



City of Rockport
TREE AND LANDSCAPE COMMITTEE REGULAR
MEETING AGENDA
THURSDAY, JULY 31, 2025 - 5:30 PM
ROCKPORT CITY HALL
212 N LIVE OAK
ROCKPORT, TEXAS 78382

Notice is hereby given that Rockport Tree and Landscape Committee will hold a Regular Meeting on Thursday, July 31, 2025, at 5:30 PM. The meeting will be held in person in the Council Chambers in City Hall, 212 N. Live Oak, Rockport, Texas 78382. The live stream link to view the meeting is <https://rockporttx.portal.civicclerk.com/>.

I. OPENING AGENDA

1. Call meeting to order ()

II. REGULAR AGENDA

2. Deliberate and act on the November 20, 2024, minutes as presented. ()
3. Deliberate and act on the April 15, 2025 minutes as presented ()
4. Hear, deliberate, and act on a Tree Survey and Mitigation Plan presented for the Lakeway Estates PH I Subdivision, located at 3250-3330 SH 35 Bypass, Rockport, Tx. ()
5. Discussion and action regarding an Ordinance amendment to Chapter 106 Vegetation Article II Tree Regulations. ()
6. Update regarding Tree Mitigation and Preservation Account balance. ()
7. New Business
 - a. Discussion regarding future Agenda Items. ()
8. Old Business ()

III. ADJOURN

CERTIFICATION

This is to certify that I, Carey Dietrich, posted this Agenda by 5:00pm on Monday, July 28, 2025, on the bulletin board of the City of Rockport City Hall, 212 N Live Oak, Rockport, Texas 79382.

Carey Dietrich
Director of Building and Development

TREE & LANDSCAPE COMMITTEE MINUTES

On this the 20th day of November 2024, the Tree and Landscape Committee of the City of Rockport held a Meeting at 4:00 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
Carla Rinche-Belaire
Linda Frank
Laura Denham

Members Absent

Ginger Easton Smith

Staff Members Present

Carey Dietrich, Director Bldg. & Dev, Community Planner, Building Official
Belinda Garcia, Administrative Coordinator
Stacy Cantu, Bldg. & Dev, Planning Technician
Judy Emerson, Code Enforcement
Andrea Hattman, Council Liaison
Robert Argetsinger, IT

Guest(s) Present

Zero (0)

Call to Order

1. Chairperson Shelly Steckler called the meeting to order at approximately 4:00 pm.
Quorum is present

Regular Agenda

2. Discussion, consideration, and action for nominations and election of Chair, Vice-Chair, and Secretary.

Nominations- Chair – Member Denham nominated Ginger Smith. Member Belaire seconded the nomination. Motion Passed Unanimously

Vice Chair - Member Denham nominated Shelly Steckler. Member Belaire seconded the nomination. Motion Passed Unanimously

Secretary – Member Denham nominated Linda Frank. Member Belaire seconded the nomination. Motion Passed Unanimously

3. Deliberate and act on September 25, 2024, minutes as presented.

Member Denham motion to approve the minutes for September 25, 2024, as presented. Member Belaire seconded. Motion Passed unanimously.

4. Discussion, consideration, and action on October 22, 2024, minutes as presented.

Member Frank motion to approve the minutes for October 22, 2024, as presented. Chair Steckler seconded the motion. Motion Passed unanimously.

5. Discussion, consideration, and action regarding expenditures for Arbor Day.

No Action Taken

6. Discussion, consideration, and action regarding a request for expenditures to purchase landscaping trees for the Main Street Visitors Kiosk and Art Display Restrooms Area.

Member Denham made a motion to approve the request. Member Belaire seconded the motion. Motion Passed unanimously.

7. Discussion, consideration and action regarding a request to repair/replace the irrigation system for the trees and landscaping at the Railroad Depot Property.

Member Denham made a motion to approve, Member Frank seconded the motion. Motion Passed unanimously.

8. Discussion regarding Property Management Plan by Texas Parks and Wildlife for the Bent Oaks Rookery.

Joe Reikers spoke

9. Discussion regarding an Ordinance Amendment to Chapter 106 Vegetation Article II Tree Regulations.

Member Frank made a motion to table to the next meeting. Member Denham seconded the motion. Motion Passed unanimously.

10. Update regarding Tree Mitigation and Preservation Account Balance.

Community Planner Carey Dietrich spoke.

11. New Business

- a. Discussion regarding future Agenda Items.

Discussion- Parks to take over Arbor Day.

Ask South Rockport Neighbors to nominate someone from their Committee.

12. Adjournment.

Member Denham made a motion to adjourn the meeting. Member Belaire seconded. Motion Passed unanimously at 4:45 p.m.

Prepared By:

Belinda Garcia Administrator Coordinator

Approved By:

Ginger Easton Smith, Chairperson

TREE & LANDSCAPE COMMITTEE MINUTES

On this the 15th day of April 2025, the Tree and Landscape Committee of the City of Rockport held a Meeting at 10:00a.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

Ginger Easton Smith, Chairperson
Laura Denham
Shelly Steckler,

Members Absent

Carla Rinche-Belaire
Linda Frank

Staff Members Present

Carey Dietrich, Asst Director Bldg. & Dev, Community Planner, Building Official
Stacy Cantu, Bldg. & Dev, Planning Technician
Judy Emerson, Code Enforcement
Andrea Hattman-Council Liaison
Finn Klanica-IT

Guest(s) Present

Zero (0)

Call to Order

1. Chairperson Shelly Steckler called the meeting to order at approximately 10:02am.
No Quorum.

Regular Agenda

2. Deliberate and act on the September 25, 2024, minutes as presented.

NO QUORUM

3. Update regarding Arbor Day activities and scheduling.

Community Planner Carey Dietrich spoke, Chairperson Shelly Steckler spoke, Member Laura Denham spoke.

4. Discussion regarding an Ordinance amendment to Chapter 106 Vegetation Article II Tree Regulation.

Community Planner Carey Dietrich spoke, Chairperson Shelly Steckler spoke, Member Laura Denham spoke, City Manager Vanessa Shrauner Member Ginger Smith spoke.

5. Update regarding Tree Mitigation and Preservation Account balance.

Chairperson Shelly Steckler spoke; Community Planner Carey Dietrich spoke; Member Ginger Smith spoke; City Manager Vanessa Shrauner spoke.

6. New Business

- a. Discussion regarding future Agenda Items. Sign for Call before you cut.

City Manager Vanessa Shrauner spoke, Code Enforcement Judy Emerson, Bldg. & Dev. Planning Stacy Cantu spoke, Community Planner Carey Dietrich spoke,

7. Old Business

- a.

8. Adjournment.

Member Ginger Smith made the motion to adjourn. Member Laura Denham seconded the motion.

There being no further business, Chairperson Steckler adjourned the meeting at approximately 11:37 a.m.

Prepared By:

Belinda Garcia Administrator Coordinator

Approved By:

Shelly Steckler, Chairwoman



CITY OF ROCKPORT
APPLICATION FOR TREE & LANDSCAPE PLAN REVIEW

INSTRUCTIONS: Please fill out completely, print in ink or use typewriter. If more space is needed, attach additional pages. Along with this application submit seven (7) copies of documentation as requested on the attached instruction sheet. Submit copy of landscaping plan if tree plan is included on same.

ADDRESS AND LOCATION OF PROPERTY: 3250-3330 SH 35 BYPASS, ROCKPORT, TX

LEGAL DESCRIPTION: 48.976 ACRES OF LAND OUT OF A 152.582 ACRE TRACT OUT OF THE J.W. PAUP SURVEY, A-179, AND THE J. FESSENDEN SURVEY, A-65, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS.

DESCRIPTION OF DEVELOPMENT: SINGLE-FAMILY SUBDIVISION DEVELOPMENT WITH PUBLIC ASPHALT

CURB AND GUTTER STREETS, DETENTION PONDS AND AMENITIES AREA.

CURRENT ZONING OF PROPERTY: R-1

DIMENSIONS (square footage/acreage): 48.976 ACRES

PROPERTY OWNER/*REPRESENTATIVE - PRINT NAME: HAMED "RICK" MOSTAGHASI

ADDRESS: 4833 SARATOGA BLVD #423, CORPUS CHRISTI, TX 78413-2213

PHONE NUMBER(S): 361-765-7241

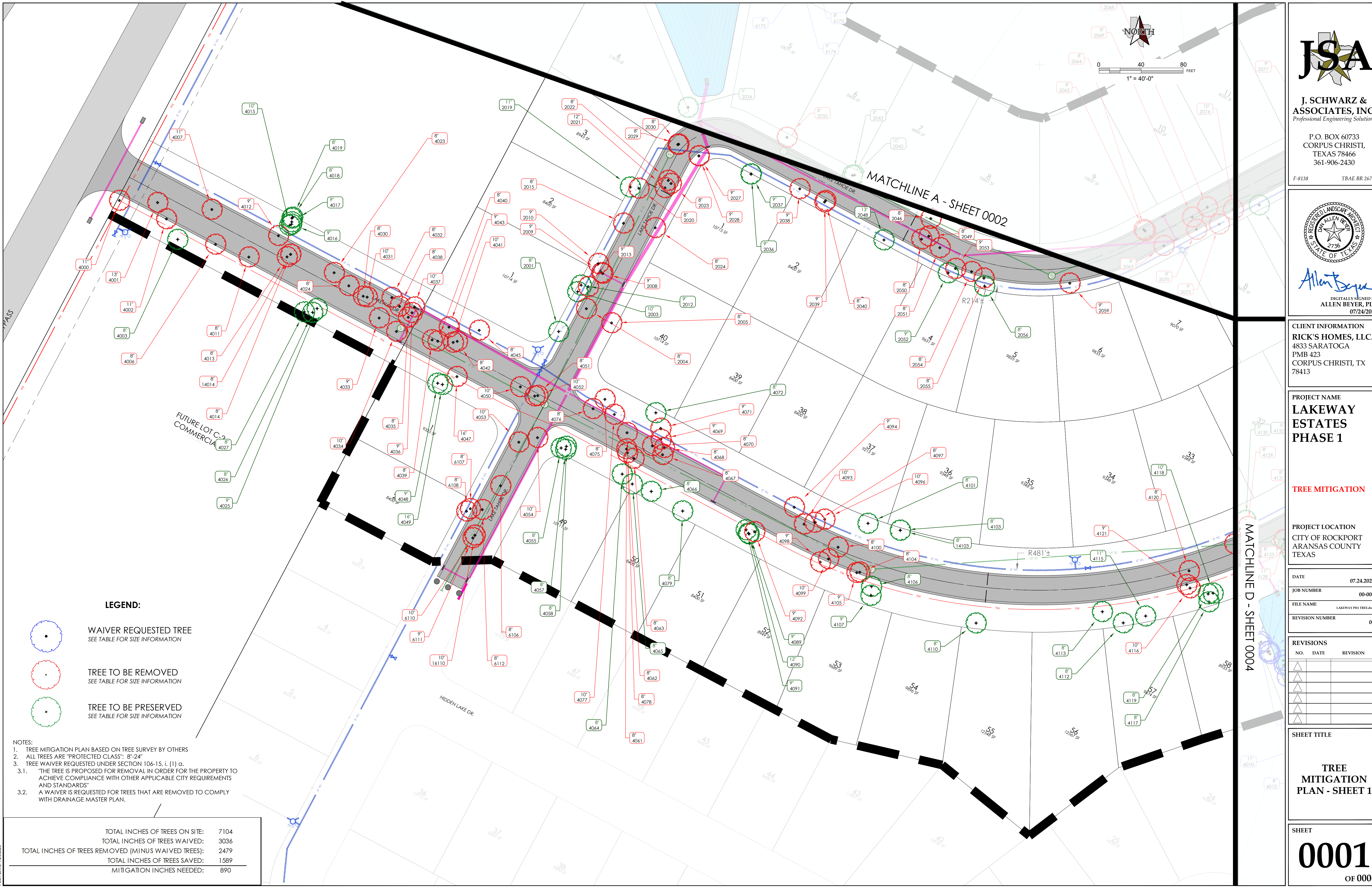
*If representative, do you have property owner's permission for this request? _____

