ARTICLE IV. - LANDSCAPING

DIVISION 1. - GENERALLY

Sec. 16-130. - Definitions.

The following are definitions of specialized terms and phrases used in this article.

Building department: Includes one or more of the following: The Director of Development, the Building Official or his designee, the code enforcement officer.

Entry Corridor: State Highway 361 from the Port Aransas City limits north to Avenue G, Avenue G north to Cotter Ave, Cotter Ave west to Cut-off Road, and Cut-off Road south to Avenue G.

Intrusive/invasive species: Weeds, undesirable natural and/or nuisance plants or aggressive species, such as Brazilian pepper trees.

Permeable/permeable area: An area having pores or openings that allow water to pass through that is sufficient to facilitate plant maturity, health and absorbability.

Street yard: The area of a lot that is fully visible from a dedicated street or, if no building exists, to the rear of the property line.

(Ord. No. 2003-13, § 1, 10-16-03; Ord. No. 2010-14A, 12-16-10)

Secs. 16-131—16-140. - Reserved.

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Sec. 16-141. - Landscaping plan required.

A landscape plan is required where this article specifies below and shall apply to all building sites within the city limits where any of the following conditions are present.

(a) New construction:
   (1) Any new building construction for which a building permit is required.
   (2) Any construction of a new parking lot or parking area.

(b) Additions/renovations:

Any building addition or renovation exceeding fifty (50) percent of the existing building area or existing building value as defined by the footprint of the existing building for which the building permit is required.

(c) Parking Lot Additions: Any parking lot addition on an existing or legal non-conforming property by more than one thousand (1,000) square feet or ten (10) percent in area of the existing parking lot must add landscaping to achieve points equivalent to twenty percent (20%) of the new parking lot area. (See Sec 16-144 and 16-145)

(d) Entry Corridor Where a landscape plan is required for lots abutting the entry corridor, all required landscaping must be located in the street yard adjacent to the entry corridor of the building site.

(Ord. No. 2003-13, § 1, 10-16-03; Ord. No. 2010-14A, 12-16-10)

Sec. 16-142. - Landscape Plan Approval Process

When this article applies, a landscape plan must be submitted with the building permit application and associated required drawings for the new development.

(a) General: Two (2) sets of the landscape plan shall be submitted with the landscape application. If changes are made during the installation process, amendments to the landscape plan shall be provided to the building department for approval. Preparation of the landscape plan must be completed by one of the following:
1. Owner or General Contractor on Owner's behalf
2. Landscape architect currently registered to practice in the state;
3. Certified nurseryman; or Master Gardener

(b) Contents: The landscape plan shall contain and clearly index the following information:
1. Street address, legal description, date, north arrow;
2. Location of lot lines, dimensions of all building(s), fences streets, sidewalks, and driveways;
3. Description of the plant material shown on the plan, including names quantities, sizes at installation
4. Clearly referenced tabulation of landscaping points (See Section 16-144 and 16-145) earned by the plan

(c) Plan review: The building department shall review the landscape plan to verify compliance with this article prior to the issuance of any building permit.

(d) Critical dune vegetation located on dune(s) landward of the one thousand-foot dune protection line, as established in the City of Port Aransas Coastal Management Plan (CMP), shall not require a landscape plan. The presence of dune(s) shall be established as defined in the CMP.

(e) On any corner lot, within the lots boundaries, nothing shall be erected or placed or plants allowed to grow higher than two and one-half (2½) feet above the centerline grade of the intersecting streets within fifteen (15) feet of the intersection of the property lines (the corner of the lot).

(Ord. No. 2003-13, §1, 10-16-03; Ord. No. 2010-14A, 12-16-10)

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.

(Ord. No. 2003-13, §1, 10-16-03)

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 (5000) square foot lot would require one thousand (1000) points while a three thousand (3000) square foot lot would require six hundred (600) points.

