
TREE AND LANDSCAPE COMMITTEE WORKSHOP AGENDA

Notice is hereby given that the Rockport Tree and Landscape Committee will hold a meeting on Tuesday, October 22, 2024, at 10:00 am. The meeting will be held at Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

Public participation is valued and citizens wishing to express their views on agenda items can electronically submit a citizen participation form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/BoardsCitizenParticipation> or scanning the QR code to the right. Using the same form, citizens can also provide written comments to the Community Planner by 4:00 p.m. on the day of the meeting. The Chair will read the comments and they will be summarized in the minutes of the meeting.



The matters to be discussed and acted upon are as follows:

Opening Agenda

1. Call meeting to order.

Regular Agenda

2. Discussion, consideration, and action on the September 25, 2024 minutes as presented.
3. Update regarding Arbor Day activities and scheduling.
4. Discussion regarding an Ordinance amendment to Chapter 106 Vegetation Article II Tree Regulations.
5. Update regarding Tree Mitigation and Preservation Account balance.
6. New Business
 - a. Discussion regarding future Agenda Items.
7. Old Business
8. Adjourn.

Special Accommodations

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213 ext. 225 or fax (361) 790-5966 or e-mail citysec@cityofrockport.com for further information. Braille is not available.

Certification

I certify that the above notice of meeting was posted on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas on Friday, October 18, 2024, by 5:00 p.m. and on the City's website at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot* and *Corpus Christi Caller Times*.

Carey Dietrich

Carey Dietrich, Community Planner / Asst Director Building & Planning

TREE & LANDSCAPE COMMITTEE MINUTES

On this the 25th day of September 2024, the Tree and Landscape Committee of the City of Rockport held a Meeting at 5:30 p.m. at Rockport Service Center, 2751 SH 35 Bypass, Rockport, Texas and notice of meeting giving time, date and subject having been posted as described in V.T.C.A., Government Code § 551.041.

Members Present

Shelly Steckler-Chairperson
Laura Denham
Linda Frank
Ginger Easton Smith

Members Absent

Carla Rinche-Belaire
Karen Rester

Staff Members Present

Carey Dietrich, Asst Director Bldg. & Dev, Community Planner, Building Official
Belinda Garcia, Administrative Assistant
Patti Dodson, Planning Technician
Judy Emerson, Code Enforcement
Robert Decker, Building Inspector
David Lowell, Building Inspector
Vanessa Shrauner, City Manager
Finn Klanica - IT

Guest(s) Present

No guests present

Call to Order

1. Chairperson Steckler called the meeting to order at approximately 5:34 p.m.

Workshop Agenda

2. Discussion, consideration, and action on the September 5, 2024 minutes as presented.

Motion: Member Denham asked for motion to accept minutes. Member Frank seconded the motion. Motion to approve as presented passed unanimously.

3. Discussion, consideration, and action regarding Arbor Day activities and scheduling.

Chairperson Steckler spoke. Suggested watering bags for Train Depot and McDonald's Park. Also discussed kickoff party at the Fulton Mansion.

City Manager Shrauner spoke.

Member Easton Smith spoke. Recommended Yaupon Holly and Beauty Berry in downtown planters.

Community Planner Dietrich spoke.

Motion: Member Denham made a motion to approve. Member Easton Smith seconded the motion. Motion to approve passed unanimously.

4. Discussion, consideration, and action regarding a request for an expenditure from the Tree Mitigation Fund for the purpose of purchasing trees for the Arbor Day celebration, mulch for The tree planting, fertilizer spikes, and 24 Tanzfrosch 20-gallon Tree Watering Bags.

Chairperson Steckler spoke. First choice, go with Native Texas Nursey for (19) 30-gal. Live Oaks by October 25, 2024.

Member Easton Smith spoke. Suggested purchase of trees not to exceed \$4,000. Also suggested go with 15-15-15 fertilizer spike NPK ratio instead of 15-3-3.

Community Planner Dietrich spoke. Suggested all item #4 purchases not to exceed \$5,000.

Motion: Member Denham made a motion to approve the request for expenditure not to exceed \$5,000 be presented to City Council. Member Frank seconded the motion. The motion passed unanimously.

5. Discussion, consideration, and action regarding an Ordinance amendment to increase the Mitigation fees for Century Class and Heritage Class Oak Trees.

Community Planner Dietrich spoke. Suggested modifying categories for tree sizes and mitigation inches for fees. Suggested leaving \$50 per mitigation inch for Protected size trees and increasing fee to \$200 per mitigation inch for Century and Heritage trees.

Chairperson Steckler spoke. Suggested looking into Georgetown tree ordinance.

City Manager Shrauner spoke. Changes will need to go before City Council.

Member Denham suggested presenting examples at next City Council meeting, and volunteered to work with Community Planner Dietrich to analysis fee schedule.

Motion: Member Easton Smith motioned to table increasing mitigation fees to next meeting. Member Denham seconded the motion. Motion to table passed unanimously.

6. Discussion, consideration, and action regarding an Ordinance amendment to include purchase of land to protect and preserve Century Class and Heritage Class oak trees be included in the allowable expenditures of the Tree Mitigation Fund.

Chairperson Steckler spoke. Member Denham and Member Easton Smith spoke.

Member Frank suggested to go to Coppell.

Community Planner Dietrich spoke.

Motion: Member Denham motioned to table until we hear from Coppell. Member Easton Smith seconded the motion. Motion to table passed unanimously.

7. Discussion and consideration regarding credits for trees located in an easement.

Chairperson Steckler spoke about regulating trimming of Heritage trees.

Community Planner Dietrich spoke. No more than 25% of tree can be trimmed with the exception of AEP tree trimming for power poles. Building Inspector Robert Decker spoke.

Member Easton Smith spoke. City Manager Shrauner spoke.

8. Update regarding Tree Mitigation and Preservation Account balance.

Community Planner Dietrich spoke.

9. New Business

a. Discussion regarding future Agenda Items.

City Manager Shrauner suggested picking a date for a workshop for staff and the T&L Committee to discuss changes to tree ordinance before presenting to City Council. Community Planner Dietrich agreed. Members Easton Smith, Frank and Denham all volunteered for a task to help Community Planner Dietrich.

10. Old Business

11. Adjourn

Motion: Member Easton Smith made the motion to adjourn. Member Frank seconded the motion.

There being no further business, Chairperson Steckler adjourned the meeting at approximately 7:02 p.m.

Prepared By:

Stacy Cantu, Planning Technician

Approved By:

Shelly Steckler, Chairperson



ROCKPORT ARBOR DAY FESTIVAL 2024

The City Of Rockport in Conjunction with Aransas First Land Trust and Fulton Mansion State Historic Site will be hosting the 2nd Annual Arbor Day Festival 2024.

There will be an Arbor Day Week Proclamation made by The City of Rockport, Town Of Fulton and Aransas County for November 1st -November 9th.

The City of Rockport in conjunction with selected participating public entities will be planting Live Oak trees throughout the Live Oak Peninsula. Currently we are working on determining the number of Live Oaks to be planted. We should have an amount determined in next few weeks. The Live Oak trees are scheduled to be delivered last week in October. Plantings will be scheduled throughout the entire week of November 1-9th.

Please Save the date November 1st and see tentative agenda below for Rockport Arbor Day Kick Off Party Itinerary hosted at the Fulton Mansion State Historic Site.

Friday November 1st: Kickoff Party at The Fulton Mansion State Historic Site- 5:30-8:30

317 S Fulton Beach Rd Rockport, TX 78382

This event will have picnic style locally sponsored food & live music under the canopy of our historic Live Oak trees at Fulton Mansion. We will celebrate the importance of our Native Live Oak trees to our community and deliberate that City of Rockport, Town of Fulton, Aransas County and Navigation District all promote sustainable growth in our community in order to preserve as many of the Live Oak trees, uplands and bay systems that are so vital to our Live Oak Peninsula and are fundamental to our tourism and provide many other benefits instrumental to the residents and our local environment.

This event will feature the planting of 4 Live Oak trees at The Fulton Mansion grounds: one by The City of Rockport, Town of Fulton, Aransas County and Navigation District to signify our collaboration in celebrating, preserving and protecting our Live Oaks.

Approximate timeline for this event is:

5:30-5:45 –Opening Ceremony-Mayor Tim Jaro/Friends of the Fulton Mansion

5:45- Speeches about the importance of our trees and their history –City Manager , AgriLife Department, Aransas First Land Trust, the Aransas County History Center, Friends of the Fulton Mansion

6:30-6:45- Naming of historic Tree on Fulton Mansion grounds: Aransas County History Center – Barbara Judkins Fulton Mansion State Historic Site Manager

-We will be naming our 2nd Historic Live Oak Tree in honor of the last individual who was born at the Fulton Mansion.

6:45-6:50 - Planting of 4 Live Oak Trees-1 by the City (Andrea Hattman) 1 by the County(Pat Rousseau), 1 by the Fulton (Mary Ann Pahmiyer)& 1 by the Navigation District (Long Nguyen)

7-8:30 -Live music, food and corn hole, Kid crafts, free first floor admission to Fulton Mansion.etc.



**YOU ARE INVITED TO
THE SECOND ANNUAL**



**ROCKPORT ARBOR DAY
FESTIVAL 2024**

KICK OFF PARTY

FRIDAY NOVEMBER 1ST
5:30PM - 8:30PM
FULTON MANSION - 317 S FULTON BEACH RD

Join The City of Rockport, Fulton Mansion State Historic Site, and Aransas First Land Trust as we enjoy great food, live music, games, and most importantly our history under our majestic heritage Live Oaks at the Fulton Mansion, called Oakhurst by the Fulton family.



Aransas First
Land Trust



TEXAS
HISTORICAL
COMMISSION
REAL PLACES TELLING REAL STORIES

SCAN HERE FOR MORE
INFO & TO VIEW OUR
WONDERFUL SPONSORS!



***Tree size and which Nursery to purchase trees from to be determined by tree committee.
Please see attached bids.**

This year to accompany, all trees being planted, we thought we would include:

- watering bag –see attached price for 24 bags Amazon \$295.38
- 2 bags of mulch- see attached price for 68 bags from Lowes \$349.64
- fertilizer stakes-Carey price ??
- plant knight-donated item

The City of Rockport will be planting at the following sites:

6 Oak trees will be planted at the Rockport Railroad Depo on 11/9 (_____ Gallon Live Oak trees & 2 Burr Oak Gallon trees)

-Side walk Planter Downtown (Two trees-one for each planter-Trees will be picked from tree giveaway trees)

Community Partners sites:

-Fulton Mansion (4) Planted by Staff and City/Navigation/County/Fulton-11/1 (_____ Gallon)

-Aransas County Airport-(1) Planted by airport maintenance staff (_____ Gallon)

-History Center –(2-Planted by County (_____ Gallon)

-Connie Hagar-(1)-Planted by County (_____ Gallon)

-Linda Castro (1) Planted by County –In honor of Deborah Capora-Pam will speak (_____ Gallon)

-Chamber of Commerce (1) Planted by Chamber (_____ Gallon)

-Navigation District (2) Planted by their staff (_____ Gallon)

-Chamber of Commerce (1) Planted by the Chamber (_____ Gallon)

Community Member planting trees:

-Ace Hardware-??

-Intrepid Hotels- Jatin Said he will plant trees at one of his hotels

Arbor Day in the District Participants and Activities-Second Saturday November 9th

City of Rockport and Rockport Rail Road Depot Tree Dedication-Time TBD –6 Trees to be planted

Additional Arbor Day Community Activities that day:

-Moon Over Water Gallery-Tree Art Display on 11/9-

-Art Center –Leaf Rubbing on 11/9 from

-Fulton Mansion-11/9

-Bay Education Center -11/9

This is all I have; I am open to changers and additions and recommendations:

Thank you,

Shelly

ARTICLE 34. LANDSCAPE REGULATIONS

DIVISION 1. IN GENERAL

Sec. 12-34-1. Purpose.

It is the purpose of this section to establish certain regulations pertaining to landscaping within the City of Coppell. These regulations provide standards and criteria for new landscaping which are intended to promote the value of property, enhance the welfare, and improve the physical appearance of the city.

(Ord. No. 91599-A-30)

Sec. 12-34-2. Scope.

The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new construction occurring within the city, except that single-family detached dwellings shall be exempt since such uses rarely fail to comply with the requirements set forth in this section.

(Ord. No. 91599-A-30)

Sec. 12-34-3. Enforcement.

The provisions of this section shall be administered and enforced by the building official or his designee. If, at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria of this section, the building official shall issue notice to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant, or agent shall have 30 days from date of said notice to restore the landscaping as required. If the landscaping is not restored within the allotted time, such person shall be in violation of this chapter.

(Ord. No. 91599-A-30)

Sec. 12-34-4. Permits.

As required in section 12-39-2.3, a landscape plan shall be part of the site plan review which shall be submitted to the planning and zoning commission for its recommendation and city council for its approval. In the event that the proposed development requires an approved subdivision plat, site plan, or master development plan, no such final approval shall be granted unless a landscape plan is submitted and approved.

Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan required in section 12-34-1-5.

In any case in which an occupancy certificate is sought at a season of the year in which the building official determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, an occupancy certificate may be issued notwithstanding the fact that the landscaping required by the landscape plan has not been completed, provided the applicant deposits cash in an escrow account in the amount equal to 110 percent of the estimated cost of such landscaping. Such escrow deposit shall be conditioned upon the installation of all landscaping required

by the landscaping plan within six months of the date of the application and shall give the city the right to draw upon the escrow deposit to complete the said landscaping if the applicant fails to do so.

(Ord. No. 91599-A-30; Ord. No. 91500-A-318, § 9, 3-19-02)

Sec. 12-34-5. Landscape plans.

As required in section 12-39-2.3, a landscape plan shall be part of the site plan review which shall be submitted to the planning and zoning commission for its recommendation and city council for its approval. The building official or a designee, shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in accord, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

Landscape plans shall be prepared by a landscape architect. Landscape plans shall contain the following information:

- (A) Minimum scale of one inch equals 50 feet;
- (B) Location of all trees to be preserved and planted;
- (C) Location of all plant and landscaping material to be used including plants, paving, benches, screens, fountains, statues, or other landscape features;
- (D) Species of all plant material to be used;
- (E) Size of all plant material to be used;
- (F) Spacing of plant material where appropriate;
- (G) Layout and description of irrigation, sprinkler or water systems including placement of water sources;
- (H) Description of maintenance provisions for the landscape plan;
- (I) Person(s) responsible for the preparation of landscape plan.

(Ord. No. 91599-A-30; Ord. No. 91500-A-318, § 10, 3-19-02)

Sec. 12-34-6. Maintenance.

The owner, tenant and their agent, if any shall be jointly and severally responsible for the maintenance of all landscaping. 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. Plant materials which die shall be replaced with plant material of similar variety and size.

(Ord. No. 91599-A-30)

Sec. 12-34-7. General standards.

The following criteria and standards shall apply to landscape materials and installation.

- (A) *Quality.* Plant materials used in conformance with the provisions of this ordinance shall conform to the standards of the american standards for nursery stock, or equal thereto. Grass seed, sod and other material shall be clean and free of weeds and noxious pests and insects.

- (B) *Trees*. Trees referred to in this section shall be chosen from the approved plant palette located in Table 1. Trees shall have an average spread of crown of greater than 15 feet at maturity. Trees having a lesser average mature crown of 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet spread of crown. At time of planting trees shall be a minimum of three inches in caliper, measured 12 inches above the ground, and a minimum of seven feet in height.
- (C) *Shrubs and hedges*. Shrubs shall be a minimum of two feet in height when measured immediately after planting and shall be chosen from the approved plant palette located in Table 1. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will be three feet high within one year after time of planting.
- (D) *Vines*. Vines shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet screening requirements as specified. Vine material shall be chosen from the approved plant palette located in Table 1.
- (E) *Ground cover*. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year of planting. Ground cover material shall be chosen from the approved plant palette located in Table 1.
- (F) *Lawn grass*. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales, berms, or other areas subject to erosion.
- (G) *Credit for existing trees*. Any trees preserved on a site meeting the herein specifications shall be credited toward meeting the tree requirement of any landscaping provision of this section. Trees of exceptional quality due to size, large canopy cover, trunk diameter, rareness, age or species may, at the discretion of the building official, be credited as two trees to meet the minimum requirement.

TABLE I
PLANT PALETTE

Overstory Trees: Range 20—60'	
Austrian Pine	<i>Pinus nigra</i>
Bald Cypress	<i>Taxodium distichum</i>
Big Tooth Maple	<i>Acer grandidentatum</i>
Bur Oak*	<i>Quercus macrocarpa</i>
Cedar Elm*	<i>Ulmus crassifolia</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Chinquapin Oak*	<i>Quercus muhlenbergii</i>
Eldarica Pine (Afghan Pine)*	<i>Pinus eldarica</i>
Lacebark (Drake) Elm*	<i>Ulmus parvifolia sempervirens</i>
Lacey Oak*	<i>Quercus laceyi</i>
Live Oak*	<i>Quercus virginiana</i>
Pecan*	<i>Carya illinoensis</i>
Pond Cypress	<i>Taxodium ascendens</i>
Shumard Red Oak*	<i>Quercus shumardi</i>
Texas Red Oak*	<i>Quercus buckleyi</i>
Accent Trees: Range 10—20'	
Carolina Buckthorn*	<i>Thamnus caroliniana</i>
Chitalpa*	<i>X Chitalpas tashkentensis</i>
Crapemyrtle*	<i>Lagerstroemia indica</i>
Deciduous Holly (Possumhaw)*	<i>Ilex decidua</i>
Desert Willow*	<i>Chilopsis linearis</i>

East Palatka Holly	Ilex x attenuata "East Palatka"
Eastern Red Cedar*	Juniperus virginiana
Eastern Redbud*	Cercis canadensis
Flameleaf Sumac	Rhus copallina
Foster Holly	Ilex x attenuata "Foster"
Japanese Maple	Acer palmatum
Mexican Buckeye*	Unghadia speciosa
Mexican Plum*	Prunus mexicana
Nellie R. Stevens' Holly	Ilex x "Nellie R. Stevens"
Redbud "Forest Pansy"*	Cercis canadensis
Redbud "Oklahoma"*	Cercis yexensis
Rough-Leaf Dogwood*	Cornus drummondii
Rose of Sharon (Althea)*	Hibiscus syriacus
Rusty Blackhaw Viburnum*	Viburnum rufidulum
Savannah Holly	Ilex "Savannah"
Southern Magnolia "Little Gem"	Magnolia grandiflora "Little Gem"
Southern Wax Myrtle	Myrica cerifera
Texas Persimmon*	Diospyros texana
Texas Redbud*	Cercis canadensis var. texensis
Texas Sophora (Eve's Necklace)	Sophora affinis
Vitex (Chaste Tree)	Vitex agnus-castus
Washington Hawthorn*	Crataegus phaenopyrum
Yaupon Holly*	Ilex vomitoria
Shrubs: Range 3—5'	
Abelia*	Abelia grandiflora
Abelia "Edward Goucher"*	Abelia grandiflora "Edward Goucher"
American Beautyberry	Callicarpa americana
Aromatic Sumac*	Rhus aromatica
Carissa Holly	Illex cornuta "Carissa"
Chinese Fringe Flower	Loropetalum chinense "Hines Purpleleaf"
Chinese Privet	Ligustrum sinense 'variegata'
Coralberry*	Symphoricarpos orbiculatus
Dwarf Abelia	Abelia grandiflora "Compacta"
Dwarf Burford Holly	Ilex cornuta "Burfordii Nana"
Dwarf Burning Bush*	Euonymus alatus 'Compactus'
Dwarf Chinese Holly	Ilex cornuta "Rotunda"
Dwarf Crape myrtle*	Lagerstroemia indica "Nana"
Dwarf Wax Myrtle	Myrica pusilla
Dwarf Yaupon Holly*	Ilex vomitoria "Nana"
Elaeagnus*	Elaeagnus pungens
Flowering Quince*	Chaenomeles japonica
Harbour Dwarf Nandina*	Nandina domestic
Indian Hawthorn	Rhaphiolepis indica
Juniper*	Juniperus chinensis
Lady Banks Rose	Rosa banksiae
Ligustrum	Ligustrum lucidum variegata
Loropetalum	Loropetalum chinense "Hines Purpleleaf"

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Nandina*	Nandina domestica
Needlepoint Holly	Ilex cornuta "Needlepoint"
Oakleaf Hydrangea	Hydrangea quercifolia erththrosoa
Pampas Grass	Cortaderia selloana
Red-leafed Japanese Barberry	Berberis thunbergii "Atropurpurea"
Red Yucca*	Hesperaloe parviflora
Rose Glow Barberry	Berberis thunbergii 'Rose Glow'
Soft Leaf Yucca	Yucca recurvifolia
Spirea*	Spirea spp.
Tam Juniper	Juniperus sabina "tamariscifolia"
Texas Sage*	Leucophyllum frutescens
Ground Cover: Range 18"	
Asian Jasmine	Trachelospermum asiaticum
Bar Harbor Trailing Juniper	Juniperus horizontalis "Bar Harbor"
Blue Pacific Trailing Juniper	Juniperus conferta "Blue Pacific"
Holly Fern	Cyrtomium falcatum
Horseherb*	Calypocarpus vialis
Liriope	Liriope muscari
Mondoegrass*	Ophiopogon japonicus
Moneywort	Lysimachia nummularia
Purple Wintercreeper	Euonymus fortunei "Colorata"
Vinca	Vinca Major
Wood Fern	Dryopteris normalis
Wood Violets*	Viola missouriensis
Vines:	
Boston Ivy*	Parthenocissus tricuspidata
Carolina Jessamine	Gelsemium sempervirens
Coral Honeysuckle*	Lonicera sempervirens
Cross Vine*	Anisotichus capreolata
English Ivy	Hedera helix
Fig Ivy	Ficus pumila
Passion Vine	Passiflora incarnata
Trumpet Vine*	Campsis radicans
Wisteria	Wisteria sp.
Grasses:	
Buffalo Grass*	Bouteloua dactyloides
Canadian Wildrye	Elymus canadensis
Dwarf Hamelngrass	Pennisetum alopecuroides 'Hameln'
Inland Seaoats	Chasmanthium latifolium
Little Bluestem*	Schizachyrium scoparium
Little Bunny	Pennisetum 'Little Bunny'
Lovegrass	Eragrostis sp.
Mexican Feathergrass	Nasella tenuissima
Miscanthus Grass (Maiden Grass)	Miscanthus sinensis
Muhly	Muhlenbergia sp.
Pampas Grass	Cortaderia selloana
Sideoats Grama	Bouteloua curtipendula

Perennial and Annual Flowers:

The planting of annual and perennial flowers compatible in the Coppell geographic area is permitted to provide for color and variation within landscape design. Commonly used at entry features in retail, commercial, office industrial developments.
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* Recommended Texas Smartscaping Plant with Low Water (LW) needs.

(Ord. No. 91599-A-30; Ord. No. 91500-A-189, § 1, 5-12-98; Ord. No. 91500-A-306, § 1, 10-9-01; Ord. No. 91500-A-576, § 1, 1-10-12 ; Ord. No. 91500-A-676 , § 2, 8-11-15)

Sec. 12-34-8. Minimum requirements for off-street parking and vehicular use areas.

With two exceptions, open off-street surface parking, loading and vehicular use areas, including driveways, shall be landscaped according to the criteria outlined in paragraphs (B) and (C) of this section. The exceptions are explained in paragraph (A).

(A) *Areas exempt from landscaping requirements.* An area used for vehicular movement, parking, loading or storage shall be exempt from the provisions of paragraphs (B) and (C) of this section when:

1. The area has restricted access and effective screening.

- a. Restricted access shall consist of denial to the public of parking privileges through limiting the number of driveway entrances and placing either physical barriers there or signage to indicate that the area is for private use only.
- b. Effective screening shall consist of buildings located on the building lot and walls located either on the building lot or adjacent to it. Buildings and walls shall be sufficiently high to obstruct the view of a person standing on the ground of adjacent property or adjacent public street right-of-way. The view through driveway entrances, however, shall be permitted.

Any such area of restricted access, surrounded on all sides by one or more masonry walls at least six feet high used separately or in combination with one or more buildings, shall qualify for this exemption.

2. The area is located on or within a building.

(B) *Interior landscaping.* A minimum of ten percent of the gross nonexempt area utilized for off-street parking and loading shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs and trees. Gross area is to be measured from the edge of the parking, loading and/or driveway pavement and shall include all adjacent sidewalks. In addition:

1. Interior landscape areas shall be protected from vehicular encroachment through appropriate wheel stops or curbs.
2. There shall be a minimum of one tree planted for each 400 square feet or fraction thereof of required interior landscape area.
3. Exclusive of pavement that is exempt from the requirements of this section and truck courts, interior areas of parking pavement shall contain planting islands. The total number of planting islands shall be an amount which is no less than 12 percent of the total number of non-exempt parking spaces. Planting islands shall be located at each terminus of each single row of parking and, when a single row of parking contains more than 15 parking spaces, at intervals between each terminus. The intervals shall be such that planting islands within a single row of parking shall be separated by no more than 15 parking spaces. Planting islands shall contain at least one tree.

In addition, planting islands shall be landscaped with shrubs, lawn, ground cover mulch (if located in a single island less than 200 square feet or located in a double island less than 400 square feet) and/or other appropriate material not to exceed three feet in height. Such planting islands shall have a minimum area of 150 square feet and a minimum width of nine feet. In double rows of parking a planting island required for one row may be combined with a planting island required for another row, in which case the minimum area shall be 300 square feet and the minimum width shall be nine feet.

- (C) *Perimeter landscaping.* A landscape buffer shall be provided along all property lines. All off-street parking, loading and vehicular use areas, including driveway pavement, shall also be screened from all abutting properties and/or public rights-of-way by a wall, fence, hedge, berm or other durable landscape barrier. Plants and materials used in living barriers shall be at least 30 inches in height at the time of planting and shall be of a type and species that will attain a minimum height of three feet one year after planting. Any landscape barrier not containing live plants or trees shall be a minimum of three feet in height at time of installation. In addition:
1. Loading areas and loading docks shall be governed by paragraph 12-31-3 4. of article 31. All other off-street vehicular use areas, including driveway pavement and parking, shall be separated from public street right-of-way by a perimeter landscape area of at least 15 feet in width. A landscape screen or barrier shall be installed in the perimeter landscape area and the remainder shall be landscaped with at least grass or other ground cover. Necessary accessways from the public street right-of-way shall be permitted through all such landscaping. The maximum width for accessways shall be: 50 feet for non-residential two-way movements; 30 feet for residential two-way movements; 20 feet for non-residential one-way movement.
 2. All off-street parking, loading, driveways and vehicular use areas shall be separated from alley rights-of-way and other property by a perimeter landscape area as specified below. A landscape screen or barrier shall be installed in the perimeter landscape area and the remainder shall be landscaped with at least grass or other ground cover. Accessways to non-residential alleys and between lots may be permitted through all perimeter landscape areas. Maximum width of accessways shall be 25 feet.
 - a. All off-street parking and loading areas shall be separated from alley rights-of-way and other property by a perimeter landscape area of at least ten feet in width.
 - b. All driveways and vehicular use areas shall be separated from alley rights-of-way by a perimeter landscape area of at least ten feet in width.
 - c. Except for shared driveways as hereinafter described, all driveways and vehicular use areas shall be separated from other property by a perimeter landscape area of at least ten feet in width. When at least 45 percent of a width of a driveway is shared by an adjoining property owner, then a minimum 10 foot width of landscaping shall be provided on each side of the driveway pavement.
 3. Perimeter landscape areas shall contain at least one tree for each 50 linear feet or fraction thereof of perimeter landscape area. The trees along the right-of-way may be clustered to allow optimal signage visibility.
 4. When other provisions of this ordinance require that a masonry wall be located on the property line, no additional screening shall be required; however, sufficient landscaping shall be provided within a required perimeter landscape area to provide concealment of wall foundations and to satisfy tree requirements.

(Ord. No. 91500-A-105; Ord. No. 91500-A-276, §§ 1, 2, 12-12-00; Ord. No. 91500-A-318, § 11, 3-19-02; Ord. No. 91500-A-332, § 1, 8-13-02; Ord. No. 91500-A-576, § 2, 1-10-12 ; Ord. No. 2014-1380, § 6 , 7-8-14)

Sec. 12-34-9. Landscaping requirements for nonvehicular open space.

Non-vehicular open spaces on a developed lot shall provide landscaping as follows.

- (A) In all non-residential zoning districts, there shall be an area devoted to feature landscaping. The size of that area shall equal at least 15 percent of that portion of the lot not covered by a building or by buildings. Not less than 50 percent of the feature landscaping shall be located in the required front yard. Landscaping specified by subsection 12-34-1 8. shall be in addition to this requirement.
- (B) In all residential zoning districts, except single-family districts, a minimum of 15 percent of the landscaping shall be located in the required front yard.
- (C) Grass, ground cover, shrubs, and other landscape materials shall be used to cover all open ground within 20 feet of any building or paving or other use, such as storage.
- (D) All structures shall be treated with landscaping so as to enhance the appearance of the structure and to screen any detractive or unsightly appearance.
- (E) Trees shall be planted in non-vehicular open space to meet the following requirements. Existing trees that are preserved on a developed lot may be credited to satisfy these requirements.

