

ORDINANCE NO. 07-03-15-08

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CORINTH, BY ADDING A CHAPTER 158 "XERISCAPE PRACTICE AND PRINCIPALS"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Corinth, Texas, finds it necessary to add xeriscape regulations in the form of practices and principals as a method of water conservation environment and attractiveness of the City of Corinth, as well as to protect the health, safety and general welfare;

WHEREAS, there has been increased interest in the use xeriscape practices and principals within the City of Corinth;

WHEREAS, the City of Corinth currently doesn't recognize xeriscape practice and principals within the city limits;

WHEREAS, the City of Corinth recognizes the need for drought tolerant plants as a method of water conservation through the adoption of xeriscape practices and principals;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

SECTION 1

The Code of Ordinances of Corinth, Texas is hereby amended by adding Chapter 158, "Xeriscape Practice and Principals," which shall be and read as follows:

158.01 PURPOSE.

The city recognizes that it is desirable to accommodate xeriscape practices by using the principals explained in this ordinance within the city. This chapter is intended to provide principals for xeriscaping. Each principle must be considered during the planning and design phase, as the sequence of installation is also very important in assuring a successful xeriscape.

158.02 DEFINITIONS.

Xeriscape: A set of garden design and landscape maintenance principles that promote good horticultural practices, efficient use of water, and means water-conserving drought-tolerant landscaping.

Weeds: Vegetation that because of its height is objectionable, unsightly or unsanitary; but excluding shrubs, bushes and trees, cultivated flowers and cultivated crops.
(Ord. 91-10-3-1, passed 10-3-91)

Turf grass: Grass commonly used in Corinth in regularly-cut lawns or play areas, such as, but not limited to Bermuda, St. Augustine, Fescue, and Ryegrass blends.

Ornamental Grasses: A grass that is generally considered in the landscaping industry in this region to have ornamental qualities, and which is typically grown in a flower garden. Typically grows 6"- 36" inches and doesn't tolerate being cut below 6" inches. These said grasses are usually used as an accent grass and not the main coverage of the front yard. Most commonly they are grown for display of their flowers and may contain a variety of colors depending on the season. Other common ornamental features may include leaves and scent.

Irrigation System: An automatic watering system designed for watering lawns and gardens for a specified amount of time at a specified time of day. Irrigation systems are typically used to conserve water and time. All irrigation systems shall be equipped with an approved backflow prevention device to protect the water supply.

158.03 XERISCAPE PRINCIPALS.

Xeriscape is a method of landscaping that promotes water conservation. Rather than a specific 'look' or a limited group of plants, xeriscape is a combination of seven basic landscaping principles. These principles are explained below in the order a landscape planner or property owner would consider to install the best possible landscape. Each principle must be considered during the planning and design phase, as the sequence of installation is also very important in assuring a successful xeriscape.

1. Plan and design comprehensively

Have a plan. Consider the view, slope, exposure and soils of the area. Take into account the existing vegetation and topography of the site and intended use. Decide where things will be. Decide when things will be done. Most landscapes are best done in phases. A mixture of various heights of plants should be within the planned or designed area, and arranged in an aesthetically pleasing manner.

2. Evaluate soil and improve if necessary

Soils can vary within a given site; an analysis based on random sampling can provide information for plant selection and soil amendments. The soils in North Texas range from clay to sand, and both are low in organic material. Whether clay or sand, the soil in your landscape will benefit from the addition of sphagnum peat moss, compost, aged manure or other decomposed organic materials. This will improve root development and water penetration and retention. Consult with a local nursery or County Extension Office on how to improve the soil before planting and installing the irrigation system.

3. Create practical turf areas

The type and location of turf areas should be considered a major design element of the landscape. The selection and location of turf should be decided on the same basis as other plantings, such as your purpose and function of the landscape. The reduction or elimination of high-water-use turf areas, and locating them separately so that they may be watered more efficiently, can result in significant reductions in water use. Turf grass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic and provide for recreation use.