Signed: [Signature]
(Owner or Representative)

FILING FEE (payable to the City of Rockport): **\$50.00 plus \$20.00 per acre** **\$1029.52**

Submit application and filing fee to: Department of Building & Development
City of Rockport
2751 S.H. 35 Bypass
Rockport, TX 78382

FOR CITY USE		
Received by: _____	Date: _____	Fees Paid: \$ _____
Submitted information (____ accepted, ____ rejected) by: _____		
If rejected, reasons why: _____		





J. SCHWARZ & ASSOCIATES, INC.
Professional Engineering Solutions

P.O. BOX 60733
CORPUS CHRISTI,
TEXAS 78466
361-906-2430

F-8138 TBAE BR 2671



Allen Beyer

DIGITALLY SIGNED BY:
ALLEN BEYER, PLA
07/24/2025

CLIENT INFORMATION

RICK'S HOMES, L.L.C.
4833 SARATOGA
PMB 423
CORPUS CHRISTI, TX
78413

PROJECT NAME

**LAKEWAY
ESTATES
PHASE 1**

TREE MITIGATION

PROJECT LOCATION

CITY OF ROCKPORT
ARANSAS COUNTY
TEXAS

DATE	07.24.2025
JOB NUMBER	00-000
FILE NAME	LAKEWAY PH TREE.dwg
REVISION NUMBER	00

NO.	DATE	REVISION

SHEET TITLE

**TREE
MITIGATION
PLAN - SHEET 1**

SHEET

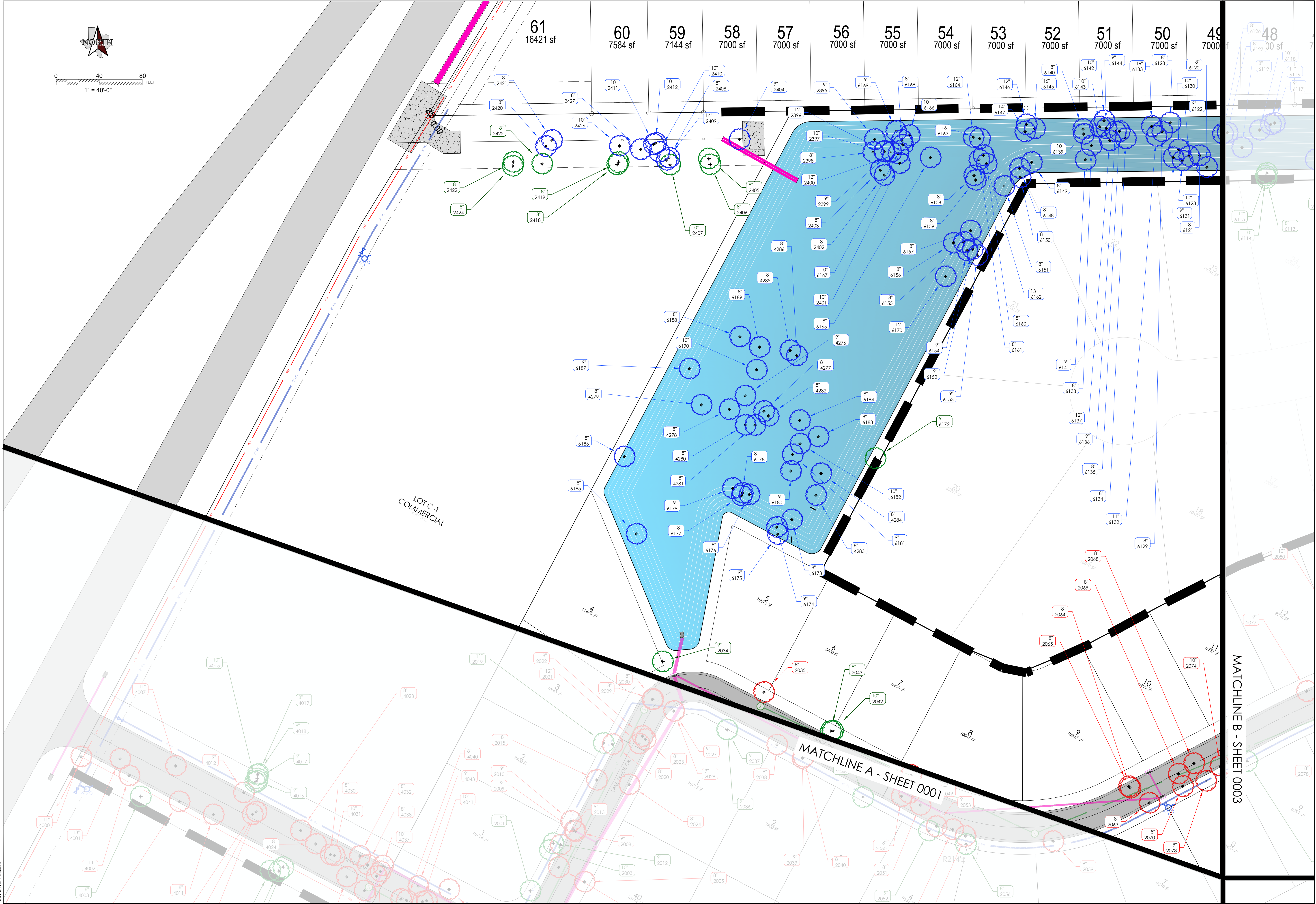
0001

OF 0006

07/24/25 J. SCHWARZ & ASSOCIATES, INC.
PLOT DATE 7/24/2025

- NOTES:
1. TREE MITIGATION PLAN BASED ON TREE SURVEY BY OTHERS
 2. ALL TREES ARE "PROTECTED CLASS": 8"-24"
 3. TREE WAIVER REQUESTED UNDER SECTION 106-15, i. (1) a.
 - 3.1. "THE TREE IS PROPOSED FOR REMOVAL IN ORDER FOR THE PROPERTY TO ACHIEVE COMPLIANCE WITH OTHER APPLICABLE CITY REQUIREMENTS AND STANDARDS"
 - 3.2. A WAIVER IS REQUESTED FOR TREES THAT ARE REMOVED TO COMPLY WITH DRAINAGE MASTER PLAN.

TOTAL INCHES OF TREES ON SITE:	7104
TOTAL INCHES OF TREES WAIVED:	3036
TOTAL INCHES OF TREES REMOVED (MINUS WAIVED TREES):	2479
TOTAL INCHES OF TREES SAVED:	1589
MITIGATION INCHES NEEDED:	890





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Professional Engineering Solutions

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CORPUS CHRISTI,
TEXAS 78466
361-906-2430

F-8138 TBAE BR 2671



Allen Beyer

DIGITALLY SIGNED BY:
ALLEN BEYER, PLA
07/24/2025

CLIENT INFORMATION
RIK'S HOMES, L.L.C.
4833 SARATOGA
PMB 423
CORPUS CHRISTI, TX
78413

PROJECT NAME
LAKeway ESTATES PHASE 1

TREE MITIGATION

PROJECT LOCATION
CITY OF ROCKPORT
ARANSAS COUNTY
TEXAS

DATE	07.24.2025
JOB NUMBER	00-000
FILE NAME	LAKeway PH1 TREE.dwg
REVISION NUMBER	00

REVISIONS		
NO.	DATE	REVISION
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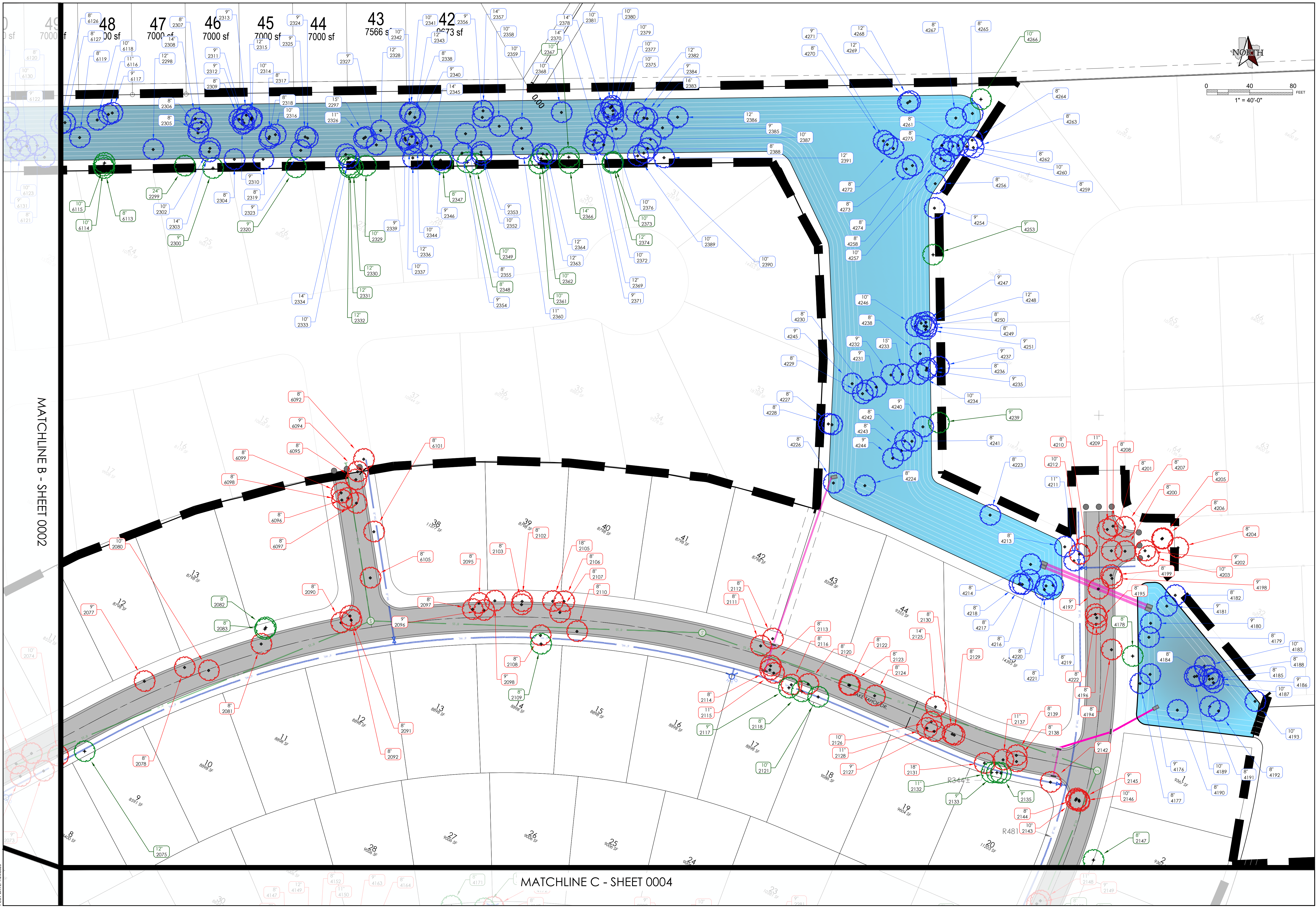
SHEET TITLE