Percentage of Site in Non-vehicular Open Space	Ratio of Trees per Area of Non-vehicular Open Space
Less than 30%	1 tree/2,500 sq. ft.
30% to 49%	1 tree/3,000 sq. ft.
50% or more	1 tree/4,000 sq. ft.

(Ord. No. 91500-A-105)

Sec. 12-34-10. Landscaping requirements for lots two acres in size or less.

Platted lots which contain two acres or less shall be landscaped in accordance with Sections 12-34-8 and 12-34-9, except that:

A maximum of 30% of the lot shall be required to be landscape area, and a maximum of 5% of this landscape area may be enhanced paving (hardscaping), such as decorative plazas, sidewalks, drive aisles, etc.

(Ord. No. 2014-1380, § 7 , 7-8-14)

DIVISION 2. TREE PRESERVATION REQUIREMENTS

Sec. 12-34-2-1. Purpose.

The purpose of the tree preservation ordinance is to set the standards for the preservation and protection of a diminishing natural resource, our native and other adapted existing site trees, and to encourage the planting of trees to replace and supplement our urban forest during the development, construction, and redevelopment processes.

(Ord. No. 91500-A-203)

Sec. 12-34-2-2. Intent.

It is the intent of the City Council of the City of Coppell that the terms of article 34, division 2 shall:

- (A) Establish rules and regulations governing the protection and preservation of established trees growing within the city.
- (B) Regulate the removal and replanting of trees during development, construction and redevelopment.
- (C) Require a tree removal permit when removal is deemed necessary.
- (D) Provide the administrative structure to monitor and enforce compliance with the tree preservation ordinance.
- (E) Provide assistance to property owners, developers, and builders in understanding proper guidelines, methods, and regulations of tree preservation and protection within the city.
- (F) Establish the City of Coppell Reforestation and Natural Areas Fund.

(Ord. No. 91500-A-203)

Sec. 12-34-2-3. Administration.

Administration and enforcement of the tree preservation ordinance shall be the responsibility of the department of leisure services, under the supervision of the city manager or his designee.

- (A) The city manager or his designee will issue a notice of violation to persons, firms, and corporations failing to comply with provisions of the tree preservation ordinance which will be adjudicated through the municipal court system.
- (B) The city manager or his designee, building official, or an authorized representative shall have the authority to place a stop work order on any activity which is effectively removing protected trees or is in violation of article 34, division 2.

(Ord. No. 91500-A-203)

Sec. 12-34-2-4. Definitions.

The following definitions shall apply to this chapter:

- (A) *Appraised value* means the monetary value for a tree based on the formula established by The Council of Tree and Landscape Appraisers (CTLA) and published by the International Society of Arboriculture.
- (B) *Bore utilities* means The practice of tunneling at a depth below the effective root system of a tree, generally at a depth of 18 to 24 inches, for the purpose of running underground utilities.
- (C) *Critical root zone* means the top 12 inches of undisturbed natural soil around the tree, defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line, wherein roots critical to its survival are growing.
- (D) *DBH or diameter at breast height* means the diameter, in inches, of a tree as measured through the main trunk at a point four and one-half feet above the natural ground level.
- (E) *Drip line* means the periphery of the area encompassing a tree determined by dropping imaginary vertical lines from the outermost portion of its canopy to the ground.

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- (F) *Historic tree* means any tree that is either a minimum size of 40-inch caliper DBH or 100 years of age or older.
 - (G) *Leaf litter* means the normal organic matter lying on the forest floor.
 - (H) *Mulch* means pre-decomposed organic material.
 - (I) *Person* means any corporation, partnership, firm, association or other artificial entity; or any individual; or any agent or employee of the foregoing.
 - (J) *Protected tree* means any living tree species, six inches DBH or larger, which is not on the "unprotected tree list" that shall be subject to the preservation, protection, and replanting requirements of article 34, division 2.
 - (K) *Protective fencing* means a barrier from entry, constructed from chain link, orange plastic, or other similar material at a minimum height of four feet above ground level, restricting access to a tree protection zone.
 - (L) *Reforestation and natural areas fund* means the fund established by the city for the purpose of collecting monetary reparation to provide for urban reforestation, purchase and preservation of natural areas, public education, as well as costs associated therein by the department of leisure services, in conjunction with the park and recreation board.
 - (M) *Replacement tree* means a nursery-grown tree of a protected tree species, as defined in article 34, division 2, with a minimum DBH of three inches and height of seven feet.
 - (N) *Specimen tree* means a tree that is a minimum size of 24-inch caliper DBH.
 - (O) *Tree* For the purposes of article 34, division 2, any self-supporting woody perennial plant which has a trunk DBH of six inches or greater which normally attains an overall height of at least 20 feet at maturity, usually with one main stem or trunk and many branches.
 - (P) *Tree board* A board, established by the city council, which is charged with advising the city manager or his designee in the administration of this division, as well as promoting tree awareness, tree planting, and urban forestry education and practice in the city.
 - (Q) *Tree protection zone* means any area designated, or required, for the sole purpose of preserving a protected tree, or group of trees, wherein no activities prohibited by article 34, division 2 shall take place.
 - (R) *Tree removal permit* a permit which must be approved by the city manager or his designee prior to the removal of any tree. (appendix, item I).
 - (S) *Understory vegetation* means forest plants or smaller trees which grow beneath the canopy of larger trees.
 - (T) *Unprotected tree* means a tree of an undesirable species, as determined by article 34, division 2, which does not require preservation, protection measures, or replanting.

(Ord. No. 91500-A-203; Ord. No. 91500-A-676 , § 3, 8-11-15)

Sec. 12-34-2-5. Applicability.

The terms and conditions of article 34, division 2 shall be applicable to all real property and development, construction, and redevelopment within the city including, but not limited to, the following:

- (A) Subdivisions (single and multi-family).
- (B) Non-residential.

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- (C) Undeveloped property.

(Ord. No. 91500-A-203)

Sec. 12-34-2-6. Exemptions.

Article 34, division 2 shall not apply to the following:

- (A) Any property located in a residential development which has received preliminary plat approval or site plan approval and any non-residential use property which has received site plan approval prior to the effective date of this article.
- (B) Any single family residential property after the first date that said residence was occupied, so long as said property is not being developed, redeveloped, platted, replatted, or subdivided.
- (C) On that portion of property owned or operated by a plant and/or tree nursery, on which trees are planted and/or grown for commercial sale.
- (D) Tree removal or trimming activities of public utility companies or other entities as may be authorized by prior agreements with the city.
- (E) Trees which are diseased, injured, or determined by the city manager or his designee to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety and require immediate removal without delay.
- (F) Actions deemed necessary in accordance with city policy during a period of emergency such as tornado, storm, flood or other act of God.
- (G) Where this article and the Coppell Flood Plain Management Ordinance are in conflict, the flood plain management ordinance shall take precedence.
- (H) Public utility construction and maintenance.
- (I) In areas zoned LI (Light Industrial), trees located within the building footprint, as indicated on the site plan approved by city council, shall not be considered as protected trees under this section and shall not be subject to tree reparation payment.

(Ord. No. 91500-A-203; Ord. No. 91500-A-397, § 1, 11-9-04)

Sec. 12-34-2-6A. Municipal, schools and religious institutions.

- (A) The City of Coppell, public school districts or any church, shall endeavor to preserve all trees protected by the requirements of article 34, division 2 wherever practicable in order to preserve the natural beauty of environment as to provide for the safety, health, and welfare of the citizenry.
- (B) Except as noted herein, article 34, division 2 shall not apply to any property owned, leased, controlled real property, development, constructed and/or redevelopment by the City of Coppell or public school districts; or to any church property owned, leased, controlled real property, development, constructed and/or redevelopment, provided that such uses is only for church purposes.
- (C) In all development, construction, and/or redevelopment, except the construction, reconstruction, development of public roads, streets, rights-of-way, that is not funded or permitted, after the effective date of this ordinance, the City of Coppell, public school districts, or church shall comply with the provisions of section 12-34-2-7 protected tree designation, section 12-34-2-9 (a—c) guidelines for tree protection and section 12-34-2-10 prohibited activities, unless such requirements defeat or impede the public purpose of such municipal or school construction, development or redevelopment.

(Ord. No. 91500-A-203)

Sec. 12-34-2-7. Protected tree designation.

- (A) Any tree which has a six inch DBH or greater, which is not listed as an unprotected tree species in section 12-34-2-7B or not exempted in section 12-34-2-6, is a protected tree and must be retained and protected or replaced if removed.
- (B) Protection and replacement will not be required for the following species of unprotected trees less than ten caliper inches.

Common Name	Botanical Name
Hackberry	Celtis occidentalis
Cottonwood	Populus deltoides
Bois d'Arc	Maclura pomifera
Mimosa	Albizia julibrissin
Mesquite Trees	Prosopis glandulosa

This list is subject to change and will be periodically updated by the city manager or his designee with the approval of the park and recreation board.

- (C) All protected trees on the development or construction site must be preserved and protected according to section 12-34-2-9, guidelines for tree protection, unless a tree removal permit has been obtained.

(Ord. No. 91500-A-203; Ord. No. 91500-A-282, § 1, 1-9-01)

Sec. 12-34-2-8. Tree survey.

- (A) *Purpose.* The tree survey is the heart of the tree preservation ordinance. Its purpose is not to penalize, but to aid those in protecting our valuable natural resources during development and construction. Additionally, the tree survey will also help determine the quantity of trees, if any, that must be removed or cannot be safely and adequately protected during the street, utility, and construction phases of development.
- (B) *Scope.* A tree survey shall be conducted and be current to within the 24 months immediately prior to submission for any of the following:
1. Preliminary plat.
 2. Re-plat.
 3. Final plat and approval.
 4. Site plan review.
 5. Application for building permit.
- (C) *Detail:*
1. The tree survey shall be performed by qualified personnel meeting the requirements of the City of Coppell. These persons must register and be approved by the city manager or his designee prior to the conducting of the tree survey. Minimum qualification must be one of the following:
 - a. International Society of Arboriculture Certified Arborist.
 - b. Texas Association of Nurserymen Member.

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(Supp. No. 51)

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- c. A degree in a related field (i.e. forestry, landscape architecture, botany, horticulture) with five years field experience.
 2. The tree survey shall include location, size (DBH), species, canopy type, ordinal points of canopy spread, and condition of all trees with a six-inch DBH or larger. Trees will be measured at four and one-half feet above natural ground level, or DBH (diameter at breast height). The tree survey information will be compiled in a tabular format with each tree identified by a number corresponding to a numbered tree on the site plan. (appendices A, B and C).
 3. The entire parcel being proposed for development shall be included in the tree survey, except for any portion located farther than 50 feet from any planned development or construction activities.
 4. Once the tree survey has been accomplished and submitted to the city, all trees on the tree survey shall be classified as protected trees, with the exception of those unprotected tree species listed in subsection 12-34-2-7B or exempted by section 12-34-2-6.
 5. The tree survey shall then be used to determine:
 - a. The number of protected trees that must be removed for the development of essential streets, utilities, and building construction.
 - b. Potential specimen or historic trees.
 - c. The total amount of required tree replacement or reparation.
 - d. The amount of tree preservation credit.

(Ord. No. 91500-A-203)

Sec. 12-34-2-9. Guidelines for tree protection.

A major purpose of article 34, division 2 is to protect all existing quality site trees which are not required to be removed for approved development and construction to occur. The following are minimum requirements for the protection of all protected trees within 50 feet of all development and construction activities related, but not limited, to streets, parking lots, building sites, driveways, and sidewalks.

- (A) Prior to construction or land development, the developer or builder must clearly mark all protected trees within 50 feet of all public rights-of-way, public easements, or construction areas. The protected trees will be flagged with bright, fluorescent survey ribbon wrapped around the main trunk at a height of four feet from natural grade such that the tape is very visible to construction workers and equipment operators.
- (B) Prior to construction or land development, the developer or builder shall establish designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment, and related items, as well as stockpile areas for the storage of construction supplies and materials. After approval by the city manager or designee, the location and dimensions of said designated areas shall be clearly identified on construction and site plans and at the construction site.
- (C) In those situations where the drip line of a protected tree is not directly affected by construction but construction related activities may infringe on said drip-line, protective fencing shall be installed at minimum around the drip-line designating a tree protection zone. The fencing must be a minimum of four feet in height with silt fencing attached to the base of the fence. Bright, fluorescent survey ribbon must be attached to the protective fencing at ten-foot intervals. (appendices D and E).
- (D) Bilingual (English and Spanish) signage will be conspicuously located on all protective fencing designating a tree protection zone. (appendix F).

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- (E) Every effort will be made to retain understory vegetation and leaf litter during all phases of development and construction. If understory vegetation and/or leaf litter is removed, the critical root zone within the tree protection zone will be mulched with three to six inches of organic material to aid in keeping soil temperatures down and in the retention of soil moisture.
 - (F) Underground utilities may be bored if the line of the utility passes within a tree protection or critical root zone. (appendix G).
 - (G) Grade changes in excess of four inches cut or fill within a tree protection or critical root zone will require a retaining wall or tree well, made of rock or brick, to be constructed around the protected tree no closer than 75 percent of the distance between the trunk and the drip line. The top of the retaining wall should be constructed at the new grade. Additional measures to maintain proper oxygen and water exchange with the protected tree roots may also be required. (appendix H).
 - (H) All protected trees shall be provided with a permeable surface under a minimum of 75 percent of the existing drip line of the tree(s).

(Ord. No. 91500-A-203)

Sec. 12-34-2-10. Prohibited activities.

The following activities shall be prohibited on any development or construction site within a tree protection zone or the drip line of any protected tree:

- (A) No construction vehicle or equipment traffic or parking shall take place.
- (B) No materials intended for use in development or construction, or waste materials accumulated due to excavation or demolition, shall be placed or stored.
- (C) No equipment shall be cleaned or liquids deposited or allowed to flow overland. This includes, but is not limited to, paint, oil, solvents, asphalt, concrete, mortar, and similar materials.
- (D) Grade changes in excess of four inches shall not be made unless properly protected by a retaining wall or tree well as described in section 12-34-2-9.
- (E) No water, which accumulates due to construction-related activities, shall be permitted to remain around any protected tree.
- (F) No signs, wires, or other attachments, other than those of a protective nature, shall be attached to any protected tree.
- (G) Except for these aforesaid exemptions in section 12-34-2-6, under no circumstances shall there be a clear cutting of trees on a property for any purpose at any time.
- (H) No person, directly or indirectly, shall cut down, destroy, effectively destroy through damaging, remove, or move any tree, protected tree, specimen tree, or historic tree without a tree removal permit at any time unless exempted by section 12-34-2-6.
- (I) No person, directly or indirectly, shall act in concert with an owner, occupant, lessor, lessee or any person claiming an interest in property to enter into any agreement, contract, negotiation, letter of intent or any other type of arrangement to circumvent the prohibitions contained herein or to otherwise qualify for an exemption from the provisions of this ordinance.

(Ord. No. 91500-A-203)

Sec. 12-34-2-11. Tree removal permit.

- (A) In the event it becomes necessary to remove a tree for development or construction, a tree removal permit will be required. Permits for tree removal may be requested by making application on a form prescribed by the city to the city manager or his designee. (appendix I).
- (B) Upon receipt by the city of a completed tree removal permit application, an administrative fee shall be paid to the city by the applicant.
- (C) The tree removal permit application shall be accompanied by a preliminary plat or site plan showing the exact location, size (DBH), common name, and reason for request of removal of each tree on site.
- (D) Submission of a tree removal permit application to the city shall authorize the city manager or his designee or his designee to conduct field inspections of the site as necessary for purposes related to the provisions of the tree preservation ordinance.
- (E) After thorough review of the tree removal permit application and accompanying documents, the city manager or his designee will approve, approve with conditions, or disapprove the application. Disapproved applications may be revised and resubmitted to the city free of charge.
- (F) After the initial tree removal permit is issued, higher mitigation fees will apply to any differing trees requested to be removed. These shall be mitigated at two times the standard fee described in section 12-34-2-12.

(Ord. No. 91500-A-203; Ord. No. 91500-A-676 , § 4, 8-11-15)

Sec. 12-34-2-12. Protected tree replacement.

Removal of any protected tree(s) will require a tree removal permit and replacing or replanting of tree(s) on site or on public land, as designated by the city manager or his designee. Required tree replacement will be determined as follows:

- (A) In as much as it is reasonable and feasible, replanting on the development or construction site will be made to restore the original natural landscape character of the site.
 - 1. Protected trees will be replanted at a replacement ratio of one inch DBH of replacement tree for each one inch DBH of removed tree.
 - 2. Specimen trees will be replanted at a replacement ratio of ten inches DBH of replacement tree for each one inch DBH of removed tree.
 - 3. Historic trees must be preserved and cannot be removed unless "hardship" is applied for and approved by the city council.
 - a. If a hardship is approved, trees shall be replanted at a replacement ratio of ten inches DBH of replacement tree for each one inch DBH of removed tree.
 - 4. Replacement trees must be a minimum of three inches DBH, seven feet in height, and be of the same, or more desirable, protected species.
- (B) To the extent that tree replacement is not feasible, the city manager or his designee shall determine the amount of indemnification to be paid by the developer. Upon determination of indemnification, said payment shall be made to the City of Coppell Reforestation and natural area funds based on amounts indicated which is as follows:

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1. For protected trees, reparation will be made in the amount of \$100.00 per one inch DBH for trees less than 12 inches DBH and \$200.00 per one inch DBH for trees 12 inches DBH and greater.
 2. For specimen trees, reparation will be made for the appraised value of the removed tree as determined by CLTA (council of landscaping tree appraisers) guidelines.
 3. Historic trees must be preserved and cannot be removed unless "hardship" is applied for and approved by the city council.
 - a. If a hardship is approved, reparation will be made for the appraised value of the removed tree as determined by CLTA (council of landscaping tree appraisers) guidelines.
- (C) If any protected and/or replacement tree dies within two years of initial planting or issuance of certificate of occupancy and is brought to the attention of the city manager or his designee, the original permit applicant shall be subject to the same replacement as a protected tree in section 12-34-2-12.
- (D) Money paid in lieu of tree replacement made in compliance with article 34, division 2 shall be considered contributions to the City of Coppell Reforestation and Natural Areas Fund. This fund shall be used for purposes of, but not limited to:
1. Planting of trees in city parks, on public lands, and along public rights-of-way.
 2. Purchasing of wooded, natural areas, particularly floodplain acreage, to preserve these highly-sensitive environmental areas for public protection and passive recreational enjoyment.
 3. Educational projects, such as construction of outdoor learning centers or classroom/group tours led by foresters or park staff.
- (E) Except for one six-month extension approved by the city manager or his designee due only to seasonal limitations that would make planting of trees impractical and require an escrow deposit in an amount equal to 110 percent of the estimated cost of tree planting, no certificate of occupancy will be issued for any building or structure on the development or construction site until all required tree replacement and/or monetary reparation has been made in full.

(Ord. No. 91500-A-203; Ord. No. 91500-A-292, § 1, 5-8-01; Ord. No. 91500-A-676 , § 5, 8-11-15)

Sec. 12-34-2-13. Tree replacement credits.

Credits may be earned to reduce required tree replacement or money paid in lieu of tree replacement, if any, due to compliance with the tree preservation ordinance. (See appendix J)

- (A) Non-residential property. The following credits shall be given to reduce the amount of reparation incurred, if any, from development and construction on non-residential property which is not adjacent to residential use (appendix K):
1. Preservation credit:
 - a. A preservation credit, based on the percentage of protected trees (DBH) preserved on site, shall be given.
 - b. Only those trees in good condition, with an excellent prospect for long-term survival and preserved in accordance with provision of this ordinance, shall be considered for preservation credit.
 - c. Non-residential property which is adjacent to residential use may qualify for the preservation credit if a minimum 50 foot permanent buffer, meeting all tree protection zone requirements, is maintained adjacent to all residential property lines.

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2. Landscaping credit.
 - a. For each one inch DBH of approved species tree planted on site, a landscaping credit of one inch DBH shall be earned.
 - b. This credit shall include any trees planted to fulfill city landscaping requirements.
 - c. The landscaping credit may be applied to offset up to 50 percent of required reparation as provided in subsection 3.
 3. Applicability of landscaping credit. In an exceptional case a landscape credit may be applied to offset up to 50 percent of a required reparation as provided herein. An exceptional case shall be defined by the city manager or his designee by adoption of reasonable guidelines based on all of the following:
 - (a) Intensity/use of the development;
 - (b) Acreage and/or location of the property;
 - (c) The number of trees which may be affected;
 - (d) The location of the property in relation to surrounding development;
 - (e) Frontage on major thoroughfares;
 - (f) Environmental disruption or sensitivity to surrounding arboreal growth; and
 - (g) Disruption to surrounding wildlife.

These guidelines shall be adopted, and, may amended from time to time by resolution of the city council.

(B) Residential and adjacent non-residential properties. The following credits, in exceptional cases, as defined herein in section 12-34-2-13 (A) (3), shall be given to reduce the amount of reparation incurred, if any, from development and construction on residential properties and those non-residential properties adjacent to residential use that do not maintain a minimum of a 50-foot permanent buffer, as described in section 12-34-2-13A above (appendix L).

(C) Credit determination.

1. Determination of expected credit shall be made by the city manager or his designee upon approval of a tree removal permit application.
2. The city manager or his designee shall verify credits upon completion of the site improvements, and for this purpose, may include an field inspection of the site.
3. If actual landscaping and tree preservation is not in accordance with the plan on which credits were based, an adjustment shall be made and, if necessary, require the applicant to make additional reparation either in the form of additional tree planting or contribution to the City of Coppell Reforestation and Natural Areas Fund.
4. Only in exceptional cases may landscaping credit be given to reduce reparation incurred or in the event of tree removal for floodplain reclamation purposes.

(Ord. No. 91500-A-203)

Sec. 12-34-2-14. Unauthorized tree removal.

Each unauthorized tree removed shall constitute a distinct and separate offense and shall also be punishable by the maximum fine allowed under law.

(Ord. No. 91500-A-203)

Sec. 12-34-2-15. Appendices.

Appendix A
Sample Tree Survey Conducted By Coppell Tree Board

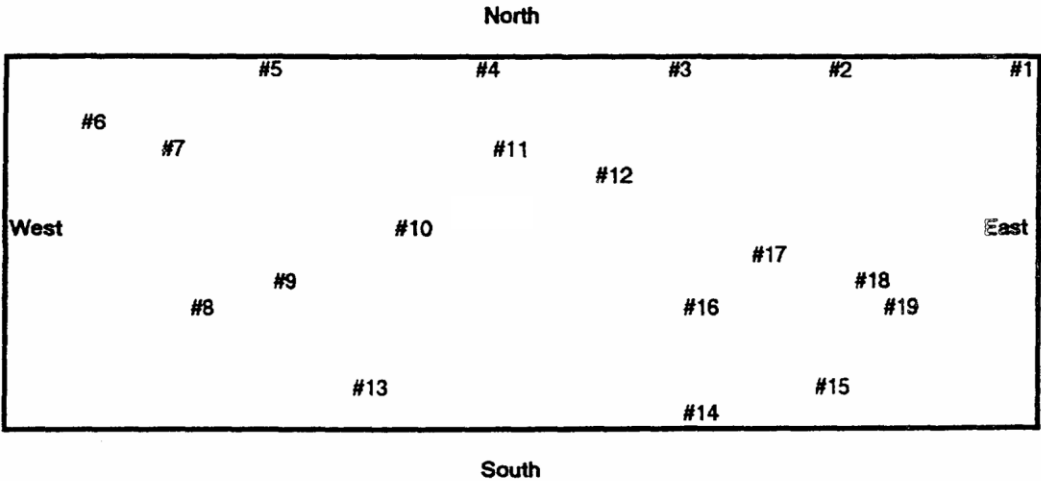
Location (Tree #)	Diameter (DBH)	Species	Canopy Points	Crown Class	% Live Crown
#1	7 inches	Post Oak	12' 9' 0'	Intermediate	20%
#2	10 inches	Chitwood Gum	18' 3' 12'	Suppressed	30%
#3	8.5 inches	Post Oak	6' 3' 3'	Suppressed	15%
#4	12 inches	Post Oak	18' 10' 9'	Intermediate	50%
#5	11 inches	Post Oak	18' 12' 13'	Intermediate	50%
#6	18 inches	Post Oak	9' 9' 20'	CoDominate	60%
#7	17 inches	Post Oak	15' 15' 15'	CoDominate	70%
#8	17 inches	Post Oak	10' 10' 6'	CoDominate	60%
#9	18 inches	Post Oak	15' 15' 15'	CoDominate	50%
#10	16 inches	Post Oak	20' 12' 5'	Intermediate	40%
#11	18 inches	Post Oak	12' 10' 18'	Dominate	80%
#12	13 inches	Post Oak	20' 15' 15'	CoDominate	40%
#13	15 inches	Post Oak	12' 9' 12'	CoDominate	40%
#14	20 inches	Post Oak	17' 15' 9'	Dominate	90%
#15	DEAD		8' 13'		
#16	15 inches	Post Oak	24' 20'	Dominate	90%
			14' 15'		

Appendix A—Sample Tree Survey

Appendix A (continued)
Sample Tree Survey

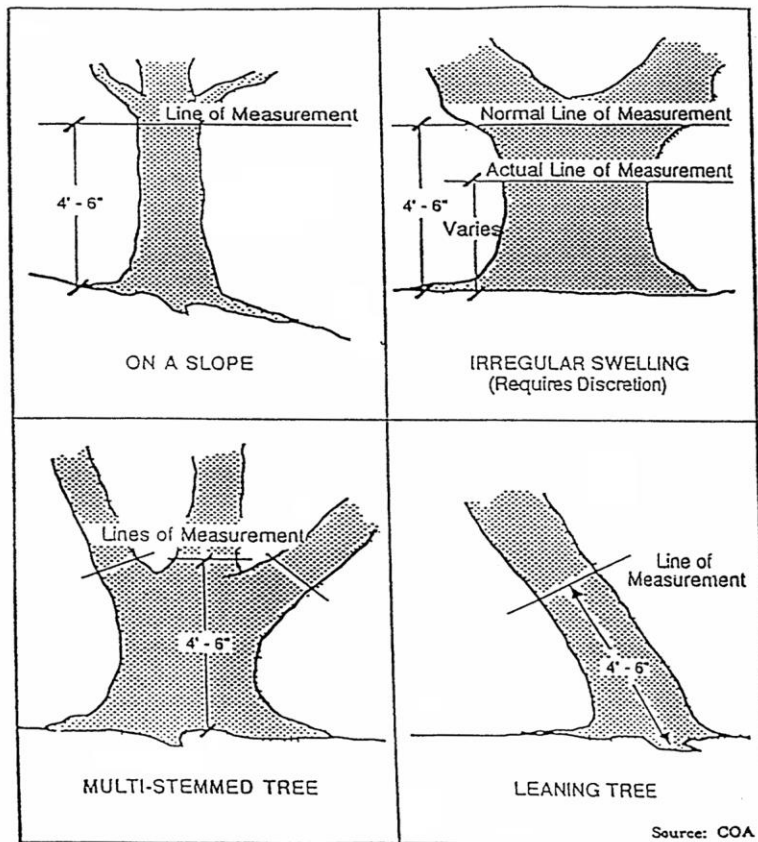
#17	11 inches	Post Oak	15'	13' 6' 0'	10'	CoDominate	50%
#18	10 inches	Post Oak	3'	4' 0'	8'	Intermediate	25%
#19	9 inches	Post Oak	16'	20'	12'	Intermediate	25%

Sample Tree Survey Conducted at Area Adjacent and North of Overton Bank, Coppell.
Approximate Size of Area : 15,000 sq/ft.



