

ORDINANCE NO. 2024-26

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, AMENDING SECTION 8.13 OF THE ZONING ORDINANCE OF THE CITY, GOVERNING LANDSCAPE REGULATIONS; REPEALING CHAPTER 44 "LANDSCAPING" OF THE SAGINAW CITY CODE, IN ITS ENTIRETY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has previously adopted comprehensive landscape regulations to provide for the orderly and aesthetic development of the City and to promote the health, safety, and general welfare of the community; and

WHEREAS, the City Council now desires to update and revise the comprehensive landscape regulations applicable to the City; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements to amend the Zoning Regulations of the City; and

WHEREAS, the City Council finds that the regulations promulgated herein are in the best interest of the public health, safety, morals, and welfare.

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

SECTION 1.

That Section 8.13, "Landscape regulations," of Appendix A, "Zoning," of the Saginaw City Code is hereby amended to read as follows:

"Sec. 8-13. - Landscape regulations.

- A. *Purpose and intent.* The purpose of this section is to provide for the orderly and aesthetic development of the City and to promote the health, safety, and general welfare of the community. It is the intent of this section to achieve the following:

1. A balance between the need for landscape treatments and the need for commercial growth in the City.
2. Promote a flexible attitude of enforcement sufficient to meet the spirit and intent of these requirements.
3. Promote mutually beneficial improvements by using incentives than penalties.
4. To aid in stabilizing the ecological balance of the environment by contributing to the processes of air purification, oxygen regeneration, ground-water recharge, storm water runoff retardation and erosion control.
5. Provide for the separation and buffering of incongruous uses and intensity of activities; and provide for the visual softening of building masses.
6. Reduce glare from paved surfaces, dust nuisances and the impact of noise.
7. Protect and promote the value of residential and commercial properties within the City.
8. Promote a positive image for the attraction of new business enterprises within the City.
9. Encourage the protection of healthy trees and vegetation and promote the natural, ecological, environmental, and aesthetic qualities of the City.

B. *Landscape and irrigation requirements.*

1. General. The requirements herein shall apply to all new nonresidential construction, subdivision development, and multi-family construction. The requirements for landscaping shall combine the buffer yard requirements, minimum landscape areas on the interior portion of the lot, and minimum landscape areas for parking areas.
 - a. *Existing buildings.* Buildings in existence on the effective date of this Ordinance shall be considered legally nonconforming as it pertains to this Ordinance. The requirements herein shall apply to new construction necessary to replace a legally nonconforming structure if it has been damaged or destroyed to the extent of fifty (50%) percent of its value prior to the

damage, or if fifty (50%) percent of its structural area has been damaged or destroyed.

- b. *Pad site developments.* Pad site developments or ground lease developments shall be required to provide landscaping in accordance with the interior landscape requirements of section 8-13. B.4 herein.
2. **Buffer yards.** A minimum fifteen (15') foot buffer (interior parkway) adjacent to the right-of-way of any street is required. If the lot is a corner lot two (2) frontages shall be required to observe the fifteen- (15') foot buffer. If more than two (2) frontages exist then the other right-of-way frontages shall be required to have no more than seven and one-half (7.5') feet of landscaped area. Planting for buffer yards is included in the interior landscape requirements.
3. **Residential districts and attached or detached single family or two-family residential uses/structures within mixed-use districts.**
 - a. In the SF-1 and SF-2 districts, at minimum, one (1) two-inch (2") nursery caliper tree shall be required per residential lot.
 - b. In the SF-3, SF-4, and mixed-use districts, at minimum, one (1) two-inch (2") nursery caliper tree shall be required per residential lot.
 - c. In the ZLL, DX and SFA districts, at minimum, one (1) two-inch (2") nursery caliper tree shall be required per residential lot.
4. ***Interior landscape area requirements.*** The amount of landscape area required on the interior of the lot (includes buffer yards) shall be based on the square footage of the proposed buildings. For the purposes of this section, the square footage of the building will be the square footage of the first floor or the square footage of the largest floor, whichever is greater. For single story retail anchor tenants having greater than two-thousand (20,000 sf) square feet of area, the building square footage shall be the front width of the building multiplied by a depth of sixty (60') feet. The required landscape area for each zoning shall be based on the percentage of the floor area as determined above in accordance with the following chart and can be combined with required open space in mixed-use districts:

Zoning District	Percent of Floor Area
MF-1, MF-2	50
NC, OP, NMU	30
CC, CF	30
LI, HI	10

a. *Planting requirements.* The following plants shall be required within the interior landscape areas at the ratio indicated:

- (1) One (1) canopy tree per six hundred (600 sf) square feet
- (2) One (1) understory tree per three hundred (300 sf) square feet
- (3) One (1) shrub per sixty (60 sf) square feet
- (4) Ground cover - ten (10%) percent of required area

Example: Two-story office building (NC Zoning), floor has four thousand (4,000 sf) square feet

First floor	4,000 sq. ft	
Effective floor area	4,000 Times 30 percent (x.30)	
Required Landscape Area	1,200 sq. ft	
Required Canopy Trees @	1/600 sq. ft	2
Required Understory Trees @	1/300 sq. ft	4

Required Shrubs @	1/60 sq. ft	20
Required Ground Cover area @	10 percent	120 sq. ft

- b. *Location requirements.* A minimum of seventy-five (75%) percent of all required plant material within the interior landscape areas shall be in the front and/or along either the building and/or the interior edge of the side of the building be required buffer yards.
 - c. *Enhanced pavement credits.* For every one (1') foot of enhanced pavement area, the required interior landscape area may be reduced by one-half (0.5') foot. The maximum credit given for enhanced pavement shall be ten (10%) percent of the required interior landscape area.
 - d. *Right-of-way landscaping credits.* The required interior landscape area may be reduced by a maximum of ten (10%) percent when the applicant chooses to establish, irrigate and maintain turf grass within the right-of-way. along the front of their property. The percentage credit shall be based on the percentage of the parkway irrigated, i.e. fifty (50%) percent of parkway irrigated, five (5%) percent credit, in accordance with section 8.13.B herein.
5. **Parking lot landscaping requirements.** Excluding the LI and HI zoning districts, planter islands shall be provided in parking areas on the basis of ten (10 sf) square feet of landscape area for each parking stall provided. (Approximately one (1) island per sixteen (16) stalls). Each row of parking stalls shall provide the required landscape area; however, it shall be the applicant's right to place the islands near the buildings, throughout the parking, or at the end of the rows away from the building. The Council may modify the island requirement for each row in situations where it would appear beneficial to combine an end or hazardous island into a larger island within the parking area.

Planter islands shall have a minimum width of eight (8') feet back-to-back if curbed, or nine (9') feet edge-to-edge if not curbed, and shall be equal to the length of the parking stall. Parking lot landscape areas do count towards the total required interior landscape area.

- a. *Existing trees.* The City Council may approve variations to the planter island requirements in order to preserve existing trees in interior parking areas. For existing trees, the minimum width of the planter island shall be as follows:
 - (1) Six-inch (6") caliper or less = eight-foot (8') minimum width
 - (2) Six-inch (6") to twelve-inch (12") caliper = twelve-foot (12') minimum width
 - (3) Greater than twelve-foot (12') caliper = eighteen-foot (18') minimum width
 - b. *Planting requirements.* A minimum of fifty (50%) percent of all planter islands in parking areas shall contain a minimum of one (1) canopy tree with the remaining area in shrubs, ground cover, grasses or seasonal color. Planter islands which have light poles for lighting the parking areas may substitute two (2) understory/accent trees for the required canopy tree. Planting requirements are as follows:
 - (1) One (1) canopy tree per thirty-two (32) parking spaces
 - (2) One (1) understory tree per sixteen (16) parking spaces
 - (3) One (1) shrub per four (4) parking spaces
 - c. *Exemptions.* Parking garages are not required to provide landscape areas interior to the parking area.
- 6. *Visibility triangle.* No requirements herein shall be deemed to require plantings which would conflict with the visibility triangle at the intersection of public right-of-way, as defined in the subdivision ordinance. Consideration should also be given to visibility at the intersection of major driveways with the public right-of-way.
 - 7. *Irrigation requirements.* All required landscape areas except for single family shall be irrigated by an automatic irrigation system, provided however, the same shall be designed and installed by a licensed irrigator, landscape architect or other professional authorized by the state to design or install such systems.