TREE MITIGATION PLAN - SHEET 2

SHEET

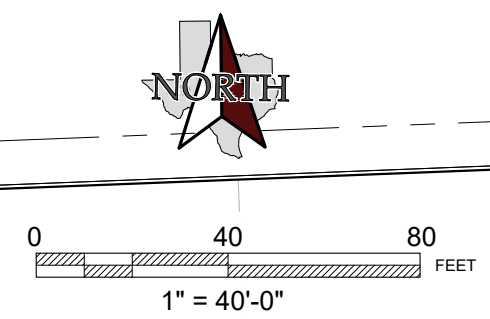
0002

OF 0006



MATCHLINE B - SHEET 0002

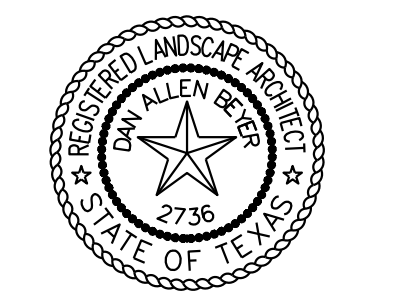
MATCHLINE C - SHEET 0004



**J. SCHWARZ &
ASSOCIATES, INC.**
Professional Engineering Solutions

P.O. BOX 60733
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Allen Beyer
DIGITALLY SIGNED BY:
ALLEN BEYER, PLA
07/24/2025

CLIENT INFORMATION
RICK'S HOMES, L.L.C.
4833 SARATOGA
PMB 423
CORPUS CHRISTI, TX
78413

PROJECT NAME
LAKeway
ESTATES
PHASE 1

TREE MITIGATION

PROJECT LOCATION
CITY OF ROCKPORT
ARANSAS COUNTY
TEXAS

DATE	07.24.2025
JOB NUMBER	00-000
FILE NAME	LAKeway PH1 TREE.dwg
REVISION NUMBER	00

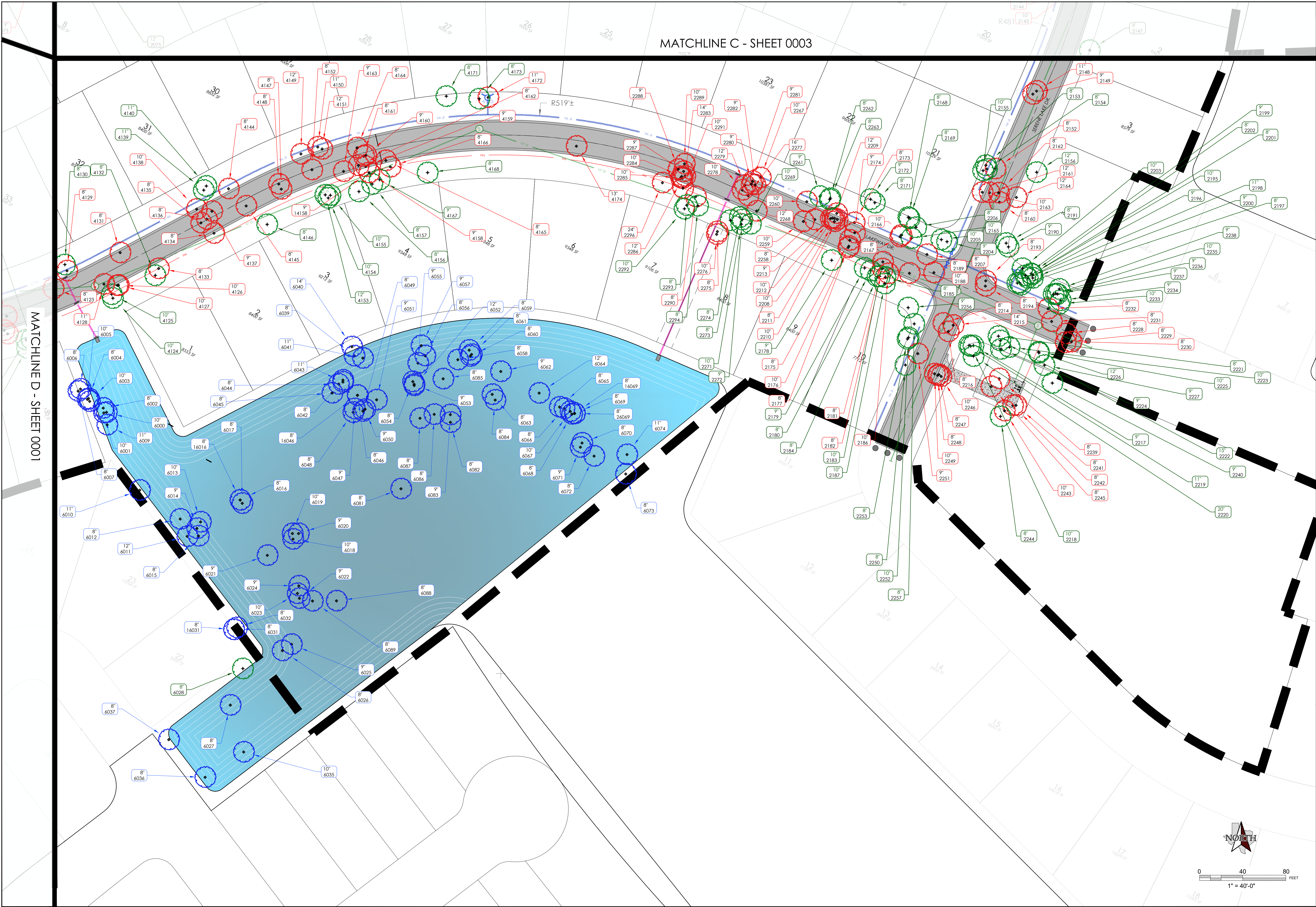
REVISIONS		
NO.	DATE	REVISION

SHEET TITLE

**TREE
MITIGATION
PLAN - SHEET 3**

SHEET

0003
OF 0006





J. SCHWARZ & ASSOCIATES, INC.
Professional Engineering Solutions
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F-8138 TBAE BR 2671



Allen Beyer
DIGITALLY SIGNED BY
ALLEN BEYER, PLA
07/24/2025

CLIENT INFORMATION
RICK'S HOMES, L.L.C.
4833 SARATOGA
PMB 423
CORPUS CHRISTI, TX
78413

PROJECT NAME
LAKEWAY ESTATES PHASE 1

TREE MITIGATION

PROJECT LOCATION
CITY OF ROCKPORT
ARANSAS COUNTY
TEXAS

DATE	07.24.2025
JOB NUMBER	00-000
FILE NAME	LAKEWAY PH1 TREE.dwg
REVISION NUMBER	00

NO.	DATE	REVISION
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SHEET TITLE