Appendix A—Sample Tree Survey

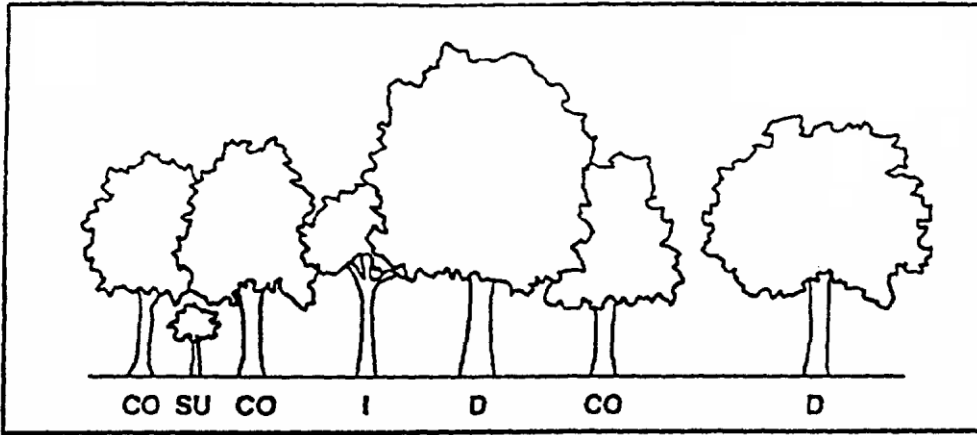
Appendix B
Illustration of Methods of Tree Measurement



Appendix B—Methods of Tree Measurement

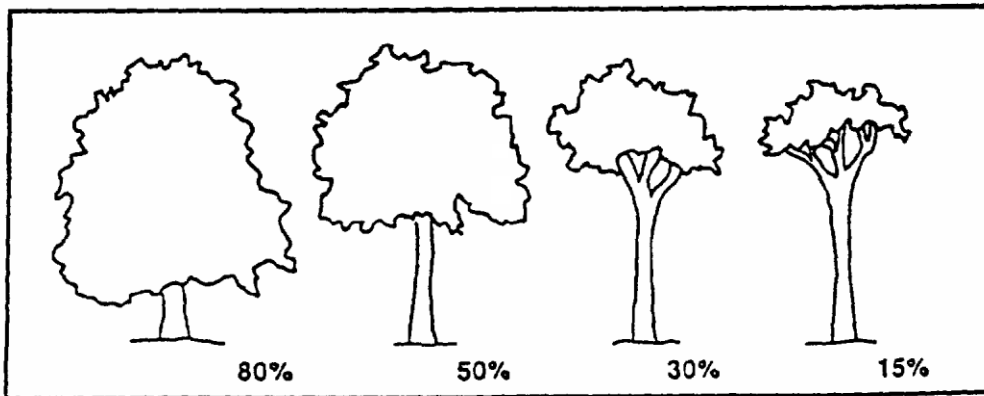
Diameter measurement: The diameter of the protected tree shall be measured as shown. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk to one-half the diameter of each additional trunk.

Appendix C
Illustration of Canopy Trees



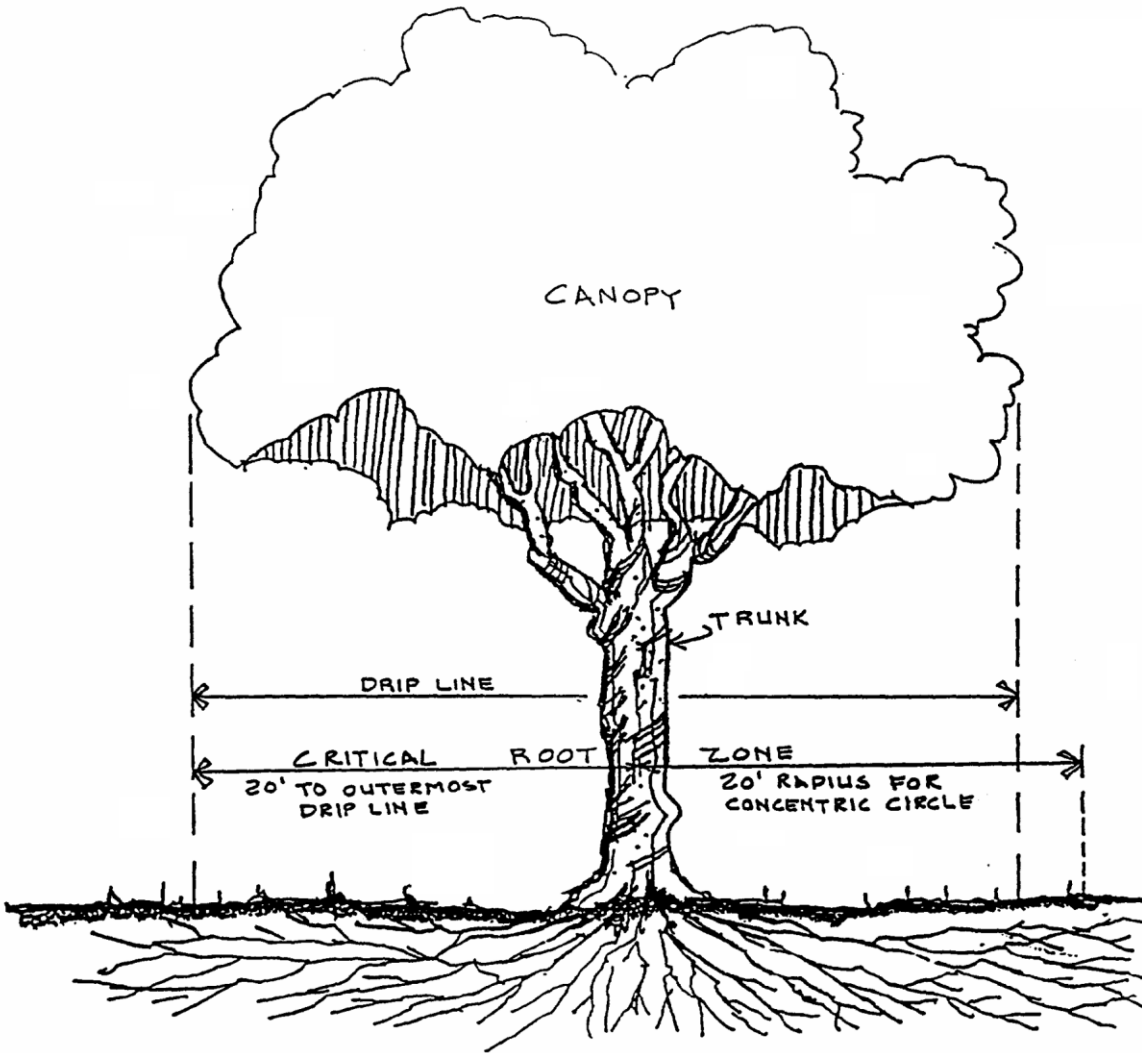
Appendix C—Crown Class

Adapted from the Hazard Tree Assessment Program, Recreation and Park Department, City of San Francisco.



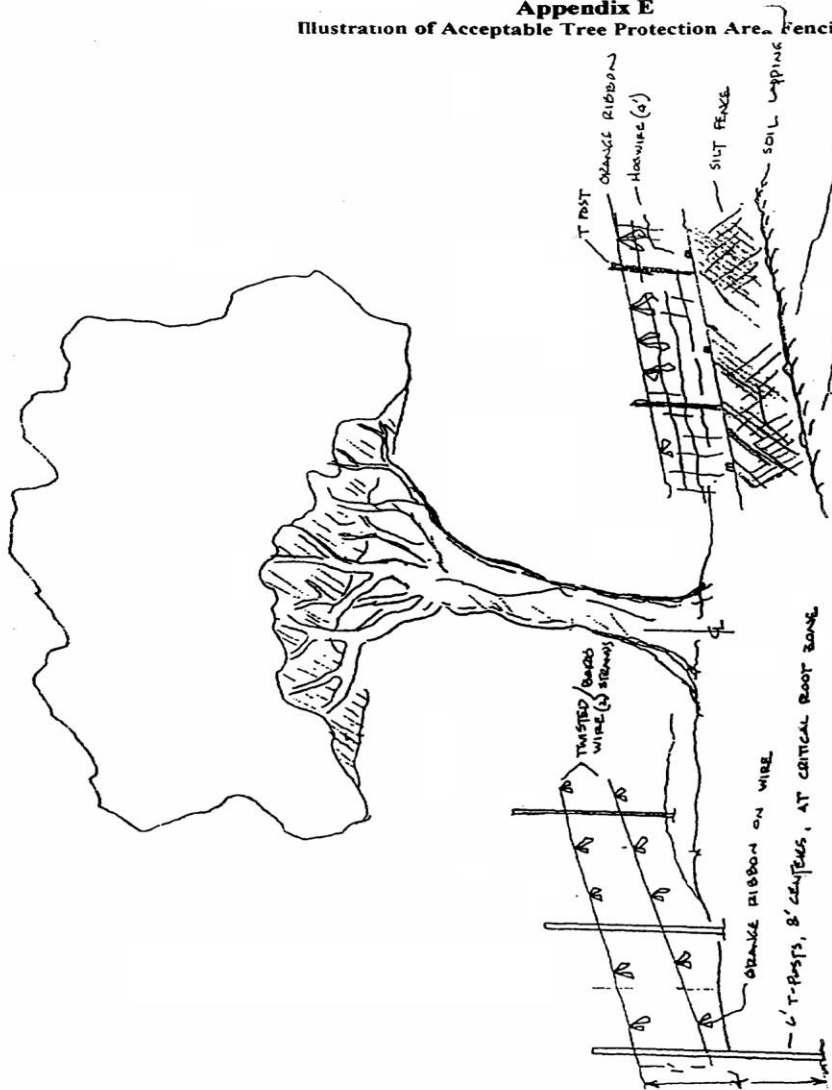
Appendix C—Crown Ratio

Adapted from *A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas* (2nd Edition). N. Matheny and J. Clark 1994. International Society of Arboriculture. Savoy IL.



Appendix D—Typical Tree Structure

Appendix E
Illustration of Acceptable Tree Protection Area Fencing



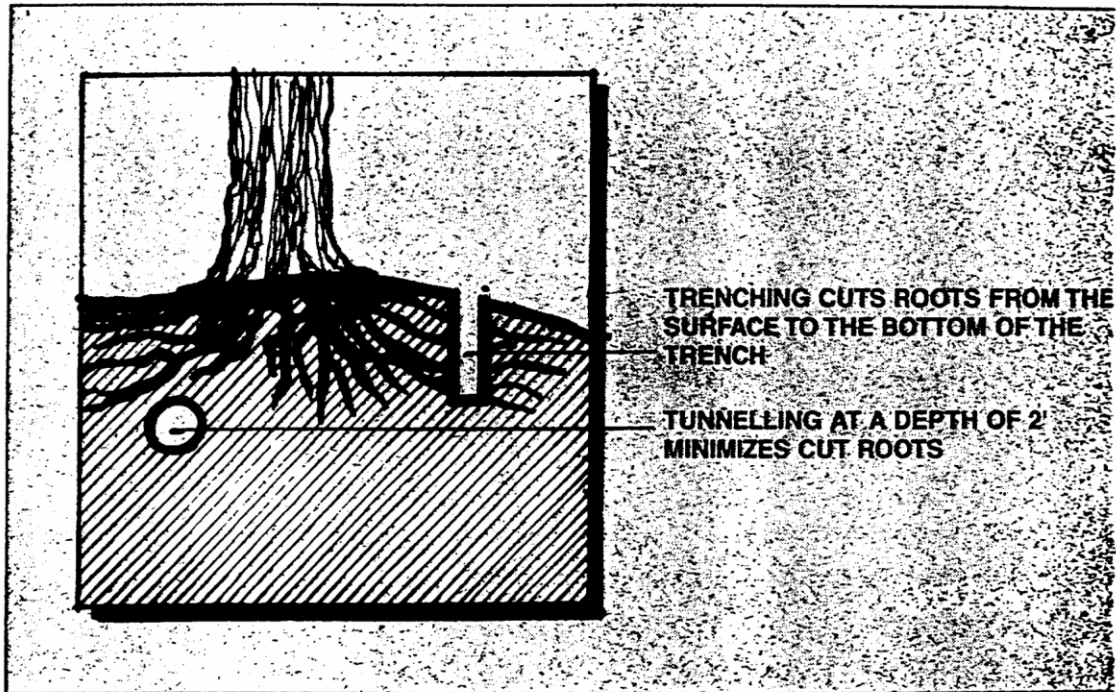
TREE PROTECTION FENCING OPTIONS

Appendix E—Tree Protection Fencing Options

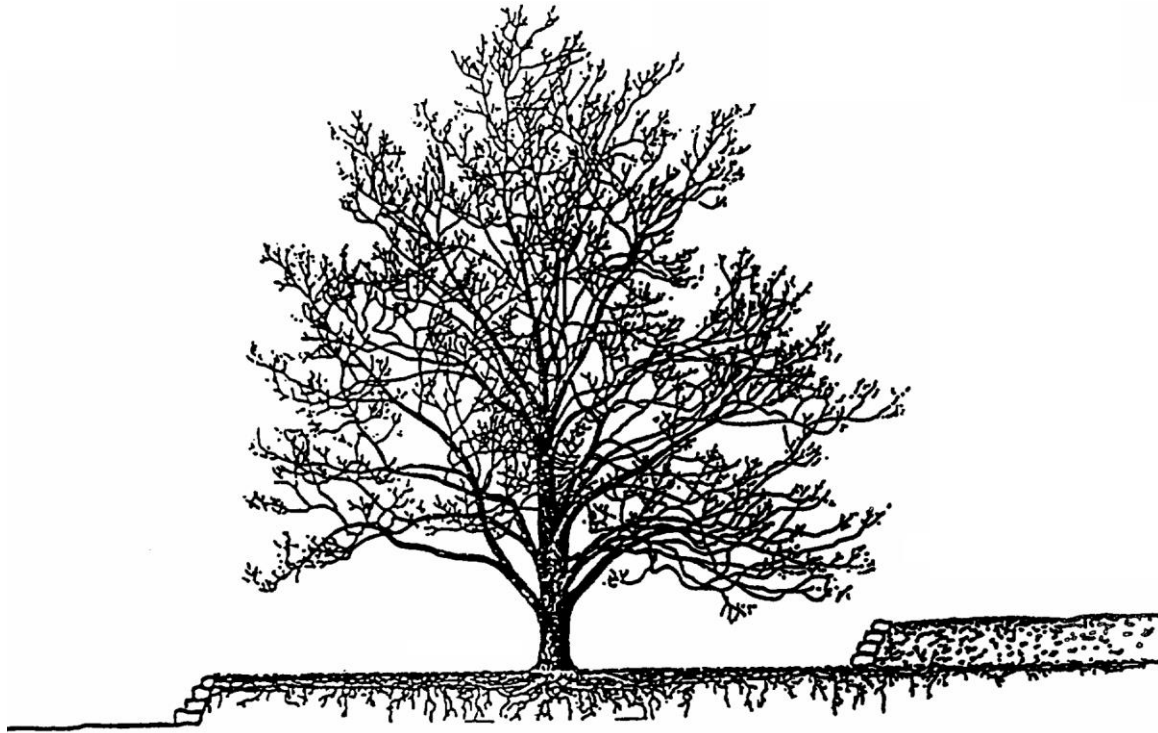
Appendix F
Illustration of Protective Signage

TREE PROTECTION ZONE

ZONA
de
CONSERVACION
ARBOLES



Appendix G—Trenching versus Boring



CUT & FILL OPTIONS

Appendix H—Cut and Fill Options

Appendix I
Tree Removal Permit Application
TREE REMOVAL PERMIT APPLICATION
City of Coppell, Texas

Date: _____	Permit Number: _____
	(Issued by City upon approval)

Property Location:

Applicant Name: _____

Address: _____

Phone: _____

Property Owner Name: _____

Contractor: _____

TREE LOCATION/ID#	SIZE (DBH)	SPECIES	REASON FOR REMOVAL
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Attach additional sheets as necessary.
 This application must be accompanied by a Plan or Preliminary Plat of the site.
 Proposed new development must attach a Tree Survey.

I understand this application is subject to all rules and regulations pertaining to Section 34-11 of the Zoning Ordinance Code Book of the City of Coppell, Texas.

Applicant Signature:_____

For Staff Use Only

Approved/Disapproved By: _____ Date: _____

Comments:

Fee Paid: _____ Receipt No. _____

Appendix J

1. DETERMINATION of GROSS RETRIBUTION
for
PROTECTED TREES

Determination in Inches:	
INCHES (DBH) of TREE REMOVED	_____ inches (DBH)
times (×) 1 inch	× 1"
equals (=)	
GROSS RETRIBUTION in INCHES (DBH)	_____ inches (DBH)
Determination in Dollars:	
GROSS RETRIBUTION in INCHES (DBH)	_____ inches (DBH)
times \$100.00	× \$100.00
equals (=)	
GROSS RETRIBUTION in DOLLARS	\$ _____

2. DETERMINATION of GROSS RETRIBUTION
for
SPECIMEN and HISTORIC TREES

Determination in Inches:	
INCHES (DBH) of TREE REMOVED	_____ inches (DBH)
times (×) 10 inches	× 10"
equals (=)	
GROSS RETRIBUTION in INCHES (DBH)	_____ inches (DBH)

Determination in Dollars:

The appraised value of the tree as determined by the Council of Landscaping Tree Appraisers (CLTA) Guidelines.

Appendix K
DETERMINATION of RETRIBUTION CREDITS
Non-Residential Property

GROSS RETRIBUTION	_____ inches (DBH)
minus (-)	
PRESERVATION CREDIT:	
Trees Preserved on Site	_____ inches (DBH)
divided by (°)	
Total Trees on Site	_____ inches (DBH)
equals (=)	
Preservation Percentage	_____ %
times (x)	
Gross Retribution	_____ inches (DBH)
equals (=)	
PRESERVATION CREDIT	- _____ inches (DBH)
minus (-)	
LANDSCAPING CREDIT	- _____ inches (DBH)
equals (=)	
NET RETRIBUTION	_____ inches (DBH)
times (x) \$100.00	× \$100.00
equals(=)	
CONTRIBUTION to CITY of COPPELL REFORESTATION and NATURAL AREAS FUND	\$ _____

Appendix L
DETERMINATION of RETRIBUTION CREDITS
Residential and Adjacent Non-residential Property

GROSS TREE RETRIBUTION	_____ inches (DBH)
minus (-)	
LANDSCAPING CREDIT	- _____ inches (DBH)
equals (=)	
NET RETRIBUTION	_____ inches (DBH)
times (x) \$100.00	× \$100.00
equals(=)	
NET RETRIBUTION in DOLLARS	\$ _____

DEVELOPERS ONLY

NET RETRIBUTION in DOLLARS	\$ _____
minus (-)	
PARK IMPACT FEE CREDIT:	
Number of lots	_____ lots
times (x)	
Park Impact Fee	× \$1,285 (or current fee)
equals (=)	
PARK IMPACT FEE CREDIT	\$ _____
equals (=)	
CONTRIBUTION to CITY of COPPELL REFORESTATION and NATURAL AREAS FUND	\$ _____

(Ord. No. 91500-A-203)

Chapter 8 TREE PRESERVATION, LANDSCAPING AND FENCING

SECTION 8.01. GENERAL

Sec. 8.01.010. Purpose.

This chapter establishes requirements for the preservation and protection of native trees and the provision of landscaping, buffering, and screening to provide for the orderly, attractive, and healthful development of land and promote the health, safety, and general welfare of the community.

- A. The regulations contained herein are necessary to protect the character and enhance the ecological, environmental, and aesthetic qualities of the community.
- B. The use of landscape elements can contribute to air purification, oxygen regeneration, water absorption, water purification, and noise, glare, and heat abatement indicating that the use of landscape elements is of benefit to the health, welfare, and general well being of the community and, therefore, it is proper that the use of such elements be required.
- C. The City experiences frequent droughts; therefore, it is a purpose of this chapter to encourage the use of low-water, drought-tolerant plants and trees and the grouping of vegetation by water requirements.
- D. The City values its indigenous and historic natural features; therefore, the placement of proposed buildings and improvements should be oriented in a manner that allows for the preservation of existing trees and native landscape. In addition, natural areas to be preserved should be integrated within the design of open space, screening, and landscaped areas.

Sec. 8.01.020. Authority.

- A. The provisions of this chapter are adopted pursuant to Texas Local Government Code chs. 211 and 212 and the City Charter.
- B. The provisions of this chapter are administered by the Director of Planning and the Urban Forester under the direction of the Director. Unless otherwise indicated within this chapter, appeals of the Urban Forester's decisions shall be made to the Director. For this chapter, appeals of the Director's decisions shall be made to the City Council utilizing the procedures set forth in Section 3.14, Appeal of an administrative decision.

Sec. 8.01.030. Applicability.

This chapter applies to all properties located within the corporate limits and the extra-territorial jurisdiction (ETJ) of the City; however, each section applies differently depending on the specific use and location. Further clarification of the applicability of individual sections of this chapter can be found described within each section. The sections listed below correspond to Table 8.01.030 and are applicable to each type of use as identified in the table.

- Subsection 8.02.030.D. Heritage Trees
- Subsection 8.02.030.E. Protected Trees
- Section 8.03. Residential landscaping

- Section 8.04. Non-residential landscaping
- Section 8.05. Review and approval process
- Section 8.06. Plant selection, installation, and maintenance
- Section 8.07. Fencing

The following table summarizes the provisions of this chapter applicable to each type of use, within both the ETJ and the City limits.

Table 8.01.030: Provisions Applicable by Use and Location

Location	Type of Use	Sec 8.02.030.D	Sec 8.02.030.E	Sec 8.03	Sec 8.04	Sec 8.05	Sec 8.06	Sec 8.07
City Limits	Single-family and Two-family	X	—	X	—	X	X	X
	All other uses	X	X	—	X	X	X	X
ETJ	Single-family and Two-family	X	—	—	—	X	X	—
	All other uses	X	X	—	—	X	X	—

X = required

Sec. 8.01.040. Essential Terms Defined.

- A. For the purposes of this chapter, the term "residential" shall include Single-family and Two-family development and "non-residential" shall include all other uses, including Townhouse and Multi-family.
- B. For the purposes of this chapter, the term "exempt properties" shall mean all Single-family and Two-family lots platted prior to February 13, 2007.
- C. Diameter Breast Height (DBH) is the diameter of a tree measured at four and one-half feet above ground, as further defined in Chapter 16. The DBH of a tree with more than one trunk shall be calculated as the sum of the DBH of the largest trunk and one-half the sum of the remaining trunks. Trees classified as Ornamental Trees by the Preferred, Controlled, and Prohibited Plant List adopted through the Development Manual with more than one trunk shall be calculated as the sum of the DBH of the largest trunk of the tree and one-half the DBH of the largest trunk of the tree multiplied by the number of remaining trunks.
- D. Critical Root Zone (CRZ) is a circular region measured outward from the tree trunk representing the essential root area that must be protected for the tree's survival and is calculated as one foot of radial distance for every one inch of DBH.
- E. The definitions in Chapter 16 of this Code shall apply to these and other terms within this chapter.

(Ord. No. 2021-62, § 2(Exh. C), 9-14-2021)

Sec. 8.01.050. Unified Development Code Development Manual.

The Unified Development Code Development Manual is a companion document to this Code, containing templates for Tree Surveys, Tree Preservation Plans, landscape and tree calculations, and other relevant information for

completing a Site Plan or other required process. The Development Manual also contains the City plant lists, including the preferred, prohibited, and controlled plant lists, and the landscape and tree technical standards (Technical Standards) which provides technical guidance for the selection, planting, and maintenance of plants required by this Code.

Sec. 8.01.060. Additional Resources.

The City encourages use of additional resources and publications that compliment this chapter and its companion manuals, to provide further details on plant selection, maintenance, and other relevant information. Recommended examples include the Austin Grow Green Guide, Lady Bird Johnson Wildflower Center Invasive Plant List, Williamson County Native Plant Society publications, and publications from local and regional water providers and conservation groups.

SECTION 8.02. TREE PRESERVATION AND PROTECTION

The purpose of this section is to provide for the preservation, protection, removal, and mitigation of Protected Trees and Heritage Trees. The provisions of this section shall be implemented by the Urban Forester, under the direction of the Director.

Sec. 8.02.010. Applicability.

- A. The provisions of this Section 8.02 shall apply to all non-exempt property located within the corporate limits and extraterritorial jurisdiction (ETJ) of the City.
- B. Notwithstanding the provisions contained herein to the contrary, the provisions of this Section 8.02 shall not apply to exempt property unless the use of the property shall change from a residential classification to a non-residential classification.
- C. The Protected Tree provisions of this section apply only to non-residential development as defined in Section 8.01.040 above.

Sec. 8.02.020. Tree Classifications Established.

A. Protected Tree.

A Protected Tree is any tree, excluding Hackberry, Chinaberry, Ashe Juniper (cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite, that has a diameter at breast height (DBH) of 12 inches or larger, excluding Heritage Trees.

B. Heritage Tree.

1. The Heritage Tree classification applies to any of the following tree species that has a DBH of 26 inches or larger: Live Oak, Post Oak, Shumard Oak, Bur Oak, Chinquapin Oak, Monterey Oak, Bald Cypress, American Elm, Cedar Elm, Pecan, Walnut, Texas Ash, or Southern Magnolia.
2. The Heritage Tree classification may also be designated by resolution of the City Council to any tree of historical value or significant community benefit.

(Ord. No. 2021-62, § 2(Exh. C), 9-14-2021)

Sec. 8.02.030. Preservation of Protected and Heritage Trees.

- A. Unless otherwise allowed by this chapter, no property shall be clear-cut or selectively cleared, nor shall a Protected Tree or Heritage Tree be removed, without first securing the necessary approval from the City.
- B. **Exceptions.**
1. **Residential Exemption.**
Existing residential subdivisions approved and platted prior to February 13, 2007, are exempt from the regulations in this section.
 2. **Hazardous Trees.**
 - a. **Natural Disasters and Other Emergencies.** If a Protected Tree or Heritage Tree is determined to be causing a danger or to be in a hazardous condition due to a natural disaster such as a tornado, fire, storm, flood, or other act of God that endangers public health, welfare, or safety, the requirements of this section may be waived as deemed necessary by the Emergency Management Coordinator or their designee, and the Assistant City Manager, after consultation with the Urban Forester, with such consultation and determination to occur within one calendar day of an applicant's request to remove or prune said tree.
 - b. **Airport Clear Zone.** Protected and Heritage Trees located in the Airport Clear Zone are exempt from the requirements of this section.
 - c. **Sight Triangles.** If the Urban Forester and Development Engineer determine a protected or Heritage Tree is interfering with the safe visibility at a sight triangle of an existing public street, the tree may be removed without fulfilling the mitigation requirements of this chapter.
 - d. **Dead or Diseased Trees.** If the Urban Forester determines, based on a site inspection, that a Protected or Heritage Tree is already dead, dying or fatally diseased prior to starting a project, the provisions of the mitigation requirements will not apply and such determination shall be provided in writing.
 3. **Public Utilities.**
Pruning the canopy of Protected Trees and Heritage Trees may be carried out by public utility providers in the City's right-of-way or public utility easement without prior approval by the Urban Forester, if performed by or under the supervision of an International Society of Arboriculture (ISA) Certified Arborist. Removal of a Protected or Heritage Tree requested by any utility provider in the City's right-of-way or public utility easement must be submitted to the Urban Forester for review and approval or through a right-of-way permit in accordance with Chapter 12.08 of the City Code of Ordinances.
- C. **Protection of Critical Root Zone.**
1. No construction or disturbance shall occur within an area that constitutes more than 50 percent (50%) of the total CRZ and one-half the radial distance of the CRZ for each tree being preserved, including Protected Trees, Heritage Trees, and any other trees for which credit for preservation is to be assigned per this chapter. This defined area shall be flagged and encircled with protective fencing during construction. The Urban Forester may approve construction closer to the trunk than one-half the radial distance, depending on the size, spacing, or species of the tree, the type of disturbance proposed, and uniqueness of the situation, if acceptable supplemental nutrients and/or soil aeration are provided and the probable survival rate of the tree is high.
 2. Cut or fill that is greater than four inches in depth and the severing of major roots shall be considered disturbance for the purposes of this chapter.

3. Within the protected CRZ, only flatwork, decking, or similar construction, may be approved and shall not affect the branching of the tree.
4. If proposed or actual protection of the CRZ of a tree does not meet the requirements of this section, then the tree shall be considered removed and shall require mitigation in accordance with Section 8.02.040.

D. Heritage Tree Preservation Requirements.

1. The requirements of this chapter as they relate to Heritage Trees shall be applicable to all development within the City's jurisdiction including both residential and non-residential development, unless otherwise exempted by Section 8.02.030.
2. Heritage Trees shall be preserved on site unless otherwise approved for removal or relocation as outlined in Section 8.02.040.
3. Heritage Trees shall be graphically identified on Subdivision Plats, and the plat shall contain a note stating that such trees cannot be removed without prior consent from the City.
4. Each plat shall contain certification, with a plat note, that all individual lots containing Heritage Trees are configured and designed so that the lot is developable for the intended purpose without requiring removal of the Heritage Tree or exceeding the percentage of allowable disturbance within the Heritage Tree CRZ.
5. It shall be unlawful to prune a Heritage Tree without an approved Heritage Tree pruning permit per Section 3.23 of this Code. All approved pruning must be performed by an International Society of Arboriculture (ISA) Certified Arborist or under the supervision of an ISA Certified Arborist, and must follow the American National Standards Institute (ANSI) A300 standards. Heritage Tree pruning permits do not apply to lots containing constructed single-family and two-family dwellings.
6. Heritage Trees shall not be removed or damaged in rights-of-way or easements, unless specifically approved by the Urban Forester.
7. Preserved Heritage Trees may also be credited towards the landscape requirements of Sections 8.03 and 8.04.