- a. *Water conservation.* The City would like to promote the use of Xeriscape and efficient irrigation methods and practices. Xeriscape is the practice of designing landscapes with drought tolerant and/ or native plants to reduce or eliminate the need for irrigation. Where possible in planting beds, flood irrigation, porous pipe or emitter/drip systems should be utilized. Where slopes do not allow flood systems, flat spray heads should be utilized under shrubs rather than upward spray heads on risers above shrubs. Lawn spray heads should have low precipitation rates, run for longer periods of time, and water infrequently to promote deep root growth for grasses.
 - b. *Water conservation credits.* Where automatic irrigation is used in accordance with 7.a, the required landscape area may be reduced by ten (10%) percent. When other irrigation systems are installed, the required landscaped area may be reduced by five (5%) percent.
- C. *Existing tree preservation.* Existing trees listed in the approved plants listing with a caliper of twelve (12") inches or greater shall be saved and protected to five (5') feet outside the drip line in landscape areas as a part of the development
1. Building footprint. The above requirement shall not apply to the area intended for the actual building footprint plus a thirty (30') foot distance outside this area for construction vehicle maneuvering and grading requirements.
 2. Parking areas. The above requirement shall not apply to the area intended as a fire lane or parking stalls.
- D. *Plant material.* The following standards and requirements shall apply:
1. Quality standard. All plant material shall be of No. 1 grade, free from plant disease, of typical growth for the species, have a healthy, normal root system, rounded branching pattern, and shall conform to the code of standards in the current addition of the American Standard for Nursery Stock.
 2. Approved plants. The following is a list of approved plants within each plant material type. The applicant may propose plants other than those listed if the plant seems appropriate for the intended use or the applicant maintains a plant care program sufficient to properly care for the proposed plant material. The City reserves the right to

approve plants and planting through a certified landscape architect horticulturist or other person so qualified.

OVERSTORY / CANOPY TREES

Common Name	Botanical Name
Autumn Blaze Maple	Acer x freeminer 'Autumn Blaze'
Autumn Gold Ginkgo	Ginkgo biloba 'Autumn Gold'
Bald Cypress	Taxodium distichum
Bigelow Oak	Quercus sinuate var. breviloba
Black Walnut	Juglans nigra
Bur Oak	Quercus macrocarpa
Caddo Maple	Acer saccharum 'Caddo'
Canby Oak	Quercus canbyi
Cedar Elm	Ulmus crassifolia
Chinese Pistache	Pistacia chinensis
Chinquapin Oak	Quercus muhlenbergii
Deodar Cedar	Cedrus deodara
Durand Oak	Quercus sinuate

English Oak	Quercus robur
Japanese Zelkova	Zelkova serata
Jefferson Elm	Ulmus americana 'Jefferson'
Kentucky Coffeetree	Gymnocladus dioicus
Lacebark Elm	Ulmus parvifolia
Lacey Oak	Quercus laceyi
Leylandii Cypress	Cupressocyparis 'Leylandii'
Live Oak	Quercus virginiana
Mexican Sycamore	Platanus mexicana
Mexican White Oak	Quercus polymorpha
October Glory Maple	Acer rubrum 'October Glory'
Overcup Oak	Quercus lyrata
Pecan	Carya illinoensis
Pond Cypress	Taxodium ascendens
Princeton Elm	Ulmus americana 'Princeton'

Princeton Sentry	Ginkgo biloba 'Princeton Sentry'
Princeton Upright Scholartree	Sophora japonica 'Princeton Upright'
Rotundiloba Sweetgum	Liquidambar styraciflua 'Rotundiloba'
Sawtooth Oak	Quercus acutissima
Shagbark Hickory	Carya ovate
Shumard Oak	Quercus shumardii
Southern Magnolia	Magnolia grandiflora
Southern Sugar Maple	Acer barbatum
Sugar Maple	Acer saccharum
Swamp Chestnut Oak	Quercus michauxii
Sycamore	Platanus occidentalis
Texas Buckeye	Aesculus glabra
Texas Hickory (Black Hickory)	Carya texana
Texas Live Oak	Quercus fusiformis
Texas Red Oak	Quercus buckleyi

