

## ORDINANCE NO. 2021-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTIONS 7.2.4.1 AND 7.2.4.2 AND CHAPTER 8, ARTICLE 1 OF THE CITY'S DEVELOPMENT CODE BY, AMONG OTHER THINGS, INCLUDING LIMITATIONS ON TURFGRASS INSTALLED IN NEW DEVELOPMENTS, REQUIRING THE USE DROUGHT-TOLERANT TURF GRASS SPECIES IN NEW DEVELOPMENTS, REQUIRING MINIMUM SOIL DEPTHS IN NEW DEVELOPMENTS, ADDING A DEFINITION FOR TURFGRASS, AND MAKING OTHER MINOR EDITS FOR CLARIFICATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

### RECITALS:

1. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, welfare and safety.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** Chapter 7, Supplemental Development Standards, Article 2, Landscaping and Screening, Division 4, Installation and Maintenance, Sections 7.2.4.1 and 7.2.4.2, of the San Marcos Development Code, Subpart B of the San Marcos City Code, are amended as set forth below. Added text is indicated by underlining. Deleted text is indicated by strikethroughs.

#### **Section 7.2.4.1 Installation**

A. All landscape materials shall be selected and installed according to:

1. ANSI Z60.1 American Standard for Nursery Stock, most current edition;
2. ANSI A 300 –Standard Practices for Tree, Shrub and other Woody Plant Maintenance, most current edition and parts; and
3. The City of San Marcos preferred plant list.

**B. Shade Trees.** Shade Trees planted for credit under Section 7.2.1.1 or Section 6.4.1.1 must be a native or locally adapted species included on the preferred plant list with an expected mature height of 35 feet or greater and an expected mature crown spread of at least 30 feet or greater unless subject to an overhead power line in which case the mature height may be less.

1. All shade trees planted must have a minimum caliper of 2.5 inches measured at 6 inches from the root collar, with a minimum container size of 45 gallons and be at least 9.5 feet on slower growing trees to a maximum of 16 feet tall at time of planting.

**C. Understory ~~t~~rees.**

1. Understory trees planted to meet the landscaping requirements must be a locally adapted species with an expected mature height of at least 8 feet and an expected mature crown spread of at least 8 feet.
2. Single-stem understory trees planted to meet the landscaping requirements must have a minimum caliper of 2 inches measured from the root collar, with a minimum container size of 20 gallons and be at least 6 feet tall at time of planting.
3. Multi-stem understory trees planted to meet the landscaping requirements must be at least 6 feet tall at time of planting with a minimum container size of 20 gallons.

**D. Shrubs, vines and ground cover.** Shrubs must be, at a minimum, a one-gallon container size at the time of planting. Ground cover may include one or a combination of any pervious materials including grass, mulch, stone and pavers.

**E. Turf gGrass areas.**

1. Turf gGrass areas ~~are encouraged to~~ shall be planted in drought-tolerant species normally grown as permanent lawns in the City, including Zoysia, Bermuda, Buffalograss, Habiturf (combination of Buffalograss, Blue Grama, and Curly Mesquite) (~~Habiturf~~) or other drought-tolerant turf grass varieties as approved by the City in consultation with Texas A&M Agrilife Extension and/or Lady Bird Johnson Wildflower Center.
2. In single-family residential homes, turf grass areas shall be limited to a maximum of 50% of the total provided landscaped area.
3. In all other developments, turf grass areas shall be limited to a maximum of 25% of the total provided landscaped area.
14. Turf gGrass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales, other areas subject to erosion, or as required in a Watershed Protection Plan. ~~2. In new residential developments, developers and homebuilders are encouraged to offer low-water use landscape alternatives, such as Zoysia, Habiturf or buffalo grass.~~

**F. Soils.** New landscaped areas ~~should~~ shall be prepared so as to achieve a soil depth of at least ~~six~~ 6 inches ~~for turf~~. A soil depth of 12 to 18 inches shall be used for perennials and shrubs, and 18-24 inches for trees. The six-inch soil depth ~~shall~~ should consist of at least ~~75% soil blended with~~ 25% compost blended with soil.

**G. Architectural planters.** The use of architectural planters may be permitted in fulfillment of landscape requirements.