4. Use appropriate plants

Most plants have a place in xeriscape - even those that have high water needs. Plant selection should be based on the plant's adaptability to the existing conditions present at the landscaped area and native plant communities, particularly considering appropriate hardiness zone, soil type and moisture conditions, light, mature plant size, desired effect, color and texture. Plant species that are drought and freeze tolerant are preferred. Use of more plants with low water needs and native plants will allow the maximum water conservation.

5. Water efficiently

If an irrigation system is to be installed, it should be well planned and well managed. Turf areas should be watered separately. Group plants with like water needs, and water each group on separate zones. Not all plants need the same amount of water. Irrigation needs change with the season and the weather. Irrigate according to the needs of the plants rather than watering on a fixed schedule. Even plants used in xeriscape will require supplemental irrigation until they become established, which can take between two to three years.

6. Use organic mulch

Mulch minimizes evaporation, reduces weed growth, slows erosion and helps prevent soil temperature fluctuations. Organic mulch such as wood chips or bark is best, and although this mulch will decompose slowly over time, it will improve the soil by adding nutrients. The use of plastic is not recommended because it will cause organic mulch to slide or shift in location, preventing air and water from filtering into the soil, causing increased water runoff. Inorganic mulch, such as rock, should be used sparingly. Surrounding a home with rock will increase the temperatures, making the environment too warm for plants and people.

7. Maintain appropriately

Proper pruning, weeding, and fertilization, plus attention to the irrigation system, will preserve and enhance the quality of xeriscape. A landscape adapted to the environment will require less maintenance, less fertilizer and reduce the use of pesticides and other chemicals.

158.04 XERISCAPE PLANT SELECTION

Select trees, shrubs, perennials, vines, grasses, and groundcovers based on their adaptability to your region's soil and climate. Texas is blessed with an abundance of beautiful native plants which are naturally adapted to the region. Most have lower water demands, fewer pest problems and less fertilizer needs than many non-adapted, exotic plants brought into Texas landscapes.

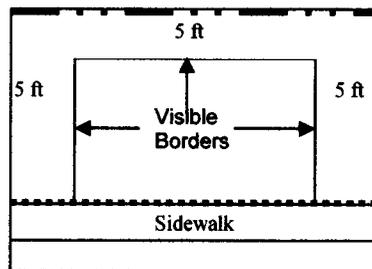
Through the support of the nursery industry, native Texas plants are becoming more available in retail nurseries and garden centers. Combining Texas natives with well-adapted exotic plants is a key to a beautiful, interesting landscape which conserves water. Refer to the tables in **Exhibit A** in this ordinance, and check with your local nursery or County Extension agent for recommendations on adapted landscape plants for your area.

158.05 XERISCAPING ALLOWED:

It shall be lawful for xeriscape plants to be planted or installed in a residentially zoned area, so long as such xeriscape plants are located in a planned and maintained area as defined herein. The City seeks to encourage each landowner to create and sustain a condition of ecological stability on his or her land, that is, a state of good health and vigor, as opposed to one of impairment and decline. It is not the intent of this ordinance to allow vegetated areas to be unmanaged or overgrown in ways that may adversely affect human health or safety, or pose a threat to agricultural activity. It is the express intent of this ordinance that it shall be lawful to grow xeriscaped areas as accent areas of the front yard, but xeriscaped areas must be limited to 25% of the front yard as described in this ordinance.

The accent areas in which xeriscape plants are permitted shall be in the front yard of a residence within determined boundaries. The accent areas and boundaries of the accent areas for xeriscape plants shall be determined by a border line parallel to and no more than five feet (5') inward from the sides and rear edges of the front yard as described and illustrated below:

1. From either edge of the side property lines of the front yard
2. From the rear edge of the front yard where it meets the residence building line



FRONT YARD
(Not drawn to scale)

Front Edge
Rear Edge/Building Line — . .

Due to the tall height of some xeriscape plants, the area between the front edge of the front yard by the public sidewalk and the rear edge of the front yard, save an area up to no more than five feet (5') from the rear edge where it meets the residence building line as illustrated in this ordinance, shall remain free of all xeriscape plants. Only the turf grass that encompasses most (75% or more) of the front yard shall be allowed in the front area of a front yard.