Thornless Honey Locust	Gleditsia triacanthos form inermis
Trident Maple	Acer buergerianum
Valley Forge Elm	Ulmus americana 'Valley Forge'
Winged Elm	Ulmus alata

UNDERSTORY / ACCENT TREES

Common Name	Botanical Name
American Smoketree	Cotinus obovatus
Arizona Cypress	Cupressus arizonica
Aromatic Sumac	Rhus aromatic
Carolina Buckthorn	Rhamnus caroliniana
Cherry Laurel	Prunus caroliniana
Chinese Fringe Tree	Chionanthus virginica
Common Persimmon	Diospyros virginiana
Crape Myrtle (Tree Form)	Lagerstroemia indica
Desert Willow	Chilopsis linearis
Eastern Red Cedar	Juniperus virginiana

Eldarica Pine	Pinus eldarica
Eve's Necklace	Sophora affinis
Foster Holly	Ilex opaca 'Foster'
Golden Raintree	Koelreuteria paniculata
Goldenball Leadtree	Leucaena retusa
Japanese Maple	Acer palmatum
Lacey Oak	Quercus laceyi or glaucoides
Little Gem Magnolia	Magnolia grandiflora 'Little Gem'
Mesquite	Prosopis glandulosa
Mexican Buckeye	Ungnadia speciosa
Mexican Plum	Prunus mexicana
Mountain Cedar	Juniperus ashei
Native Hawthorn	Crataegus mollis
Nellie R. Stevens	Ilex x 'NRS'
Possumhaw Holly	Ilex deciaua

Prairie Flameleaf Sumac	Rhus lanceolata
Redbud	Cercis spp.
River Birch	Betula nigra
Roughleaf Dogwood	Cornus drummondii
Rusty Blackhaw	Viburnum rufidulum
Saucer Magnolia	Magnolia soulangiana
Savannah Holly	Ilex opaca (x attenuate) 'Savannah'
Shantung Maple	Acer truncatum
Smooth Sumac	Rhus glabra
Star Magnolia	Magnolia stellata
Texas Madrone	Arbutus texana
Texas Mountain Laurel	Sophora secundiflora
Texas Persimmon	Diospyros texana
Vitex	Vitex agnus-castus
Washington Hawthorn	Crataegus phaenopyrum
	Myrica cerifera

Wax Myrtle (Tree form)	
Yaupon Holly	Ilex vomitoria

SHRUBS

Common Name	Botanical Name
Agarito	Mahonia trifoliata
Aralia	Fatsia japonica
Autumn Sage	Salvia greggii
Barberry	Berberis thunbergii spp.
Cherry Laurel	Prunus caroliniana
Chinese Fringe Flower	Loropetalum chinensis
Coralberry	Symphoricarpos orbiculatus
Dwarf Burford Holly	Ilex cornuta 'Dwarf Burfordii'
Dwarf Crape Myrtle	Lagerstroemia indica 'Dwarf'
Dwarf Elaeagnus or Silverberry	Eleagnus pungens
Dwarf Glossy Abelia	Abelia grandiflora
Dwarf Wax Myrtle	Myrica pusilla

Eastern Red Cedar	<i>Juniperus virginiana</i>
Foster Holly	<i>Ilex x attenuate</i> 'Foster'
Glossy Abelia	<i>Abelia grandiflora</i>
Holly	<i>Ilex</i> spp.
Holly Podocarpus	<i>Podocarpus m acrophyllus</i>
Horizontal Cotoneaster	<i>Cotoneaster horizontalis</i>
Indian Hawthorn	<i>Raphiolepis indica</i>
Juniper	<i>Juniper</i> spp.
Leatherleaf Mahonia	<i>Mahonia bealei</i>
Little Gem Magnolia	<i>Magnolia</i> 'Little Gem'
Nandina	<i>Nandina</i> spp.
'Nellie R. Stevens' Holly	<i>Ilex</i> 'Nellie R. Stevens'
Prickly Pear	<i>Opuntia</i> spp.
Red Yucca	<i>Hesperaloe parviflora</i>
Rose	<i>Rosa</i> spp.
	<i>Spirea</i> spp.

