

CITY MANAGER: \_\_\_\_\_ DATE: \_\_\_\_\_

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

**AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.46 (LANDSCAPE) OF THE EL PASO CITY CODE, TO MODIFY THE DEFINITION OF LANDSCAPABLE AREA, REDUCE THE REQUIRED NUMBER OF ONE GALLON PLANT MATERIALS, REDUCE THE HEIGHT OF ONE INCH CALIPER PROJECT TREE SUBSTITUTIONS, ALLOW PROJECT TREE SUBSTITUTIONS FOR FIVE GALLON PLANT MATERIALS, REDUCE THE FRONTAGE LANDSCAPE BUFFER FOR CERTAIN SHOPPING CENTERS, ADOPT A DESIGNATED LANDSCAPE INFILL DEVELOPMENT AREA, REDUCE THE LANDSCAPE REQUIREMENTS FOR PROPERTIES WITHIN THE AREA, AND ADD A PLANT COVERAGE OPTION . THE PENALTY BEING AS PROVIDED IN SECTION 18.46.180 (VIOLATIONS – PENALTY) OF THE EL PASO CITY CODE.**

**WHEREAS**, by Ordinance No. 017515, passed and approved on June 7, 2011, the City Council of the City of El Paso, Texas, amended in its entirety Chapter 18.46, (the Landscape Ordinance) of the El Paso City Code with an effective October 3, 2011; and,

**WHEREAS**, on September 27, 2011, City Council changed the effective date of the Ordinance to November 7, 2011 because City Council has determined that further discussion and study on the landscaping requirements was necessary; and,

**WHEREAS**, City Council has completed the study and has determined that provisions of the Landscape Ordinance passed and approved on June 7, 2011 should be further amended; and,

**WHEREAS**, proper landscaping and irrigation will augment those qualities while helping to improve air purification, storm water run-off, noise reduction and heat abatement while conserving energy, water and other natural resources; and,

**WHEREAS**, landscape standards can enhance the quality of life and enhance the general welfare and beauty of El Paso by creating and maintaining visual environmental amenities; and,

**WHEREAS**, the amendments herein are necessary to promote and protect the health, safety, and welfare of the public by creating an urban environment that is aesthetically pleasing, promotes economic development and enhanced quality of life for the citizens of El Paso.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**SECTION 1.** That Title 18, Building and Construction, Chapter 18.46, Landscape, of the El Paso City Code, is amended as follows:

1. That Section 18.46.050, Definitions, is amended to change the following definition as follows:

"Landscapable area" means that area of the lot that is required by this Chapter to be landscaped, to include the frontage landscape buffer used to meet the landscape requirements specified in this Chapter. It does not include the parkway or the parking lot trees.

2. That Section 18.46.060, Application, Subsection A, Paragraph 6, Subparagraph b, is amended as follows:

b. The frontage landscape buffer shall contain the required plant units based on Section 18.46.090 and the required frontage trees as required by Section 18.46.200. Ground treatment shall include decomposed granite, or other permeable surfacing, not to include raw soil.

3. That Section 18.46.060, Application, Subsection A, Paragraph 6, is amended to add the following Subparagraph:

d. For shopping centers on properties with a lot depth of less than 200 feet, the frontage buffer area may be reduced to seven feet on an arterial street. This provision does not apply to the following circumstances:

1. A shopping center where platted lots are further divided by metes and bounds.
2. A shopping center that is located on more than one lot, whether the lots are platted or divided by metes and bounds.
3. A shopping center that has detached buildings, whether those buildings are on the same building as the main shopping center building or whether the detached buildings are on separate lots that are platted or divided by metes and bounds.

4. That Section 18.46.090, Required Plants, Subsection A, Paragraph 1, Subparagraph c, is amended as follows:

c. A minimum of ten plant material of one-gallon size;

5. That Section 18.46.090, Required Plants, Subsection A, Paragraph 1, Subparagraph c, is amended as follows:

d. For project trees, two one inch caliper trees at a height of eight feet to twelve feet may be substituted for a two inch caliper project tree.

6. That Section 18.46.090, Required Plants, Subsection A, Paragraph 1, Subparagraph c, is amended to add the following Subparagraph:

g. For every five five-gallon plant required, one project tree may be substituted for up to fifty percent of the required five gallon plant materials

7. That Section 18.46.090, Required Plants, Subsection A, of the El Paso City Code, is amended to add the following Paragraph:

4. Designated landscape infill development area.

a. The designated landscape infill development area is shown as Appendix A attached to this ordinance.

b. For a property within the designated landscape infill development area, the required landscapable area may be reduced up to 30 percent.

c. The property shall comply with all other provisions of this Chapter.