TREE MITIGATION PLAN - SHEET 4

SHEET

0004
OF 0006

POINT #	EASTING	NORTHING	TREE DBH (IN.)	POINT #	EASTING	NORTHING	TREE DBH (IN.)	POINT #	EASTING	NORTHING	TREE DBH (IN.)	POINT #	EASTING	NORTHING	TREE DBH (IN.)	POINT #	EASTING	NORTHING	TREE DBH (IN.)
2004	2592433.5950'	13208800.7700'	8	4062	2592473.3400'	13208663.7700'	8	4163	2593320.2670'	13208690.0500'	9	2001	2592407.5070'	13208778.8200'	8	2238	2593985.2290'	13208584.0300'	9
2005	2592457.6270'	13208787.5000'	8	4063	2592479.4470'	13208658.5000'	8	4197	2594015.4870'	13209058.1400'	9	2043	2592486.2550'	13208928.8200'	8	2240	2593979.1740'	13208496.6800'	9
2015	2592468.5440'	13208882.1900'	8	4067	2592506.7750'	13208662.1400'	8	4198	2594028.2290'	13209068.0100'	9	2056	2592812.4940'	13208824.0200'	8	2256	2593845.0440'	13208566.0400'	9
2020	2592482.9780'	13208915.5400'	8	4068	2592508.2930'	13208668.8500'	8	4202	2594058.8250'	13209093.9200'	9	2082	25933241.4430'	13209018.4300'	8	2261	2593762.7200'	13208669.1100'	9
2022	2592510.9500'	13208923.1500'	8	4070	2592497.0190'	13208670.4900'	8	6094	2593326.0690'	13209163.9900'	9	2083	2593240.5740'	13209016.9900'	8	2272	2593690.6090'	13208646.9800'	9
2023	2592513.6220'	13208920.2400'	8	4075	2592451.6630'	13208714.5900'	8	6111	2592326.6500'	13208582.1500'	9	2109	2593497.5500'	13209004.4800'	8	2300	2593190.2510'	13209445.7000'	9
2024	2592498.7660'	13208878.0600'	8	4076	2592440.4160'	13208705.5500'	8	14158	2593343.9320'	13208688.9600'	9	2118	2593740.3160'	13208961.3500'	8	2320	2593267.2930'	13209446.7500'	9
2029	2592520.6180'	13208957.7000'	8	4078	2592472.8850'	13208682.9100'	8	2074	2593048.4440'	13208898.1600'	10	4016	2592152.8410'	13208879.7300'	9	4016	2592152.8410'	13208879.7300'	9
2030	2592519.8410'	13208957.3600'	8	4097	2592651.8440'	13208598.4300'	8	2080	2593188.3050'	13208978.2600'	10	2153	2593916.5480'	13208698.6500'	8	4017	2592153.0710'	13208881.9500'	9
2035	2592623.6230'	13208964.6900'	8	4100	2592674.1800'	13208574.9300'	8	2126	2593860.7450'	13208933.7900'	10	2154	2593917.4730'	13208695.0600'	9	4025	2592177.5740'	13208799.6300'	9
2040	2592660.6910'	13208904.6000'	8	4104	2592694.9600'	13208551.2900'	8	2143	2593995.3970'	13208861.5600'	10	2168	2593844.7850'	13208650.0000'	8	4048	2592292.6500'	13208729.1100'	9
2046	2592760.8850'	13208888.1100'	8	4120	2593008.2270'	13208554.1400'	8	2146	2593998.7650'	13208860.5000'	10	2169	2593845.8380'	13208649.0000'	8	4089	2592589.5720'	13208587.1000'	9
2049	2592759.1030'	13208871.3700'	8	4123	2593051.4610'	13208579.9800'	8	2163	2593913.1950'	13208673.5700'	10	2171	2593813.5520'	13208663.3000'	8	4091	2592586.7300'	13208591.0300'	9
2050	2592752.1530'	13208868.4400'	8	4129	2593064.0340'	13208596.5200'	8	2166	2593838.0560'	13208633.4000'	10	2180	2593810.0280'	13208600.0600'	8	4107	2592705.8050'	13208529.2500'	9
2051	2592769.6710'	13208860.4200'	8	4131	2593113.3070'	13208613.5900'	8	2176	2593789.5950'	13208622.8900'	10	2184	2593816.4000'	13208594.7400'	8	4167	2593353.8170'	13208682.5000'	9
2054	2592799.9640'	13208837.7600'	8	4133	2593149.1000'	13208599.0600'	8	2186	2593826.2290'	13208597.6900'	10	2185	2593823.7440'	13208594.2700'	8	4239	2593866.5740'	13209212.1200'	9
2055	2592811.6760'	13208831.6000'	8	4134	2593200.2870'	13208632.0500'	8	2188	2593845.9100'	13208598.0500'	10	2191	2593935.7180'	13208626.3700'	8	4253	2593860.4510'	13209368.3400'	9
2063	2592982.6770'	13208863.3600'	8	4135	2593188.1290'	13208641.6200'	8	2208	2593778.2290'	13208653.2700'	10	2197	2593949.7570'	13208587.8900'	9	6172	2592726.5130'	13209182.8800'	9
2064	2592964.8300'	13208877.3000'	8	4136	2593193.5220'	13208645.0100'	8	2210	2593778.6970'	13208647.6500'	10	2201	2593959.9630'	13208597.5500'	8	2003	2592425.3850'	13208816.8200'	10
2065	2592963.5780'	13208878.5200'	8	4144	2593213.6070'	13208673.4500'	8	2212	2593774.2160'	13208648.8300'	10	2202	2593959.0900'	13208598.2000'	8	2042	2592688.2490'	13208929.0400'	10
2068	2593023.9720'	13208900.2800'	8	4145	2593230.0450'	13208657.5200'	8	2243	2593934.7920'	13208470.7400'	10	2206	2593852.0000'	13208640.7300'	8	2121	2593755.5700'	13208956.3800'	10
2069	2593009.7080'	13208890.5700'	8	4147	2593262.5400'	13208673.3000'	8	2246	2593875.7520'	13208502.5100'	10	2221	2593928.9400'	13208539.9700'	8	2155	2593913.9380'	13208693.5800'	10
2070	2593013.7270'	13208878.9300'	8	4148	2593260.1640'	13208678.0600'	8	2249	2593869.7280'	13208504.8200'	10	2244	2593931.2280'	13208465.5100'	10	2165	2593847.8390'	13208630.4700'	10
2078	2593165.9500'	13208980.9900'	8	4152	2593290.9370'	13208691.4600'	8	2259	2593747.2390'	13208645.6200'	10	2250	2593842.6980'	13208512.7600'	8	2183	2593818.4630'	13208595.0200'	10
2081	2593237.0970'	13209003.1400'	8	4161	2593338.8860'	13208704.2800'	8	2260	2593750.3130'	13208663.9700'	10	2253	2593844.5630'	13208537.0100'	8	2187	2593823.2460'	13208588.2700'	10
2090	2593331.12640'	13209023.3900'	8	4162	2593334.0150'	13208695.6100'	8	2267	2593707.3560'	13208686.0900'	10	2257	2593850.7450'	13208551.0200'	10	2195	2593946.2540'	13208589.3700'	10
2091	2593319.6130'	13209029.6500'	8	4164	2593332.6860'	13208712.0700'	8	2276	2593666.8190'	13208633.3100'	10	2262	2593771.7240'	13208666.1100'	8	2203	2593950.9440'	13208603.0200'	10
2092	2593320.7290'	13209025.7200'	8	4165	2593359.4860'	13208700.3600'	8	2278	2593690.5100'	13208674.5500'	10	2263	2593772.3490'	13208667.2600'	8	2205	2593875.5090'	13208629.3700'	10
2095	2593439.4300'	13209042.0900'	8	4166	2593363.6820'	13208694.4000'	8	2284	2593634.0710'	13208686.8300'	10	2273	2593688.3680'	13208649.3400'	8	2218	2593903.2530'	13208530.5500'	10
2097	2593433.4690'	13209036.4100'	8	4194	2594028.0800'	13209001.6700'	8	2285	2593633.2800'	13208685.5300'	10	2274	2593679.7000'	13208646.3900'	8	2223	2593939.2380'	13208529.8500'	10
2102	2593479.6020'	13209043.9900'	8	4195	2594013.6060'	13209025.2600'	8	2289	2593636.6770'	13208698.5500'	10	2293	2593639.0810'	13208660.1900'	8	2225	2593966.2930'	13208525.5900'	10
2103	2593479.1010'	13209040.9700'	8	4196	2594014.1660'	13209031.2900'	8	2291	2593635.3610'	13208675.9800'	10	2294	2593649.4730'	13208659.7100'	8	2233	2593984.9690'	13208570.0600'	10
2106	2593518.6180'	13209044.1200'	8	4199	2594027.2090'	13209070.9600'	8	4031	2592224.9720'	13208810.7500'	10	2347	2593403.5800'	13209451.7200'	8	2235	2593979.9250'	13208579.0800'	10
2107	2593514.7960'	13209033.8500'	8	4200	2594040.2010'	13209093.3700'	8	4034	2592253.0200'	13208778.2100'	10	2348	2593426.7120'	13209452.1700'	8	2252	2593845.5080'	13208538.3700'	10
2108	2593496.8010'	13209012.3300'	8	4201	2594027.5530'	13209093.7000'	8	4037	2592270.0970'	13208801.4800'	10	2405	2592570.1760'	13209460.9600'	8	2269	2593698.6390'	13208643.1200'	10
2110	2593530.7730'	13209016.3100'	8	4204	2594089.4840'	13209096.8400'	8	4041	2592307.0460'	13208768.0600'	10	2406	2592571.6170'	13209455.4400'	8	2271	2593689.8400'	13208642.7900'	10
2111	2593701.7310'	13209003.6700'	8	4205	2594074.9470'	13209105.4600'	8	4050	2592371.1570'	13208726.0600'	10	2418	2592484.9610'	13209454.9900'	8	2292	2593636.9400'	13208656.8400'	10
2112	2593712.8200'	13209010.3700'	8	4206	2594074.3710'	13209104.9700'	8	4052	2592387.7670'	13208717.8500'	10	2419	2592486.2120'	13209457.1800'	8	2329	2593332.5570'	13209448.6300'	10
2113	2593711.0670'	13208985.1200'	8	4207	2594039.8370'	13209115.9200'	8	4053	2592369.9600'	13208673.4100'	10	2422	2592388.3860'	13209456.9300'	8	2349	2593434.3150'	13209450.9800'	10
2114	2593710.4160'	13208981.4500'	8	4208	2594028.9060'	13209116.6500'	8	4054	2592387.7100'	13208677.8100'	10	2424	2592387.8390'	13209453.2300'	8	2361	2593493.3180'	13209451.3100'	10
2116	2593730.4150'	13208967.5900'	8	4210	2594004.3440'	13209097.8700'	8	4077	2592460.7240'	13208700.2200'	10	2425	2592415.2120'	13209455.3600'	8	2362	2593495.4200'	13209456.1700'	10
2120	2593746.0050'	13208968.2800'	8	4222	2594012.9050'	13209034.4500'	8	4093	2592641.7510'	13208596.7600'	10	4003	2592044.5940'	13208864.7500'	8	2367	2593521.1610'	13209457.5000'	10
2122	2593783.7890'	13208967.6500'	8	6092	2593331.6460'	13209175.5800'	8	4096	2592661.3030'	13208601.4800'	10	4018	2592153.1310'	13208885.4200'	8	2373	2593562.2880'	13209453.3000'	10
2123	2593784.7500'	13208967.3400'	8	6095	2593324.4720'	13209156.5400'	8	4099	2592665.0340'	13208563.7300'	10	4019	2592153.8890'	13208886.3700'	8	2407	2592534.2050'	13209455.0400'	10
2124	2593807.9890'	13208957.7900'	8	6096	2593317.1740'	13209139.3800'	8	4116	2593009.2380'	13208537.7000'	10	4026	2592173.3500'	13208795.9000'	8	4015	2592151.0300'	13208878.6400'	10
2129	2593882.2220'	13208921.5000'	8	6097	2593324.9860'	13209134.6600'	8	4126	2593110.8180'	13208583.1800'	10	4027	2592165.5150'	13208796.3100'	8	4118	2593031.3300'	13208532.8900'	10
2130	2593880.2890'	13208922.4000'	8	6098	2593311.4890'	13209137.4400'	8	4127	2593111.9470'	13208583.3800'	10	4055	2592410.3370'	13208668.0200'	8	4124	2593106.8710'	13208571.2500'	10
2138	2593940.2310'	13208897.1300'	8	6099	2593310.8540'	13209144.1400'	8	4138	2593184.0480'	13208654.3500'	10	4057	2592414.6690'	1					