Spirea	
St. John's Wort	Hypericum spp.
Sweet Viburnum	Viburnum ordoatissimu
Texas Sage	Leucophylium frutescens'nana'
Wax Myrtle (Tree form)	Myrica cerifera
Waxleaf Ligustrum	Ligustrum japonicum

GROUND COVER/ VINES

Common Name	Botanical Name
Ajuga (Bugleweed)	Ajuga reptans
Asian Jasmine	Trachelospermum asiaticum
Bluestem	Andropogon spp.
Boston Ivy	Parthenocissus tricuspidata
Carolina Jasmine	Gelsemium sempervirens
Climbing Rose	Rosa
Coral Honeysuckle	Lonicera sempervirens
Cross Vine	Bigonia capreolata

Dwarf Maiden Grass	Miscanthus sinensis 'Adagio'
Dwarf Pampas Grass	Cortaderia selloana pumila
Feather Reed Grass, Karl Foerster	Calamagrostis acutiflora 'Karl Foerster'
Fountain Grass	Pennisetum alopecuroides
Frog Fruit	Phyla nodiflora
Grama Grass	Bouteloua spp.
Hameln's Fountain Grass	Pennisetum a. 'Hameln'
Honeysuckle	Lonicera japonica
Horse Herb	Calypocarpus vialis
Lirope	Liriope muscari
Lovegrass	Eragrostis spp.
Maiden Grass	Miscanthus sinensis 'Gracellimus'
Monkey Grass	Liriope muscari
Morning Light Maiden Grass	Miscanthus sinensis 'Morning Light'
Muhly Grass	Muhlenbergia spp.
Pampas Grass	Cortaderia selloana

Purple Wintercreeper	Euonymus fortunei 'Coloratus'
Sedum	Sedum spp.
Sprangletop	Leptochloa spp.
Trumpet Vine	Campsis radicans
Variegated Japanese Silver Grass	Miscanthus sinensis 'Variegatus'
Winter Honeysuckle	Lonicera albiflora
Wysteria	Wisteria sinensis
Zebra Grass	Miscanthus sinensis 'Zebrinus'

3. Size requirements when planted. All plants shall equal or exceed the following measurements when planted. Plants larger than specified may be used but use of such plants shall not decrease the size requirements of other proposed plants.
 - a. Tree measurement canopy and understory trees with single trunks shall be a minimum two-inch (2") caliper. Multi-trunk trees shall be measured by the height of the tree.
 - b. Minimum sizes. Minimum plant size when planted shall be as follows:

Plant Material Type	Minimum Size
Multi-Trunk Tree	6 feet (height)

Shrub	5 gallon container size
Groundcover	4 inch containers

The City Council may approve smaller size shrubs based on unusual growing circumstances and/or on a specific design, which reflects the overall intent of this Ordinance.

E. *Landscape Plan and Irrigation Plan requirements.*

Landscape Plans and Irrigation Plans for all residential lots, including single-family residential lots, are excluded from this section.

1. Qualification to prepare plans. For all lots equal to or greater than thirty-thousand (30,000 sf) square feet, with the exception of residential lots, Landscape Plans shall be prepared by a registered landscape architect. For all lots smaller than thirty-thousand (30,000 sf) square feet, a landscape designer or landscape contractor, knowledgeable in plant materials and landscape design may also prepare the Landscape Plan. A licensed irrigator or landscape architect shall prepare Irrigation Plans for all lots of any size.
2. Landscape Plan requirements. The following items shall be provided on the required Landscape Plan.
 - a. Sheet size 24 inches x 36 inches, or as approved.
 - b. Acceptable scale: one (1") inch = ten (10') feet, one (1") inch = twenty (20') feet, one (1") inch = forty (40') feet, or as approved.
 - c. North arrow, graphic and written scale in close proximity.
 - d. Appropriate title (i.e. "Landscape Plan").
 - e. Title block includes street address, lot and block, subdivision name, city, state, date of preparation.
 - f. Name and address of owner.
 - g. Name, address and telephone of firm preparing plan.
 - h. Boundary shown with dimensions.