E. Protected Tree Preservation Requirements.

1. The requirements of this chapter as they relate to Protected Trees shall be applicable to all non-residential development within the City's jurisdiction. Single- and two-family development is exempt from the Protected Tree requirements.
2. Required Protected Tree Preservation Percentages.
 - a. The minimum number of Protected Trees required to be preserved on site shall be based on the average density of all Protected Trees on the site. For multi-site unified developments, the tree preservation percentages may be averaged over the entire development provided it is identified as such on the Subdivision Plat or Site Plan for the development. Densities shall be determined based on the Tree Survey. Mitigation shall be required for trees approved for removal, using the calculations detailed in Subsection 8.02.040.C.

Table 8.02.030: Required Protected Tree Preservation

Average Tree Density	Minimum Percentage of Protected Trees Required to be Preserved
1—10 trees per acre	30%
11+ trees per acre	20%

-
- b. An applicant may preserve less than the minimum percentages of Protected Trees outlined in Table 8.02.030 provided that the inches of trees removed beyond the minimum required to be preserved be mitigated at a rate of one and one-half times the calculations required in Section 8.04.020.
 3. Preserved Protected Trees may also be credited towards the landscape requirements of Sections 8.03 and 8.04.

F. Tree Preservation and Mitigation Boundaries.

1. All Protected and Heritage Trees on a property shall be considered existing trees for the purpose of determining the number of Protected Trees required to be preserved in Section 8.02.030.E.1. No trees shall be considered existing trees or credit trees if located in an area of required right-of-way dedication per Sections 12.02 and 12.03 of this Code where no public improvements are required to be constructed as a part of the scope of work.
2. Removal of Protected and Heritage Trees within an area of required right-of-way dedication shall be mitigated in accordance with this Code.

(Ord. No. 2021-62, § 2(Exh. C), 9-14-2021)

Sec. 8.02.040. Removal of a Protected or Heritage Tree.

A. Transplanting of a Protected or Heritage Tree.

Protected and Heritage Trees may be transplanted to a suitable location either on the same property or off-site, as approved by the Urban Forester. To qualify, a tree transplanting company from the City's approved vendor list or one otherwise approved in writing by the Urban Forester, must be used and fiscal surety must be filed with the City to guarantee a two-year monitoring and maintenance program for the transplanted trees. The property owner/manager shall submit quarterly statements that demonstrate compliance with the required tree monitoring and maintenance provided by an approved tree care service. If compliance is not demonstrated, the surety will be used by the City provide the required monitoring and maintenance. Monitoring shall include soil moisture analysis, fertilization, pest and disease management, soil amendments, and any other service deemed necessary by the Urban Forester or the tree care service. This surety shall remain in place until the end of the two-year period.

B. Heritage Tree Removal Permit.

Heritage Trees may be removed only with the approval of a Heritage Tree removal permit, per Section 3.23 of this Code, and after the required mitigation has been provided. Prior to the approval of a Heritage Tree removal permit, all other efforts to preserve the tree in its natural location should be attempted, including those listed under tree preservation priorities in Section 8.02.050. Removal of a Protected Tree does not require a permit, but shall meet the required mitigation calculation as defined below.

C. Mitigation for Removal of a Protected or Heritage Tree.

The removal of Protected and Heritage Trees shall require mitigation using the calculations and procedures defined below. The tree mitigation inch-to-inch ratio applies to the DBH of the trees to be removed. Mitigation may be achieved through credit of existing trees on site, replacement trees planted either on or off-site, payment-in-lieu of replacement trees, supplemental nutrition and aeration, or a combination thereof. The Urban Forester shall have the final decision on the selected mitigation option. In consultation with the Urban Forester, all options to consider the on-site replacement of trees shall be exhausted before other methods of mitigation shall be considered. Each method of mitigation is described within this section.

1. Mitigation Ratios.

-
- a. Mitigation shall be provided at a 1:1 inch basis for 40 percent (40%) of the total diameter inches of Protected Trees removed, measured at DBH.
 - b. Mitigation shall be provided at a 3:1 inch basis for the total diameter inches of Heritage Trees removed, measured at DBH.
 - c. Mitigation shall be provided at a 2:1 inch basis for the total diameter inches of any Protected Tree with a DBH of 26 inches or greater that is not a Heritage Tree species, as defined in Subsection 8.02.020.B.
 - d. Exceptions.
 - i. No mitigation shall be required for the following tree species: Hackberry, Chinaberry, Ashe Juniper (cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite.
 - ii. No mitigation shall be required for Protected and Heritage Trees that are approved for removal due to poor health.
2. **Mitigation by On-Site Credit Trees.**
- a. Existing trees with a DBH of at least six inches and no more than 11 inches that remain on a site are considered credit trees and may be credited toward the required mitigation trees under this section, subject to approval by the Urban Forester based on the assessed health, structure, growth habit, presence of disease or decline, and the available growing space of the tree. Hackberry, Chinaberry, Ashe Juniper (Cedar), Mountain Cedar, Blueberry Juniper, Post Cedar, Chinese Tallow, and Mesquite Trees shall not be considered credit trees.
 - i. Trees classified as Ornamental Trees by the Preferred, Controlled, and Prohibited Plant List adopted through the Development Manual may be considered on-site credit trees and used as credit toward mitigation requirements. The amount of inches that may be credited for each ornamental tree shall be equal to the sum of the DBH of the largest trunk of the tree and one-half the DBH of the largest trunk of the tree multiplied by the number of remaining trunks.
 - ii. Trees located within the FEMA one percent (1%) floodplain or the calculated one percent (1%) floodplain may not be considered on-site credit trees for the purposes of mitigation. Credit Trees located outside of the FEMA one percent (1%) floodplain or the calculated one percent (1%) floodplain may be credited at a ratio of 2:1 per DBH inch preserved.
 - b. When mitigation is to be met by on-site credit trees, the total inches shall be based on the mitigation calculation as listed in Subsection C.1. above.
 - c. Credit trees may apply towards a maximum of 75 percent (75%) of the required mitigation inches for Protected Trees.
 - d. Credit trees shall not be used towards mitigation for Heritage Trees.
 - e. Credit trees shall be indicated on a Tree Survey, the tree schedule, and the Mitigation Plan.
 - f. Existing shade trees with a DBH of least three inches and no more than six inches that remain on a site may be credited toward the required mitigation trees under this section, subject to approval by the Urban Forester, and provided the following standards are met:
 - i. Trees shall meet certain locational requirements. Such trees shall not be located in areas that:
 - a. Have been graded, cleared of vegetation, or used for construction access or staging during development.

-
- b. Are directly underneath existing Protected or Heritage Trees.
 - c. Have been set aside and planned for future development (parking, proposed building footprint, or any other areas to be disturbed by future development).
 - d. Are located within a Public Utility Easement.
 - e. Might impact the sight visibility zones of adjacent or future streets.
 - f. Are determined by the Urban Forester to be unsuitable based on specific site conditions.
 - ii. Trees shall be in good health and within or near a tree stand;
 - iii. A tree's full Critical Root Zone shall not be impacted by construction activity; and
 - iv. Trees shall be credited at a reduced mitigation ratio of 0.5:1 ratio.
3. **Mitigation by On-Site Replacement Trees.**
- a. When mitigation is to be met by the planting of on-site trees, the total inches planted shall be based on the mitigation calculation as listed in Subsection C.1. of this section.
 - b. All mitigation trees shall be from the preferred plant list and generally reach the same size at maturity as the tree(s) removed.
 - c. Trees planted for mitigation may be used as credit towards the landscaping requirements of Section 8.04, Non-Residential Landscape Requirements.
 - d. On-site replacement trees planted on residential lots shall be credited toward the mitigation requirements of a residential development provided the following terms are met:
 - i. The shade trees planted for on-site mitigation credit must be a minimum of three caliper inches measured at six inches above finished grade or have a three-inch DBH. The shade trees must also be installed according to all applicable requirements of Section 8.06.
 - ii. The Urban Forester shall have determined that all opportunities for planting within common areas (open space lots, HOA facilities, public parks, right-of-way, etc.) within the subdivision have been exhausted.
 - iii. Credit shall only be given for shade trees planted in addition to Residential street yard requirements of Section 8.03.
 - iv. A minimum 15-foot on-center spacing is maintained from other shade trees;
 - v. Credit shall be given for these shade trees at a ratio of 0.5:1.
 - vi. Credit shall only be given for shade trees planted on residential lots subject to a requirement for a residential building permit.
4. **Mitigation by Payment or Off-Site Tree Replacement.**
- When it is determined by the Urban Forester that mitigation for protected or Heritage Tree removal by the planting of trees on site is not feasible or desirable, e.g. planting capacity has been reached on site, an applicant may request to use one of the following alternatives or combination thereof in lieu of replanting on site, with the approval of the Urban Forester.
- a. Planting the required number of mitigation trees that would otherwise be required on-site in a City-owned park or property or other publicly-owned property (e.g., Georgetown ISD or Williamson County property) within the City or ETJ in the locations approved by the Urban Forester; or

-
- b. Payment of \$225.00 per DBH inches of Heritage Tree removed, \$175.00 per DBH inches of Protected Tree with a DBH of 18 inches or greater removed, or \$125.00 per DBH inches of Protected Tree with a DBH equal to or greater than 12 inches but less than 18 inches removed, into a fund or account to be used by the City for planting, pruning, irrigation, maintenance, and other associated tree activities in a City Park or other City-owned property. The payment(s) shall be made prior to final approval of the project.
 - i. Upon request to the Urban Forester, a reimbursement of mitigation payment may be issued due to deviations from the approved Tree Mitigation Plan during construction of a project. At the approval of the Urban Forester, a reimbursement of mitigation fees paid may be requested for the preservation of any tree identified on the Tree Preservation Plan as "removed" at time of final inspection.

5. Mitigation by Soil Aeration and Supplemental Nutrients.

An applicant may spend up to 30 percent (30%) of the total cost of required mitigation (based on fee-in-lieu calculation) for soil aeration and/or supplemental nutrients for on-site trees within the limits of construction, per the Technical Standards. To qualify for this mitigation option, the owner or general contractor shall select a fertilization contractor from the City's approved vendor list or one otherwise approved in writing by the Urban Forester, and ensure coordination with the City's Urban Forester. The materials and methods for the soil aeration or supplemental nutrition mitigation shall be approved by the Urban Forester prior to final application approval. Soil aeration treatment shall commence after the completion of all site construction and prior to any landscape installation. Before the Certificate Of Occupancy may be granted, the property owner shall file fiscal surety with the City to guarantee implementation of the stipulated supplemental nutrition program. All treated areas shall be mulched and remain un-compacted.

D. Unauthorized Removal of a Protected or Heritage Tree.

Any person who removes a Protected or Heritage Tree in violation of this chapter, accidentally or otherwise, shall be required to comply with the mitigation provisions of this section, and, if the act is intentional, to pay a fine for each tree that is removed, as allowed by law, in addition to any penalties pursuant to Chapter 15. Mitigation for projects without active permits shall be based on the mitigation provisions applicable at the time of the violation, not those at the time of platting or other approval.

(Ord. No. 2021-62, § 2(Exh. C), 9-14-2021)

Sec. 8.02.050. Tree Preservation Incentives and Priorities.

A. Tree Preservation Incentives.

1. Impervious Cover Increase.

The Director may increase the amount of permitted impervious cover up to five percent (5%) for the preservation of Protected Trees beyond the amount required by Subsection 8.02.030.E. A one-percent (1%) increase in impervious cover may be granted for each one percent (1%) of Protected Trees preserved beyond the minimum required per Table 8.02.030. For example, a site required to preserve a minimum of 30 percent (30%) of total Protected Trees may receive a three-percent (3%) impervious cover bonus by preserving 33 percent (33%) of the Protected Trees on a site. The maximum impervious cover shall not exceed that specified in Section 11.02.010.

2. Parkland Dedication Credit.

The Parkland dedication requirement may be reduced if a Heritage Tree is saved within the dedicated Parkland lot in accordance with Section 13.08 of this Code, subject to approval by the Parks and Recreation Director.

3. **Parking Space Reduction.**

The Director may approve a reduction in the number of parking spaces required by ten percent (10%) for the preservation of a Protected Tree with a DBH of 20 inches or greater. A maximum of a 30 percent (30%) total reduction may be granted under this provision. This reduction is not applicable in the Downtown Overlay District.

B. **Tree Preservation Priorities.**

1. **Heritage Trees.**

The City values its Heritage Trees and, therefore, Heritage Tree protection may be considered for priority over conflicting UDC development requirements, including, but not limited to, setbacks, lot design standards, building heights, sidewalks, lighting, signage, parking design and numbers, drainage criteria, connectivity, driveway separation, and utility extension and location. If there is a conflict between Heritage Tree protection and other provisions of this Code, the applicant may request an alternative standard or design, provided that public health and safety shall be maintained with all proposed designs. After consultation with the Urban Forester, an alternative standard or design that gives priority to Heritage Tree protection may be approved by the Director through an application for an Administrative Exception under the provisions of UDC Section 3.16.

2. **Protected Trees.**

The preservation of Protected Trees with a DBH of 18 inches or greater or a stand of Protected Trees with a cumulative DBH of 18 inches or greater may take priority over conflicting UDC development requirements, including, but not limited to, setbacks, lot design standards, building heights, sidewalks, lighting, signage, parking design and numbers, drainage criteria, connectivity, driveway separation, and utility extension and location. If there is a conflict between Protected Tree protection and other provisions of this Code, the applicant may request an alternative standard or design, provided that public health and safety shall be maintained with all proposed designs. After consultation with the Urban Forester, an alternative standard or design that gives priority to Protected Tree protection may be approved by the Director through an application for an Administrative Exception under the provisions of UDC Section 3.16.

(Ord. No. 2015-34, § 2(Exh. A), 5-12-2015; Ord. No. 2019-37, § 2(Exh. E), 6-11-2019; Ord. No. 2021-62, § 2(Exh. C), 9-14-2021)

SECTION 8.03. RESIDENTIAL LANDSCAPING

Sec. 8.03.010. Applicability.

The provisions of this section shall be considered minimum standards and shall apply to residential properties within the City limits, as defined in Section 8.01.040 of this chapter. Also refer to Section 8.05 for the residential review process and Section 8.06 for plant selection, installation, and maintenance requirements.

Sec. 8.03.020. Shade Tree Requirement.

- A. At time of home construction, all new single or two-family homebuilders shall provide shade trees from the preferred plant list within each street yard at a ratio of one tree per each 50 feet of street frontage or portion thereof, exclusive of driveway.
- B. Existing trees preserved within the street yard may count toward the shade tree requirement using the ratios provided for in Subsection 8.04.020.B. If existing trees are to remain, the tree protection measures of Subsection 8.02.030.C shall be followed.

Sec. 8.03.030. Residential Lawns.

Any lawn or turf areas on a residential property shall be fully sodded or seeded in a warm weather grass variety in conformance with Subsection 8.06.020.C.

(Ord. No. 2021-62, § 2(Exh. C), 9-14-2021)

Sec. 8.03.040. Residential Parking Areas.

Pursuant to Subsection 6.05.020.C.8., some parking areas located in the required residential front yard may require screening from the street view.

SECTION 8.04. NON-RESIDENTIAL LANDSCAPE REQUIREMENTS

Sec. 8.04.010. Applicability.

The provisions of this section shall be considered minimum standards and shall apply to the development of all non-residential properties within the City limits, as defined in Section 8.01.040 of this chapter, regardless of zoning district, with the exception of the construction of accessory structures necessary for or directly related to the ownership or raising of livestock for agricultural purposes, including, but not limited to, barns, shelters, sheds or other structures. Additional plantings in excess of the minimum requirements are encouraged. Also refer to Section 8.05 for the review and appeal process and Section 8.06 for plant selection, installation, and maintenance requirements.

Sec. 8.04.020. Landscape Tree Credits.

- A. A tree credited towards a landscape requirement must meet the locational requirements of the provision for which credit is awarded (i.e. within the specified bufferyard) and, unless otherwise noted, may not be credited towards more than one landscape requirement.
- B. In order to maximize the preservation of existing trees, surveyed trees in good health that have a DBH of at least six inches and are listed in the City preferred plant list may provide credit towards the landscaping requirements of the following sections. Each existing tree preserved may provide landscape tree credits as indicated in the following table.

Table 8.04.020.B: Landscape Credits for Existing Trees

DBH in Inches	Credit
6 to 19	1 tree
20 or greater	2 trees

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- C. Additionally, trees planted to meet the mitigation requirements of Subsection 8.02.040.C may provide credit towards the landscaping requirements of the following sections.
 - D. Credit shall not be awarded unless protection of the CRZ of the credited tree is carried out as required for protected and Heritage Trees in Section 8.02.030. Credit may be withheld, during review or inspection of the project, based on the assessed health, structure, growth habit, presence of disease or decline, and the available growing space of the tree.

Sec. 8.04.030. Street Yard Landscaping.

Each non-residential property shall provide pervious landscaped area and plantings within the street yard. These requirements are based on the size of the street yard as indicated below. Plantings provided to meet required parking lot and Gateway Overlay District landscaping requirements may be used to meet this provision, provided they are located within the street yard.

- A. Street yards less than 10,000 square feet shall provide:
 - 1. Landscape area totaling 20 percent (20%) of the street yard; and
 - 2. One shade tree and three shrubs per 2,500 square feet of street yard.
- B. Street yards between 10,000 and 100,000 square feet shall provide:
 - 1. Landscape area totaling 20 percent (20%) of the street yard; and
 - 2. Four shade trees and 12 shrubs per the first 10,000 square feet of street yard, plus one and one-half shade trees and four shrubs per every additional 10,000 square feet of street yard thereafter.
- C. Street yards larger than 100,000 square feet shall provide:
 - 1. Landscape area totaling 20 percent (20%) of the street yard; and
 - 2. Eighteen shade trees and 48 shrubs per the first 100,000 square feet of street yard, plus two shade trees and five shrubs per every additional 20,000 square feet of street yard thereafter.
- D. Plantings within a required street yard may be planted in zones to distribute the plantings throughout the street yard and focus the largest percentage of plantings along the right(s)-of-way.
 - 1. When this option is used, required street yard plantings shall be distributed as follows:
 - a. Low Level Zone. Ten percent (10%) of the required plantings shall be planted within 28 feet of the building facade.
 - b. Mid Level Zone. Thirty percent (30%) of the required plantings shall be planted within the Low Level and High Level zones.
 - c. High Level Zone. Sixty percent (60%) of the required plantings shall be planted between the right-of-way and Mid Level zone.
 - 2. The distribution of plantings within a required street yard shall be required for all phased development. All plantings required at ultimate buildout in the High Level Zone shall be installed as a part of phase 1.

(Ord. No. 2021-62, § 2(Exh. C), 9-14-2021)

Sec. 8.04.040. Parking Lot Landscaping.

All non-residential surface parking areas or lots shall contain areas constructed, planted, and maintained as landscaped islands, peninsulas, or medians and shall contain shade trees to reduce the thermal impact of parking lots. Landscaping provided to meet this section shall consist of landscaped areas and shade trees as outlined below and may also be credited towards the street yard landscaping requirements, if they are located within the street yard.

A. Landscape Area.

1. Twenty square feet of pervious landscape area shall be provided within the parking lot for each parking stall located between the building line and the street right-of-way.
2. Ten square feet of pervious landscape area shall be provided within the parking lot for each parking stall not located between the building line and the street right-of-way.

B. Shade Trees.

1. A minimum of one shade tree is required per every 12 parking stalls provided.
2. Each parking stall in excess of the required shall be calculated as one and one-half stalls for purposes of required shade trees.
3. In order to maximize the distribution of shade, shade trees shall be planted throughout the interior of the parking lot so that no parking stall is located further than 50 feet from the trunk of a tree unless otherwise approved by the Director.
4. Planting areas for each tree shall have a minimum undisturbed pervious area of at least 100 square feet and have a minimum interior dimension of eight feet wide, exclusive of the curb dimensions, and shall be planted or covered with grass, mulch, ground cover, or other approved landscape materials. These areas shall be non-compacted or excavated and filled with quality soil in accordance with the Technical Standards. These areas shall also be free of other structures such as lighting or utility poles.

C. Exemptions.

Enclosed parking structures and vehicle display and sales areas, as defined in this Code, are exempt from the parking lot landscaping requirements.

(Ord. No. 2021-62, § 2(Exh. C), 9-14-2021)

Sec. 8.04.050. Gateway Overlay District Landscaping.

The landscaping requirements in this section are associated with the Gateway Overlay Districts established and detailed in Section 4.11. The following standards are required for all non-residential properties located along the corridors listed in Section 4.11.020, unless otherwise specified.

A. General.

1. The Gateway Overlay District landscape area shall be calculated by multiplying the lot width (measured in feet) along the gateway roadway right-of-way times the depth (in feet) of the landscape buffer. This square footage divided by 1,000 determines the landscape units for calculation.
2. All tree and plant species shall be from the City preferred plant list or the downtown gateway tree list, as included in the Development Manual.

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3. Plantings provided to meet the requirements for gateway overlay district landscaping may also be credited towards the street yard landscaping requirements.

B. Scenic and Highway Gateway Overlay Districts.

1. The landscape area shall contain at least 80 percent (80%) live vegetative coverage excluding the area required for driveways, sidewalks, bicycle paths, and drainage features, as allowed with limitations in Section 4.11.030. Fencing is not allowed within the landscape area.
2. Within the landscape area, plantings are required at a minimum ratio of two shade trees and five five-gallon shrubs for every 1,000 square feet of land. Existing trees that are preserved within the landscape area may count toward the required tree plantings, pursuant to Section 8.04.020.

C. Downtown Gateway Overlay District.

1. Landscape Buffer.

A ten-foot deep landscape buffer is required adjacent to the designated gateway roadway and will be measured from the property line.

2. Landscape Area.

- a. The landscape area shall be landscaped and maintained with at least 80 percent (80%) live vegetative coverage excluding the area required for driveways, sidewalks, bicycle paths, as allowed with limitations in Section 4.11.030. Fencing is not allowed within the landscape area.
- b. Within the landscape area, plantings are required at a minimum ratio of two shade trees and two five-gallon shrubs for every 1,000 square feet of land. Existing trees that are preserved within the landscape area may count toward the required tree plantings, pursuant to Section 8.04.020.
- c. Downtown trees shall be spaced in a formal manner and shall meet the location requirements of Subsection 8.06.030.D. Only specific tree species are allowed in the Downtown Gateway Overlay, based on their height and size, which can be found in the plant list in the Development Manual.

(Ord. No. 2021-62, § 2(Exh. C), 9-14-2021)

Sec. 8.04.060. Bufferyards.

A. General.

1. Bufferyards are required between certain land uses to prevent or minimize potential nuisances such as noise or light and to provide a transition between uses that may not be compatible with each other.
2. Landscaping required within bufferyards shall be provided in addition to the landscaping required in other sections of this chapter.
3. All open space within a bufferyard shall be planted with grass or other vegetative ground cover.
4. A bufferyard may be designed with clusters of plantings to create a more desirable design.
5. No light fixtures, parking, dumpsters, storage, recreation facilities, accessory buildings, or alleys shall be permitted within a required bufferyard.
6. A bufferyard may be interrupted in order to provide access (pedestrian or vehicular) to adjacent parcels.

7. Detention or retention ponds may be permitted to extend into a required bufferyard, but only if the Development Engineer determines that there is no other feasible option for the detention of stormwater. If the pond is located within the required bufferyard, the requirements of this section shall be met in full within the remaining buffer area and additional screening or aesthetic treatment of the pond may be required depending on the location and circumstances of the site.
8. Where buffer requirements are in conflict with other requirements of this Code, the most restrictive standards shall apply.
9. Required fencing shall be located along property lines unless physical constraints exist that would prohibit such placement, as determined by the Director.

B. Bufferyard Required.

1. Table 8.04.060 indicates the level of bufferyard required between each zoning district or land use. Letters "a" to "e" correspond with the information below Table 8.04.060 and identify the type of bufferyard required and the specific situations in which the bufferyard is required. A box with a "—" indicates that a bufferyard is not required between those development types. The planting requirements of each type of bufferyard can be found in Subsection C. below.

Table 8.04.060: Bufferyard Level Required

		Adjacent District																	ETJ*
		AG	RE	RL	RS	TF	MH	TH	MF1	MF2	CN	C-1	C-3	OF	PF	BP	IN	MU-DT	
Bufferyard Required	AG	c	c	c	c	c	c	c	c	c	—	—	—	—	—	—	—	—	c
	MH	a	a	a	a	a	—	—	—	—	—	—	—	—	—	—	—	—	a
	TH	a	a	a	a	a	b	—	—	—	—	—	—	—	—	—	—	—	a
	MF1	a	c	c	c	c	c	—	—	—	—	—	—	—	—	—	—	—	c
	MF2	a	c	c	c	c	c	—	—	—	—	—	—	—	—	—	—	—	c
	CN	a	a	a	a	a	a	a	a	a	—	—	—	—	—	—	—	—	a
	C1	c	c	c	c	c	c	c	c	c	—	—	—	—	—	—	—	—	c
	C3	c	c	c	c	c	c	c	c	c	—	—	—	—	—	—	—	—	c
	OF	c	c	c	c	c	c	c	c	c	—	—	—	—	—	—	—	—	c
	PF	c	c	c	c	c	c	c	c	c	—	—	—	—	—	—	—	—	c
	BP	c	c	c	c	c	c	c	c	c	—	—	—	—	—	—	—	—	c
	IN	e	e	e	e	e	e	e	e	e	d	d	d	d	d	—	—	d	e
	MU-DT	a	a	a	a	a	a	—	—	—	—	—	—	—	—	—	—	—	a

* Shall only apply in the case of one or more single-family homes that are platted or planned for residential use on the Future Land Use Map in the ETJ.

- a. A low level bufferyard is required when non-residential development, as defined in Section 8.01.040, is proposed adjacent to residential development.
- b. A low level bufferyard is required when a single-lot development is proposed in a TH District adjacent to an individual lot development in the MH District or when non-residential development, as defined in Section 8.01.040, is proposed adjacent to residential development.
- c. A medium level bufferyard is required when non-residential development, as defined in Section 8.01.040, is proposed adjacent to residential development.

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- d. A medium level bufferyard is required when a property zoned IN District develops adjacent to a C-1, C-3, OF, PF, or MU-DT District.
 - e. A high level bufferyard is required when a property zoned IN District develops adjacent to a RE, RL, RS, TF, TH, MF-1, or MF-2 District or when adjacent to an existing single-family home in the AG District or ETJ.
- 2. A non-residential use developed in a residential zoning district will be required to provide a low level bufferyard adjacent to residential development.
 - 3. No bufferyards are required internal to a housing diversity development.
 - 4. No bufferyards are required internal to a multi-site unified development that is platted or site planned as such.
 - 5. An Administrative Exception to the requirement of a bufferyard may be approved by the Director per Section 3.16 of this Code if it is determined that the application of a bufferyard is not necessary and does not meet the intent of this section.

C. Specific Bufferyard Requirements.

- 1. A low level bufferyard shall consist of the following:
 - a. A ten-foot wide planting area;
 - b. Two evergreen ornamental trees and four evergreen shrubs per each 50 linear feet of bufferyard.
- 2. A medium level bufferyard shall consist of the following:
 - a. A 15-foot wide planting area;
 - b. One shade tree, two evergreen ornamental trees and eight evergreen shrubs per each 50 linear feet of bufferyard.
- 3. A high level bufferyard shall consist of the following:
 - a. A 30-foot wide planting area;
 - b. A solid six-foot high screening wall constructed of brick, stone, reinforced concrete or other similar two-sided masonry materials; and
 - c. Two shade trees and four evergreen ornamental trees per each 50 linear feet of bufferyard.

(Ord. No. 2014-30, § 2(Exh. A), 5-27-2014; Ord. No. 2019-37, § 2(Exh. F), 6-11-2019)

Sec. 8.04.070. Screening.

A. General.

- 1. All planting materials used for screening purposes shall be of an evergreen species. Screening is required in order to minimize visual impacts from surrounding properties and rights-of-way. Unless otherwise provided, screening requirements are in addition to all other landscape requirements and may not be credited or counted toward meeting other requirements.
- 2. All mechanical equipment and screening must be shown on the Landscape Plan.