POINT #	EASTING	NORTHING	TREE DBH (IN.)	POINT #	EASTING	NORTHING	TREE DBH (IN.)	POINT #	EASTING	NORTHING	TREE DBH (IN.)
2304	2593209.9340'	13209453.9100'	8	6088	2593315.6420'	13208291.1700'	8	2342	2593372.7180'	13209497.0900'	10
2305	2593176.0200'	13209478.3200'	8	6089	2593293.3880'	13208290.9300'	8	2344	2593380.0480'	13209469.9700'	10
2306	2593176.5150'	13209482.1200'	8	6119	2593065.9620'	13209473.4800'	8	2352	2593439.6890'	13209459.0100'	10
2307	2593178.9920'	13209488.2100'	8	6120	2593033.3550'	13209455.0000'	8	2358	2593456.1820'	13209485.9500'	10
2309	2593214.1650'	13209491.1600'	8	6121	2593026.6210'	13209465.9000'	8	2359	2593476.8850'	13209484.1600'	10
2317	2593242.6130'	13209475.1300'	8	6126	2593047.9940'	13209486.1700'	8	2368	2593351.40080'	13209499.0400'	10
2318	2593241.9990'	13209473.3400'	8	6127	2593052.2460'	13209487.3300'	8	2372	2593553.4920'	13209469.0100'	10
2319	2593236.6880'	13209454.0300'	8	6128	2592999.0980'	13209496.2900'	8	2375	2593564.9440'	13209483.9900'	10
2338	2593369.1690'	13209472.6400'	8	6129	2592991.5370'	13209487.9400'	8	2376	2593557.1370'	13209494.8000'	10
2355	2593424.9180'	13209478.7900'	8	6134	2592957.6440'	13209481.3800'	8	2377	2593562.1610'	13209497.1700'	10
2388	2593594.3710'	13209465.9300'	8	6135	2592951.8850'	13209488.0000'	8	2379	2593561.8490'	13209500.8700'	10
2396	2592722.8000'	13209467.5300'	8	6138	2592925.8850'	13209474.6300'	8	2380	2593560.9100'	13209505.1400'	10
2402	2592733.3150'	13209446.2000'	8	6140	2592918.0250'	13209489.8600'	8	2381	2593559.5380'	13209503.5000'	10
2403	2592729.5830'	13209450.7200'	8	6148	2592859.2650'	13209453.1900'	8	2387	2593597.0800'	13209474.4700'	10
2406	2592533.0460'	13209461.3900'	8	6149	2592870.3240'	13209458.8400'	8	2389	2593585.1130'	13209458.9700'	10
2420	2592418.3810'	13209471.4800'	8	6150	2592859.8770'	13209444.8800'	8	2390	2593590.7530'	13209461.5700'	10
2421	2592423.8980'	13209477.3000'	8	6151	2592844.8230'	13209436.6400'	8	2397	2592733.2850'	13209467.9700'	10
2427	2592506.6190'	13209469.0500'	8	6155	2592807.5360'	13209384.1300'	8	2401	2592747.5740'	13209457.3800'	10
4177	2594054.7630'	13208970.2300'	8	6156	2592798.0160'	13209383.4800'	8	2410	2592523.6870'	13209466.8000'	10
4179	2594062.8020'	13209013.2800'	8	6157	2592813.8150'	13209394.8500'	8	2411	2592518.6840'	13209473.8600'	10
4182	2594087.1320'	13209052.4800'	8	6158	2592816.8610'	13209446.2200'	8	2412	2592520.6510'	13209474.9400'	10
4184	2594118.2070'	13208977.6400'	8	6159	2592818.3240'	13209442.0800'	8	2426	2592486.8980'	13209472.2300'	10
4185	2594119.3110'	13208974.5300'	8	6160	2592826.2300'	13209457.3600'	8	4183	2594114.5970'	13208986.6500'	10
4188	2594107.4480'	13208977.3700'	8	6161	2592821.4800'	13209460.9200'	8	4187	2594123.0010'	13208971.2700'	10
4190	2594089.5930'	13208945.6200'	8	6165	2592776.1400'	13209462.7600'	8	4189	2594105.3450'	13208976.8700'	10
4191	2594119.7340'	13208949.1100'	8	6168	2592749.4730'	13209478.8000'	8	4193	2594161.8510'	13208954.1300'	10
4192	2594127.9200'	13208945.0300'	8	6173	2592468.8890'	13209125.2600'	8	4234	2593847.1070'	13209256.8700'	10
4213	2593984.1570'	13209097.0400'	8	6176	2592409.2070'	13209148.4200'	8	4246	2593844.4210'	13209301.4500'	10
4214	2593952.4600'	13209080.5700'	8	6177	2592401.8840'	13209147.3100'	8	4257	2593870.1660'	13209455.8100'	10
4216	2593951.3900'	13209066.0900'	8	6178	2592402.8720'	13209149.8100'	8	4260	2593878.2070'	13209469.4600'	10
4217	2593944.8620'	13209061.8700'	8	6183	2592473.1200'	13209202.5300'	8	6000	2593101.3500'	13208465.2100'	10
4218	2593941.9380'	13209062.1900'	8	6184	2592465.7330'	13209217.6000'	8	6001	2593098.8250'	13208464.6600'	10
4219	2593973.4210'	13209061.2300'	8	6185	2592504.2540'	13209111.2600'	8	6003	2593085.6550'	13208475.2900'	10
4220	2593946.9200'	13209060.6300'	8	6186	2592492.7670'	13209183.1000'	8	6005	2593083.5200'	13208477.0900'	10
4221	2593945.4320'	13209057.1200'	8	6188	2592599.7720'	13209295.2000'	8	6013	2593189.1540'	13208363.8500'	10
4223	2593914.5390'	13209126.2700'	8	6189	2592418.0790'	13209285.6300'	8	6018	2593275.0070'	13208348.3300'	10
4224	2593797.9210'	13209153.1100'	8	16016	2593225.8030'	13208384.3700'	8	6019	2593274.4260'	13208333.4900'	10
4226	2593768.6780'	13209155.4100'	8	16031	2593220.4810'	13208264.1000'	8	6023	2593279.3530'	13208297.8600'	10
4227	2593767.0780'	13209209.6200'	8	16046	2593334.1950'	13208482.1300'	8	6035	2593230.1700'	13208150.4400'	10
4228	2593763.7070'	13209210.3400'	8	16069	2593335.8120'	13208466.2300'	8	6067	2593331.7723'	13208468.1100'	10
4229	2593795.3160'	13209238.6800'	8	26069	2593335.8120'	13208466.2300'	8	6118	2593082.2080'	13209489.9200'	10
4230	2593799.3470'	13209241.6100'	8	2310	2593217.1190'	13209486.6800'	9	6123	2593010.6520'	13209461.0100'	10
4236	2593835.0600'	13209262.7900'	8	2311	2593218.6840'	13209487.8000'	9	6130	2593007.1460'	13209471.3700'	10
4238	2593848.8420'	13209276.1700'	8	2312	2593217.2420'	13209490.5600'	9	6139	2592918.6100'	13209485.3700'	10
4241	2593841.5230'	13209194.6000'	8	2313	2593220.8650'	13209494.9700'	9	6142	2592937.4990'	13209497.9500'	10
4242	2593834.9200'	13209194.8400'	8	2323	2593271.7030'	13209462.5700'	9	6143	2592933.5890'	13209492.2700'	10
4243	2593831.7590'	13209185.6700'	8	2324	2593278.0020'	13209473.9900'	9	6166	2592756.6790'	13209483.5000'	10
4249	2593854.8500'	13209301.3500'	8	2325	2593275.7190'	13209475.0800'	9	6167	2592750.3530'	13209474.5400'	10
4250	2593852.4630'	13209301.8700'	8	2327	2593341.9790'	13209468.0000'	9	6182	2592656.2370'	13209195.8900'	10
4256	2593862.0190'	13209434.4500'	8	2339	2593368.6050'	13209474.4200'	9	6190	2592615.4030'	13209264.5000'	10
4258	2593867.1020'	13209457.8300'	8	2340	2593374.9360'	13209476.0200'	9	2326	2593330.2180'	13209473.9800'	11
4259	2593875.0410'	13209464.3500'	8	2346	2593401.7520'	13209454.1000'	9	2360	2593478.0080'	13209465.1500'	11
4261	2593883.0910'	13209470.0900'	8	2353	2593439.3400'	13209461.8400'	9	4211	2593992.7640'	13209084.0800'	11
4262	2593891.3690'	13209469.1200'	8	2354	2593421.6930'	13209460.7400'	9	6009	2593101.9420'	13208453.5900'	11
4263	2593897.3060'	13209468.2200'	8	2356	2593440.4360'	13209494.1200'	9	6010	2593132.5500'	13208393.0400'	11
4264	2593896.2600'	13209475.1000'	8	2371	2593543.6800'	13209469.0200'	9	6041	2593338.9710'	13208316.6500'	11
4265	2593896.3090'	13209499.9200'	8	2384	2593590.6640'	13209494.3200'	9	6043	2593320.5940'	13208494.3800'	11
4267	2593880.8660'	13209495.5900'	8	2385	2593608.0870'	13209485.1500'	9	6074	2593584.6190'	13208428.3000'	11
4270	2593813.5790'	13209473.9500'	8	2395	2592724.1890'	13209479.4700'	9	6116	2593092.5540'	13209495.1300'	11
4272	2593822.8640'	13209467.0200'	8	2399	2592739.5670'	13209467.8500'	9	6132	2592986.0780'	13209483.8700'	11
4273	2593835.0110'	13209447.9300'	8	2404	2592598.4000'	13209478.8200'	9	2298	2593134.3940'	13209462.7000'	12
4274	2593840.7550'	13209451.1600'	8	4176	2594064.0840'	13208978.7800'	9	2315	2593225.4100'	13209491.0800'	12
4275	2593868.0150'	13209470.0700'	8	4180	2594064.3790'	13209026.3300'	9	2328	2593345.8960'	13209481.3500'	12
4277	2592622.4240'	13209225.9600'	8	4181	2594079.2890'	13209042.3400'	9	2336	2593375.9290'	13209456.0100'	12
4278	2592590.2510'	13209227.5600'	8	4186	2594122.1220'	13208975.0300'	9	2343	2593377.7120'	13209493.7300'	12
4279	2592564.1740'	13209231.6500'	8	4231	2593808.0400'	13209244.8700'	9	2363	2593496.9310'	13209460.3400'	12
4280	2592605.2010'	13209213.1100'	8	4232	2593821.7540'	13209256.1800'	9	2364	2593500.6450'	13209460.0400'	12
4281	2592614.3080'	13209212.9700'	8	4235	2593854.4340'	13209260.8500'	9	2369	2593544.6180'	13209473.1700'	12
4282	2592626.6100'	13209221.6200'	8	4237	2593866.1360'	13209264.0100'	9	2382	2593583.3360'	13209499.0400'	12
4283	2592671.2160'	13209148.0400'	8	4240	2593851.6390'	13209208.0900'	9	2386	2593622.0530'	13209495.1400'	12
4284	2592675.8530'	13209168.3100'	8	4244	2593823.7220'	13209178.7200'	9	2391	2593609.5980'	13209457.4300'	12
4285	2592646.5000'	13209282.6000'	8	4245	2593785.6490'	13209247.9400'	9	2396	2592733.0510'	13209468.6000'	12
4286	2592652.6800'	13209277.8800'	8	4247	2593849.5880'	13209304.5100'	9	2400	2592746.1420'	13209466.2500'	12
6002	2593098.2710'	13208469.0900'	8	4251	2593853.7780'	13209298.7400'	9	4248	2593853.9550'	13209305.4500'	12
6004	2593084.6530'	13208477.9500'	8	4254	2593861.3920'	13209411.6700'	9	4268	2593838.0340'	13209510.8900'	12
6006	2593077.0940'	13208486.6800'	8	4271	2593817.2360'	13209470.6500'	9	4269	2593835.9960'	13209509.4800'	12
6007	2593074.9620'	13208484.7200'	8	4276	2592604.9270'	13209240.2900'	9	6011	2593176.7620'	13208350.3600'	12
6012	2593170.1850'	13208366.4300'	8	6014	2593185.8070'	13208337.8300'	9	6052	2593386.7700'	13208491.4100'	12
6015	2593187.2950'	13208350.8400'	8	6020	2593280.1300'	13208333.5000'	9	6044	2593502.7860'	13208485.0000'	12
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CHAPTER 106
VEGETATION
ARTICLE I. IN GENERAL

Sec. 106-1. Title.

This chapter shall hereinafter be known as the Rockport Tree and Landscape Regulations for the City of Rockport, Texas.

(Ord. No. 1349, § 2, 9-5-06)

Sec. 106-2. Purpose and scope.