- l. Any existing utilities shown. (i.e. water, sewer, storm drain, gas, electric, cable, etc.)
 - j. Width and type of buffer yards labeled on all sides.
 - k. Location, stock size and name of all existing trees twelve-inch (12") caliper or more.
 - l. Location, quantity, size and name of all proposed plant materials.
 - m. Maintenance note provided.
 - n. Label type of any enhanced pavement proposed.
 - o. Visibility triangles shown.
 - p. Landscape architects seal signed and dated.
 - q. List of plant material.
 - r. Any berms delineated with one-foot contour intervals.
3. Irrigation Plan requirements. The following items shall be provided on the required Irrigation Plan.
- a. Sheet size 24 inches x 36 inches, or as approved.
 - b. Acceptable scale: one (1") inch = ten (10') feet, one (1") inch = twenty (20') feet, one (1") inch = forty (40') feet, or as approved. (Must be same as Landscape Plan.)
 - c. North arrow, graphic and written scale in close proximity.
 - d. Appropriate title (i.e. "Irrigation Plan").
 - e. Title block includes street address, lot and block, subdivision name, city, state, date of preparation.
 - f. Name and address of owner.
 - g. Name, address and telephone of firm preparing plan.
 - h. Boundary shown with dimensions.

- i. Location of all existing trees twelve-inch (12") caliper or larger.
- j. All pipes labeled as to size.
- k. All heads labeled as to type. (Legend is acceptable.)
- l. Backflow prevention labeled with type and size.
- m. Connection to water service shown after meter.
- n. Second meter (with size) shown if intended.
- o. Any existing utilities shown (i.e. meter, sewer, storm drain, gas, electric, cable, etc.).
- p. Note on plan. All backflow installations and connections to City water lines must be permitted separately through the City inspection staff.
- q. Maintenance note provided.
- r. Plan sealed, signed and dated by qualified professional as authorized by state law.

F. *Other related requirements.*

- 1. Screening. All the requirements of the screening section of the fencing regulations shall be met and shown on the required Landscape Plan.
- 2. Outside storage. All the requirements of the outside storage regulations shall be met and shown on the required Landscape Plan.

G. *Improvements in public right-of-way easements.*

- 1. General. It is not the intent of this Ordinance to require landscape improvements within public right-of-way other than for subdivision developments. Should the applicant elect to provide improvements in public right-of-way, the following shall apply.
- 2. Subdivision development. Landscaping shall be required for all subdivision development All developed property having a side or rear yard, which abuts an arterial or collector street shall be landscaped. The area landscaped shall be in the public right-of-way as directed by the City Council through subdivision approval. Landscaping will be required at the ratio indicated:

- a. One (1) canopy tree per seventy (70 LF) linear feet of frontage.
 - b. One (1) understory tree per thirty-five (35 LF) linear feet of frontage.
 - c. One (1) shrub per seven (7 LF) linear feet of frontage.
 - d. Ground cover - all area not covered by lawn grasses.
 - e. Lawn grasses- all area not covered by other landscaping.
3. Right-of-way use agreements. Prior to any landscape/irrigation improvements within public right-of-way, a right-of-way use agreement shall be duly executed in conformance with the requirements set out by the Director of Public Works.
4. Replacement responsibilities. The City shall endeavor to require replacement of all landscape/irrigation improvements as a part of contracts to install public utilities within public right-of-way and/or public easements. The City and owner shall not be responsible for replacing these improvements. In the event the City anticipates utility improvements conflicting with intended landscape/irrigation improvements, the City may require that the applicant wait to install said improvements until after the public improvements have been installed or under certain circumstances, the City may prohibit landscape improvements within the right-of-way.
5. Median and right-of-way plants shall be selected with the consideration having a less invasive lateral root system. All plants located in the right-of-way or median shall be selected through a certified landscape architect, horticulturist or other person so qualified. All plants shall maintain a minimum of four (4') feet from back of curb and/or sidewalks. Any trees to be planted in medians or right-of-way parkways shall be approved by the City's Development Review Committee. The City's Development Review Committee cannot override the minimum four (4') feet provision in this section.

