The granting of a request for alternative compliance, as provided in this Section, shall not have the effect of nullifying the intent and purpose of this Ordinance.

2.2.4 Special conditions may be imposed by the Board of Adjustments of the Town of Horizon City, where necessary, to assure conformity with the purpose and intent of this Ordinance.

2.3 PLANS REQUIRED

2.3.1 Landscape plan. The landscape plan for a residential property may be hand-drawn and need not be drawn to scale. The plan shall include the following:

1. Name, address and telephone number of the property owner.
2. Date the project is scheduled to begin.
3. North arrow.
4. Total square footage of all landscape area.
5. Type, size, height and location of the proposed landscape materials to be used.

2.3.2 Plans showing the existing and proposed contour lines when required by the Building Inspector of the Town of Horizon City.

2.3.3 Irrigation Plan. The irrigation plan for a residential property may be hand-drawn and need not be drawn to scale. The plan shall include the following:

1. Type, size and location of piping.

2. Type, size and location of irrigation heads.
3. Type, size and location of back flow prevention devices, valves and controllers.

2.4 IRRIGATION STANDARDS AND REQUIREMENTS

Underground irrigation systems shall conform to the following specifications:

- 2.4.1 The source of irrigation water, whether potable or reclaimed, will be indicated on the irrigation plan.
- 2.4.2 When using a potable water irrigation source, an approved back flow prevention device shall be installed in accordance with the Town of Horizon City Plumbing Code, also known as **Southern Building Code**.
- 2.4.3 Drip, bubbler or similar types of irrigation system may be provided for trees, shrubs and ground cover areas.
- 2.4.4 Spray head type irrigation systems may be used in planting beds when spacing of plant materials is less than 18 inches on center. Spray head type irrigation systems shall have head to head coverage.
- 2.4.5 Irrigation heads adjacent to any on-site curbs, sidewalks or paved areas shall be installed flush with the finished grade.
- 2.4.6 Irrigation piping installed under the surface paving within a public right-of-way shall be installed within sleeving.
- 2.4.7 Irrigation valves shall be installed in accordance with Town of Horizon City Plumbing Code, also known as **Southern Building Code**.
- 2.4.8 Spray heads shall not be installed in the following locations:
 1. Within three feet of public street curbs or street edges.
 2. In areas less than four feet wide.
 3. In areas between the street and sidewalks where width is less than eight feet.
- 2.4.9 Temporary irrigation systems may be allowed for establishment of native grasses or wildflowers.

2.5 LANDSCAPING DESIGN STANDARDS

- 2.5.1 Plant Material. The use of native, drought-tolerant or adapted plant material is encouraged. Existing trees and shrubs may be incorporated into the required landscaping, if they conform to the requirements of this ordinance and do not create a safety hazard.
- 2.5.2 Turf Areas. The type, location and shape of turf area shall be identified on the landscape plan.

1. Turf shall not be treated as a fill-in material, but rather as a major planned element of the landscape.
2. Turf shall be placed so that it can be irrigated separately.
3. Turf, if used at all, shall be limited to 50% of the front yard. Turf use in landscaping of backyards is left to the discretion of the homeowner.
4. The use of drought tolerant turf is preferred over the traditional turf grass varieties.
5. Turf shall not be planted in the following locations:
 - A. Within three feet of street curbs or street edges.
 - B. In areas between the street and sidewalk.

2.6 INSTALLATION AND MAINTENANCE

- 2.6.1 Landscaping and irrigation systems shall be installed in accordance with approved plans; installation shall be completed within 180 days of closing of the sale on any property covered by this Ordinance.
- 2.6.2 Final grading in parkway landscaped areas shall be two inches below the top of adjacent curb and sidewalk, if any exist, to prevent landscaping material from littering the street and sidewalk.
- 2.6.3 All landscaping and irrigation improvements placed in the adjacent parkway for the purpose of satisfying requirements of this ordinance shall be approved by the Town of Horizon City Building Inspector, and properly maintained by the property owner making such improvements.
- 2.6.4 Routine maintenance of landscaped area does not require a permit.

2.7 INSPECTIONS

- 2.7.1 The Building Inspector of the Town of Horizon City or a designated inspector shall be authorized and empowered to make inspections at reasonable hours of all land uses or activities regulated by this Ordinance, in order to determine if applicable provisions of the Ordinance are being followed.
- 2.7.2 Inspections may be made without notice, and refusal to allow such an inspection shall be deemed a violation of this Ordinance. Such failure to permit an inspector shall be sufficient grounds for a citation or revocation of permit.
- 2.7.3 In the event a building, structure, or land appears to be vacant or abandoned, and the property owner cannot be readily contacted in order to obtain consent for an inspection, the Building Inspector of the Town of Horizon City may enter into or upon any open or unsecured portion of the premises in order to conduct an inspection thereof.
- 2.7.4 The Building Inspector of the Town of Horizon City shall be required to show official identification when making any inspection.
- 2.7.5 Law Enforcement officers may be called upon to assist in making inspections when required by the Building Inspector of the Town of Horizon City.