The areas described and illustrated in this ordinance are the "permitted use" accent areas for ornamental grasses.

- Though xeriscape plants may be allowed in any of the above defined permitted use areas, the totality of all accent areas used that contain xeriscape plants shall not exceed twenty-five percent (25%) of the total area of the front yard.
- The illustration in this ordinance only shows the areas permitted for use of xeriscape plants and does not illustrate that every area can be used simultaneously. Simultaneous use of all permitted areas can result in more than twenty-five percent (25%) of the total area of the front yard being used, which is not permitted.
- It will be the responsibility of the land owner to prove that accent areas containing xeriscape plants do not exceed twenty-five percent (25%) of the total area of the front yard and that such xeriscape plants do not extend or grow beyond the area in which such grasses are permitted.

Xeriscape plants in permitted use areas will not be required to meet the six inch (6") height requirement for turf grass.

Any planned and maintained area that contains xeriscape plants must have visible physical borders around the boundaries of the permitted use accent areas (see front yard illustration in this ordinance). The physical borders of the permitted use accent areas must be sufficient in depth and height to maintain separation of xeriscape plants and turf grasses. It will be the responsibility of the land owner to keep xeriscape plants from growing or hanging over the borders in a manner that prevents visibility of the borders.

As residential front yards are visible to the public and residents in a neighborhood, this ordinance about xeriscape plants only applies to the front yard of a residence or any side or back yard that is visible to the public or other residents in the neighborhood. As long as all side or back yard areas are not visible to the public, that is, enclosed by a residential fence that meets the requirements and description of residential fences in the city code of ordinances, residents are free to utilize any landscaping scheme of their choosing, including xeriscape, in any percentage amount in said enclosed side or back yards, and maintain these areas as they see fit.

158.06 ENFORCEMENT

If a decision is made to plant and install xeriscape plants as an accent area in the front yard of a residence, then the areas permitted for use of xeriscaped plants as described herein shall be followed. If it is determined that the provisions of this ordinance have not been followed, notice of violation will be given to the owner, tenant, agent or person (hereinafter "owner").

158.07 NOTICE OF VIOLATION

In the event any owner responsible for the planting of xeriscaped plants as an accent area fails to comply with the permitted use areas and provisions of this Ordinance, the City of Corinth, by and through its Code Enforcement Division or designee, shall give notice of the violation to such owner. Such notice shall be given to the owner in any one of the following ways:

1. A verbal or written notification provided to the owner;
2. A notification posted at the site or sale location; or
3. A letter addressed to the responsible owner on said application and/or property owner at premises as recorded in the appraisal district records of the appraisal district in which the property is located.

158.08 REMEDY FOR VIOLATION

In the event any owner fails to comply with Chapter 158 within ten (10) days after notification of violation as referenced in 158.07, the Code Enforcement Division may pursue the remedies provided the City of Corinth under Chapter 94 "Nuisances" of the Code of Ordinances for the City of Corinth.

SECTION 2

PROVISIONS CUMULATIVE

That this ordinance shall be cumulative of all other ordinances of the City of Corinth and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 3

RIGHTS AND REMEDIES SAVED

That all rights or remedies of the City of Corinth, Texas, are expressly saved as to any and all violations of the City Code of Ordinances that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 4

PROVISIONS SEVERABLE

That 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, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidances, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5

PUBLICATION

The City Secretary of the City of Corinth is directed to publish in the official newspaper of the City, the caption, penalty clause, and effective date of this ordinance as required by law and the City Charter.

SECTION 6

EFFECTIVE DATE

This Ordinance shall take effect and be in full force from and after the date of its passage and publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
CORINTH, TEXAS ON THIS THE 15th DAY OF March, 2007.



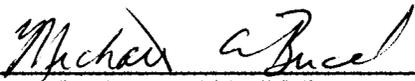
The Honorable Victor Burgess
Mayor City of Corinth, Texas



ATTEST: 

Kimberly Pence, City Secretary
City of Corinth, Texas

EFFECTIVE DATE: March 15, 2007



APPROVED AS TO FORM AND LEGALITY:
Michael A. Bucek, City Attorney