H. Review procedures.

1. Submittal requirements. The City's Building and Inspection Department shall establish administrative procedures necessary to facilitate the implementation and enforcement of this Ordinance, consistent with the intent and terms of this Ordinance.

2. Authority for review. The City's Building and Inspection Department shall be responsible for the review of all plans submitted in accordance with the requirements of this Ordinance.
3. Review process. The City's Building and Inspection Department shall review the required submittals and provide the applicant with a summary of corrections from the review. It shall be the applicant's responsibility to revise the submittals as necessary to obtain approval.

I. Maintenance.

1. General. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping and irrigation.
 - a. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. All irrigation heads or lines, which are broken and flow water, shall be replaced or repaired within forty-eight (48) hours after notice by the City of Saginaw, to prevent the waste of water. If the required necessary repairs are not made within fourteen (14) calendar days the City, in addition to pursuing all other legal remedies, may terminate the water service to the property.
 - b. Property owners shall be responsible for the maintenance of all landscaped areas adjacent to a part of the public street rights-of-way that are a continuous extension of their lot(s) to the back of curb of the pavement. Under this rule, property owners shall not be responsible for maintaining landscaped materials in street medians.
2. Plant replacements. The owner shall be responsible for replacing all plant material, which shows dead branching over seventy-five (75%) percent or more of the normal branching pattern and repair of irrigation systems. Plant materials, which die, shall be replaced with plant material of similar variety and similar initial size. Upon

notification by the City of such replacements, the owner shall have ninety (90) days to comply with these requirements.

3. Plan requirements. Paragraph E above shall be shown on the Landscape Plan and the Irrigation Plan.

J. *Enforcement.*

1. Building permit. No building permits for building, paving, grading or construction shall be issued until a Landscape Plan meeting the requirements of this Ordinance has been approved by the building official. Under certain conditions such as a "fast track" building process for large developments, the developer and the City Council may negotiate the submittal of a Landscape Plan within ninety (90) days after the issuance of the original building permit.
2. Certificate of Occupancy. All plantings, screening, berms, or other requirements of this Ordinance shall be installed before the issuance of a Certificate of Occupancy (C.O.). Any sod intended must be installed; hydro mulch areas must be sprayed. Turf establishment is not required before issuance of a C.O. In any case in which a C.O. is sought at a season of the year in which the building official determines that it would be impractical to install plantings as required herein, a Temporary Certificate of Occupancy (T.C.O.) may be issued for the intended use for a period not to exceed six (6) months. Upon the failure of the applicant to complete the installation requirements, the City may pursue its rights under the penalty provision of this Ordinance, or, upon thirty (30) days' written notice may revoke the C.O. or discontinue water service.

SECTION 2.

Chapter 44 of the Saginaw City Code is hereby repealed in its entirety.

SECTION 3.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Saginaw, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 4.

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 section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared

unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than two thousand dollars (\$2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Saginaw are expressly saved as to any and all violations of the provisions of Ordinance No. 2024-26, as amended, or any ordinances governing zoning, landscaping, and irrigation 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 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 7.

The City Secretary of the City of Saginaw is hereby directed to publish in the official newspaper of the City of Saginaw, the caption and the penalty clause of this Ordinance in accordance with Section 52.013(b) of the Texas Local Government Code.

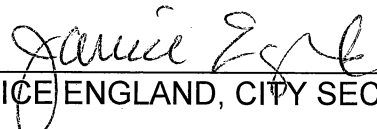
SECTION 8.

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

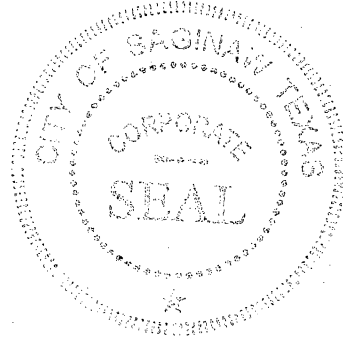
PASSED AND APPROVED ON THIS 3rd DAY OF DECEMBER, 2024.


TODD FLIPPO, MAYOR

ATTEST:


JANICE ENGLAND, CITY SECRETARY

EFFECTIVE: 12-27-2024



APPROVED AS TO FORM AND LEGALITY:


BRYN MEREDITH, CITY ATTORNEY