

ORDINANCE NO.07-018-00

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING SECTIONS 1(b)(1), 1(b)(2), 1(b)(6), 1(c)(1), 1(c)(12), 1(c)(14), AND 1(c)(15), ARTICLE VI, EXHIBIT "A", ARTICLE 14.200, LEANDER CODE OF ORDINANCES, AND ORDINANCE NUMBER 05-018-00 TO AMEND LANDSCAPING AND SCREENING REQUIREMENTS TO ADOPT WATER CONSERVATION MEASURES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND AN OPEN MEETINGS CLAUSE.

**Whereas**, the Planning & Zoning Commission held a public hearing on the proposed amendments to Article 14.200, Leander Code of Ordinances, and forwarded its recommendation on the amendments to the City Council; and

**Whereas**, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has considered the proposed amendments and finds that the amendments are reasonable and necessary to protect the health, safety, and welfare of the present and future residents of the City;

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

**Section 1. Findings of Fact.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the provisions of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

**Section 2. Amendment of Sections 1(b)(1) and 1(b)(2), Article VI.** Article VI, Sections 1(b)(1) and 1(b)(2), Exhibit "A", Article 14.200, Leander Code of Ordinances is hereby in its entirety to read as follows:

(1) **Installation:** All landscape materials shall be installed and maintained according to generally accepted landscape practices for the region. Low water demanding landscapes, are encouraged and should include plants recommended by the Lower Colorado River Authority's *Texas Hill Country Landscape Option Specifications*, a copy of which is available in the City Planning Department.

(2) **Maintenance:** The owner of landscaped property shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Landscape irrigation systems shall not be mandatory with low water demanding landscapes, which are encouraged. Maintenance shall include

the removal of dead plant material and its replacement if that material was used to meet the requirements of this section.

**Section 3. Amendment of Section 1(b)(6), Article VI.** Article VI, Section 1(b)(6), Exhibit "A", Article 14.200, Leander Code of Ordinances is hereby in its entirety to read as follows:

(6) All turfgrass installed shall have summer dormancy capabilities and shall be one of the varieties set forth in Exhibit "B". Buffalo grass, zoysia grass or Bermuda grass are recommended for sunny sections of the landscape.

**Section 4. Amendment of Section 1(c)(1), Article VI.** Article VI, Section 1(c)(1), Exhibit "A", Article 14.200, Leander Code of Ordinances is hereby in its entirety to read as follows:

(1) A minimum percentage of the total lot area of property on which development occurs, after the effective date of this ordinance, shall be devoted to landscape development in accordance with the following schedule. Such percentages may include setback areas. The maximum landscape that may be planted in turfgrass for commercial development (listed in subsections (i) through (iv) below) is fifty (50) percent. However, all non-single-family and non-two-family setback areas are required to be landscaped in accordance with (2) below even if they exceed the following percentages:

- (i) Multifamily Dwellings, 20%
- (ii) Office and Professional Uses, 15%
- (iii) Commercial Uses, 15%
- (iv) Industrial or manufacturing, 10%
- (v) Single-family-Dwellings and Two-Family dwellings, see Item (3) below
- (vi) Schools, churches, community centers and parks, 15%.

The following may not be counted toward the above landscape area requirements:

(i) Detention and water quality ponds unless such ponds are designed as follows:

The ponds shall utilize earthen berms.

Any structural stabilization shall be limited to the use of native stone (except for outlet structures) and shall be limited to not more than thirty percent (30%) of the perimeter of the pond.

Such ponds shall be seamlessly integrated with the landscaping.

Such ponds shall be not greater than eighteen inches deep.

Such ponds shall not comprise more than 25% of the required landscaped area.

(ii) Utility, mechanical and electrical facilities.

(iii) Sidewalks or other paved surfaces except for any decorative aggregate or pervious brick pavers if contained in planting areas and comprising less than ten percent (10%) of the required landscape area.

(iv) Landscaped areas less than four feet in width. In calculating the width of landscaped areas, such areas shall not be divided by any form of pavement (e.g. sidewalks, detention or water quality ponds, paving, etc.)

**Section 5. Amendment of Section 1(c)(12), Article VI.** Article VI, Section 1(c)(12), Exhibit "A", Article 14.200, Leander Code of Ordinances is hereby in its entirety to read as follows:

(12) Soil Depth (New residential and non-residential)

All new landscapes (non-residential and residential) are required to have a minimum of six inches (6") of soil depth in areas planted with turfgrass. This six-inch (6") minimum soil depth will consist of 75 percent soil blended with 25 percent compost. The soil/compost blend shall be incorporated into the top two inches of the native soil. The six-inch (6") depth requirement does not apply to the area between the drip line and trunk of existing trees, shrub beds or wildscape areas. Areas with existing native vegetation that remain undisturbed shall be exempt from the soil depth provision of this section; provided that native soil and vegetation in such area is fenced during construction and protected from disturbance and compaction during the construction process.