B. Parking Lot Screening.

- 1. Vehicular parking areas shall be screened from street view and adjacent properties using methods as described below.
 - a. All parking lot screening shall be achieved through one of the following methods:

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- i. A planting screen (hedge);
 - ii. A berm;
 - iii. A wall; or
 - iv. A combination of any of the above.
 - b. Live screening shall be a minimum of two feet tall at time of planting, with predominately a mature height of three to four feet within two years, as determined by a landscape architect or other licensed professional.
 - c. Live screening shall be planted in a prepared bed at least three feet in width.
 - d. Plantings, fences, or walls shall be set back a minimum of three feet from the curb or wheel stop to allow for the overhang of the vehicle.
 - e. A change in grade or elevation that provides an equivalent level of screening for the parking lot as the vegetative screen may be substituted for the requirements above, as determined by the Director.
2. Screening shall not be required between properties for parking spaces provided in conjunction with shared access and/or shared parking between those properties.
- C. Screening of Mechanical Equipment.**
- 1. All mechanical equipment (e.g. air handling equipment, compressors, duct work, transformers, and elevator equipment), including roof-mounted equipment, shall be screened from view from all public rights-of-way and adjoining properties.
 - 2. Screening shall result in the mechanical equipment blending in with the primary building, and not appearing separate from the building.
 - 3. Screening shall consist or be constructed of the following materials, depending on the location of the equipment to be screened. When possible, materials should be consistent with the primary building materials.
 - a. Planting screens;
 - b. Brick, stone, reinforced concrete, or other similar masonry materials;
 - c. Redwood, cedar, preservative pressure treated wood, or other similar materials; or
 - d. Metal screening or louvers painted to blend with the primary building.
 - 4. All fence posts shall be rust-protected metal, concrete-based masonry, or concrete pillars.
- D. Screening of Waste or Recycling Containers.**
- 1. All waste and/or recycling containers shall be completely screened from public view at any adjoining street or property line.
 - 2. All enclosures are to be at least one foot above the height of the waste and/or recycling container.
 - 3. Waste and/or recycling container screening shall be maintained by the owner at all times.
 - 4. Waste and/or recycling containers shall be located at least 15 feet from shade trees.
 - 5. Dumpsters, compactors, and other similar waste and/or recycling containers.
 - a. Dumpsters, compactors, and other similar waste and/or recycling containers shall be located a minimum of 50 feet from the property line of any single- or two-family zoned property and no closer to any street than the principal structure.

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- b. Dumpsters, compactors, and other similar waste and/or recycling containers shall be placed on reinforced concrete pads that are a minimum of six inches in thickness and sloped to drain.
 - c. Screening shall be provided on four sides and be comprised of:
 - i. Brick, stone, reinforced concrete or other similar masonry materials that have a similar finish to the primary finish;
 - ii. Redwood, cedar, preservative pressure treated wood or other similar materials; or
 - iii. Screening, comprised of large evergreen shrubs, may be proposed as an alternative if the Director determines it meets the intent of the screening requirement.
 - d. All fence posts shall be made of rust-protected metal, concrete based masonry, or concrete pillars.
 - e. Dumpster, compactors, and other similar waste and/or recycling containers enclosures shall have steel framed gates with spring-loaded hinges or the equivalent. The enclosure shall have fasteners to keep the gate closed and tiebacks to secure the gate in the open position when accessed.
 - f. Six-inch diameter concrete filled steel pipes shall be located in corners and possible impact areas to protect the enclosure from truck operations.
6. Location of waste and/or recycling container enclosures shall also comply with the standards of the waste collection service provider. When the standards of this section and the service provider conflict, the standards of this section shall apply.

E. Screening of Loading Docks.

- 1. Loading and service areas shall be located at the side or rear of buildings and be completely screened from public view at any adjoining street or property line.
- 2. Screening shall be provided on three sides of the area by a wall or other screening mechanism, not less than eight feet in height, comprised of:
 - a. A wall that has a similar finish to the primary structure; or
 - b. Screening comprised of large evergreen shrubs may be proposed as an alternative if the Director determines it meets the intent of the screening requirement.
- 3. Loading areas shall not be located closer than 50 feet to the property line of a single-family or two-family residence, unless located completely within an enclosed building.

(Ord. No. 2021-62, § 2(Exh. C), 9-14-2021)

SECTION 8.05. REVIEW AND APPROVAL PROCESS

Sec. 8.05.010. Residential Review.

A. Tree Preservation Plan.

A Tree Preservation Plan shall be required with each residential application for subdivision. No grading, excavation, trenching, or tree removal shall occur until the Tree Preservation Plan has been approved and tree protection fencing is in place. The plan shall consist of the following elements to ensure that each lot is buildable without the removal of Heritage Trees.

1. Tree Survey and/or Tree Inventory.

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- a. A Tree Survey shall graphically identify the location, size, and species of all Heritage Trees and other existing trees to be credited toward mitigation requirements.
 - b. A Tree Schedule shall accompany a Tree Survey and shall list each Heritage Tree shown on the survey and indicate the status of each tree.
 - c. Tree Surveys shall be valid for a period of ten years with recertification of any trees shown on the survey to have a DBH of 24 inches or larger after five years. A new Tree Survey shall be required for separate phases of long term projects that extend longer than ten years.
 - d. In order to promote the preservation of quality trees, reduce the mitigation owed for contribute value to the built environment, and to identify opportunities to increase the value and accessibility of impressive trees, a Tree Inventory shall be required when:
 - i. A Tree Preservation Plan proposes to satisfy, in any part, the mitigation requirements of UDC Section 8.02.040 with the preservation of On-Site Credit Trees,
 - ii. A residential subdivision is to be planned and developed in three or more phases, or
 - iii. Alternative tree preservation and mitigation standards are being requested through a Planned Unit Development (PUD), a Development Agreement, a Request for the Creation of a Municipal Utility District (MUD), or a Subdivision Variance.
 - e. A Tree Inventory shall be prepared by an arborist licensed by the International Society of Arboriculture (ISA) and contain the following information.
 - i. The same information provided in a Tree Survey and a Tree Schedule;
 - ii. A determination on the health of each tree - i.e. Dead, Poor, Good, Excellent;
 - iii. Description of any diseases present on trees of "Dead" or "Poor" health;
 - iv. Proposed measures to be taken to prevent spread of disease through the project site;
 - v. Existing canopy cover (as a percentage of the project area); and
 - vi. A description of a tree's aesthetic value (i.e. size, evaluation as a specimen of the species, size and quality of the canopy, etc.).
 - f. Tree Inventories shall be valid for a period of ten years with recertification of any trees shown on the survey to have a DBH of ten to 11 inches or DBH of 24 inches or larger after five years. A new Tree Inventory shall be required for separate phases of long term projects that extend longer than ten years.

2. **Critical Root Zone (CRZ) Protection Plan, If Applicable.**

A CRZ protection plan is required for subdivision Construction Plans where Heritage Trees are present and are planned to remain showing where tree protection fencing will be located. City tree protection details from the Technical Standards shall be included with the plan.

3. **Mitigation Plan, If Applicable.**

A Mitigation Plan shall include the mitigation required by this chapter any time Heritage Trees are proposed to be removed. The plan shall list each Heritage Tree species and DBH to be removed, as identified on the Tree Preservation Plan, and provide calculations for both mitigation by tree replacement and/or by payment and identify which mitigation option is proposed to be used. The Urban Forester shall have the final decision on the selected mitigation option subject to appeal under Section 8.01.020. If mitigation is to be met by the on-site planting of trees, a mitigation tree planting plan shall be included depicting the location, size, species of the trees, and timing of installation.

B. Landscape Plan.

A Landscape Plan, in the form of required plantings shown on the plot plan for the building permit or a drawing showing requirements prepared by the owner or the owner's representative, shall be submitted for all new single-family or two-family development at time of building permit review. The plan shall show the proposed location and species of required trees to be planted and any heritage or landscape credit trees proposed to be preserved. Trees identified on this plan to be preserved require fenced protection during construction per Subsection 8.02.030.C. and the Technical Standards.

(Ord. No. 2021-62, § 2(Exh. C), 9-14-2021)

Sec. 8.05.020. Non-Residential Review.

A. Tree Preservation Plan.

A Tree Preservation Plan is required for every application for non-residential development required by and subject to the provisions of this Code. No grading, excavation, trenching, or tree removal shall occur until the Tree Preservation Plan has been approved. The plan shall consist of the following elements:

1. Tree Survey and/or Tree Inventory.

- a. The Tree Survey shall graphically identify the location (including if the tree is located in the floodplain or an area of right-of-way dedication), size and species of all Protected and Heritage trees with a DBH of 12 inches or greater.
- b. Tree Surveys shall be valid for a period of ten years with recertification of any trees shown on the survey to have a DBH of ten to 11 inches or DBH of 24 inches or larger after five years. A new Tree Survey shall be required for separate phases of long term projects that extend longer than ten years.
- c. In order to promote the preservation of quality trees, reduce the mitigation owed, and contribute value to the built environment, and to identify opportunities to increase the value and accessibility of impressive trees, a Tree Inventory shall be required when:
 - i. A Tree Preservation Plan proposes to satisfy, in any part, the mitigation requirements of UDC Section 8.02.040 with the preservation of On-Site Credit Trees;
 - ii. A Site Development Plan is to be developed in three or more phases; or
 - iii. Alternative tree preservation and mitigation standards are being requested through a Planned Unit Development (PUD), a Development Agreement, a Request for the Creation of a Municipal Utility District (MUD), or a Subdivision Variance.
- d. A Tree Inventory shall be prepared by an arborist licensed by the International Society of Arboriculture (ISA) and contain the following information:
 - i. The same information provided in a Tree Survey and a Tree Schedule;
 - ii. A determination on the health of each tree (i.e. Dead, Poor, Good, Excellent);
 - iii. Description of any diseases present on trees of "Dead" or "Poor" health;
 - iv. Proposed measures to be taken to prevent spread of disease through the project site;
 - v. Existing canopy cover (as a percentage of the project area); and
 - vi. A description of a tree's aesthetic value (i.e. size, evaluation as a specimen of the species, size and quality of the canopy, etc.)

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- e. Tree Inventories shall be valid for a period of ten years with recertification of any trees shown on the survey to have a DBH of ten to 11 inches or DBH of 24 inches or larger after five years. A new Tree Inventory shall be required for separate phases of long term projects that extend longer than ten years.
 2. **Tree Schedule, If Applicable.**

A tree schedule shall accompany a Tree Survey and shall indicate the status of all surveyed trees on site.
 3. **Critical Root Zone (CRZ) Protection Plan, If Applicable.**

A CRZ protection plan is required for every application required by and subject to the provisions of this Code where Protected or Heritage Trees are present and are planned to remain showing where tree protection fencing will be located. City tree protection details from the Technical Standards shall be included with the plan.
 4. **Mitigation Plan, If Applicable.**

A Mitigation Plan shall include the mitigation required by this chapter any time protected or Heritage Trees are proposed to be removed. The Mitigation Plan shall identify each tree to be removed (as indicated on the Tree Preservation Plan), label the DBH and status (Protected or Heritage Tree), and provide calculations each mitigation option available and identify which mitigation option is proposed to be used. If mitigation is to be met by the on-site planting of trees, a mitigation tree planting plan shall be included depicting the location, size, species of the trees, and timing of installation. If Heritage Tree mitigation is required, a separate line item from the Protected Tree mitigation shall be required.

B. Landscape Plan.

A Landscape Plan, prepared by a landscape architect licensed in the State of Texas, is required to be submitted and approved as part of a Site Plan application prior to issuance of a building permit for such development. Projects or limits of construction less than 5,000 square feet in size do not require preparation by a landscape architect. A Landscape Plan shall include the following:

1. **Planting Plan.**

The planting plan is a dimensioned and labeled drawing demonstrating compliance with all applicable requirements of this chapter. The plan shall include all dimensions, types and quantity of materials, width of bufferyards and overlay districts, and size and spacing of vegetative materials. Existing trees to be used as landscape credit shall also be shown with the size indicated. All proposed mechanical equipment shall be depicted. Plans for projects involving additions to existing sites shall locate and identify any existing landscaping.
2. **Landscape Summary Table.**

The landscape summary table delineates all requirements of this chapter as they apply to the project as well as how those requirements are addressed on the planting plan. The landscape summary table shall list each planting requirement and indicate the number of plants required as well as the number proposed. The summary table shall list any landscape tree credits to be utilized and identify those plantings that are low water users. The landscape summary table may be located on the planting plan. The template for the landscape summary table can be found in the UDC Development Manual.
3. **Irrigation Statement.**

The landscape architect shall identify on the planting plan the type of irrigation to be installed for the landscaping design.
4. **Preparer's Seal and Statement of Compliance.**

The Landscape Plan shall be signed and sealed by the designer and include a statement of compliance certifying that the plans submitted for approval comply with the requirements of this chapter. The seal and statement shall be shown on the planting plan.

C. Changes to Approved Plans.

Adjustments to approved plans during construction that affect trees or landscaping must be reviewed and approved by the Urban Forester and/or the Planning Department.

(Ord. No. 2021-62, § 2(Exh. C), 9-14-2021)

Sec. 8.05.030. Inspection and Approval of Installation.

A. Residential Installation.

Installation of required landscaping for all new single-family or two-family development shall be inspected at time of final building inspection. The owner or owner's representative may certify in writing that landscaping has been installed according to the approved plan.

B. Non-Residential Installation.

1. Certification of Landscape Compliance.

Prior to final inspection for certificate of occupancy and once all landscaping has been installed, the original sealer of the Landscape Plan shall submit a letter certifying the installed landscaping is in compliance with the requirements of this chapter and the approved Landscape Plan. If the installed landscaping is not in compliance with the approved Landscape Plan, a final "as-built" Landscape Plan indicating actual planting shall be submitted to the Planning Department for review and inspection.

2. Irrigation Inspection Letter.

At time of final inspection for certificate of occupancy, the landscape architect shall provide a letter to the City indicating that the irrigation system has been installed in accordance with the requirements for irrigation per the approved Landscape Plan.

3. Inspection.

The Planning Department and the Urban Forester shall, at time of final inspection, inspect all projects to ensure compliance with the approved Landscape Plan prior to issuance of a certificate of occupancy. With this inspection, the Urban Forester or the Director may reject any tree or vegetation that does not reflect the approved plans or does not meet the requirements of this chapter and require replacement plantings.

Upon the installation of trees, the owner or landscape architect shall notify the Urban Forester that the work is ready for final inspection. If faulty work or substandard plant material is found, the owner shall be notified of the necessary changes.

Sec. 8.05.040. Postponement of Installation of Required Landscaping.

In the case of weather restrictions, seasonal or inclement, the owner of a residential or non-residential property may post fiscal surety for the full cost of the materials and installation of any remaining landscaping. The owner will then have 30 days from either 1) the date of the start of the next planting season, or 2) the last day of the inclement weather situation to complete the installation. The City may draw on the fiscal surety and pay to complete the planting if it is determined that the owner has breached the obligations secured by the fiscal surety. A conditional certificate of occupancy shall be issued until such time that all landscaping is installed. See procedures for filing fiscal surety for new development in the UDC Development Manual.

Sec. 8.05.050. Alternative Landscape Standards.

Alternative landscape standards, certified by a landscape architect, may be proposed and submitted to the Director for approval of an Administrative Exception per Section 3.16 of this Code, provided the aesthetic, buffering, and environmental intent of the requirements of this chapter are met. The Director may approve alternatives including but not limited to site design, spacing, locations, numbers, and species. The use of above ground architectural planters may contribute toward up to ten percent (10%) of the fulfillment of landscape requirements, as approved by the Director.

SECTION 8.06. PLANT SELECTION, INSTALLATION, AND MAINTENANCE

Sec. 8.06.010. General.

- A. Unless otherwise noted, the plant selection, installation, and maintenance requirements of this section shall apply to the required plantings for both residential and non-residential development. The standards herein do not apply to those plantings voluntarily planted and not otherwise required by this chapter.
- B. Plant materials required by this chapter shall conform to the American Standard for Nursery Stock.
- C. Consideration shall be given to the selection of trees, plants, and planting locations to avoid problems such as clogged sewers, cracked sidewalks or foundations, and power service interruptions.
- D. All planting shall be designed to consider the level of expected maintenance and provide a neat and clean appearance.
- E. All required landscape areas shall consist of at least 50 percent (50%) plant material.
- F. The installation of fountains, public spaces, exterior furniture, bicycle racks, and other outdoor pedestrian amenities, located within or adjacent to landscaping, is encouraged; however, hardscape features shall not predominate the use of living plant materials.

Sec. 8.06.020. Plant Materials and Size Requirements.

- A. **Species.**
 - 1. All required plant materials shall be selected from the City preferred plant list. Other plant materials may be used if determined by the Director to be equivalent in quality, adaptability, and low-maintenance as those listed therein.
 - 2. When more than five trees or ten shrubs are to be planted to meet the requirements of this chapter, a mix of species shall be provided wherein no more than twenty-five percent (25%) of plantings may be from the same species.
 - 3. Of the required plant materials, at least 50 percent (50%) shall be low-water users, as identified on the preferred plant list.
 - 4. Prohibited plant species, as identified on the prohibited plant species list in the UDC Development Manual, are required to be removed at time of site development, unless they are located in an area designated on the Landscape Plan as an approved natural area. The retention of any of these species must be based on the health and welfare of surrounding Protected and Heritage Trees and must be approved by the Director. No new plants identified on the prohibited plant species list shall be installed and existing plants are excluded from meeting any planting requirements.

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5. Controlled plant species, as identified on the controlled plant species list in the UDC Development Manual, are excluded from meeting any planting requirements. No new plants identified on the controlled plant species list shall be planted, unless approved by the Director. Controlled plant species do not have to be removed from a site.

B. Minimum Size Requirements for Plants and Trees.

Unless otherwise specified in this chapter, plants and trees required by this chapter shall be of the following minimum sizes at the time of planting.

1. **Landscape Trees.**

- a. Shade trees planted to meet the requirements of this chapter shall be a minimum of three caliper inches measured at six inches above finished grade or have a three-inch DBH.
- b. Ornamental trees planted to meet the requirements of this chapter shall be at least 15-gallon container grown nursery stock.

2. **Mitigation Trees.**

Mitigation trees, as required by Section 8.02.040 of this chapter, shall be a minimum of three caliper inches measured at six inches above finished grade or have a three-inch DBH.

3. **Shrubs.**

Shrubs planted to meet the requirements of this chapter shall be at least one-gallon container grown nursery stock, unless otherwise specified by this Code.

4. **Vines, Ornamental Grasses and Ground Cover.**

- a. Vines planted to meet the requirements of this chapter shall be at least one-gallon container-grown nursery stock.
- b. Groundcover planted to meet the requirements of this chapter shall be at least four-inch container-grown nursery stock.
- c. Ornamental grasses planted to meet the requirements of this chapter shall be at least one-gallon container-grown nursery stock.

C. Lawn or Turf Grasses.

1. Grassed areas should be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia, Buffalo, or any other variety as approved by the Director. Heavily shaded properties that receive less than six hours of sun may be planted with Saint Augustine or other shade grass.
2. Grassed areas may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales on 3:1 or greater slopes or other areas subject to erosion.
 - a. For all other areas where sod is not required, the use of sod shall be limited to the remaining balance of the percentage of plant materials not classified as low water users (for example, if fifty percent (50%) of plant materials used are classified as low water users, sodded areas shall be limited to fifty percent (50%) of all landscape area).
 - b. The restriction to the use of sod does not apply to areas designated as dog parks, open recreation/common amenity areas or parks, or where sod is required by this Code.
3. Synthetic or artificial lawns may be allowed provided the following standards are met:

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- a. Synthetic or artificial lawns may be used in playscapes, sports fields, and other similar recreational fields, and areas that are screened from streets and adjacent properties. On residential properties, synthetic or artificial lawns shall be limited to the rear yard only.
 - b. Synthetic or artificial lawns shall be certified by a Professional Engineer that it will allow rainwater to infiltrate at the same rate as natural turf.
 - c. Synthetic or artificial lawns shall be prohibited within required bufferyards and gateway overlay district landscape areas.
 - d. Synthetic or artificial lawns shall be made of polyethylene or polypropylene. Residential properties may use a nylon material. Other similar materials may be considered by the Urban Forester, or designee.
 - e. Synthetic or artificial lawns shall utilize heat blocking or other dissipating features to limit heat gain.
 - f. Synthetic or artificial lawns shall be a two-tone color or better.
4. Winter Rye shall be considered only as a temporary measure to reduce soil erosion through the winter season and shall be completely replaced with permanent turf grass during the following planting season.

(Ord. No. 2021-62, § 2(Exh. C), 9-14-2021)

Sec. 8.06.030. Installation Requirements.

- A. All required landscape materials shall be installed according to American Association of Nurserymen (AAN) standards and as per the Technical Standards.
- B. In order to conserve water, reduce maintenance, and promote plant health, plant species should be staggered or clustered as necessary based on their water and light needs and growth rate and size.
- C. Landscaping shall be designed to meet the City's traffic safety standards as adopted in the Code of Ordinances and must maintain safe and unobstructed visibility along and at intersections of roadways, driveways, drive aisles, access easements, recreational paths, and sidewalks.
- D. **Location.**
 1. Required landscaping shall be placed upon that portion of a tract or lot that is being developed. Undeveloped portions of a tract or lot shall not be considered landscaped, except as specifically approved by the Director.
 2. All new shade trees shall be planted so they have a minimum pervious area of four feet from the trunk in all directions.
 3. All new ornamental trees shall be planted so they have a minimum pervious area of three feet from the trunk in all directions.
 4. Trees or plants shall not be placed in locations within easements that may interfere with site drainage.
 5. Ground cover shall be planted to provide for quick coverage and to discourage erosion and weed growth.
 6. **Tree and Utility and Signage Conflicts.**
 - a. Special attention shall be given to the use of appropriate species located under or adjacent to overhead power lines or near underground utility lines, or near existing and proposed signage. Plans proposing species that do not address this provision will not be approved.

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- b. Overhead power lines require the planting of low growing trees, maturing to a height and spread not encroaching within five feet of the lines.
 - c. When there is a conflict between the location of required trees and overhead or underground utility lines, or signage, one or more of the following options may be used to satisfy the minimum number of trees required
 - i. Required trees may be planted so that no more than twenty-five percent (25%) of the mature tree canopy size encroaches onto a utility easement, sign, or other point of conflict; or
 - ii. When applicable, the required gateway landscape area may be extended a minimum of ten feet beyond any conflicting utility easement; or
 - iii. Additional ornamental trees and shrubs may be used to meet required shade trees at a ratio defined below:
 - Two ornamental trees shall be planted for every shade tree, or
 - One ornamental tree and 20 shrubs shall be planted for every shade tree.
7. **Landscaping in the Right-of-Way.**
- a. The placement of shrubs, trees, irrigation, or hardscape features in the right-of-way shall require approval of a License to Encroach. Turf grasses shall not require a License to Encroach. See the UDC Development Manual for more information.
 - b. The City may at any time require such landscaping to be removed, without responsibility or liability to the City, and require replacement of any required plantings at the owner's expense.
 - c. No landscaping, excluding grass, shall be placed in an area of right-of-way where a roadway improvement has been funded for such location, unless and until such project has been completed.
- E. Landscape berms installed to meet the provisions of this chapter shall have a maximum side slope of three feet to one foot and shall be stabilized with vegetation, including turf grass or groundcover, to prevent washout. Planting beds are allowed on landscape berms.

(Ord. No. 2021-62, § 2(Exh. C), 9-14-2021)

Sec. 8.06.040. Maintenance Requirements.

A. Maintenance Responsibility.

The current property owner or the manager or agent of the owner, shall be responsible for the maintenance of all required tree, plant materials and landscape areas. A homeowners association shall assume responsibility for the maintenance of designated common areas.

B. Health and Viability of Plant Materials.

1. Landscaping shall be sufficiently fertilized and watered as necessary to maintain the plant material in a healthy condition.
2. Landscape 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. Dead Trees, Plants or Materials.

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1. Maintenance will include the replacement of all dead plant material, including mitigation trees, if that material was used to meet any of the requirements of this chapter.
 2. Dead trees or plants shall be replaced with the same amount, type, and size of landscape material originally required or an approved substitute.
 3. Existing trees that were required to be preserved during site construction must survive for at least a two-year period after the certificate of occupancy is issued or shall be replaced according to the current mitigation requirements of this chapter.
 4. Dead trees or plants shall be replaced within six months of notification or by the beginning of the next planting season, whichever comes first.

D. **Protected or Heritage Tree Damage.**

No act shall be allowed, accidentally or otherwise, that may reasonably be expected to cause a Protected or Heritage Tree to die or be damaged or to otherwise harm the aesthetic value, including, but not limited to, topping or excessively pruning more than 30 percent (30%) of the viable portion of a Protected (non-residential only) or Heritage Tree crown; inappropriate shaping (i.e., topiary); damaging the root system; compacting the soil; changing the natural grade or paving. The remedies for such act shall be determined as follows:

1. If the Urban Forester determines the tree has been damaged, the property owner shall be required to take action to assure the future vitality of the tree, including but not limited to chemical treatment, construction of protective barriers, or any other methods as may be required by the Urban Forester.
2. If the Urban Forester determines that the damage is so great that the tree is no longer reasonably sustainable, the tree shall be required to be removed at the expense of the property owner, in addition to the mitigation provisions in Section 8.02.040 and possible penalties pursuant to Chapter 15. Mitigation for projects without active tree removal permits or approval shall be based on the mitigation provisions at the time of the violation, not the standards at the time of platting or other approval.

E. **Heritage Tree Pruning Permit.**

Pursuant to Section 3.23 of this Code, it shall be unlawful to prune a Heritage Tree without an approved Heritage Tree pruning permit. All approved pruning must be performed by an International Society of Arboriculture (ISA) Certified Arborist or under the supervision of an ISA Certified Arborist, and must follow the American National Standards Institute (ANSI) A300 standards. Heritage Tree pruning permits do not apply to lots containing constructed single-family and two-family dwellings.

F. **Synthetic or Artificial Lawn.**

Synthetic or artificial lawn shall be maintained so as to maintain its pervious surface condition.

(Ord. No. 2021-62, § 2(Exh. C), 9-14-2021)

Sec. 8.06.050. Irrigation Requirements.

- A. All non-residential development shall use one of the following irrigation methods to ensure survival of the required plant material in landscaped areas:
1. **Conventional System.**
An automatic or manual underground irrigation system that may be a conventional spray or bubbler type heads.
 2. **Drip Irrigation System.**

An automatic or manual underground irrigation system in conjunction with a water-saving system such as a drip or micro irrigation system.

3. Temporary and Above-Ground Watering.

Landscape areas utilizing low water usage plants and installation techniques, including areas planted with native grasses and wildflowers, may use a temporary and above-ground system providing irrigation necessary to establish the areas.

- B. Trees shall have at least one bubbler installed per newly installed tree.
- C. Irrigation lines shall be arranged so as to not require trenching that will affect the roots of any trees to be preserved. Lateral trenching should be used when it is necessary to trench in the CRZ and areas should be hand dug.
- D. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees, as approved by the Director. Tree wells and islands count as disturbance when containing existing trees and will require irrigation.
- E. Irrigation systems shall be programmed to meet the watering restrictions of the water provider and to not water during rain events.

Sec. 8.06.060. Removal of Required Landscape Trees, Shrubs and Turf.

If a property owner of a non-residential development wishes to remove healthy trees, shrubs, or turf that were part of a previous approval, a request may be made to the City using the procedures in the Development Manual. Based on the information submitted, the City will decide if the request will be granted on a case-by-case basis. Justifiable reasons for such requests include, but are not limited to:

- 1. Tree canopies have become crowded and are hindering growth of other trees;
- 2. Trees are blocking existing signage;
- 3. Trees are causing a potential line-of-sight hazard; and
- 4. The overall health of the tree.

For any tree approved for removal, mitigation is required using the calculations in Subsection 8.02.040.C. Mitigation trees must be planted along the same side of the building or same area of the parking lot, and in the instance that the removed tree was planted to satisfy a landscape requirement under Section 8.04, the replacement tree must be planted in the same landscape area (i.e. gateway landscape area, street yard, etc.) and reach a similar size as the removed tree(s), unless an alternative location or species is approved by the Urban Forester. Other conditions of approval may be required by the Urban Forester and/or the Director.

(Ord. No. 2021-62, § 2(Exh. C), 9-14-2021)

SECTION 8.07. FENCE STANDARDS

Sec. 8.07.010. Purpose.

Standards governing fences are established to allow for privacy, access to light and air, the protection of property, assurance of safety and security, and an aesthetic appearance consistent with the quality of life standards of Georgetown. For the purposes of this section, fences shall include all barrier structures meant to provide security or block views of property, and include walls, fences, or similar structures.

Sec. 8.07.020. Permit Required.

A fence permit is required to erect any fence on property within the City limits, unless otherwise specified below.

- A. A permit is not required for agricultural uses.
- B. A permit is not required for pet or livestock, garden, or similar fencing if such fence is located interior to a property that contains a perimeter fence.
- C. A permit is not required for minimal alterations, such as replacements of pickets, panels, posts, or other materials as long the changes do not exceed one-third of the facing of the fence. Such alterations shall be in compliance with the original permit and/or the provisions of this Code. Any vertical or linear additions shall require a new permit.

Sec. 8.07.030. General Requirements.

The following apply to all fences within the City limits, regardless of use or zoning district.

A. **Structural Integrity.**

All fences shall be constructed to perpetually maintain structural integrity against natural forces such as wind, rain, and temperature variations. Fences constructed of chainlink, welded wire, picket or similar materials shall require a minimum of two support rails spaced at least one-half of the total height of the fence apart.

B. **Maintenance.**

Fences shall be kept in good repair and in a safe and attractive condition, consistent with the design established with the fence permit.

C. **Fence Materials.**

1. Allowed.

Wood, stone, rock, brick, fencecrete, decorative wrought iron, chain link, welded wire or other similar materials of comparable aesthetic and durability. The Director or Building Official may consider other materials during permit review such as vinyl, PVC, or other rot resistant alternatives. Allowed materials may be restricted in certain circumstances, per the provisions of this Section, and are allowed by right in all other instances. Materials such as barbed wire, razor wire and electric fencing are only allowed with the limitations specified in this Section.