This chapter establishes requirements for the provision of landscape elements and their maintenance, tree preservation and mitigation, buffering and screening of property for the purpose of providing orderly, safe and attractive development of land while promoting the health, safety and general welfare of the community.

The city experiences frequent droughts; therefore, it is a purpose of these regulations to encourage the use of drought resistant plants that do not consume large quantities of water.

(Ord. No. 1349, § 2, 9-5-06)

Sec. 106-3. Applicability.

(a) The terms and provisions of this chapter apply to land as follows:

(1) All vacant and undeveloped land within the City of Rockport, Texas, including any newly annexed areas by the city, except specific lands or uses of land as may be exempt herein.

(2) All existing land to be re-developed, including additions and alterations but excluding interior alterations, except specific lands or uses of land as may be exempt herein.

(3) All land that may be subject to landscape maintenance unless as exempt herein.

(b) The terms and provisions of this chapter shall not apply to the following:

(1) Rights-of-way, streets, parks, and any other public land under the ownership or jurisdiction of the city; ~~except specific land or uses of land as may be exempt herein.~~

(2) Any land under the ownership or jurisdiction of state or federal agencies or other governmental body when otherwise prohibited by statute.

(Ord. No. 1349, § 2, 9-5-06)

Sec. 106-4. Definitions.

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural shall include the singular, words used in the singular include the plural, words used in the masculine include the feminine, and words used in the feminine include the masculine. The word "shall" is mandatory and not merely directory.

ANSI A300: Pruning standards set forth in the standard practices for trees, shrubs, and other woody plant maintenance document.

Buffer device: Means a wall, fence, barrier or vegetative matter that acts as a device to obscure or hide visual, noise or other types of nuisances that may be related to an adjacent property or street.

Building official: See definition in Chapter 2 of the International Building Code.

Building site: A lot or portion of a lot which is designated on the building permit application, including any existing structures, proposed new structures, parking layout and any other site requirements that may be pertinent to development.

Caliper: Any of various measuring instruments usually having two adjustable arms, legs, or jaws used especially to measure diameter or thickness.

Century Class Trees: Trees having a DBH greater than or equal to ~~twenty-four~~ sixteen inches ~~(24")~~ (16") and less than ~~forty-eight~~ twenty six inches ~~(48")~~ (26") ~~are designated as "Century Class Trees".~~

Circumference: The measurement around the trunk of a tree at breast height, or 4.5 feet above the ground. Circumference is also diameter multiplied by 3.142. Refer to D.B.H. below.

City: Means the City of Rockport, Texas.

Critical root zone: For any tree, the area within a circle centered on the location of the trunk. The circle's diameter is one-half the sum of the broadest and narrowest drip-line diameters (See Fig. 106-A.).

Damage: Means to take any action which could cause a tree's death, either immediately or after a reasonable period of time, such as pruning or removal of more than 25% of the living tissue, severing the main trunk or large branches or large roots, girdling, poisoning, carving, mutilating, touching with live wires, crushing or exposing roots, digging or drilling a hole larger than three cubic feet (or a trench) within the critical root zone, covering a substantial part of the critical root zone with an impermeable surface, adding an excessive depth of soil to the critical root zone or compacting a substantial part of the soil in the critical root zone to constitute an impermeable surface. The above are examples and are not intended to limit this definition.

D.B.H or DBH (diameter at breast height): The diameter of a tree measured in inches at breast height or 4.5 feet above the ground. If a tree forks into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the forks.

Dripline: A vertical line extending from the outermost edge of the tree canopy to the ground (See Fig. 106-A).

Exempt tree: Except as otherwise provided, any tree on public or private property that has a trunk diameter less than six inches (18.75 inches circumference) measured at D.B.H.

Ex-officio member: For the purpose of this chapter, the landscape official or such staff person designated to serve as liaison to the tree and landscape committee, takes part in the deliberations thereof but shall have no vote, except serves as chairman in the absence of the vice-chairman.

Heritage Class Trees: Trees having a DBH greater than or equal to ~~forty-eight~~ twenty six inches ~~(48")~~ (26") ~~are designated as "Heritage Class Trees".~~ The Heritage Class Tree classification may also be designated by resolution of the City Council to any tree of historical value or significant community benefit by way of recommendation from the tree committee.

Invasive plants: Exotic plants that crowd out or otherwise harm native plants because they have no natural enemies in the Texas Coastal Bend area and therefore reproduce unchecked (See Table 106-D, Invasive Species).

Landscape official: A City of Rockport employee designated by the city manager to administer the provisions of this ~~document~~ Chapter. If no designee, the duties and responsibilities herein shall default to the building official.

Landscaping: Any of the following combinations of living vegetative material, such as, but not limited to, grass, shrubs, vines, hedges, various forms of ground cover plants, shade/canopy trees or palms. In addition, non-living durable material, excluding sand, concrete and other forms of paving material may be used to compliment the landscaping for edging and decoration.

Landscape area: An area of property required to meet landscaping requirements as prescribed herein.

Natural area: An area of natural vegetation (brush, vines, grass, etc.) under a tree's canopy or drip line, which has no record of having been cleared and is considered to be in a natural state.

Pre-development activity: Construction activity which includes demolition, moving of buildings, site clearing, grubbing, grading and any other activity which disturbs the surface of land and is actually undertaken, or customarily undertaken, as preparation for development.

Protected Class Tree: Trees having a DBH ~~(diameter at breast height measured four and one-half feet above existing ground level)~~ between eight inches (8") and less than ~~twenty-four~~ sixteen inches ~~(24")~~ (16") ~~are designated as "Protected Class Trees".~~

Pruning: The cutting or removing any part of the branching structure of a tree in either the crown, trunk or root areas as defined by the latest ANSI A300 standard (See Fig. 106-C).

~~*Public tree:* Any tree now or hereafter growing on any city street right-of-way, in any city park, or any public area as designated by the city.~~

Street yard: The area of a lot which lies between the property line along a dedicated street and the actual wall line of the building; or, if no building exists, to the rear of the property line; or if parking is between the property line and wall line of the building, then between the parking and the property line. Such building lines extend outward from the corners of the building as illustrated in Fig. 106-B.

Tree: A woody plant having one well defined stem or trunk and a more or less definitely formed crown, and usually attaining a mature height of at least eight feet.

Tree specialist: Means a person who possesses professional credentials that attest to such person's proficiency in the science of trees and/or tree ecosystems (i.e.: forestry, arboriculture, etc.).

~~*Tree survey:* Means a comprehensive assessment of land containing trees and/or woody vegetation to ascertain their location, condition, size and species. Such survey may be accomplished through aerial photography, topographical maps, on-site inspections/calculations or a combination thereof, which can be adopted into a plan for subsequent development of said land.~~

Windswept Live Oak tree: Means any Live Oak tree (*Quercus virginiana*) whose crown shows a definite south-east to north-west influence as a result of Rockport's prevailing southeasterly wind. ~~No Windswept Live Oak tree shall be exempt from the necessity to obtain a permit prior to its destruction, as provided herein, and shall be considered a protected tree.~~

~~*Wood for wood:* Means that for any given size (whole inches) of tree removed, relative size in wood is replaced. Example: one — eight inch tree removed, replacement may be with either one — eight inch tree or the equivalent number of trees to equal or exceed the numerical size of the tree removed.~~

Xeriscape: The conservation of water and energy through creative landscaping. The word xeriscape comes from the Greek work "xeros", meaning "dry". This does not mean the landscape is brown or devoid of plants. However, it does mean that it is a well-designed landscape providing the same lush appearance as other non-xeriscape landscapes, but requires significantly less water, energy and maintenance.

(Ord. No. 1349, § 2, 9-5-06)

Sec. 106-5. Tree and landscape committee.

(a) There is hereby designated a committee to be known as the tree and landscape committee. This committee is to function as an advisory board to city staff or city council, as the case may be, in regard to these regulations. Said committee shall be composed of seven members, to wit:

- (1) Five qualified voters of the City of Rockport.
- (2) One member from the Rockport Planning and Zoning Commission.
- (3) One member from the Rockport Park and Leisure Service Board.
- (4) The city landscape official shall serve as ex-officio member to the committee.

(b) Candidates for the tree and landscape committee shall be appointed by the Rockport City Council. In selecting citizens for the committee, every consideration shall be given to include, but not limited to, landscape architects, urban planners, foresters, arborists, master gardeners, horticulturists, etc. Appointed members shall serve ~~overlapping~~ **staggered** three-year terms with no more than two members up for reappointment in any one-year cycle. Beginning on the effective date of this chapter, two members will be appointed for three years, two members for two years and one member for one year. Any vacancy occurring during the unexpired term of a member shall be filled by the city council for the remainder of the unexpired term. The committee shall elect from its members a chairperson and vice-chairperson to serve for one year beginning in July of the year elected. **Terms of office begin July 1 of each applicable term.**

(c) Meetings and duties of the tree and landscape committee:

- (1) The committee shall meet at least once a month or as often as needed to conduct business.
- (2) The committee shall make recommendations as necessary for the removal, replacement, protection or maintenance of existing protected trees, significant trees, and newly planted trees; and possible retention of areas of natural vegetation and use of native species in landscape plans.

(Ord. No. 1349, § 2, 9-5-06)

Sec. 106-6. Buffering and screening.

- (a) The purpose of a buffer, screening wall or fence between properties of dissimilar use is to eliminate or minimize potentially adverse impacts of noise, light, unsightly structures, parking areas, or other incompatible uses.
- (b) When a multifamily, commercial or industrial use is established on a building site located adjacent to any one- or two-family residential district, a buffer device, landscaped area or both shall be provided in addition to any site landscaping that may be required of this document along the entire property line abutting the residential property owner(s). Conversely, when a one- or two-family residential use is established adjacent to any multifamily, commercial, industrial use, a buffer device, landscaped area or both may be erected and maintained along the property line by the residential property owner(s).
- (1) A fence or wall that is provided shall be built in accordance with the zoning ordinance.
 - (2) All open space within a buffer yard shall be planted with grass or other vegetative ground cover.
 - (3) A buffer yard may provide additional plantings in excess of minimum requirements.
 - (4) A buffer yard may be interrupted in order to provide access (pedestrian or vehicular) to adjacent parcels.
 - (5) The provisions of this section shall not apply where the residential area is separated by a public street, drainage ditch, canal or stormwater detention areas that are a minimum 30 feet in their least dimension.
- (c) In all areas, other than one- and two-family residential districts, a continuous visual screen of either wood, masonry, vegetation, hedge (two-years at maturity) or combination thereof shall be required upon completion of construction, alteration or change in use; for the following:
- (1) When a nonresidential PUD district or nonresidential specially permitted use is adjacent to a one- or two-family residential area.
 - (2) To screen a service or loading area.
 - (3) To screen the open storage of materials or equipment.
 - (4) To screen refuse storage areas on three sides (refer to Chapter 82, Rockport Code of Ordinances regarding location of refuse storage areas).
 - (5) To screen all roof, ground and wall mounted mechanical equipment (e.g.: air conditioning equipment), which may be viewed from residential uses, streets or public park areas.
 - (6) Screening shall consist of materials consistent with the primary building materials and may include metal screening or louvers which are painted to blend with the primary building.
- (d) In no case shall the following uses be allowed as buffers: playfields, stables, swimming pools, tennis courts or similar active recreation uses; parking areas; garbage dumpster or designated refuse collection areas (refer to Chapter 82, Rockport Code of Ordinances).
- (e) In cases where these requirements can be better met through the use of alternate methods, approval may be granted by the tree and landscape committee.
- (f) Buffering and screening devices shall be maintained by the property owner at all times.
- (Ord. No. 1349, § 2, 9-5-06)

Sec. 106-7. Tree preservation and mitigation account.