Landscaping under this Code shall earn points with plantings as indicated on the Point Tabulation Table in section 16-145 of this article. No plant considered intrusive/invasive shall receive points under this Code.
Sec. 16-145. - Point Tabulation Table

<table>
<thead>
<tr>
<th>Plant Classification</th>
<th>Height</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plantings, groundcover, permeable/pervious improved surface</td>
<td>Less than 12&quot;</td>
<td>1 point per sq ft</td>
</tr>
<tr>
<td>Small Plantings, shrubs, trees</td>
<td>1' to 4'</td>
<td>50</td>
</tr>
<tr>
<td>Medium Plantings, shrubs, trees</td>
<td>4' to 8'</td>
<td>100</td>
</tr>
<tr>
<td>Large Plantings, shrubs, trees</td>
<td>Over 8'</td>
<td>200</td>
</tr>
</tbody>
</table>

Sec. 16-146. - Landscape points and plant maintenance.

(a) **Plant maintenance and replacement.** Required plantings must be maintained in a healthy condition at all times and must remain in compliance with Section 10-37. Any plant that dies must be replaced with another living plant that is equivalent in points within thirty (30) days after notification by the city, if that plant(s) moves the plan below the required points. Exception: The building department may extend the time period for plant replacement by up to ninety (90) days to accommodate weather conditions and planting requirements.

(b) **Easements/Rights-of-way.** In general, landscaping within the city right-of-way shall be permitted on properties whose street front section has a raised curb, as on-street parking takes place on the street. In general, landscaping that prohibits on-street parking shall not be permitted within the city right-of-way whose street front section is curb-less, as on-street parking takes place in this area. In both cases, a landscape plan shall be required and points approval shall be determined on a case by case basis. Property owners may elect to plant within the easements and/or rights-of-way within their properties. Damage to existing plantings in easements and rights-of-way due to required utility repairs or right-of-way work by utility companies or the city will be repaired by the property owner in order to maintain landscape points. If easement/right-of-way becomes unusable, an alternate landscape plan shall be provided to the building inspector for approval.

(Ord. No. 2003-13, § 1, 10-16-03)
Sec. 16-147. – Non-conforming, Non-compliance and enforcement

(a) **Existing developments.** Improved properties existing as of (DATE) are considered legal non-conforming with existing landscaping earning the appropriate number of points. Legal non-conforming properties may increase, but shall not reduce the number of landscaping points from this date forward. Wherever the articles of Sec 16-141 apply, the legal non-conforming property shall be brought into compliance.

(b) **Appeals.** Applicants who disagree with decisions of the building department regarding required landscaping may apply to the Board of Adjustments and Appeals for further consideration.

(c) **Enforcement authority.** The building department shall enforce the provisions of this article. The landscaping plan shall be re-examined periodically as well as at the time that any subsequent building department related permit is requested. If in the opinion of the building department, the installed landscaping plan is no longer meeting the intention of the article, no permits will be issued until a supplementary plan is provided and approved by the building department, or the initial plan is met.

(d) **Notification of violation.** The city may cure a violation on the subject property under the conditions hereinafter set forth. Whenever any landscaping plan is found to be in violation of this article, the owner may be notified by the city in writing to cure the violation within thirty (30) business days after such notice. The notice must be given:

1. Personally to the owner in writing; or
2. By letter addressed to the owner at the owner’s mailing address as listed in the tax appraisal district records; or
3. If the owner cannot be contacted by (1) or (2), then the city may attempt to contact the owner by one of the following methods:
   a. By publication in a newspaper of local circulation; or
   b. By posting the notice on or near the front door of each building on the property to which the violation relates; or
   c. By posting the notice on a placard attached to the property to which the violation relates, if the property contains no buildings.

It shall be unlawful for any person to fail to comply with such notice. If the property has not been brought into compliance within thirty (30) days after notification, the city may cure the violation and charge the expenses incurred in said curative action to the owner of the property.

(e) **Penalty.** A failure to comply with any provision of this article constitutes a violation punishable as such as provided by the general penalty provisions of section 1-15.

(f) **Cumulative remedies.** The city may pursue any remedy or remedies available at law or in equity for a violation of this article, including, but not limited to injunctive relief. No election shall preclude the utilization of any other remedy. All remedies available to the city to enforce this article are cumulative.

(Ord. No. 2003-13, § 1, 10-16-03)

Sec. 16-148. - Plant species list.

The building department shall keep available a recommended plant species list. The building department shall also keep available a list of intrusive/invasive plants that have no point value.
Lot Size = 50' x 100' = 5000 sq ft

20% x 5000 sq ft = 1000 points needed

(This plan shows more points than needed)