2.8 ENFORCEMENT

2.8.1 Revocation of Permit. The Building Inspector of the Town of Horizon City may revoke a permit upon determination that the work for which the permit was issued is in violation of, or is not in conformity with, the provisions of this Ordinance.

2.8.2 Stop Work Order. Upon notice from the Building Inspector of the Town of Horizon City, work on any landscaping/irrigation system that is being done contrary to the provisions of this Ordinance or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the property owner, or to their Agent, and shall state the conditions under which work may be resumed. Where an emergency exists, the Building Inspector of the Town of Horizon City shall not be required to give written notice prior to stopping work.

2.9 PENALTIES

For any violation which does not constitute a threat to life or property, the Town of Horizon City shall have the authority to issue a citation as follows:

After 60 days	\$150.00
After 90 days	\$200.00
After 120 days	\$250.00

SECTION 3 - LANDSCAPING IN AREAS ZONED COMMERCIAL/INDUSTRIAL

3.1 APPLICABILITY

The provisions of this Ordinance shall apply to the development, redevelopment or total rehabilitation of all commercial/industrial property within present or future incorporated areas of the Town of Horizon City.

All new commercial and industrial building permits requested shall include landscaping plans along with building plans.

The following fee schedule for permits shall apply:

Project costs up to \$5,000.00	Permit Cost: \$30.00
Project costs \$5,001.00 and above	Permit Cost: \$45.00

Commercial and industrial developers may elect to include the cost of the landscaping permit in the building permit fee.

EXEMPTIONS MAY BE GRANTED BY THE BOARD OF ADJUSTMENTS OF THE TOWN OF HORIZON CITY ON RECOMMENDATION OF THE BUILDING INSPECTOR OF THE TOWN

OF HORIZON CITY FOR INDIVIDUAL PROJECTS, IF THE APPLICANT CAN DEMONSTRATE ACCEPTABLE REASONS FOR THE REQUESTED EXEMPTION.

3.2 BOARD OF ADJUSTMENTS

When the Town of Horizon City Building Inspector does not approve a landscape or irrigation plan, or the installation of improvements, the applicant or their duly authorized representative may appeal that decision to the Board of Adjustments of the Town of Horizon City.

3.2.1 The Board of Adjustments of the Town of Horizon City may only grant exceptions to this Ordinance for the following circumstances:

1. When topography is such that full compliance is an excessive hardship.
2. For in-fill development of redevelopment when surrounding landscaping or prevailing practices in the vicinity dictate different standards than those contained in this Ordinance.
3. When the requirements of this Ordinance create a safety hazard.

The Board of Adjustments of the Town of Horizon City may only grant exemption when the applicant has provided evidence sufficient to show that the proposal meets or exceeds the purpose of this Ordinance.

The granting of a request for alternative compliance, as provided in this Section shall not have the effect of nullifying the intent and purpose of this Ordinance.

Special conditions may be imposed by the Board of Adjustments of the Town of Horizon City, where necessary, to assure conformity with the purpose and intent of this Ordinance.

3.3 PLANS REQUIRED

Construction projects in commercial and industrial areas are required to include landscaping and irrigation plans that demonstrate compliance with this Ordinance when they request a building permit. These plans shall be drawn at a minimum scale of one inch equals twenty feet.

3.3.1 Landscape Plan. The landscape plan shall indicate the following.

1. Date, scale, north arrow, project title and address.
2. Name, address and telephone number of the property owner of the person preparing the plan.
3. Type, size, height and location of the proposed landscape materials to be used.
4. Total square footage of all landscape area.

Plans showing the existing and proposed contour lines when required by the Building Inspector of the Town of Horizon City.

Irrigation Plan. In the Industrial and Commercial districts, the irrigation plan shall be designed and sealed by a licensed irrigator or as otherwise allowed by the Building Inspector, and shall indicate the following:

1. Type, size and location of piping.
2. Type, size and location of irrigation heads.
3. Type, size and location of back flow prevention devices, valves and controllers.

3.4 LANDSCAPING DESIGN STANDARDS

3.4.1 Earth Berms. Where provided, earth berms in the public right-of-way shall be constructed with a maximum slope of 1:3, and shall be treated with a ground cover, either vegetative or inert materials, that prevent soil erosion. The base of the berm shall be a minimum of three feet from sidewalks, curbs, driveways or other paved surfaces, so that potential water runoff is reduced or eliminated, or the landscape design shall show the use of swales and water harvesting to reduce or minimize runoff.

3.4.2 Plant Material. The use of native, drought-tolerant or adopted plant material is encouraged. Existing trees and shrubs may be incorporated into the required landscaping, if they conform to the requirements of this ordinance and do not create a safety hazard.