8. That Section 18.46.090, Required Plants, Subsection A, of the El Paso City Code, is amended to add the following Paragraph:

5. Plant coverage option. The following plant coverage option may be utilized in lieu of the requirements specified under 18.46.090 A(1).

a. Plant material shall be provided on all required landscapable area and will cover at least seventy-five percent of area.

b. Plant material used in the coverage calculation shall be shrubs or ground cover from the required the approved tree and plant list of the City of El Paso. The required coverage shall be achieved within two years of the date of planting. In no instance shall the number of plants provided fall below forty percent of the total required under section 1.

c. In addition to the required plant material, two project deciduous or evergreen trees having a caliper size of two inches and a minimum height of ten feet to twelve feet shall be required for every one thousand square feet, or portion thereof. For project trees, two one inch caliper trees at a height of eight feet to twelve feet may be substituted for a two inch caliper project tree. Project trees shall not be used in the calculation of the coverage area.

d. A required weather-based smart controller shall be required in order to utilize the plant coverage option.

**SECTION 2.** Except as herein amended, Title 18, Building and Construction, Chapter 18.46, Landscape, of the El Paso City Code shall remain in full force and effect.

**SECTION 3.** Effective date. This Ordinance shall be effective November 7, 2011.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**THE CITY OF EL PASO**

\_\_\_\_\_  
John Cook, Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Momsen, City Clerk

**APPROVED AS TO FORM:**

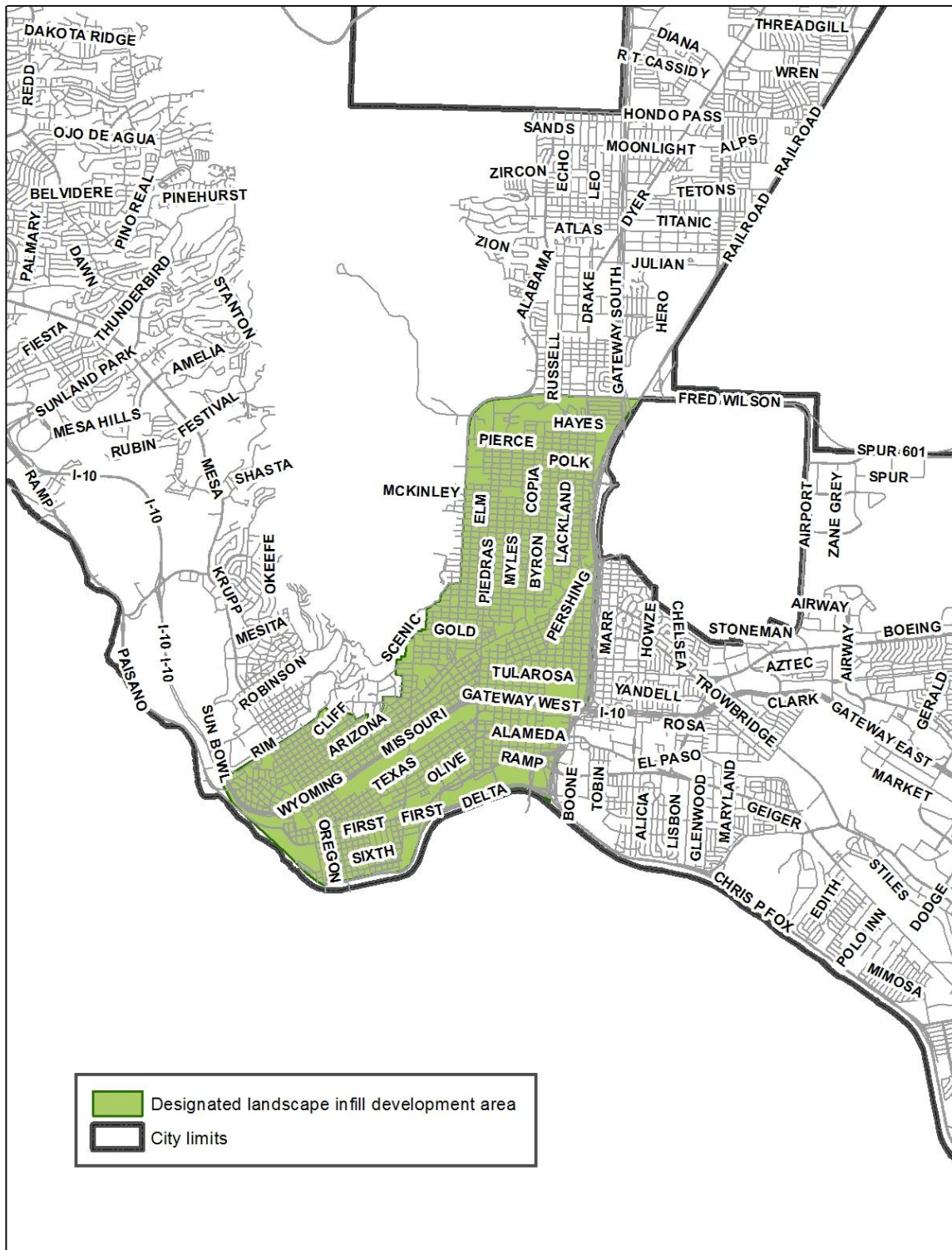
**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

\_\_\_\_\_  
R. Alan Shubert, P.E.  
City Engineer

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

APPENDIX A  
DESIGNATED LANDSCAPE INFILL DEVELOPMENT AREA



ORDINANCE NO. \_\_\_\_\_