2. Prohibited.

Products manufactured for other uses and not originally intended to be permanent fencing are prohibited. Some examples of prohibited material include but are not limited to: Plywood, paper, plastic, fiberglass panels, chicken wire, fabric, or sheet, roll or corrugated metals.

D. **Height Measurement.**

Fence height shall be measured from ground level on the higher side of the fence or wall.

E. **Finished Side of Fence.**

For all fences, the finished "face" side of the fence (opposite the structural supports) shall face all public streets and public parkland.

F. **Sight Triangle.**

In accordance with the "sight triangle" requirements in Section 12.03.050 of this Code, no fence or wall more than 25 percent (25%) solid or more than three feet tall shall be located within 25 feet of the right-of-way at the intersection of two streets or within eight feet of the intersection of a street and an alley.

G. Messages and Signs.

All messages or advertising on fences or walls shall be considered signage and are not allowed on fencing unless permitted in accordance with the sign provisions of Chapter 10 of this Code.

H. Temporary Fences.

Temporary fences are allowed without a fence permit, but only for a site with an active building permit, Stormwater Permit, or part of a roadway construction project. The temporary fence shall be removed at the expiration of such a Permit or the conclusion of construction, whichever occurs first. Temporary fences needed for any other purposes are permitted and shall receive a fence permit from the Building Official.

I. Electric Fences.

Electric fences are allowed without a fence permit, subject to the following:

1. Electric fences shall not be permitted within ten feet of any public rights-of-way or sidewalk.
2. Electric fences shall be placed a minimum of two feet from all private property lines.
3. A "Warning: Electric Fence in Operation" sign at least 12" x 12" in size shall be posted at intervals of not more than 50 feet apart and located not more than one foot away from the fence.

J. Drainage and Utility Conflicts.

All fencing that will cause a diversion of water runoff or otherwise prevent the natural flow of stormwater shall require review by the Development Engineer prior to approval. Walls or other fencing proposed to be located near a public utility easement or buried or above-ground utility equipment that are made up of masonry or a similar product and containing a poured foundation shall require review by the Development Engineer prior to approval, and may require a License to Encroach pursuant to Section 3.21.

K. Health and Safety.

All fences and fencing locations shall be in compliance with the requirements of the adopted building code, fire code, or any other health and safety provision adopted by the City. In the event that a building code or fire code requirement supersedes any provision in this section or would make such provision unworkable, those codes shall govern.

(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)

Sec. 8.07.040. Residential Fences.

Fences for single-family, two-family and townhome uses are allowed in accordance with the following provisions:

- A. Fences located in a front yard or a side setback abutting a local or collector-level street are allowed with the following limitations:
1. Fences shall be limited to four feet in height.
 2. Fences shall be at least 50 percent (50%) transparent. For example, a wrought iron fence or picket fence that has openings the width of the picket.

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3. Chainlink fences are prohibited in these locations.
- B. Fences in all other locations are allowed with the following limitations:
1. Fences located in a rear setback abutting a local or collector-level street are allowed with the limitations in this Section, but shall be set back a minimum of ten feet. If seeking to replace an existing fence that would not comply with this setback, the new fence may be constructed in the existing location, unless located in a right-of-way or in conflict with utilities, sight triangle, etc.
 2. Fences shall be limited to six feet in height, but may be increased to a maximum of eight feet in height in the following circumstances:
 - a. If the adjacent use is non-residential, in which case only a fence on the property line abutting the non-residential use may be allowed the increase in height.
 - b. If the fence is located in the rear yard not adjacent to a street right-of-way and has the consent of both property owners.
 - c. If the fence is more than fifty percent (50%) transparent overall or one hundred percent (100%) transparent above six feet.
 - d. If the fence is placed in a location where the topography of the land dictates the need for additional height for privacy, at the discretion of the Building Official.
 - e. If the fence is adjacent to a roadway where the right-of-way width is greater than 120 feet.
 - f. Reserved.
 - g. For fences that would not meet the above circumstances, the Director may consider a request for an Administrative Exception, as described in Section 8.07.080.
 3. Fences directly abutting public alleys shall be limited to five feet in height.
- C. Barbed wire fences are not allowed on lots of less than two acres.
- D. Sports fencing is allowed only in rear yards and set back from all property lines at a distance that is multiplied by one and one-half times the height of the sports fence. The sports fence shall be a maximum height of 15 feet.
- E. For fences that would not meet the above circumstances, the Director or Building Official may consider a request for an Administrative Exception, as described in Section 8.07.080.

(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015; Ord. No. 2023-72, § 2(Exh. A), 12-12-2023)

Sec. 8.07.050. Apartment Fences.

Fences for apartments are allowed in accordance with the following provisions. The following shall not preclude compliance with any required screening or bufferyard provisions of this Code:

- A. Wrought iron or similar material is allowed within the front and side setbacks abutting a local or collector-level street at a maximum height of six feet. No other fence materials are allowed in such setbacks.
- B. Wood fencing is allowed on property lines abutting private property, but not allowed in any street setback.
- C. Residential boundary wall requirements in Section 8.07.060 shall be met.

Sec. 8.07.060. Residential Boundary Walls.

In order to provide a cohesive aesthetic appearance in a manner planned and constructed by the developer, all single-family, two-family, townhome and multi-family development that is bounded on any side by a major collector, arterial or freeway, as classified in Section 12.03, shall provide a boundary wall or similar perimeter buffer along that roadway using the following criteria. Assumption of responsibility for the maintenance and integrity of the boundary wall or portions thereof shall fall to the home owner's association or, in the case there is not an HOA, the property owner on whose lot line the wall is situated.

- A. An opaque masonry wall shall be constructed along the right-of-way line at least five feet in height, but no taller than six feet in height. No additional fencing may be added to the wall.
- B. Development located in a gateway overlay district, established in Section 4.13, shall meet all requirements of the district. In such instances, the boundary wall shall be located along the innermost boundary of the required gateway landscape buffer. The gateway landscape buffer shall be situated on a platted lot that is owned and maintained by the owner, developer, neighborhood or homeowner association, or other entity acceptable to the Director.
- C. Articulation is required for boundary walls and shall be achieved either by:
 - 1. Masonry columns or similar column effect as approved by the Director, using different materials than the wall, spaced no more than 125 feet apart;
 - 2. Variations in depth achieved either through offsets of at least five feet deep, plant material groupings, breaks in walls, or other variations as approved by the Director, occurring every 80 feet; or
 - 3. An alternative articulation design approved by the Director per Subsection D. below that meets the intent of this section.
- D. Exceptions to the preceding requirements may be considered by the Director in the following circumstances and approved if the Director determines that the intent of this section has been met. Exceptions shall be processed as an Administrative Exception, using the procedures described in Section 3.16.
 - 1. If the land adjacent to the applicable roadway is occupied by a park or open space, unusual topographic conditions, local street, residential front setback, or other similar space not occupied by a residence, the Director may consider a request for a combination of open space, berms, landscape features, plant material, and/or alternative screening wall material, another boundary wall location, or a release from the requirement.
 - 2. If a developer chooses to prohibit fencing or offer a planned alternative that is codified on the plat, Construction Plans, and deeds and covenants, the Director may consider a request for a combination of open space, berms, landscape features, plant material, and/or alternative screening wall material, another boundary wall location, or a release from the requirement.

(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)

Sec. 8.07.070. Non-Residential Fences.

Fences for non-residential uses are allowed in accordance with the following limitations. Non-residential fences shall be constructed of materials that are architecturally compatible with the principal structure.

- A. Fences located in the front and side setbacks abutting a local or collector-level street are allowed only with the following limitations:

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1. Fences shall be limited to four feet in height.
 2. Fences shall be at least 50 percent (50%) transparent. For example, a wrought iron fence or a picket fence with openings the width of the picket.
 3. Chainlink fences are prohibited within these locations.
- B. Fences located in a required setback adjacent to a public right-of-way shall not be located in a public or landscape easement.
 - C. Fences located along a lot line shall not exceed eight feet in height, unless otherwise specified in the Code.
 - D. The finished side of all fences built to comply with any provision of this Code shall face outward toward each adjoining property.
 - E. Sports fencing is allowed only with a setback from all property lines at a distance that is two times the height of the sports fence.
 - F. Exceptions.
 1. Fences for industrial uses may be located in any street setback, but no closer than ten feet from the right-of-way line. Such fences may not exceed six feet in height.
 2. Fences for industrial and utility uses may use barbed wire above any conventional six-foot fence as long as the total height does not exceed eight feet. Arms carrying barbed wire must extend inward or straight up. Such fences shall be located a minimum of 20 feet from a public right-of-way.
 3. Fences using razor ribbon or razor tape are allowed only in conjunction with a jail or other public detention or correctional facility. Such fences shall be located a minimum of 40 feet from a public right-of-way.
 4. Fences using materials required by another governmental entity for a stated safety or security purpose may be allowed using appropriate height, materials and locations determined by the Director.

Sec. 8.07.080. Alternative Fences.

Through the Administrative Exception process detailed in Section 3.16 of this Code, the Director or Building Official may consider alternatives to the provisions of this Section. Justifiable reasons to consider an alternative include, but are not limited to, the protection of trees, the location of existing structures on a site, location and materials of existing fences, unique topographical or other physical constraints. In addition, the Director or Building Official is authorized to determine whether direct application of this Section would create an unsightly effect and could be better achieved with an alternative design. The Administrative Exception may be granted if the Director or Building Official determines that the proposed alternative clearly meets or exceeds the quality of design that this Section seeks to promote and that the following assurances listed below are met.

The following may be proposed to the Director or Building Official for an alternative:

- A. Fence material, as long as the alternative material(s) meet or exceed the minimum aesthetic and durability standards of this section.
- B. Fence location, as long as the alternative location does not affect health and safety standards and can be proven to be seamlessly integrated with the surrounding neighbors and design of the neighborhood.

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- C. Fence height, as long as evident safety concern arises from the height standards provided for in this section, notwithstanding the allowances in Subsection 8.07.030.B.4.
 - D. An Administrative Exception is not required for any health and safety determination, hazardous material security, or any other exceptions explicitly stated in this section.

(Ord. No. 2015-48, § 2(Exh. A), 9-22-2015)

Sec. 8.07.090. Fences Required by Particular Zoning Uses.

Chapter 5 of this Code contains provisions for fencing materials, heights, and locations associated with particular uses that are allowed with limitations in certain zoning districts. Below are references to each such provision with the corresponding section number.

- A. Day care—Subsection 5.030.020.B.
- B. Bed and breakfast—Subsections 5.04.020.A. and B.
- C. Offices in the RS District—Subsection 5.04.020.J.
- D. Self-storage—Subsection 5.04.020.P.
- E. Fuel sales—Subsection 5.04.020.S.
- F. Intermediate utility services—Subsection 5.05.020.B.
- G. Outdoor storage, limited—Subsection 5.09.030.B.
- H. Outdoor storage, general—Subsection 5.09.030.C.

Secs. 8-3—8-9. - Reserved.

ARTICLE II. - LANDSCAPING

Sec. 8-10. - Landscaping.

(a) *Purpose.*

- (1) The physical appearance of the built environment is an important component of the character, value, and human experience of a community. Landscape treatment and site design function to integrate natural elements into these manmade systems, particularly architectural features and transportation infrastructure. The intent is to make Round Rock a more sustainable and attractive place in which to live, visit and do business.
- (2) Regulations must serve to provide attractive, functional and efficient landscaping, the cost of which is justified by the enhancement of property values and the creation of a sense of place through the cumulative impact of development.

(b) *Intent.*

- (1) To ensure that all planting requirements serve not only to benefit the community aesthetically, but also contribute functionally whenever opportunities to do so are presented.
- (2) To utilize planting and landscape elements to mitigate the negative impacts of development by screening unsightly features, reducing the heat island effect, and buffering incompatible uses.
- (3) To provide incentives for creative subdivision and site design.
- (4) To implement site design and planting requirements which minimize the need for maintenance and utilize sound water conservation practices.
- (5) To provide for landscaping regulations that encourage the preservation of protected trees, as defined in Sec. 1-50.
- (6) To establish monarch trees as focal points that should be highlighted by proposed development.

(c) *Applicability.* This section shall apply to all land area (public and private) within the zoning jurisdiction of the city and in areas where this section is in effect by contractual agreement.

- (1) *Application of landscape requirements.* The requirements of this section shall apply to:
 - a. All new development or construction on vacant or previously developed land, that requires site plan approval;
 - b. All new single-family or two-family residences in the SF-2 (Single-Family - Standard Lot), SF-3 (Single-Family - Mixed Lot), and TF (Two-Family) zoning districts. Such requirements may be found in subsection (l) below;
 - c. Any change of land use which results in redevelopment of a residential use to a nonresidential use;
 - d. Any change, conversion, or addition of commercial land uses that result in the requirement for additional parking to be constructed. In this case, the landscape requirements shall apply to only the newly proposed parking area and other areas of the site being modified by development activities; and
 - e. Detention ponds and water quality ponds that are part of any development including residential subdivisions. Common development that encompasses more than one lot shall be treated as one for the purposes of application of this section. Split ownership, planning in phases, construction in stages, or multiple building permits for a project shall not prevent it from being considered a common development, provided that a comprehensive site plan is submitted for all portions of the development being considered as a common development.

- (2) *Exemption from landscape requirements.* The requirements of this section specifically shall not apply to the following:
- a. New construction of detached single-family homes in the SF-R (Single-Family - Rural), SF-1 (Single-Family - Large Lot), and SF-D (Single-Family - Downtown) zoning districts;
 - b. Expansions or modifications to an existing detached single-family residence in any zoning district;
 - c. Restoration of a building or structure which has been damaged, destroyed or demolished to an extent less than 50 percent of its fair market value (as determined by the most recent appraised value of the appraisal district in which the building or structure is located);
 - d. Exterior or interior restoration of a designated historic structure;
 - e. Medians in street rights-of-way;
 - f. Ground-mounted equipment located in street rights-of-way.
- (d) *Landscape plans.* The submittal of landscape plans shall not be required for new homes in the SF-2, SF-3, and TF zoning districts, but shall be required with the following:
- (1) *Standard site plan.* Landscape requirements identified in this section and in the format specified by the development packet necessary to obtain a standard site plan approval shall be depicted on a landscape plan. This landscape plan shall be signed and sealed by a landscape architect.
 - (2) *Small project site plan.* Landscape requirements identified in this section and in the format specified by the development packet necessary to obtain a small project site plan approval shall be depicted on a site or landscape plan. If the plan includes 10 or more trees, the plan shall be signed and sealed by a landscape architect. If the plan includes less than 10 trees, the plan shall be signed and sealed by a landscape architect, professional engineer, landscape design professional, licensed nurseryman, or urban forester.
- (e) *General planting requirements.*
- (1) The planting specifications and standards included in the Tree Technical Manual are applicable unless otherwise stated herein.
 - (2) All trees shall be planted in a pervious area no less than four (4) feet wide in any direction measured from the center of the tree, unless otherwise stated herein. Said pervious area shall be covered with mulch to a minimum average thickness of three (3) inches, except for the area within a six (6) inch radius of the tree trunk which shall have no mulch or other material above the root ball in order to prevent or reduce the possibility of bark rot.
 - (3) No more than 50 percent of the required trees and shrubs shall be of the same species without the approval of the zoning administrator. Such approval may only be granted in order to achieve a specific design intent of the landscape architect.
 - (4) Improved soils containing a minimum 20% organic content shall be provided in all required landscape areas in accordance with the following:
 - a. Turf areas to a minimum depth of four (4) inches;
 - b. Planting beds to a minimum depth of eight (8) inches; and
 - c. Tree planting pits shall be 50% excavated soil and 50% prepared soil.
 - (5) All landscaping shall be separated from vehicular use areas by some form of barrier such as raised concrete curbing, bollards, curb stops, or other suitable permanent alternative.
 - (6) All landscape beds shall be separated from sod areas by some form of barrier such as steel edging, masonry materials, or another equivalent durable material as approved by the zoning administrator. No plastic materials shall be allowed. Provided however, the barriers may be designed in such a way to capture, filter, reuse or infiltrate rainwater with the purpose of protecting and conserving water resources.

- (7) Landscaping shall not obstruct the view between access drives and parking aisles.
 - (8) Nothing shall be erected, placed, allowed to grow, or planted so that it impedes vision between the height of three (3) feet and 10 feet above the curb within a sight visibility triangle, as defined in Sec. 1-50.
 - (9) No artificial plant material may be used in any form to satisfy the requirements of this section.
 - (10) Berms shall not encroach upon the critical root zones of existing trees, as regulated by chapter 8, Article III, Tree Protection and Preservation.
 - (11) Wherever sod or turf grass is used, such grass shall be of a drought-tolerant species.
 - (12) Any landscaping placed in utility easements shall not be counted towards the minimum landscaping requirements.
 - (13) Notwithstanding the requirements of the Tree Technical Manual, the zoning administrator may allow large trees to be placed closer to a building in order to achieve an urban streetscape.
 - (14) At the time of planting, all trees shall have the following caliper measurements:
 - a. Large trees: three (3) inches;
 - b. Medium trees: two (2) inches;
 - c. Small/ornamental trees: one (1) inch.
 - (15) All trees planted to meet the landscaping standards herein shall be protected trees regardless of size.
- (f) *Interior parking lot landscape requirements by zoning district.*
- (1) *TH (Townhouse), SR (Senior), MF-1 (Multifamily - Low Density), MF-2 (Multifamily - Medium Density), MF-3 (Multifamily - Urban), C-1 (General Commercial), C-1a (General Commercial - Limited), C-2 (Local Commercial), OF-1 (General Office), OF-2 (Mid-Rise Office), BP (Business Park), PF-1 (Public Facilities - Low Intensity), PF-2 (Public Facilities - Medium Intensity), PF-3 (Public Facilities - High Intensity), MU-R (Mixed-Use - Redevelopment and Small Lot), and MU-G (Mixed-Use Greenfield and Large Lot) zoning districts.*
 - a. Large trees shall be provided in parking areas. The construction of off-street parking areas requires the planting of one large tree in each island so that there are no more than 10 contiguous parking spaces between islands, except as otherwise provided herein.
 - b. End islands shall be provided at the terminus of each parking bay. Interrupting islands shall be provided within each parking bay as required herein. End islands and interrupting islands shall have a minimum width of nine (9) feet from face of curb to face of curb and shall contain a large tree. Head-to-head parking bays shall include two (2) such end islands.
 - c. In a row of parking immediately adjacent to a perimeter parking lot landscape area, required interrupting islands may be eliminated by planting two (2) additional large trees in the adjacent landscape area for each interrupting island so eliminated.
 - d. A median island with a minimum width of nine (9) feet, from face of curb to face of curb, shall be required between every six (6) single parking bays and along primary internal and external access drives. Medium or large trees shall be planted at a rate of one per each 50 linear feet or fraction thereof. Median island intervals may be expanded in order to preserve existing trees, provided an alternative median location has been approved by the zoning administrator.
 - e. Other plant materials may be substituted for a large tree between the building and the first drive aisle as per the foundation landscape requirements provided in subsection (h) below. Specifically, plant materials totaling 30 foundation treatment points as set out in the table in subsection (h)(1)c. below, shall be provided in the required island for each large tree to be substituted.

- f. The preservation of existing healthy trees of a protected species, as set forth in the definition of "protected tree" in Sec. 1-50, may be used as credits towards the landscaping required by this subsection. These credits may not be used to replace an end island or median island tree unless the preserved tree is located within the required end island or median island. Each preserved tree is credited towards the adjacent 10, 20, or 30 parking spaces, accordingly:
 1. Each healthy large tree with a diameter of at least four (4) inches but less than eight (8) inches within 10 feet of a parking area will be counted as a credit towards one required parking lot tree.
 2. Each healthy protected large tree with a diameter of eight (8) inches to 20 inches preserved within 15 feet of a parking area will be counted as a credit towards two (2) required parking lot trees.
 3. Each healthy protected large tree with a diameter of more than 20 inches preserved within 20 feet of a parking area will be counted as a credit towards three (3) required parking lot trees.
- g. The area within islands and medians shall not include sod or turf grass, and shall not include more than 50 percent decorative groundcover material, unless approved by the zoning administrator. The remainder of the area shall consist of planting groundcover.
- h. Notwithstanding the requirements of the Tree Technical Manual, large trees required to meet the tree island requirements may be planted closer than 30 feet from a building, but in no event closer than 12 feet from a building.

(2) *LI (Light Industrial) and I (Industrial) zoning districts.*

- a. End islands shall be provided at the terminus of each parking bay. End islands shall have a minimum width of nine (9) feet from face of curb to face of curb. Head-to-head parking bays shall include two (2) such end islands. A large tree shall be planted in each end island.
- b. The area within islands and medians shall not include sod or turf grass, and shall not include more than 50 percent decorative groundcover material, unless approved by the zoning administrator. The remainder of the area shall consist of planting groundcover.
- c. Notwithstanding the requirements of the Tree Technical Manual, large trees required to meet the tree island requirements may be planted closer than 30 feet from a building, but in no event closer than 12 feet from a building.

(g) *Parking lot landscape buffers by zoning district.*

(1) *TH (Townhouse), SR (Senior), MF-1 (Multifamily - Low Density), MF-2 (Multifamily - Medium Density), MF-3 (Multifamily - Urban), C-1 (General commercial), C-1a (General commercial - limited), C-2 (Local commercial), OF-1 (General Office), OF-2 (Mid-Rise Office), BP (Business Park), LI (Light industrial), PF-1 (Public Facilities - Low Intensity), PF-2 (Public Facilities - Medium Intensity), PF-3 (Public Facilities - High Intensity), and MU-G (Mixed-Use Greenfield and Large Lot) zoning districts.*

- a. Landscaping shall be provided between parking areas and all public streets in an eight-foot (8') wide linear planting bed. The minimum landscaping required for this purpose shall be based on the measured linear footage of parking including vehicular circulation routes that extend along the length of the property line (excluding ingress/egress to the public road) adjacent to the public right-of-way.
- b. The required minimum quantity of landscaping is as follows:
 1. One large tree or two small trees per 40 linear feet, or fraction thereof;
 2. One small tree per 60 linear feet, or fraction thereof; and

3. One large shrub, small shrub, or ornamental grass per four (4) linear feet, or fraction thereof. Any combination of large shrubs, small shrubs, and ornamental grasses is acceptable.
- c. There shall be no gap between required landscaping exceeding 25 percent of the length of the landscaped area, unless approved by the zoning administrator.
- d. Notwithstanding the requirements of the Tree Technical Manual, small trees may be grouped no closer than 12 feet apart and large trees may be grouped no closer than 30 feet apart for the purpose of meeting the requirements of this subsection (g).
- e. If there are overhead utilities above the landscape area, then the required large and/or small trees may be placed in additional interrupting islands within the first row of parking adjacent to the public street. Such islands shall have a minimum width of nine (9) feet from face of curb to face of curb. In addition, the owner shall have the option of reducing the eight-foot (8') wide linear planting bed described in subsection (g)(1)a. above, to a four-foot (4') wide area to accommodate only shrubs.
- f. The area within islands and medians shall not include sod or turf grass, and shall not include more than 50 percent decorative groundcover material, unless approved by the zoning administrator. The remainder of the area shall consist of planting groundcover.

(2) *I (Industrial) zoning district.*

- a. Landscaping shall be provided between parking areas and all public streets in an eight-foot (8') wide linear planting bed. The minimum landscaping required for this purpose shall be based on the measured linear footage of parking, including vehicular circulation routes that extend along the length of the property line (excluding ingress/egress to the public road) adjacent to the public right-of-way.
- b. The required minimum quantity of landscaping is as follows:
 1. One large or medium tree per 40 linear feet (75 percent of these trees shall be of a large tree);
 2. One small tree per 30 linear feet; and
 3. One large shrub per eight linear feet.
- c. Notwithstanding the requirements of the Tree Technical Manual, small trees may be grouped no closer than 12 feet apart and large trees may be grouped no closer than 30 feet apart for the purpose of meeting the requirements of this subsection (g).
- d. If there are overhead utilities above the landscape area, then the required large trees may be placed in additional interrupting islands within the first row of parking adjacent to the public street. Such islands shall have a minimum width of nine (9) feet from face of curb to face of curb. In addition, the owner shall [have] the option of reducing the eight-foot (8') wide linear planting bed described in subsection (g)(2)a. above, to a four-foot (4') wide area to accommodate only shrubs.

(3) *MU-1 (Mixed-Use Historic Commercial Core), MU-2 (Mixed-Use Downtown Medium Density) and MU-R (Mixed-Use - Redevelopment and Small Lot) zoning districts.*

- a. Landscaping shall be provided between parking areas and all public open space in an eight-foot (8') wide linear planting bed. The minimum landscaping required for this purpose shall be based on the measured linear footage of parking including vehicular circulation routes that extend along the length of the property line adjacent to the public open space.
- b. The required minimum quantity of landscaping is as follows:
 1. One large tree or two (2) small trees per 40 linear feet, or fraction thereof;
 2. One small tree per 60 linear feet, or fraction thereof; and

3. One large shrub, small shrub, or ornamental grass per four (4) linear feet, or fraction thereof. Any combination of large shrubs, small shrubs, and ornamental grasses acceptable.
- c. There shall be no gap between required landscaping exceeding 25 percent of the length of the landscaped area, unless approved by the zoning administrator.
- d. Notwithstanding the requirements of the Tree Technical Manual, small trees may be grouped no closer than 12 feet apart and large trees may be grouped no closer than 30 feet apart for the purpose of meeting the requirements of this subsection (g).
- e. The area within islands and medians shall not include sod or turf grass, and shall not include more than 50 percent decorative groundcover material, unless approved by the zoning administrator. The remainder of the area shall consist of planting groundcover.

(h) *Foundation treatment by zoning district.*

- (1) *SR (Senior), C-1 (General commercial), C-1a (General commercial - limited), C-2 (Local commercial), OF-1 (General Office), OF-2 (Mid-Rise Office), BP (Business Park), LI (Light industrial), PF-1 (Public Facilities - Low Intensity), PF-2 (Public Facilities - Medium Intensity), PF-3 (Public Facilities - High Intensity), and MU-G (Mixed-Use Greenfield and Large Lot) zoning districts.*

- a. The purpose of this subsection (h) is to outline requirements for the treatment of landscape areas adjacent to buildings in the aforementioned zoning districts. The intent of this section is to allow a variety of landscape treatments in order to achieve particular design goals, e.g., increased building visibility, view corridors to signage, and highlighting special architectural features. Minimum requirements are determined based on the arrangement of parking in the street yard and vary according to the site plan layout. A minimum number of foundation treatment points (FTP) must be provided based on the site layout and the categories set forth in subsection (h)(1)b. below. Notwithstanding the requirements of the Tree Technical Manual, large trees required to meet the foundation treatment requirements may be planted closer than 30 feet to a building, but in no event closer than 12 from a building.

- b. Foundation treatment points (FTP) determination by category.

1. *Category 1: Building with three (3) or more single parking bays in the street yard.*

For Category 1 site plans, FTP requirements are determined by multiplying the linear footage of the building's street-facing facades by a factor of four (4). For example, a Category 1 building with 100 linear feet of street-facing facade requires 400 FTPs ($100 \times 4 = 400$).

2. *Category 2: Building with one or two (2) single parking bays in the street yard.*

For Category 2 site plans, FTP requirements are determined by multiplying the linear footage of the building's street-facing facades by a factor of three (3). For example, a Category 2 building with 100 linear feet of street-facing facade requires 300 FTPs ($100 \times 3 = 300$).

3. *Category 3: Buildings with no parking in the street yard.*

For Category 3 site plans, FTP requirements are determined by multiplying the linear footage of the building's street-facing facades by a factor of two (2). For example, a Category 3 building with 100 linear feet of street-facing facade requires 200 FTPs ($100 \times 2 = 200$).

- c. Foundation treatment point credits. The number of required FTPs shall be achieved by providing a combination of no less than three (3) of the following elements contained in the table below to be located between the building and the first drive aisle. Additional elements may be considered and a point value will be established by the zoning administrator on a case by case basis.

