

**LANDSCAPE ORDINANCE AMENDMENT**

*Contains regulatory language relevant to the following Ordinance Best Management Practices:*

- *ORD 1 to incentivize sustainable renovations*
- *ORD 2 to incentivize identification and preservation of sensitive areas*
- *ORD 3 to incentivize reducing disturbance of natural land/systems*
- *ORD 6 to improve parking specifications related to landscape placement supporting improved stormwater runoff*
- *ORD 15 to incentivize implementation of green stormwater infrastructure for both new development and redevelopment*

**ORDINANCE NO. \_\_\_\_\_ - \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS, SETTING FORTH LANDSCAPING REQUIREMENTS AND LANDSCAPE INCENTIVES AND CREDITS FOR THE IMPLEMENTATION OF LOW IMPACT DEVELOPMENT STORMWATER MANAGEMENT FACILITIES; PROVIDING FOR A PENALTY; PROVIDING FOR ASSOCIATED FEES; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.**

**WHEREAS, the City Council finds the City of Port Aransas is a Texas Home-Rule Municipality as that term is defined by Texas law; and**

**WHEREAS, the City Council has decided to amend the Code of Ordinances as more specifically set forth herein; and**

**WHEREAS, the City Council of the City of Port Aransas has determined that the provisions of this Ordinance will promote the health, safety, morals and the general welfare of the City of Port Aransas and its surrounding areas; and**

**WHEREAS, this Ordinance was adopted at a meeting held in strict compliance with the Texas Open Meetings Act;**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, TEXAS:**

**Section 1: The City of Port Aransas Code of Ordinances Chapter 16, Sec. 16-143 and 16-144, is amended as follows:**

Sec. 16-143. – Landscaping Requirements

(a) General requirements.

- (1) No art objects, decorative pieces, or shade devices may be used to satisfy the requirements of this Article.
- (2) Permeable/Pervious Area: All planted areas and tree wells shall provide sufficient permeable/pervious area to foster plant maturity and health.
- (3) Water sources: If an irrigation system is not installed at the time of installation, a hose bib must be provided within eighty (80) feet of any planted area.
- (4) Plant heights are measured from natural grade or if the plant is in a planter/container, from the soil level in the planter/container.
- (5) Landscaping shall be placed, and landscape borders design with sufficient openings, to allow for stormwater runoff to flow into and through the landscape areas before leaving the site.

Sec. 16-144. – Landscaping Points

- (a) Required landscaping points: The landscaping points required for each lot shall be equivalent to twenty percent (20%) of the lot area. For example, a five thousand (5,000) square foot lot would require one thousand (1,000) points while a three thousand (3,000) square foot lot would require six hundred (600) points.
- (b) Landscaping under this Code shall earn points with plantings as indicated on the Point Tabulation Table in Section 16.145 of this Article. No plan considered intrusive/invasive shall receive points under this Code.
- (c) Credit for Implementation of Low Impact Development Stormwater Practices.

The City of Port Aransas, in order to encourage implementation of stormwater management practices supportive of reduced stormwater runoff rates and volumes, reduced quantities of water-borne pollutants, reduced erosion and enhance hydrologic response of local watersheds, and to recognize the aesthetic value of low impact development stormwater infrastructure, has adopted the following landscape incentive credits:

- (1) New Development: The landscape plant classification points shall count two (2) times the amounts shown on the Point Tabulation Table in Section 16.145 of this Article for all plant

materials included in the area of a lot delineated as an approved stormwater treatment practice under Chapter 16, Article V Stormwater Management and Drainage.

- (2) Redevelopment of a Previously Developed Lot: The landscape plant classification points shall count three (3) times the amounts shown on the Point Tabulation Table in Section 16.145 of this Article for all plant materials included in the area of a lot delineated as an approved stormwater treatment practice under Chapter 16, Article V Stormwater Management and Drainage.

(d) Credit for Preservation of Sensitive Areas.

The City of Port Aransas, in order to encourage preservation of sensitive areas that play a role in reduced stormwater runoff rates and volumes, reduced quantities of water-borne pollutants, reduced erosion and enhance hydrologic response of local watersheds, and to recognize the aesthetic value of maintaining such areas in their natural state, has adopted the following incentive credits:

- (1) New Development: Area delineated as wetlands, critical habitat areas, natural depressions and storage, and buffers of such sensitive areas, as identified in Sec. 25-146(e) of this Code, shall be deducted from the lot area for purposes of determining the required landscaping points in Sec. 16-144(a).
- (2) Redevelopment of a Previously Developed Lot: Restoration of areas delineated as previous wetlands, critical habitat areas, natural depressions and storage, and buffers of such sensitive areas, as identified in Sec. 25-146(e) of this Code, shall be deducted from the lot area for purposes of determining the required landscaping points in Sec. 16-144(a).

**Section 2: If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.**

**Section 3. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.**

**Section 4. Effective Date. Pursuant to Section 3.12(c) of the City Charter, this ordinance is effective upon adoption, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published once in its entirety, or a caption that summarizes the purpose of the ordinance and the penalty for violating the ordinance in a newspaper designated as the official newspaper of the City. An ordinance required by the Charter to be published shall take effect when the publication requirement is satisfied..**

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**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Port Aransas, on this the \_\_\_\_ day of \_\_\_\_\_, 2021.

**APPROVED:**

\_\_\_\_\_  
**Charles Bujan, Mayor**

**ATTEST:**

**(CITY SEAL)**

\_\_\_\_\_  
**City Secretary**  
**City of Port Aransas, Texas**