**Section 6. Amendment of Section 1(c)(14), Article VI.** Article VI, Section 1(c)(14), Exhibit "A", Article 14.200, Leander Code of Ordinances is hereby in its entirety to read as follows:

(14) WaterWise Landscape Principles. These principles shall be an integral component of the landscape design and plan. Homebuilders shall be required to offer a WaterWise landscape option in any series of landscape options offered to home buyers. The seven basic principles of WaterWise landscaping include:

(i) Proper planning and design

(ii) Proper soil preparation (compost-improved topsoil)

(iii) Practical turfgrass selection of drought resistant-species

- (iv) Appropriate plant selection. The plants set forth in Exhibit "C" shall not be offered as part of a WaterWise landscape option.
- (v) Efficient irrigation systems
- (vi) Use of mulches
- (vii) Appropriate maintenance

**Section 7. Amendment of Section 1(c)(15), Article VI.** Article VI, Section 1(c)(15), Exhibit "A", Article 14.200, Leander Code of Ordinances is hereby in its entirety to read as follows:

(15) Irrigation Requirements (New residential and non-residential installations):

(i) All irrigation systems, both residential and non-residential, shall be installed in accordance with state law, Title 2 Texas Water Code, Chapter 34 and Title 30 Texas Administrative Code, Chapter 344, as amended, as regulated and enforced by the Texas Commission on Environmental Quality (TCEQ). Irrigation contractors who install the irrigation system must be a TCEQ Licensed Irrigator.

(ii) A permit shall be required for the installation of all automatic irrigation systems.

(iii) All automatic irrigation systems are required to have a rain sensor connected to an irrigation controller in order to stop the irrigation cycle during and after a rainfall event. Rain sensors are to be installed in a location where rainfall is unobstructed, such as a rooftop or fence line. Rain sensors are to be adjusted at the one-fourth-inch setting.

(iv) All new residential and non-residential irrigation systems are required to have pressure regulators if static pressure at the site exceeds the sprinkler manufacturer's recommended operating range. Extensive misting due to high pressure wastes water.

(v) Irrigation systems are to have a controller with multiple cycle, rain sensor capability and irrigation water budget feature.

(vi) Sprinkler systems shall be designed as to minimize overspray onto the hardscape.

(vii) Sprinkler heads shall be installed at least eight (8) inches from the curb.

(viii) For strips of land less than six (6) feet in width, spray irrigation shall be prohibited and low-flow irrigation systems (such as drip, bubblers or micro-irrigation) are required. For strips of land between six (6) feet and fifteen (15) feet in width, only low-flow irrigation (such as drip, bubblers or micro-irrigation), or spray irrigation using low-angle spray nozzles designed for the specific width to

be irrigated shall be permitted. For strips of land more than fifteen (15) feet in width, only gear-driven rotors with low angle nozzles may be used to irrigate turf areas. Planting beds may be irrigated with low-flow or spray irrigation. All spray heads must be designed to prevent low head drainage.

(ix) The incorporation of treated effluent, rainwater, or water from rain/storm water systems in an irrigation system is encouraged.

**Section 8. Addition of Sections 1(c)(16) and 1(c)(17).** Article VI, Section 1, Exhibit "A", Article 14.200, Leander Code of Ordinances is amended by adding Sections 1(c)(16) and 1(c)(17) to read as follows:

(16) A property owner's association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from:

(i) Implementing measures promoting solid waste composting of vegetation, including grass clippings, leaves or brush, or leaving grass clippings uncollected on grass;

(ii) Installing rain barrels or a rainwater harvesting system; or

(iii) Implementing efficient irrigation systems, including underground drip or other drip irrigation systems.

(17) A property owner's association may not include or enforce a provision that requires:

(i) A defined irrigation schedule specified by the association unless at defined irrigation schedule is mandated by the association's water supplier in order to curtail outdoor water use;

(ii) Maintenance of the landscape to a specified level that requires the property owner to irrigate his or her landscape;

(iii) Installation or maintenance of any specific variety or limited choice of varieties of turf grass; or

(iv) The homeowner to install a minimum percentage of turf in the landscape.

**Section 9. Conflicting Ordinances.** Article VI, Sections 1(b)(1), 1(b)(2), 1(b)(6), 1(c)(1), 1(c)(12), 1(c)(14), 1(c)(15) of Exhibit "A", Article 14.200, Leander Code of Ordinances and of Ordinance No. 05-018-00 are amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby

amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

**Section 10. Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

**Section 11. Savings Clause.** All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

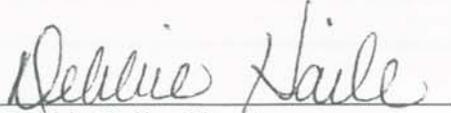
**Section 12. Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

**Section 13. Open Meetings.** 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 public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

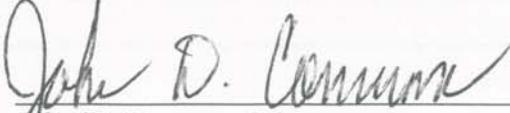
**PASSED AND APPROVED** on the 15<sup>th</sup> day of March, 2007.

**PASSED AND FINALLY APPROVED** on the 15th day of March, 2007.

**ATTEST:**

  
Debbie Haile, City Secretary

**CITY OF LEANDER, TEXAS**

  
John D. Cowman, Mayor