3.4.3 Turf Areas. The type, location and shape of turf area shall be identified on the landscape plan.

1. Turf shall not be treated as a fill-in material, but rather as a major planned element of the landscape.
2. Turf shall be placed so that it can be irrigated separately.
3. The use of drought tolerant turf is preferred over the traditional turf grass varieties.
4. Turf shall not be planted in the following locations.
 - A. Within three feet of street curbs or street edges.
 - B. In areas between the street and sidewalk whose width is less than eight feet.
 - C. In rights-of-way where slopes are 1:3 or greater from the horizontal.

3.4.3 Irrigation Standards and Requirements.

Underground irrigation systems shall conform to the following specifications:

1. The source of irrigation water, whether potable or reclaimed will be indicated on the irrigation plan.

2. When using a potable water irrigation source, an approved back flow prevention device shall be installed in accordance with the Town of Horizon City Plumbing Code, also known as Southern Building Code.
3. In commercial and industrial areas, underground irrigation systems shall be controlled by an automatic controller.
4. Drip, bubbler or similar types of irrigation system shall be provided for trees, shrubs and ground cover areas.
5. Spray head type irrigation systems may be used in planting beds when spacing of plant materials is less than 18 inches on center. Spray head type irrigation systems shall have head to head coverage.
6. Irrigation heads adjacent to any on-site curbs, sidewalks or paved areas shall be installed flush with the finished grade.
7. Irrigation piping installed under the surface paving within a public right-of-way shall be installed within sleeving.
8. Irrigation valves shall be installed in accordance with Town of Horizon City Plumbing Code, also known as Southern Building Code.
9. Spray heads shall not be installed in the following locations:
 1. Within three feet of public street curbs of street edges.
 2. In areas less than four feet wide.
 3. In areas between the street and sidewalks where width is less than eight feet.
10. Temporary irrigation systems may be allowed for establishment of native grasses or wildflowers.

3.4.5 Appropriate maintenance required in commercial and industrial areas:

1. Landscapes shall be maintained to ensure water efficiency. A regular maintenance schedule shall include but not be limited to checking, adjusting, and repairing irrigation equipment; resetting the automatic controller according to the season, replenishing mulch, fertilizing, pruning and weeding in all landscaped areas.
2. Repair of irrigation equipment shall be done using the originally specified materials of their equivalents, unless exempted by the Board of Adjustments of the Town of Horizon City.

3.5 INSTALLATION AND MAINTENANCE

- 3.5.1** Landscaping and irrigation systems shall be installed in accordance with approved plans; installation shall be completed within 180 days of closing of the sale on any property covered by this Ordinance.

- 3.5.2 Final grading in parkway landscaped areas shall be two inches below the top of adjacent curb and sidewalk, if any exist, to prevent landscaping material from littering the street and sidewalk.
- 3.5.3 All landscaping and irrigation improvements placed in the adjacent parkway for the purpose of satisfying requirements of this Ordinance shall be approved by the Town of Horizon City Building Inspector, and properly maintained by the property owner making such improvements.
- 3.5.4 Routine maintenance in landscaped area does not require as permit.

3.6 INSPECTIONS

- 3.6.1 The Building Inspector of the Town of Horizon City or a designated inspector shall be authorized and empowered to make inspections at reasonable hours of all land uses or activities regulated by this Ordinance, in order to determine if applicable provisions of the Ordinance are being followed.
- 3.6.2 Inspections may be made without notice, and refusal to allowing such an inspection shall be deemed a violation of this Ordinance. Such failure to permit an inspector shall be sufficient grounds for a citation or revocation of permit.
- 3.6.3 In the event a building, structure, or land appears to be vacant or abandoned, and the property owner cannot be readily contacted in order to obtain consent for an inspection, the building Inspector of the Town of Horizon City may enter into or upon any open or unsecured portion of the premises in order to conduct an inspection thereof.
- 3.6.4 The Building Inspector of the Town of Horizon City shall be required to show official identification when making any inspection.
- 3.6.5 Law Enforcement officers may be called upon to assist in making inspections when required by the Building Inspector of the Town of Horizon City.

3.7 ENFORCEMENT

- 3.7.1 **Revocation of Permit.** The Building Inspector of the Town of Horizon City may revoke a permit upon determination that the work for which the permit was issued is in violation of, or is not in conformity with, the provisions of this Ordinance.
- 3.7.2 **Stop Work Order.** Upon notice from the Building Inspector of the Town of Horizon City, work on any landscaping/irrigation system that is being done contrary to the provisions of this Ordinance or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the property owner, or to their Agent, and shall state the conditions under which work may be resumed. Where an emergency exists, the Building Inspector of the Town of Horizon City shall not be required to give written notice prior to stopping work.

3.8 PENALTIES

For any violation which does not constitute a threat to life or property, the Town of Horizon City shall have the authority to issue a citation as follows:

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