~~**H. Turf areas.** Except in residential developments, turf areas should be limited to a maximum of 25% of the total required landscaped area.~~

~~**II. Xeriscape materials.** Developers and homebuilders are encouraged to plant native, adapted, and non-invasive xeriscape plants and trees in addition to using other materials such as mulch and compost to promote use of water-wise landscaping ~~such as mulch and compost~~.~~

**II. Other.**

1. Any approved decorative aggregate or pervious brick pavers shall qualify for landscaping credit if contained in planting areas, but no credit shall be given for concrete or other impervious surfaces.
2. Pursuant to TAC 202.007, property/home owner's associations shall not restrict or prohibit ~~turf or~~ landscaping materials that promote water conservation.

**J. Landscape irrigation.**

1. All required landscaping areas shall be capable of being ~~100%~~ irrigated by one of, or a combination of, the following methods:
  - a. A hose attachment within 100 feet of all plant material, provided, however, that a hose attachment within 200 feet of all plant material in non-street yards shall be sufficient;  
~~An automatic underground irrigation system with a rain sensor and freeze sensor;~~
  - b. A rain water catchment system~~A drip irrigation system;~~
  - c. A hose attachment within 100 feet of all plant material, provided, however, that a hose attachment within 200 feet of all plant material in non-street yards shall be sufficient;
  - d. An above-ground drip irrigation system such as soaker hoses ~~Rain water catchment system; or~~

- e. An automatic underground irrigation system with a separate, dedicated irrigation meter~~Type 1 or 2 non-potable water.~~
- 2. All irrigation systems shall be designed and sealed in accordance with the Texas Licensed Irrigators Act and shall be professionally installed.
- 3. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

**LK. Construction Phase.**

- 1. The permanent vegetation should be installed on the construction site as soon as utilities are in place and final grades are achieved. Final grading and removal of vegetation shall not occur more than 30 days prior to scheduled paving.
- 2. Landscaping should be mulched to a depth of 2-4" and devoid of weeds and trash. Newly planted trees shall be mulched in a 4 foot radius or 8 foot diameter. The mulch will be kept 6 to 8 inches away from the tree trunk.

**ML. Removal of Diseased or Dangerous Trees and Vegetation.**

- 1. A property owner may be required to treat or remove trees suffering from transmittable diseases or pests or allow the City to do so, charging the actual cost thereof to the property owner.
- 2. The Responsible Official may require the removal of a tree or part of a tree or any other vegetation that is within or overhanging a public right-of-way or easement if the tree or vegetation:
  - a. Is diseased or infested and in danger of falling;
  - b. Is creating a traffic hazard or sight distance hazard for traffic on a public street; or
  - c. Is interfering with safe and proper maintenance of the right-of-way or easement.

**Section 7.2.4.2 Maintenance**

- A. The owner of the building, or the manager or agent of the owner, shall be responsible for the maintenance of all landscape areas.
- B. The 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.

- C. All planted areas shall be provided with a readily available water supply and watered sufficiently to ~~ensure continuous healthy growth and development~~ maintain plant viability.
- D. All trees shall be maintained in accordance with the ANSI A300 Pruning Standard and ANSI Z133.1 Safety Standards. It is encouraged that work is completed by a Certified Arborist licensed by the International Society of Arboriculture, bonded, and insured.
- E. Maintenance shall include the replacement of all dead plant material needed to meet the requirements of this Article. Should a tree die or be removed for which credit has been obtained pursuant to this Land Development Code, trees sufficient to equal the area credited shall be required. A smaller tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree is retained

**SECTION 2.** Chapter 8, Definitions, Article 1, Defined Terms, of the San Marcos Development Code, Subpart B of the San Marcos City Code, is amended by adding the following definitions as set forth below. Added text is indicated by underlining.

**Grass:** See "turf or turf grass."

**Turf or Turf Grass:** means a surface layer of soil bound by grass and its roots into a thick mat that requires regular maintenance, mowing and watering.

**SECTION 3.** In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.


**SECTION 4.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 5.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.


**SECTION 6.** This ordinance will take effect after its passage, approval and adoption on second reading.

**PASSED AND APPROVED** on first reading on January 19, 2021.


**PASSED, APPROVED AND ADOPTED** on second reading on March 16, 2021. .

  
Jane Hughson  
Mayor

Attest:

  
Tammy K. Cook  
Interim City Clerk

Approved:

  
Michael J. Cosentino  
City Attorney