Landscape Feature	Points Credited
Specimen tree (6" caliper or larger)	60
Medium or large tree	30
Ornamental tree	15
Large shrub	5
Small shrub	3
Groundcover planting	2 (per sq. ft.)
Groundcover - decorative	1 (per sq. ft.)
Perennials and annuals	0.5 (per sq. ft.)
Permanently irrigated container plantings	5 (per sq. ft.)
Decorative paving	2.5 (per sq. ft.)
Shade structure	30
Shade structure with vines	33
Site furniture	30
Bike rack	20
Trash receptacle	20

(i) *Irrigation.*

- (1) *Underground automatic system.* All required landscape areas shall be irrigated by an underground automatic system that may include a drip irrigation system. This system shall adhere to manufacturer specifications and the rules and regulations established by TCEQ or successor agency. In addition, an irrigation system must be designed by a landscape architect or irrigator licensed by the state as described in subsection (3) below.
- (2) *System requirements.* An irrigation system shall comply with the following:

- a. Sprinkler head spacing shall be designed for head-to-head coverage and adjusted for prevailing winds. The system shall promote minimum runoff and minimum overspray onto non-irrigated areas (i.e., paving, walkway, buildings).
- b. Sprinkler heads shall have matched precipitation rates within each control valve circuit.
- c. Adjustable flow controls shall be required on circuit remote control valves. Pressure regulation components shall be required where static pressure exceeds manufacturer's recommended operating range.
- d. Valves and circuits shall be separated based on water use requirements, so that turf areas can be watered separately from shrubs, trees and groundcover areas. A minimum of one bubbler each shall be provided for all large and medium size trees, except 4" caliber or larger trees shall have a minimum of two (2) bubblers.
- e. Serviceable check valves shall be required where elevation differential may cause low head drainage adjacent to paving areas.
- f. All automatic irrigation systems shall be equipped with an electronic controller capable of dual or multiple programming. Controller(s) shall have multiple cycle start capacity and a flexible calendar program, including the capability of being set to water every five (5) days.
- g. All automatic irrigation systems shall be equipped with a rain and freeze sensor shut-off device that will automatically shut down the irrigation system when the ambient temperature falls below 40 degrees Fahrenheit.
- h. Drip irrigation shall have flag heads at the end of the drip tubing.
- i. Irrigation systems must be inspected at least once every three years by an inspector who holds a license in compliance with the below subsection (3) License requirements. The results of the inspection shall be submitted to the Utilities and Environmental Services Director within 30 days following the inspection. This requirement shall not apply to irrigation systems installed on residential properties in the SF-R (Single-Family—Rural); SF-1 (Single-Family—Large Lot); SF-2 (Single-Family—Standard Lot); SF-3 (Single-Family—Mixed Lot); SF-D (Single-Family—Downtown); and TF (Two-Family) zoning districts.

(3) *License requirements.*

- a. Any person who connects an irrigation system to the water supply within the city or the city's extraterritorial jurisdiction must hold a valid license, as defined by 30 Tex. Admin. Code ch. 30 and required by V.T.C.A., Occupations Code ch. 1903, or as defined by 22 Tex. Admin. Code ch. 365 and required by V.T.C.A., Occupations Code ch. 1301.
- b. A property owner is not required to be licensed in accordance with V.T.C.A., Occupations Code, § 1903.002(c)(1) if he is performing irrigation work in a building or on premises owned or occupied by the person as the person's home. A home or property owner who installs an irrigation system must meet the standards contained in 30 Tex. Admin. Code ch. 344 regarding spacing, water pressure, spraying water over impervious materials, rain or moisture shut-off devices or other technology, backflow prevention and isolation valves. See V.T.C.A., Occupations Code § 1903.002 for other exemptions to the licensing requirement.

(4) *Permit required.*

- a. Any person installing an irrigation system within the city limits or extraterritorial jurisdiction is required to obtain a permit from the city. Any irrigation plan approved for a permit must be in compliance with the requirements of 30 Tex. Admin. Code ch. 344.
- b. Exemptions.
 - 1. An irrigation system that is an on-site sewage disposal system, such as gray water irrigation, as defined by V.T.C.A., Health and Safety; or
 - 2. An irrigation system used on or by an agricultural operation as defined by V.T.C.A., Agriculture Code § 251.002.

- c. The city building inspections department shall be responsible for issuing irrigation system permits and collecting fees. To obtain a permit an applicant must submit a plan, complete an application provided by the department, and pay the applicable fee.
- (5) *Water conservation.* All irrigation systems shall be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation.
- (6) *Design, installation and operation.* V.T.C.A., Occupations Code § 1903.053 (standards), and 30 Tex. Admin. Code ch. 344, as amended, are hereby incorporated by reference as the minimum standards and specifications for designing, installing, and operating an irrigation system within the city or the city's extraterritorial jurisdiction.
- (7) *Items not covered by the subsection.* Any item not covered by this subsection and required by law shall be governed by V.T.C.A., Occupations Code, V.T.C.A., Water Code, 30 Tex. Admin. Code, and any other applicable state statute or Texas Commission on Environmental Quality rule.
- (8) *Fees.* The fees for obtaining and renewing an irrigation permit may be found in Sec. 8-106. These fees will be in amounts sufficient to cover the city's costs in issuing and renewing the permits, including but not limited to staff time and other overhead costs.
- (9) *Enforcement.*
 - a. The city shall have the power to administer and enforce the provisions of this subsection as may be required by governing law. Any person, firm, corporation or agent who shall violate a provision of this Code, or fails to comply therewith, or with any of the requirements thereof, is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this subsection is declared to be a nuisance.
 - b. Nothing in this subsection shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this subsection and to seek remedies as allowed by law, including but not limited to the following:
 - 1. Injunctive relief to prevent specific conduct that violates the subsection or to require specific conduct that is necessary for compliance with the subsection; and
 - 2. Other available relief.
- (j) *Alternative compliance.*
 - (1) In cases where a particular site opportunity exists; a creative design has been proposed; or where there is an unusual site encumbrance, an application for an alternative landscape plan which does not strictly comply to the standards of this section may be submitted for approval to the zoning administrator. If the zoning administrator denies the application for the alternative plan, the applicant may, within 15 business days after receipt of notice of such denial, appeal the decision to the zoning board of appeals (ZBA).
 - (2) An application for alternate compliance must include a letter stating how the plan meets the purpose and intent of the Code and the details of the methods used to meet such intent. In addition, a comparison detailing the landscape elements required to satisfy strict compliance versus the alternative plan must be provided.
 - (3) In rendering a decision on an alternate compliance plan, the zoning administrator shall consider appropriate circumstances including, but not limited to:
 - a. Does the plan result in a creative arrangement of new large or medium trees?
 - b. Does the plan maximize water conservation?
 - c. Does the plan minimize the removal of existing trees or alteration of other significant natural features, such as rock outcroppings, floodplain or waterways?
 - d. Is the plan contextually comparable to surrounding developments in the immediate area?

- e. Is the site encumbered by easements that prohibit placement of landscaping as required by this section?

(k) *Implementation.*

- (1) *Inspection.* Prior to the issuance of a certificate of occupancy for the project, a landscape architect, or the identified professional as determined for small project site plans, shall inspect each site and certify on the appropriate city form that the site meets the requirements of this section and conforms to the approved site plan and/or landscape plan. Upon receipt of the certification, the zoning administrator shall verify that all requirements have been met.

- (2) *Certificates of occupancy.*

- a. Prior to the issuance of a certificate of occupancy, the developer/owner shall either have completed the installation of all required landscaping or shall file with the zoning administrator fiscal security (by bond, certificate of deposit, letter of credit or cash security) satisfactory to the city, in the amount of a contractor's estimate using current market prices for materials and installation of the required landscaping plus a 20 percent contingency. The contractor's estimate shall be subject to the approval of the zoning administrator.
- b. Any developer/owner wishing to file fiscal security must also grant license to the city to enter upon the land for the purposes of installing the required landscaping in the event of nonperformance.
- c. Except as provided in subsection d. below, all required landscaping must be installed or planted no later than 45 days from the issuance of a certificate of occupancy unless otherwise approved in writing by the city.
- d. In the event that mandatory water restrictions have been implemented by the city council or city manager in accordance with Sec. 44-233 of the Code of Ordinances, the developer/owner shall comply with the applicable restrictions and regulations contained therein.

- (3) *Maintenance.*

- a. All required landscaping, irrigation systems, fences, walls, berms, vegetation and other landscape components shall be maintained by the owner or agent in a healthy, safe and operating condition.
- b. Maintenance practices shall consist of all regular and normal maintenance operations of landscaping including, but not limited to, weeding, irrigation, fertilizing, pruning, mowing and litter pick-up. Plant material that exhibits severe levels of insect or pest infestation, disease and/or damage, shall be appropriately treated, and all dead plant material shall be removed and replaced with living plant material where required according to the city approved plan for the site.
- c. Street right-of-way between a property line and curb or street pavement adjoining the property shall be maintained by the adjacent landowner.
- d. It shall be the responsibility of the owner to maintain and properly irrigate all landscaping required by this section. Failure to replace dead or diseased plant material within 30 days of written notification by the city shall constitute a violation of the zoning ordinance.
- e. It shall be unlawful for any person to damage required landscaping through tree topping, over pruning or chemical poisoning. It shall be an affirmative defense that a maintenance/pruning plan was approved by the zoning administrator and that the work was performed in compliance with said approved plan. In the event that required landscaping has been so severely damaged due to tree topping, over pruning or chemical poisoning that it has died, the developer/owner shall replace the landscaping within 45 days of written notice from the city.

- (l) *Requirements for new construction of single-family and two-family residences in the SF-2 (Single-family - Standard Lot), SF-3 (Single-family - Mixed Lot), and TF (Two-family) zoning districts.*

- (1) Drought tolerant turf grass shall be planted on all portions of a residential lot not covered by buildings, hardscaping, or planting beds.
- (2) The front yard of all residential lots shall contain trees at the following minimum rate, according to lot width at the front building line:

	80 feet or less	Greater than 80 feet
Large trees	1	2
Small trees	1	3

- (3) Residential lots that abut parks, trails, or similar public open spaces on the side or rear yard shall contain a minimum of one (1) large tree and one (1) small tree in each yard that abuts said space.
- (4) All large trees shall have a caliper of three (3) inches and small trees shall have a caliper of one (1) inch at time of planting and shall be container grown.
- (5) Large trees shall not be planted closer than five (5) feet to any lot line, fire hydrant, underground utility (excluding irrigation), or water meter box, and no closer than four (4) feet to any sidewalk, driveway, or curb.
- (6) Improved soils with a minimum 20% organic content shall be provided in all required landscape areas to a minimum depth of four (4) inches.
- (7) Underground irrigation shall not be required for landscaped areas. However, should underground irrigation be implemented it shall be in accordance with subsection (i) above. Irrigation may be supplemented with a rainwater harvesting system.
- (8) Nothing shall be erected, placed, allowed to grow, or planted so that it impedes vision between the height of three (3) feet and 10 feet above the curb within a sight visibility triangle.
- (9) All minimum required trees shall be in conformance with the preferred species listed in the Tree Technical Manual.
- (10) No artificial plant material may be used in any form to satisfy the requirements of this section.

(Ord. No. [O-2022-236](#), § I, 7-14-2022)

Secs. 8-11—8-14. - Reserved.

ARTICLE III. - TREE PROTECTION AND PRESERVATION

Sec. 8-15. - Purpose and intent.

- (a) Trees have a positive economic effect on the city by enhancing property values, mitigating drainage and flooding issues, improving air quality, helping save energy, and improving health and quality of life, thereby making the city a more attractive place in which to live, visit and do business. The purpose and intent of this article is:
 - (1) To protect, maintain and manage the city's existing forest resources by providing regulations relating to the cutting, removal or destruction of protected trees;
 - (2) To encourage a resourceful and prudent approach to urban development of wooded areas;

- (3) To minimize tree loss and provide for replacement of trees removed and destroyed resulting from development;
- (4) To provide an objective method to evaluate a development's impact on trees and wooded areas and identify whether and how the impact may be reduced;
- (5) To provide incentives for creative subdivision and site design which preserve trees while allowing development in wooded areas; and
- (6) To provide for the enforcement and administration of tree protection, thereby promoting and protecting the public health, safety and welfare and enhancing the quality of life.
- (7) To clearly define protected trees and monarch trees and ways in which their encroachment limits differ.
- (8) To clearly define the limitations for encroachment of hazardous activities related to protected trees and monarch trees.
- (9) To define the penalties for violation of the encroachment limits for protected trees and monarch trees.

Sec. 8-16. - Prohibited activities.

- (a) It is unlawful for any person to remove any protected tree without first securing a tree removal permit as specified in Sec. 8-19.
- (b) It is unlawful for any person to damage a protected tree, such as through tree topping, over pruning or chemical poisoning.
- (c) It is unlawful for a person to continue work or removal of trees after the forestry manager or zoning administrator has issued a stop work order.
- (d) It is unlawful for a person to engage in any hazardous activities as described in Sec. 8-22(d), which causes damage to the crown or trunk or disturbs the critical root zone of a protected tree without the written approval of the forestry manager.

Sec. 8-17. - Sizes and types of protected trees.

- (a) *Size.* Except as provided below, a tree having a diameter of eight inches or more is a protected tree:
 - (1) On all developed lots in zoning districts SF-1, SF-2, SF-3, SF-D, MH, TF, and MU-L, and on developed lots smaller than 15,000 square feet in all other zoning districts, only monarch trees are protected trees.
 - (2) On all undeveloped lots in zoning districts SF-1, SF-2, SF-3, SF-D, MH, TF, and MU-L, and on undeveloped lots smaller than 15,000 square feet in all other zoning districts, trees having a diameter of 20 inches or more are protected trees.
- (b) *Type.* Trees of all species that meet the size requirement in subsection (a) of this section are protected, except for *Celtis occidentalis* (Hackberry), *Melia azedaragh* (China-Berry), *Sapium sebiferum* (Chinese Tallow), *Maclura pomifera* (Osage-orange), *Juniperus ashei* (Texas Common Cedar), and *Prosopis glandulosa* (Honey Mesquite).
- (c) *Monarch tree.* Except as provided in Sec. 8-25, any tree designated as a monarch tree pursuant to Sec. 8-18 is a protected tree that cannot be removed, unless its designation is removed; and the designation of a monarch tree shall not be removed without city council action, as provided for in Sec. 8-18.
- (d) *Measurement of trees.* Tree size is determined by measuring the diameter at 4½ feet above the ground level. Trees that split into multi-trunks below 4½ feet shall use the sum the largest trunk and one-half of the diameter of each additional trunk measured 4½ feet above the natural grade level to determine the diameter.

Sec. 8-18. - Champion tree registry, designation of monarch trees and removal of designation.

- (a) *Champion tree registry.* The forestry manager shall identify the largest tree within a tree species within the city limits and list the trees in the city's champion tree registry as champion trees. The champion tree registry shall be adopted by city council and reviewed from time to time and adjusted as necessary. The city council shall consider the champion tree registry when adopting or amending monarch tree criteria.
- (b) *Designation of monarch trees.* All trees of the following species and size or larger are designated as monarch trees:

TREE SPECIES	SIZE
American Elm	38"
Bald Cypress	34"
Burr Oak	32"
Catalpa	32"
Cedar Elm	25"
Italian Stone Pine	20"
Live Oak	36"
Magnolia	14"
Pecan	34"
Post Oak	24"
Shumard Oak/Texas Red Oak	21"
Sycamore	37"

- (c) *Removal of designation.* A written request by the property owner for removal of a monarch tree designation may be submitted to the zoning administrator for consideration by the city council. After city council approval of a monarch tree designation removal, the city clerk shall notify the property owner in writing of the designation removal.
- (d) *Designation by the city council.*

- (1) *Nomination.* The city council may consider designating a tree as a monarch tree upon the nomination by any person and with the written consent of the property owner.
- (2) *Designation.* A tree may be designated a monarch tree by the city council upon a finding that it is unique and of importance to the community due to any of the following:
 - a. It is an outstanding specimen of a desirable species;
 - b. It is one of the largest or oldest trees in the city; or
 - c. It possesses a distinctive form, size, age, location, and/or historical significance.
- (3) *Notification.* After city council approval of a monarch tree designation, the city clerk shall notify the property owner in writing of the designation.
- (4) *Removal of designation.* A written request by the property owner for removal of a monarch tree designation may be submitted to the zoning administrator for consideration by the city council. After city council approval of a monarch tree designation removal, the city clerk shall notify the property owner in writing of the designation removal.

Sec. 8-19. - Tree removal process.

- (a) *Applicability of Sec. 8-19* A dead tree is not considered a protected tree and is not subject to the tree removal permit requirements set forth in this section. The process for removal of a dead tree that was previously designated a monarch tree by city council or was considered a protected tree at the time it was alive, is as follows:

- (1) For removal of a dead tree that was previously designated a monarch tree by the city council:
 - a. A property owner shall request that the forestry manager inspect the tree.
 - b. The forestry manager shall inspect the tree within 15 working days of the request and determine if the tree is dead or alive.
 - c. Upon a determination by the forestry manager that the tree is dead, the city manager shall approve or deny the removal request.

If the forestry manager determines that the tree is still alive, and the property owner wishes to remove the tree, the owner must comply with the protected tree removal permit process set forth in this section.

- (2) For removal of a dead tree that was not previously designated a monarch tree by the city council, but was considered a protected tree at the time it was alive:
 - a. A property owner shall request that the forestry manager inspect the tree.
 - b. The forestry manager shall inspect the tree within 15 working days of the request and determine if the tree is dead or alive.
 - c. Upon a determination by the forestry manager that the tree is dead, the forestry manager shall approve or deny the removal request.

If the forestry manager determines that the tree is still alive, and the property owner wishes to remove the tree, the owner must comply with the protected tree removal permit process set forth in this section.

- (b) *Protected tree removal permit process.*

- (1) *Protected tree removal permit.* This process is reserved for those situations provided for in Sec. 8-21 and where the subdivision process or site plan process does not apply. Unless the removal is part of the subdivision process or the site plan process, a protected tree shall not be removed without a permit. In all other cases, a permit is required to remove a protected tree. By way of clarification, a permit is required to remove a protected tree as part of the application for a building

permit for lots zoned SF-1, SF-2, SF-3, SF-D, MH and TF. Applications for protected tree removal permits are reviewed by the forestry manager or his designee.

- (2) *Tree removal permit application.* The application for a protected tree removal permit shall be made by the owner of the property on which the protected tree is located, and shall be accompanied by documentation showing:
 - a. The approximate location of the tree;
 - b. The diameter of the tree trunk measured at 4 1/2 feet above grade;
 - c. The approximate drip line of the tree;
 - d. The species and/or common name of the tree;
 - e. The approximate size of the lot, tract or parcel on which the tree is located;
 - f. Reason for the proposed removal;
 - g. Such other information as required by Chapter 2, Zoning, or as otherwise may be reasonably required by the forestry manager; and
 - h. A tree replacement plan, as provided for in Sec. 8-20.
 - (3) *Application review.* Upon receipt of the application, the forestry manager shall inspect the subject tree and approve or deny the application in accordance with the provisions of this article.
 - (4) *Processing of application.* An application for a protected tree removal permit shall be processed within 15 working days from the date the application is received.
 - (5) *Tree protection removal and replacement.*
 - a. Except as specifically provided in Sec. 8-21, replacement trees shall be required if any protected tree is removed. See Sec. 8-20 for tree replacement requirements.
 - b. A tree replacement plan shall accompany any tree removal permit application. The tree replacement plan will be reviewed in conjunction with the protected tree removal permit application and will be approved or denied by the forestry manager.
- (c) *Protected tree removal through the subdivision process.* Tree removal requests, tree surveys and tree replacement plans for all projects requiring plat approval shall be submitted in conjunction with the subdivision approval process. An electronic copy of the tree survey list, including mitigation calculations, shall be provided with the application.
- (1) *Tree survey.*
 - a. A tree survey, a tree protection plan, and a tree replacement plan will be reviewed by the zoning administrator as part of the plat approval and subdivision construction improvement acceptance process. The tree survey shall include all trees in the subdivision and off-site trees whose critical root zones encroach into the subdivision or limits of construction.
 - b. A tree survey will not be required if a land surveyor certifies that there are no protected trees on the proposed subdivision, or trees whose critical root zones encroach within the limits of construction.
 - c. A partial tree survey may be permitted if the zoning administrator determines that the replacement and protection requirements of this article have been met.
 - d. A tree inventory in lieu of a tree survey may be accepted by the zoning administrator to document trees outside of the limits of construction shown on the subdivision improvement construction plans provided that the critical root zones of said trees do not encroach into the limits of construction.
 - e. A request to use a tree inventory or a partial tree survey shall be made in writing to the zoning administrator in conjunction with the concept plan submittal. The zoning administrator shall

provide written notification approving or disapproving the request within the concept plan review cycle.

(2) *Tree removal.*

- a. The developer of a subdivision who finds it necessary to remove one or more of the protected trees on the site may remove a limited number of said protected trees without being subject to the tree replacement requirements of Sec. 8-20. In order for a subdivision site to qualify under this Section, the zoning administrator shall first calculate the total number of diameter inches of protected trees on the site. Then the developer may remove protected trees whose total diameters are not more than 30 percent of the diameter inches of all protected trees on the site. Provided however, this Section shall first be applied to the smallest protected tree on the site and then to the remainder of the protected trees in ascending order according to their diameters. If the developer wishes to remove more than 30 percent of the diameter inches of all protected trees on the site, the developer shall comply with the requirements of Section 8-20 for trees in excess of said 30 percent.
- b. The tree replacement plan pursuant to Sec. 8-20 will be reviewed in conjunction with the preliminary plat review or subdivision improvement permit review process.

- (d) *Protected tree removal through the site development permit process.* Tree removal requests, tree surveys, tree protection plans and tree replacement plans for all projects requiring site plan approval, shall be submitted to the zoning administrator, as part of the site plan application approval process. An electronic copy of the tree survey list, including mitigation calculations, shall be provided with the application.

(1) *Tree survey.*

- a. A tree survey, tree protection plan, and tree replacement plan shall accompany all site plans submitted in accordance with Sec. 10-45 of this code and will be reviewed by the zoning administrator. The tree survey shall include all trees on the subject site and off-site trees whose critical root zones encroach onto the site or limits of construction.
- b. A tree survey will not be required if a land surveyor certifies that there are no protected trees on the proposed site or within the limits of construction.
- c. A partial tree survey may be permitted if the zoning administrator determines that the replacement and protection requirements of this article have been met.
- d. A tree inventory in lieu of a tree survey may be accepted by the zoning administrator to document trees outside the limits of construction provided that the critical root zones of said trees do not encroach into the limits of construction.
- e. A request to use a tree inventory or a partial tree survey shall be made in writing to the zoning administrator in conjunction with the preliminary site plan submittal. The zoning administrator shall provide written notification approving or disapproving the request within the preliminary site plan review cycle.

(2) *Tree removal.*

- a. A developer of a project who finds it necessary to remove one or more of the protected trees on the site may remove a limited number of said protected trees without being subject to the tree replacement requirements of Sec. 8-20. In order for a site to qualify under this Section, the zoning administrator shall first calculate the total number of diameter inches of protected trees on the site. Then the developer may remove protected trees whose total diameters are not more than 30 percent of the diameter inches of all protected trees on the site. Provided however, this Section shall first be applied to the smallest protected tree on the site and then to the remainder of the protected trees in ascending order according to their diameters. If the developer wishes to remove more than 30 percent of the diameter inches of all protected trees on the site, the developer shall comply with the requirements of Sec. 8-20 for trees in excess of said 30 percent.

- b. A tree replacement plan and tree protection plan shall accompany the site development permit application to the zoning administrator. The tree replacement plan and tree protection plan will be reviewed in conjunction with the site development permit application and will be approved or denied by the zoning administrator.
 - c. When replacement trees are required, replacement shall be in accordance with Sec. 8-20.
- (3) *Reduced parking space requirement for preserving larger protected trees.* A property owner who preserves a protected tree having a diameter of 15 inches or more and who does not disturb more than 25 percent of the said tree's critical root zone shall qualify for a parking space credit as set forth herein. The property owner shall be entitled to reduce his/her parking requirement by one parking space for each 162 square feet of area, or fraction thereof, left undeveloped in order to preserve the protected tree. However, in no case shall the owner receive a reduction in parking spaces in excess of ten percent of the total required parking spaces. See Sec. 8-22(c) below regarding the disturbance a monarch tree's critical root zone.

Sec. 8-20. - Tree replacement.

(a) Requirements and regulations.

- (1) Except as expressly provided herein, when protected trees are removed, tree replacement shall be required.
- (2) Replacement trees of the same or similar species as the protected tree to be removed shall be planted as required in the tree replacement schedule in subsection (a)(6) of this section. Each replacement tree shall be a minimum of three inches caliper and a minimum of ten feet in height and five (5) foot spread, when planted. All replacement trees shall comply with generally accepted criteria such as those provided in the Tree Technical Manual.
- (3) Each replacement tree shall have an underground automatic irrigation system and watering schedule in accordance with the generally accepted methods in the Tree Technical Manual.
- (4) Each replacement tree shall be planted on the same subdivision or development site from which the tree was removed. In the event that there is not a suitable location for the replacement tree(s) on the same site, as determined and certified by a landscape architect and approved by the zoning administrator, or if the zoning administrator determines that replacement trees are unable to survive on the site based on information submitted by the landscape architect, the owner of the site will be allowed to do one of the following if approved by the zoning administrator:
 - a. Make a cash payment into the tree fund in accordance with the tree replacement schedule provided in subsection (a)(6) below, which shall be used to fund tree plantings or tree replacement on public property; or
 - b. Plant trees on public property according to the tree replacement schedule provided in subsection (a)(6) below, as approved by the forestry manager.
- (5) Replacement trees required under the subdivision process shall be planted no later than two years from the date of the acceptance letter for the subdivision public improvements, provided that fiscal security is posted in accordance with Sec. 8-23.
- (6) The tree replacement schedule is provided below and the replacement inches shall be calculated as follows: Total diameter of trees in a single category multiplied by the tree replacement ratio for that category equals the tree replacement required for that category of trees. The tree replacement ratio applies to the diameter of the existing tree to be removed.

Diameter of Existing Tree	Tree Replacement Ratio inches	Tree Replacement Fee (per inch)

8 to 19.99 inches	1.0	\$150.00
20 inches to Monarch	2.0	\$300.00
Monarch and larger	3.0	\$450.00

Example: If an existing 12-inch tree is removed, 12 inches of tree replacement results or a fee of \$1,800.00 shall be paid (12 inches multiplied by \$150.00). If an existing 20-inch tree is removed, 40 inches of tree replacement results or a fee of \$6,000.00 shall be paid (20 inches multiplied by \$300.00).

- (7) Except as provided herein, any replacement tree that dies prior to the expiration of two years after a site development or subdivision improvement permit acceptance letter is issued shall be replaced by the developer or owner. This paragraph shall not apply to any replacement trees planted on lots zoned for single-family or two-family uses.
 - (8) All replacement trees shall be considered protected trees regardless of size.
- (b) *Tree replacement fee.*
- (1) Fees are based on the ratios in the table in subsection (a)(6) above. Payment is calculated as currently established or as hereafter adopted by resolution of the city council from time to time.
 - (2) The tree replacement fee shall be tendered in the form of a cashier's check or other form of payment acceptable by the city, payable to the city.
 - (3) The cashier's check or other form of payment acceptable by the city shall be submitted to the zoning administrator at the time of site plan approval; prior to subdivision construction plan acceptance; prior to plat recordation; or upon the tree removal permit approval, depending on the applicable review process.
- (c) *Tree credits.*
- (1) Except for those species listed in Sec. 8-17(c), trees with diameters of three or more inches and less than eight inches located on-site may be credited toward the replacement trees required under this article. For applicable lots under Sec. 8-17(a)(2), trees with diameters of three to 19 inches located on-site may be credited toward the replacement trees required under this article.
 - (2) Up to 50 percent of the inches to be replaced may be done through tree credits.
 - (3) The trees selected for consideration toward the amount of replacement trees required shall be indicated on the tree survey and the tree replacement plan.
 - (4) The trees shown on the tree survey and the tree replacement plan as the trees proposed for tree credits shall be protected in the same manner as a protected tree.
 - (5) The forestry manager or zoning administrator, as appropriate, will review the trees proposed for tree credits provided in the tree survey and tree replacement plan and will approve or deny the use of the recommended trees as credits toward the replacement trees required. The review of the forestry manager or the zoning administrator, as appropriate, shall be based on the assessed health, structure, habit, disease, or decline of the tree.

Sec. 8-21. - Tree removal without replacement.

- (a) A protected tree may be removed without replacement, provided approval is granted under Sec. 8-19, and one of the following conditions exists:

- (1) The protected tree is damaged by natural causes or is diseased beyond the point of recovery;
 - (2) The protected tree should be removed as a safety measure because it is in danger of falling;
 - (3) The protected tree threatens to damage property;
 - (4) The location of the protected tree prevents reasonable access to the property; or
 - (5) The location of the protected tree precludes all reasonable and lawful use of the property on which it is located.
- (b) Transplanting a protected tree to a suitable location on the same property or off-site, as approved under Sec. 8-20, shall not require replacement, provided that the owner complies with the generally accepted transplanting methods described in the Tree Technical Manual and posts either a cash deposit or a letter of credit. The letter of credit shall be in a form acceptable to the city attorney, in the amount of 100 percent of the tree replacement fee required by Sec. 8-20. The city may draw on the letter of credit if, within two years of the date of the above-described transplanting, the forestry manager reasonably determines that the tree is dead or is in such a state of decline that it is likely to die. In that event, the cash deposit or the amount drawn on the letter of credit shall be deposited in the tree fund.

Sec. 8-22. - Tree protection measures.