The city shall reserve all fee-in-lieu of payments and any accrued interest from the fee-in-lieu of tree mitigation in a separate account from the general funds of the city. This fund shall be known as the tree preservation and mitigation account. The city shall deposit sums collected as cash payments-in-lieu of tree mitigation in the tree preservation and mitigation account. The city shall maintain records detailing the receipts and expenditures for the tree preservation and mitigation account. All funds deposited as credit for fee-in-lieu of tree mitigation may be used to place trees at public parks, schools, or other approved public facilities throughout the city. The tree preservation and mitigation account funds may also be utilized to install irrigation, to repair or remove damaged or destroyed trees,

to preserve and protect existing trees, for advertising and educational purposes related to tree preservation and mitigation, to purchase land in the interest of tree preservation, and to purchase equipment for the preservation or protection of existing trees.

Expenditures in excess of \$2,000.00 must have City Council approval. Expenditures less than \$2,000.00 ~~must~~ may be approved by the City Manager.

(Ord. No. 1349, § 2, 9-5-06)

Sec. 106-8. Appeals.

- (1) Purpose and applicability. Any decision of the City Manager or his/her designee regarding a tree removal permit, a waiver, or the interpretation of the provisions of this article may be appealed to the City Council.
- ~~(2)~~ Application Requirements. An appeal shall contain a written statement of the reasons why the decision is erroneous, and shall be accompanied by a fee established by the City Council. An appeal by an applicant shall be accompanied by a copy of the application on which the initial decision was rendered. An appeal may include any other documents that support the position of the appellant. ~~A written appeal must be filed with the City Manager or his/her designee within ten (10) business days after the date of notification of the decision on the waiver or permit request.~~
- (3) Processing of Appeal and Decision.
 - a. Submittal. An appeal shall be submitted in writing to the City Manager or his/her designee for processing. Upon receipt of a written appeal, the City Manager or his/her designee shall compile all documents constituting the record of the decision subject to appeal and transmit the record to the City Council. Notification is presumed to have occurred when placed in the US Mail to the applicant or sent electronically to the applicant at an electronic mail address provided by the applicant
 - b. Stay of Proceedings. Receipt of a written appeal of a decision on a waiver or permit stays all proceedings of the City in furtherance of the decision from which appeal is taken, including without limitation acceptance, processing or issuance of any subsequent development applications, and any development activities authorized by initial approval of the waiver or permit. The stay shall be lifted only if the City Manager or his/her designee certifies in writing to the City Council that a stay would cause imminent peril to life or property. Thereafter, the stay may be reinstated only by order of the City Council or a court of record, on application, after notice to the City Manager or his/her designee, for due cause shown.
 - ~~c. Notification Requirements. An appeal requires the following notification:~~
 - ~~1. Written notice mailed to each owner of real property within two hundred (200) feet of the subject property, as indicated by the most recently approved municipal tax roll, at least ten (10) days prior to the public hearing by City Council.~~
 - ~~2. Published notice in a newspaper of general circulation at least fifteen (15) days prior to the public hearing by City Council.~~
 - ~~c~~ d Decision on Appeal. The City Council shall hold a public hearing and decide the appeal within thirty (30) days after written receipt of the request for the appeal. The City Council shall affirm, reverse or modify the decision from which the appeal was taken. At its sole discretion, the City Council by Resolution may extend the time for decision beyond thirty (30) days. If the City Council does not hear the appeal within the time period permitted herein, the appeal shall be deemed overruled by operation of law.
 - ~~d~~ e Notification of Decision on Appeal. Within ~~ten~~ eleven (11) business days following the decision by City Council, the City Manager or his/her designee shall provide written notification to the applicant of the decision by City Council.

(4) Criteria for Approval. In deciding the appeal, the City Council shall apply the same criteria that govern the initial decision on the waiver or permit under the provisions of this Article (Ord. No. 1349, § 2, 9-5-06)

Sec. 106-9. Graphics.

The graphics shown in Figures 106-A through 106-E are intended to depict the written representation of specific requirements addressed herein and are not intended to portray accuracy. In addition, these graphics may not be indicative for all areas of the city. Should there be a misinterpretation between the written word and the graphic, the written word shall prevail. Interpretation shall be made by the enforcing authority.

Figure 106-A
Tree Drip line and critical root zone

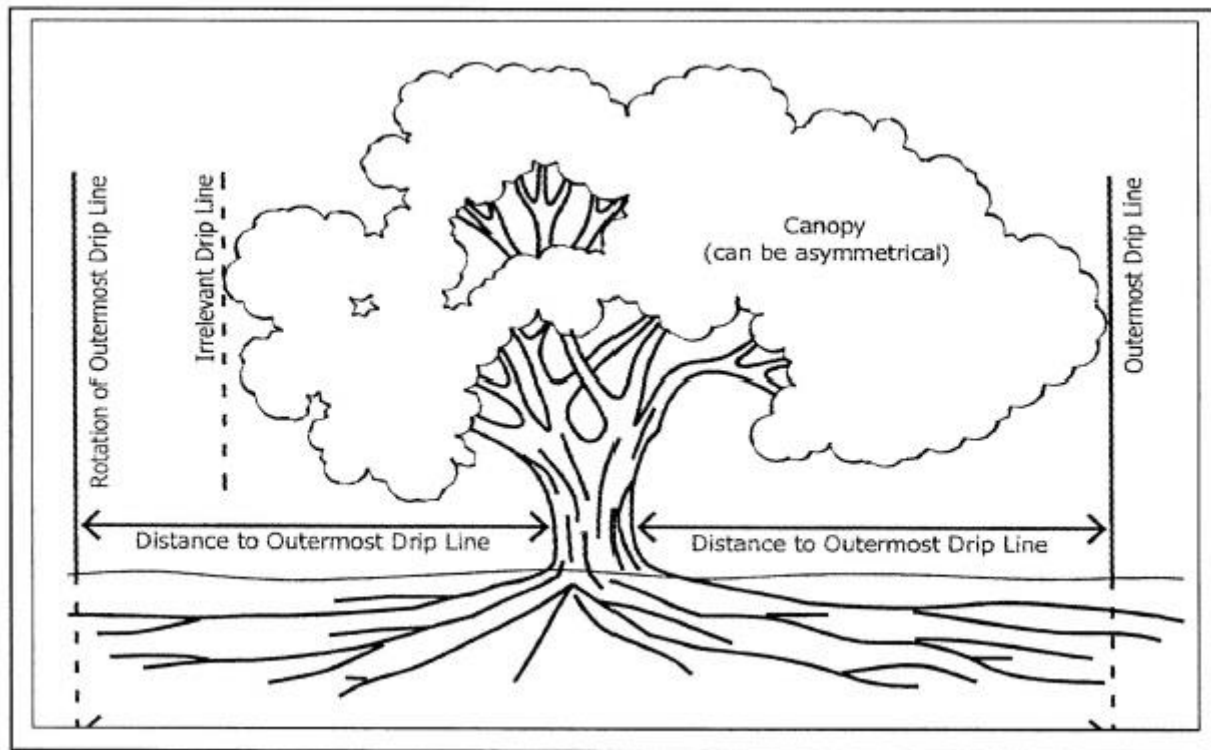


Figure 106-B
Street yards

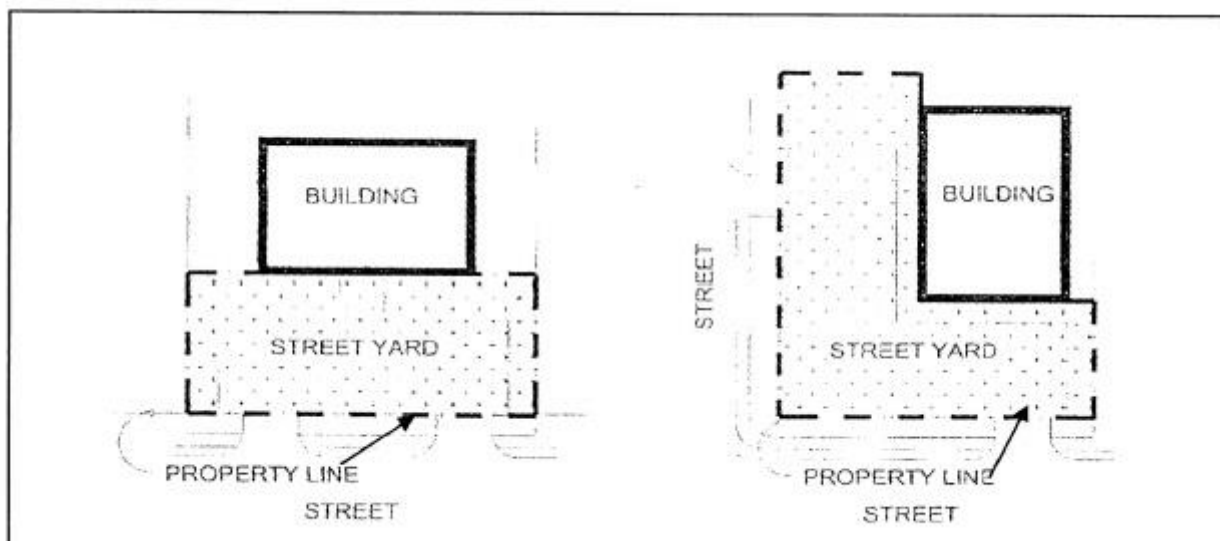
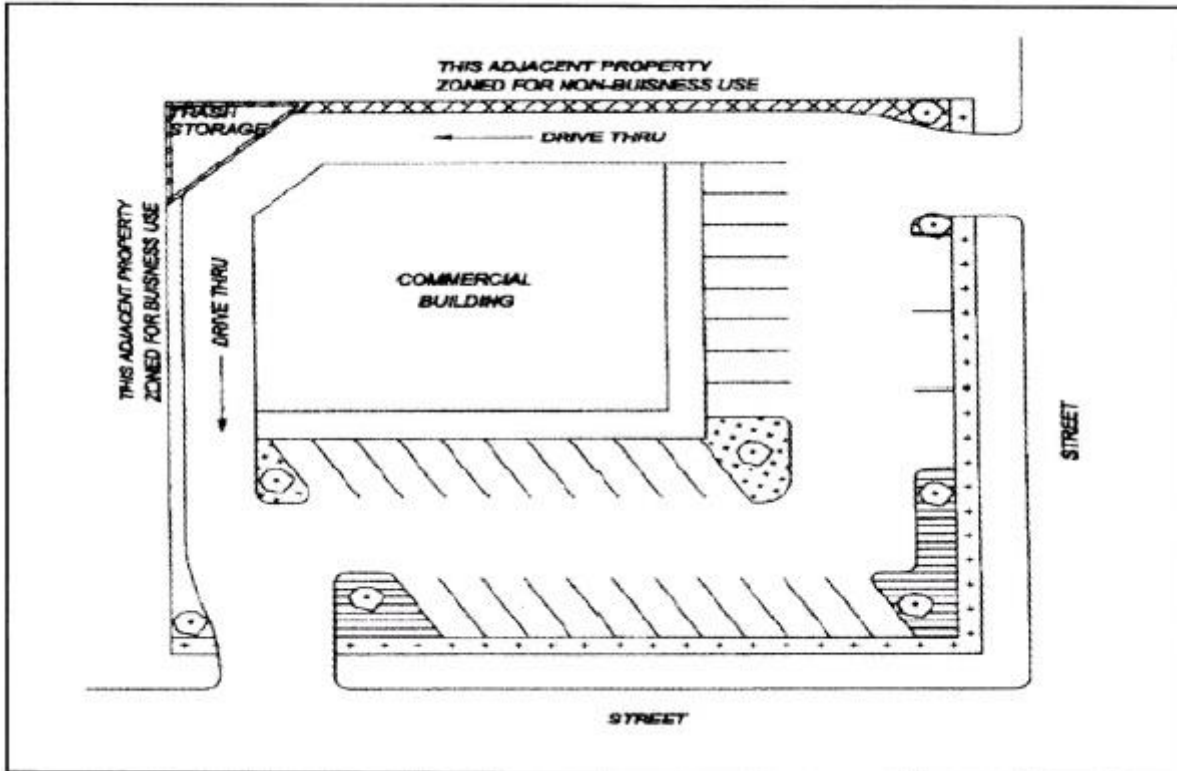