- (a) *Critical root zone.* During construction, temporary tree protection devices shall be installed at least to the limit of the critical root zone or drip line, whichever is greater, for any protected tree to be preserved when the respective critical root zone is within the limits of construction. The temporary tree protection device shall consist of a chain link fence with a minimum height of five feet with posts located at a maximum spacing of 10 feet installed in a manner that is nonintrusive to any tree canopy and critical root zone.
- (b) *Disturbance of critical root zone for protected trees.*
- (1) If any of the hazardous activities described in subsections (d)(3), (4), (5), (8) or (9) below, occurs within six feet of the trunk of a protected tree, such tree shall be considered removed and shall be replaced as required herein.
 - (2) If disturbance of the critical root zone of a protected tree occurs more than six feet from the trunk and is 25 percent or less of the critical root zone, no replacement or mitigation shall be required.
 - (3) If disturbance of the critical root zone of a protected tree exceeds 40 percent of the critical root zone, such tree shall be considered removed and its removal shall be mitigated as set forth in Sec. 8-20.
 - (4) If disturbance of the critical root zone of a protected tree occurs more than six feet from the trunk and is 40 percent or less, but exceeds 25 percent, the owner shall be required to mitigate such disturbance by selecting one of the following methods:
 - a. The owner shall replace 50 percent of the tree replacement inches or pay 50 percent of the tree replacement fee required by Sec. 8-20; or
 - b. The owner shall post either a cash deposit or a letter of credit in a form acceptable to the city attorney, in the amount of 100 percent of the tree replacement fee required by Sec. 8-20. The city may draw on the letter of credit if, within two years of the date of the above-described disturbance, as determined by the zoning administrator, the zoning administrator reasonably determines that the tree is dead or is in such a state of decline that it is likely to die. In that event, the cash deposit or the amount drawn on the letter of credit shall be deposited in the tree fund.
- (c) *Disturbance of critical root zone for monarch trees.*
- (1) It shall be unlawful for any of the hazardous activities described in subsections (d)(3), (4), (7), (8) or (9) below to encroach into the enhanced critical root zone of a monarch tree. The enhanced critical root zone shall be defined as the area within 75% of the radial distance of the critical root

zone. For example, a 40" diameter live oak having a 40-foot radius critical root zone has a 30-foot radius enhanced critical root zone.

- (2) Hazardous activities as described in subsections (d)(3), (4), (7), (8) or (9) below may impact a maximum of 10% of the critical root zone of a monarch tree. Any impact shall comply with the requirement described in subsection (c)(1) above and be approved by the zoning administrator.
 - (3) Hazardous activities as described in subsections (d)(1), (2), (5) or (6) below, are prohibited anywhere within the critical root zone of a monarch tree.
 - (4) Any pruning or trimming of a protected tree designated as a monarch tree shall only occur if the forestry manager or zoning administrator has granted a monarch tree trimming permit.
- (d) *Hazardous activities.* Activities hazardous to the health of any protected tree being preserved are prohibited, including but not limited to the following and as generally described in the Tree Technical Manual:
- (1) *Physical damage.* Any physical damage, including tree topping and/or excessive pruning.
 - (2) *Equipment cleaning and liquid disposal.* Cleaning equipment, depositing or allowing harmful liquids to flow overland within the limits of the critical root zone. This includes paint, oil, solvents, asphalt, concrete, mortar, tar or similar materials.
 - (3) *Grade changes.* Grade changes (cut or fill) within the limits of the critical root zone unless adequate construction methods are approved by the forestry manager or zoning administrator, as appropriate.
 - (4) *Impervious paving.* Paving with asphalt, concrete or other impervious materials within the limits of the critical root zone in a manner which may reasonably be expected to kill a tree.
 - (5) *Material storage.* Storing materials intended for use in construction or allowing waste materials due to excavation or demolition to accumulate within the limits of the critical root zone.
 - (6) *Tree attachments.* Attaching to a tree any signs, wires, or other items, other than those of a protective nature.
 - (7) *Vehicular traffic.* Vehicular and/or construction equipment traffic, parking, or storage within the limits of the critical root zone, other than on pre-existing or approved pavement. This restriction does not apply to single incident access within the critical root zone for purposes of clearing underbrush, vehicular access necessary for emergency services, routine utility maintenance, emergency restoration of utility service, or routine mowing operations.
 - (8) *Utility encroachment.* Installation of utilities and appurtenances within the critical root zone or crown except as otherwise approved by the forestry manager or zoning administrator, as appropriate.
 - (9) *Excavation and trenching.* Excavation and trenching within the limits of the critical root zone, except as otherwise approved by the forestry manager or zoning administrator, as appropriate.
- (e) *Plans.* Details and notes prohibiting the above activities as generally provided in the Tree Technical Manual shall be included on all tree protection plans and tree replacement plans.

Sec. 8-23 - Fiscal security for trees.

- (a) *Posting of fiscal at subdivision.* The owner must post fiscal security with the city prior to a request for recordation of the final plat or prior to subdivision construction plan acceptance, whichever comes first, if the replacement trees required under the approved tree replacement plan have not been installed and accepted by the zoning administrator.
- (b) *Posting of fiscal for phased site plans.* The owner must post fiscal security with the city if the tree replacement plan is to be implemented in phases as part of an approved site plan that is in phases. This fiscal security is intended to apply to those situations where protected trees are removed in one

phase of the development and the replacement trees are intended to be planted in a subsequent phase of the development. The fiscal security must be posted prior to final site plan approval.

- (c) *Amount.* The amount of fiscal security posted by the owner shall equal the estimated cost plus ten percent to complete the approved tree replacement plan. The owner's landscape architect shall provide the zoning administrator with a sealed opinion of the probable cost for his approval.
- (d) *Time.* The fiscal shall be posted for a two-year time period.
- (e) *Administrative fee.* The owner shall pay an administrative fee equal to five percent of the amount to be posted for all fiscal posting.
- (f) *Types.* In a form approved by the city attorney, an owner may post as fiscal security:
 - (1) Cash;
 - (2) A performance bond; or
 - (3) A letter of credit.
- (g) *Expenditure of fiscal security.* The city may draw on the fiscal security and pay the cost of completing the tree replacement plan approved if it determines that the owner has breached the obligations secured by the fiscal security or the two-year time period for the installation of the replacement trees has expired. The city shall refund the balance of the fiscal security, if any, to the owner. The owner shall be liable for the cost that exceeds the amount of fiscal security, if any, including any costs incurred by the city to draw on the fiscal security.
- (h) *Return of fiscal security.* The city shall return the fiscal security to the owner when final inspection approval is provided by the zoning administrator.

Sec. 8-24. - Administration and enforcement.

This article will be administered and enforced by the forestry manager and the zoning administrator.

(a) *Administration.*

- (1) The role of the forestry manager is to:
 - a. Provide technical advice to the zoning administrator regarding trees;
 - b. Provide technical advice regarding protected trees and tree replacement plans to the planning and zoning commission through the plat review process;
 - c. Approve or disapprove of the removal of protected trees unrelated to the site plan or subdivision processes; and
 - d. Review and recommend updates to this tree protection and preservation ordinance and the Tree Technical Manual.
- (2) The role of the zoning administrator is to approve or disapprove protected trees to be preserved, removed, or replaced as part of the site plan and subdivision process.
- (3) The role of the planning and zoning commission is to approve or disapprove protected trees to be preserved, removed, or replaced as part of the subdivision process.

(b) *Enforcement.*

- (1) *Inspections.* The forestry manager and zoning administrator are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this article.
- (2) *Powers and duties.* The forestry manager and zoning administrator shall have the following powers:
 - a. To enforce the provisions of this article, file complaints in municipal court against persons who violate any of its provisions.

- b. To enter any premises for the purpose of inspecting the trees provided for in the tree surveys and tree replacement plans; the protection of trees on the site; the trees being installed; the trees being removed or to perform his/her official duties.
- c. To ensure compliance with this article where a tree replacement plan has been submitted and approved.
- d. To issue a stop work order to a person to cease performing any work being done without a requisite permit or otherwise in violation of this article.

(3) *Faulty work.*

- a. If the installation of replacement trees are found to be of substandard quality, incorrectly or defectively installed or found not to be installed in accordance with the tree replacement plan and the Tree Technical Manual, the forestry manager or zoning administrator, as appropriate, shall notify the owner in writing of all the changes that need to be made in order for the work to conform with the tree replacement plan and the provisions of this article.
- b. If the forestry manager or zoning administrator, as appropriate, finds that the protected trees on the site were damaged due to construction during the subdivision or site plan process, the forestry manager or zoning administrator, as appropriate, shall notify the owner in writing identifying the damaged trees and the owner shall replace the damaged trees in accordance with Sec. 8-20.
- c. A subdivision plat shall not be recorded, a certificate of occupancy shall not be issued, or fiscal security shall not be released until the forestry manager or zoning administrator, as appropriate, re-inspects the site and finds that the changes requested have been completed correctly and in accordance with the tree replacement plan and the provisions of this article or the fiscal security posted is paid into the tree fund.

(4) *Final inspection.*

- a. Upon the completion of all the installation of trees, the owner shall notify the forestry manager or zoning administrator, as appropriate, that the work is ready for final inspection.
- b. If faulty work or substandard plant material is found, the owner shall be notified of the necessary changes to be done in accordance with Sec. 8-24(b)(3), above. If such work is found to be correctly installed and in accordance with the tree replacement plan, the forestry manager or zoning administrator, as appropriate, shall provide written notification to the appropriate city official that the owner has met the requirements of this article.

Sec. 8-25. - Exceptions.

- (a) During the period of an emergency, such as a tornado, storm, flood or other natural disaster, the requirements of this article may be waived as deemed necessary by the emergency management coordinator or other designee of the city manager. In addition to rights granted by easement, utility service providers, lawfully within the right-of-way, may remove trees during the period of an emergency that are determined by the provider to be a danger to public safety and welfare by interfering with utility service.
- (b) The city shall have the right to plant, prune, remove and maintain any protected tree located on a right-of-way, easement, public parkland or any other city-owned property as may be necessary to ensure public safety. The city may remove or cause or order to be removed any protected tree or part thereof which is in an unsafe condition, or which by reason of its nature or location unreasonably interferes with the construction, maintenance or replacement of wastewater lines, water lines, drainage facilities, streets or other public improvements. Before removing a monarch tree for any of the reasons provided above, a city department shall consult with the forestry manager and/or zoning administrator,

as appropriate, to determine whether a monarch tree may be removed, with the final decision being made by the city manager.

DIVISION 11. LANDSCAPING AND TREE PRESERVATION

Sec. 9.02.375 Title

This division shall be commonly cited as the landscape ordinance.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.376 Purpose

- (a) This division is adopted to promote and enhance a superior community environment, to maintain the rural character, to maintain air quality and ecologic balance, to maintain property values, to provide soil stabilization, to filter stormwater runoff, and to ensure the maximum preservation of the valuable natural features and scenic rural/wooded character by establishing minimum standards and requirements relating to the protection of trees and natural vegetation.
- (b) It is intended that this division be administered with the foregoing purposes in mind and specifically so as to:
 - (1) Ensure, insofar as practical in permitting development of land and minimizing fire hazard, the maximum retention of natural vegetation to aid in protection against erosion of top soil, preservation of natural scenic qualities and healthy ecosystems of the city through good conservation practices, protection from flooding or landslides, noise absorption, maintenance or privacy, and in providing habitat, shade and color;
 - (2) Protect mature trees and significant stands of trees in order to retain as many as possible consistent with the purposes set forth herein and also consistent with reasonable economic enjoyment of private property. In this context, privately owned trees have an impact on the quality of life for the entire community;
 - (3) Preserve the rugged beauty and natural environment that defines the character of the city and makes it a unique and desirable community.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.377 Scope

This division applies to all commercial and multi-family property, including redevelopment and properties zoned Wimberley Planned Development District (WPDD), within the incorporated municipal boundaries (i.e., city limits). This division applies to actions taken after the date of enactment.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.378 Definitions

- (a) *Rules of interpretation.* Words and phrases used in this division shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the Code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent

with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

(b) *Specific definitions.*

City administrator. The chief administrative officer of the city. The term shall also include the deputy city administrator.

City council. The governing body of the city.

City of Austin Environmental Criteria Manual. The document promulgated by the City of Austin, which is commonly used throughout the region and is widely regarded as the standard in the development community, as may be amended.

City of Austin Grow Green Guide. The document promulgated in part by the City of Austin, entitled "Native and Adapted Landscape Plants: An Earthwise Guide for Central Texas," as may be amended.

City permit. A city license, certificate, approval, registration, consent, permit, or other form of authorization required by a city ordinance, regulation, or rule in order to develop, construct, and operate the improvements on the property.

Code. The Code of Ordinances enacted by the city, as may be amended from time to time.

DBH (diameter at breast height). The tree trunk diameter of an existing tree measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Designated tree. Any of the following:

- (1) A hardwood tree having a trunk of eight inches in caliper or greater measured at DBH;
- (2) A multi-trunked hardwood tree having a total trunk DBH of 30 inches or more (not counting trunks less than eight inches in diameter); or
- (3) A cluster of hardwood trees within a ten-foot radius circle having a total trunk DBH of 40 inches or more (not counting trunks less than eight inches in diameter).

Escrow. A deposit of a cash bond with the city in accordance with this division.

Extreme drought classification. A D3 classification of drought intensity provided by the National Drought Mitigation Center, with D1 being the least intense and D4 being the most intense. D3 classification, extreme drought areas, result in major crop/pasture losses and widespread water shortages or restrictions. The National Drought Mitigation Center must be consulted to determine the classification for the region.

Heritage tree. A tree that has a diameter of 24 inches or more, measured 4½ feet above natural grade.

Impervious cover. Roads, parking areas, buildings, swimming pools, rooftop landscapes, and other construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.

Landscape architect. One whose profession is the decorative and functional alteration and planting of grounds, especially at or around a building site.

Landscaping. Consists of introduced vegetation, as well as related improvements to a lot, including, but not limited to, forming and berming, irrigation systems, landscape subsurface drainage systems, site furnishings, and nonstructural retaining walls.

Natural area. An area where the naturally grown landscaping is left primarily undisturbed, except for the removal of poison ivy, greenbrier, and similar vegetation, oak wilt removal and/or prevention measures, and allowing for maintenance of the trees to maintain vigorous growth.

Non-native invasive species. (Also called "non-indigenous," "non-native" or "alien") exotic pest plants and invasive exotics growing in native plant communities that adversely affect the wildlife habitats and bioregions they invade, economically, environmentally, and/or ecologically.

Owner. A person with legal control over property in question.

Person. A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship, or other legal entity.

TCEQ. The Texas Commission on Environmental Quality, or its successor agency.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.379 Applicability

This division applies to all new commercial and multi-family development and redevelopment, including properties zoned Wimberley Planned Development District (WPDD), requiring site plan approval subject to zoning requirements. All properties going through redevelopment through extension, reconstruction, resurfacing, or structural alteration must come into compliance. Site plan approval shall be conditioned on compliance with this division.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.380 Landscaping fund

A fund is hereby created in which any cash-in-lieu paid to the city pursuant to the mandates of this division shall be deposited. The fund may be drawn upon by the city to implement landscaping improvements on city land and city controlled rights-of-way.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.381 Damaging or removing trees

No person shall damage or remove trees in violation of this division.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.382 Violations

It shall be unlawful for any person to violate this division.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.383 Street trees

- (a) *Nonresidential street tree requirements.* At least one required tree, shall be planted adjacent to or near the street right-of-way for each 25 feet, or fraction thereof, of linear street frontage. Trees shall be planted

between the street right-of-way and any horizontal and vertical improvements. The required number of trees need not be placed uniformly, but may be clustered in groups.

- (b) Trees planted shall be a minimum four-inch DBH, staked, and wrapped. Small trees/large shrubs trees shall be a minimum two-inch DBH, staked, and wrapped.
- (c) Trees with deep roots may be planted in the area between the sidewalk and road if approved by the city administrator, or designee. Trees of species whose roots are known to cause damage to public roadways or other public works are prohibited.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.384 Landscape buffers

- (a) *Landscape buffer planting requirements.*
 - (1) All plant material shall be of native or adapted species.
 - (2) All new proposed shade trees shall be a minimum of four inches in diameter.
 - (3) All proposed ornamental trees shall be a minimum of two inches in diameter.
 - (4) All large shrubs shall be a minimum of five-gallon container size and small shrubs/groundcovers a minimum of one-gallon container size.
- (b) *Landscape buffer spacing requirements.* The following landscape buffer spacing requirements shall apply to all designated landscape buffers:
 - (1) Shade trees (such as Live Oak or Cedar Elm). One per 50 feet of buffer frontage.
 - (2) Ornamental trees (such as Crape Myrtle or Desert Willow). One per 25 feet of buffer frontage.
 - (3) Large shrubs, five-gallon (such as Wax Myrtle, DW Yaupon, or Agarita). One per six feet of buffer frontage.
 - (4) Small shrubs/groundcovers, one-gallon (such as Lantana or Liriope). One per three feet of buffer frontage.
- (c) *Landscape buffer widths.* The following landscape buffer width requirements shall apply to all designated landscape buffers and shall be measured from the edge of the right-of-way:

	At Arterial Roadways	At Collector Roadways
O1-O2	Twenty-five feet (25')	Twenty-five feet (25')
C1-C3	Twenty-five feet (25')	Twenty-five feet (25')
HC	Fifty feet (50')	Fifty feet (50')
I1-I2	Fifty feet (50')	Fifty feet (50')
AS/S	Twenty-five feet (25')	Twenty-five feet (25')
L1-L2	Twenty-five feet (25')	Twenty-five feet (25')
IP	Fifty feet (50')	Fifty feet (50')
PPU	Fifty feet (50')	Fifty feet (50')
PR1-PR2	Twenty-five feet (25')	Twenty-five feet (25')
PF	Fifty feet (50')	Fifty feet (50')
NS	Twenty-five feet (25')	Twenty-five feet (25')

WPDD	Varies	Varies
RR-1	Twenty-five feet (25')	Twenty-five feet (25')
VI	Twenty-five feet (25')	Twenty-five feet (25')
SC	Twenty-five feet (25')	Twenty-five feet (25')
MF1-MF2	Twenty-five feet (25')	Twenty-five feet (25')

- (d) *Landscape buffer vegetation.* The following landscape buffer vegetation requirements shall apply to all designated landscape buffers:

This buffer area shall contain either native vegetation in the form of trees and bushes left in their natural, undisturbed condition, or, if no such native vegetation exists, shall consist of landscaping in conformance with this division. If the area consists of landscaped plantings, maintenance of such plantings shall be the sole responsibility of the developer.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.385 Landscape material

All trees, plants, and vegetation shall comply with the City of Austin "Grow Green" recommended plant guide. Invasive plants in this guide are specifically prohibited.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.386 Landscape plan and tree survey submittal

A landscape plan and tree survey shall be submitted to the city with the proposed site plan. The landscape plan shall comply with the landscape requirements. The landscape plan shall be signed and sealed by a landscape architect licensed by the state. The existing tree survey should be signed and sealed by a surveyor licensed by the state.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.387 Parking area landscaping

- (a) Parking lots and all vehicular parking and maneuvering areas, excluding driveways behind buildings, shall contain areas constructed, planted, and maintained as landscaped islands, peninsulas, or medians.
- (b) The minimum total area in landscaped islands, peninsulas, or medians in the parking lots in front of buildings shall be 90 square feet for each 12 parking spaces.
- (c) One tree is required for every six parking spaces. Tree preservation is encouraged, thus one existing tree that is at four inches DBH shall count for two new trees.
- (d) No parking space shall be located further than 50 feet from a landscaped island, peninsula, median, or tree. They shall be located evenly through the parking areas; however, the location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features.
- (e) Landscape terminal islands (end islands) shall be located at the end of all parking modules in a configuration to allow for turning radii of intersecting aisles to protect parked vehicles, provide for visibility, confine moving traffic to aisles and driveways, and provide space for landscaping. Medium and tall shrubs are prohibited on internal islands to maintain visibility.

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- (f) All landscaped islands shall have curbs except when utilizing low impact development techniques to capture and utilize runoff for irrigation purposes.
 - (g) Paving over the critical root zone is discouraged and must be approved by the city administrator, or designee. All approved paving shall be porous pavement to allow water and air exchange.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.388 Screening of dumpsters and building service equipment

- (a) For outdoor condensers, utility huts, and other building service equipment (other than a rooftop), such equipment shall be reasonably screened from view on all sides using a masonry wall and vegetative screen using at least two varieties of plant material from the "grow green" plant guide, that, at maturity, are at least the height of the equipment to be screened.
- (b) All refuse and/or recycling containers shall be reasonably screened with landscaping from public view and the view of adjoining properties.
- (c) The opening for removal of the dumpster for collection shall be a minimum of 12 feet to allow proper service access. An additional ten feet in width is required for every additional dumpster.
- (d) All durable materials used in constructing the dumpster screening masonry wall system shall be consistent with and complement the primary structure.
- (e) The orientation of the dumpster opening shall not face the street or public sidewalk unless approved by the city administrator, or designee.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.389 Maintenance requirements

The owner shall be responsible for (unless otherwise specified herein):

- (1) Regular maintenance of all required landscaped areas and plant materials in a vigorous and healthy condition, free from diseases, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilization, pruning, mowing, edging, mulching, or other necessary maintenance in accordance with generally accepted horticultural practice;
- (2) The repair or replacement of required landscape structures (walls, fences, etc.) to a structurally sound condition;
- (3) The regular maintenance, repair, or replacement, where necessary, of any screening or buffering;
- (4) Replacing planted trees if they die or become diseased beyond repair within five years after planting; and
- (5) Repairing damage to landscaped areas, structures, screening, buffering, or trees as a result of ingress or egress from site easements by authorized or unauthorized parties.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.390 Integrated pest management

Air integrated pest management plan (IPM) shall be submitted with the site plan. The IPM shall include the fertilizer ratios, brands, and types of fertilization application methods to be used. Fertilizers must be phosphate-free.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.391 Tree preservation

- (a) A grading and tree survey shall be submitted with the site plan. No clearing or grading permits shall be issued until a tree survey is submitted.
- (b) The tree survey shall include all existing, live, healthy trees with an eight-inch DBH in diameter and larger. The survey shall indicate the size (DBH) and species of tree. Trees observed to be distressed will be indicated with an asterisk on the tree list. Trees shall be represented by circles using the formula of one foot of radius for every one inch of trunk diameter. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed (including trees identified to be distressed).
- (c) Healthy designated trees (as defined by the City of Austin Environmental Criteria Manual, Appendix F) that require removal to accommodate the development shall be replaced at a ratio of 1:1, or cash-in-lieu may be paid to the city, the amount equal to the cost of nursery stock required to replace the caliper amounts lost and the cost of installation on a per-unit basis, not to exceed \$100.00 per caliper inch or \$6,000.00 per acre (prorated for sites of more or less than one acre) for the entire site. Trees identified as distressed shall not be included in tree preservation requirements evaluation. This distress identification must be determined by a certified arborist. No more than 50 percent of designated trees may be replaced by cash-in-lieu.
- (d) Removal of a heritage tree is prohibited unless a certified arborist confirms the following finding that the heritage tree is either: (1) dead; (2) is an imminent hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree, in whole or in part; or (3) is diseased and restoration to sound condition is not practicable or the disease may be transmitted to other trees and endanger their health. The city administrator shall have the authority to determine whether such documentation is in order and may consider specific utility situations in light of potential hazards to life or property. In the case of an imminent hazard to life or property, documentation may be submitted within 72 hours after the action is taken.
- (e) Removal of a heritage tree is prohibited unless a variance is granted by city council with the following findings that the heritage tree either: (1) prevents reasonable access to the property; (2) prevents a reasonable use of the property.
- (f) Pre- and post-construction fertilization is required for existing trees that will be or have been disturbed by construction activities, including disturbance of the critical root zone. Fertilizers must be phosphate-free.
- (g) The planting, preserving, and maintaining of trees which are contagiously diseased trees, or the storage of cut oak unless first determined by a certified arborist to be devoid of oak wilt or properly treated, shall be deemed a public nuisance and is prohibited.
- (h) During construction, take measures to protect trees, including rigid fencing, shielding, and signage, as necessary. Rigid fencing shall be placed with a radius of at least ten feet from the trunk or at the critical root zone, whichever is greater, unless property lines or other features prohibit a complete radius. Rigid fencing shall consist of chain link or wood fencing not less than four feet high at the drip line of the tree. Stakes shall be no more than six feet apart and at least 1½ deep into the ground. Rigid fencing shall be at least three feet in height.

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- (i) The city administrator or designee shall inspect and approve installed tree protection before issuance of any permit to commence with any construction activity.
 - (j) Tree protection shall remain in place until final landscaping installation as approved by the city administrator or designee.
 - (k) Parking or storing of vehicles, equipment or materials allowed within the critical root zone is prohibited.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.392 Irrigation requirements

- (a) An irrigation plan is required as part of the site plan and will be prepared by a licensed irrigator (i.e., licensed landscape architect or engineer). The plan should include rain/freeze sensors on all controllers. The irrigation plan should provide drip irrigation in shrub beds where appropriate and bubblers on all trees.
- (b) Turf grass plantings may be Buffalo, Zoysia, or Bermuda. St. Augustine is expressly prohibited.
- (c) Landscaped areas must be mulched to reduce evaporation and preserve water.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.393 Drought conditions

- (a) During extreme drought classifications for this region as determined by the National Drought Mitigation Center, the city administrator, or designee, may accept a fiscal deposit of the amount equal to the cost of purchasing and installing the trees and other required landscaping into the city's drought tree fund in lieu of the installation of trees and other landscaping required by this chapter for the issuance of a certificate of occupancy permit, or the city administrator or designee may accept an escrow equal to the cost of purchasing and installing the trees and other required landscaping. The city shall only accept the fiscal deposit or escrow if an erosion control plan consistent with section 9.04.066 of this Code has been reviewed and accepted by the city administrator or designee. Failure to maintain and adhere to an approved erosion control plan during periods of extreme drought classification shall be deemed a violation and the fines and penalties under section 9.02.394 of this division shall apply.
- (b) Persons requesting that the city accept a fiscal deposit in lieu shall provide the city with written documentation from an entity that sells trees and landscaping the cost of purchasing and installing the trees and other landscaping required by this chapter.
- (c) If no cost for the installation of trees and landscaping required by this chapter is provided to the city, the city shall require 66 percent of the cost of the trees and landscaping to be paid as the installation cost in addition to the cost to purchase the trees and landscaping.
- (d) Any fiscal deposits for trees and landscaping paid to the city pursuant to this section shall be held in escrow. The escrow may be drawn upon by the city to implement tree and landscaping requirements for the depositing property owner, or the funds shall be released to the depositing property owner to implement tree and landscaping requirements within 30 days when the drought mitigation center determines that this region is no longer in an extreme drought condition or higher classification. Failure to implement the tree and landscaping requirements within 30 days of release of the fiscal deposit to the depositing property owner shall be deemed a violation and the fines and penalties under section 9.02.394 of this division shall apply.
- (e) Whenever necessary to enforce any provision of this division or implement tree and landscaping requirements on the depositing property owner's property, city staff, or the city's contractor, may enter

upon depositing property owner's property at any reasonable time to inspect or perform any duty imposed by this division during an extreme drought classification for this region. If entry is refused, the city shall have recourse to every remedy provided by law and equity to gain entry.

- (f) The city is the custodian of any cash funds or bonds on deposit in the property owner's escrow account. The city has a fiduciary duty to the depositing property owner and may dispose of the escrowed funds only in accordance with this section.

(Ordinance 2021-21, adopted 5/6/21)

Sec. 9.02.394 Enforcement; penalties

- (a) *Compliance.* Violators of this division will be required to come into compliance within 60 days, unless a variance has been approved by the city. Compliance with this division may be grounds for withholding of other related pending permits for the project by the city.
- (b) *Enforcement.* The city shall have the power to administer and enforce the provisions of this division as may be required by governing law. Any person violating any provision of this division is subject to a stop-work order, suit for injunctive relief, and/or prosecution for criminal violations. Any violation of this division is hereby declared to be a nuisance. Any violation of this division may serve as grounds to withhold or delay issuance of other permits and revocation of a certificate of occupancy.
- (c) *Criminal penalty.* Any person violating any provision of this division shall, upon conviction, be fined a sum not exceeding \$500.00 to be deposited in the landscaping fund. Each day that a provision of this division is violated shall constitute a separate offense. An offense under this division is a misdemeanor.
- (d) *Civil remedies.* Nothing in this division shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this division and to seek remedies as allowed by law, including, but not limited to, the following:
- (1) *Injunctive relief.* Injunctive relief to prevent specific conduct that violates this division or to require specific conduct that is necessary for compliance with this division;
 - (2) *Civil penalty.* A civil penalty up to \$250.00 a day to be deposited in the landscaping fund, when it is shown that the defendant was actually notified of the provisions of this division and after receiving notice committed acts in violation of this division or failed to take action necessary for compliance with this division, and other available relief; and
 - (3) *Stop-work order.* In the event work is not being performed in accordance with this division, the city shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

(Ordinance 2021-21, adopted 5/6/21)