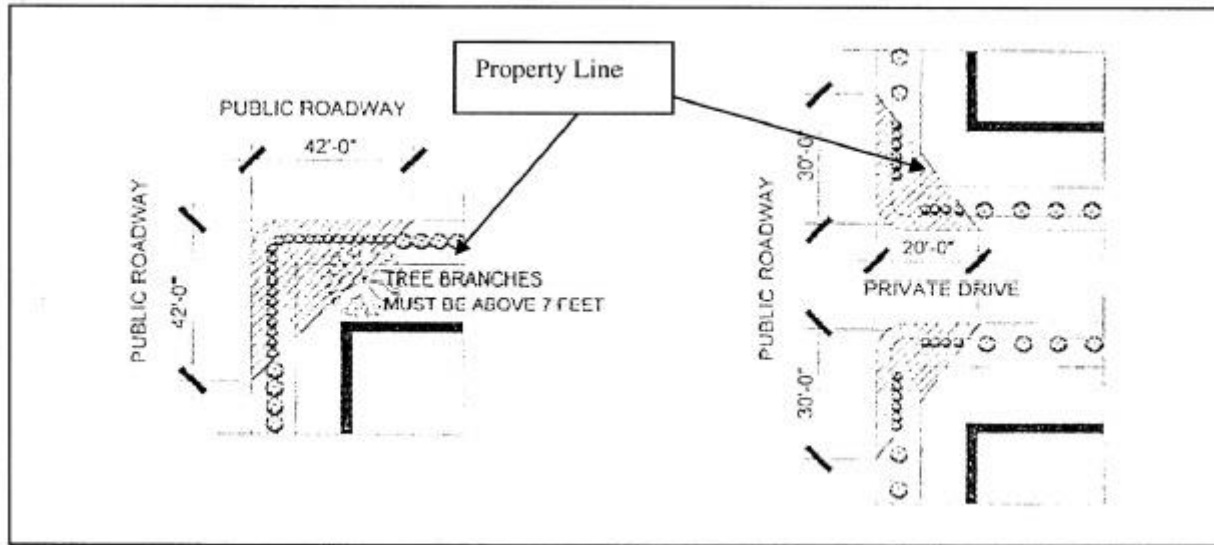
Figure 106-C
Lot Lay-out and Buffer Areas



NOTE: Landscaping adjacent to public right-of-way

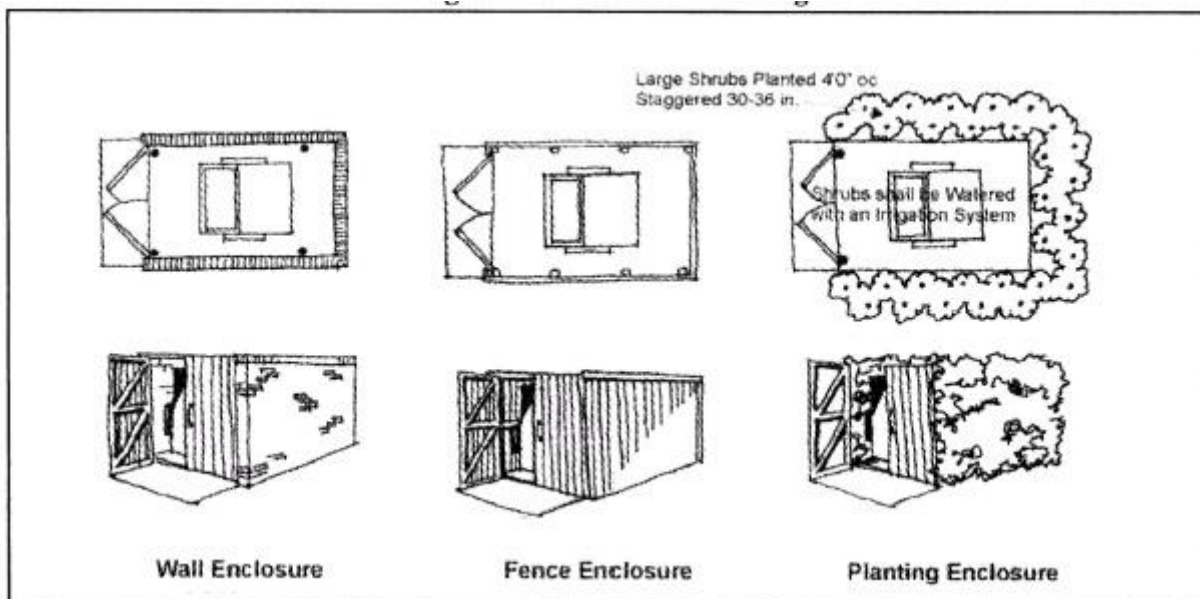
1. Minimum of five feet wide strip adjacent to right-of-way boundary with landscape barrier of at least two feet height, plus one tree per each 50 feet of street frontage.
2. All other areas between right-of-way and of-street vehicular use area shall be landscaped.

Figure 106-D.
Street Corner Vision Triangles



NOTE: Visibility triangles-No landscape materials above three feet high or below seven feet high shall be allowed within the visibility triangle as shown above.

**Figure 106-E.
Refuse Buffering**



NOTE: All enclosures to be six-foot minimum height.
(Ord. No. 1349, § 2, 9-5-06)

Sec. 106-10. Actions unlawful.

It shall be unlawful for any person or corporation to develop and/or maintain property in violation of this chapter.
(Ord. No. 1349, § 2, 9-5-06)

Sec. 106-11. Noncompliance and enforcement.

(a) *Enforcement authority.* The landscape official shall enforce the provisions of this chapter. Any tree or landscape plan may be examined or re-examined at any time by the landscape official. If the landscape official determines the plan is deficient either preceding or proceeding development or is determined to be no longer in compliance with reviewed and/or approved plans, the following actions may be taken:

- (1) Refusal to issue permits until plan is made to conform or a sufficient plan is provided and approved.
 - (2) Refusal to issue certificate of occupancy.
 - (3) Issuance of a stop work order.
 - (4) Notice of violation issued as set forth below.
- (b) *Notice of violation.* Whenever any tree or landscape plan is found to be in violation of this article, the owner/developer of the affected property shall be given notice of the violation and a time to cure the violation as provided by this section. The notice must be in writing and may be given:
- (1) By hand delivery to the owner or person in possession of the property;
 - (2) By letter addressed to the owner at the owner's last known address as indicated in the records of the Aransas County Appraisal District; or
 - (3) If the owner or person in possession cannot be contacted by (1) or (2) above, then the city may attempt to notice the owner/developer by one of the following additional methods:
 - a. By publication in a newspaper of general circulation at least twice within ten consecutive days;
 - b. By posting the notice on or near the front door of each building on the property to which the violation relates; or
 - c. By posting the notice on a placard attached to the property to which the violation relates if the property contains no buildings.

The notice shall set forth the specific violation(s) and what action(s) shall be necessary to bring the plan or property into compliance with this chapter.

(Ord. No. 1349, § 2, 9-5-06)

Sec. 106-12. Remedies for violation.

(a) *Cumulative remedies.* If the property has not been brought into compliance within 90 days after notification and no appeal has been made by the owner/developer, the city may pursue any remedy or remedies available at law or in equity for a violation of this chapter, including, but not limited to, injunctive relief. No election of one remedy shall preclude the utilization of any other remedy. All remedies available to the city to enforce this chapter are cumulative.

(b) *Penalty.*

- (1) Failure to comply with any provision of this chapter constitutes a class C misdemeanor punishable as provided by the general penalty provisions of section 1-7 of the Rockport Code of Ordinances. Each individual tree on each day the violation of this chapter exists shall constitute separate violations.
- (2) Removal of undocumented trees constitutes a class C misdemeanor punishable as provided by the general penalty provisions of section 1-7 of the Rockport Code of Ordinances. Each individual tree on each day the violation of this chapter exists shall constitute separate violations.

(Ord. No. 1349, § 2, 9-5-06)

Secs. 106-13—106-14. Reserved.

Article II. Tree Regulations

Sec. 106-15 - Tree Preservation and Mitigation.

(a) Purpose and Intent.

- (1) The purpose of this section is to conserve, protect and enhance existing healthy trees and natural landscape. The City values it's 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. The Director of Planning shall provide insight on placement of improvements to preserve trees and any variances for this purposes shall have their mitigation fees waived. It is recognized that the preservation of existing

trees contributes to the overall quality and environment of the City. Trees can and do contribute to the processes of purification, oxygenation, regeneration, groundwater recharge, reduction of pollution and contaminants in aquifers, erosion and dust control, abatement of noise, provision of wildlife habitat and enhancement property values. Indiscriminate clearing or stripping of natural vegetation on any parcel is prohibited.

- (2) It is hereby declared the intent of the City to encourage the preservation of all trees within the City limits. While the layout of a property with respect to the placement of buildings, parking facilities and other site requirements is at the discretion of the developer of the property, it is the policy of the City to promote site layout and design in a manner which preserves the maximum amount of Protected Class, Century Class, Heritage Class, and Windswept Live Oak trees possible.

(b) Applicability and Exemptions.

- (1) The provisions of this section are applicable to the following:

- a. all new residential and nonresidential development within the City;
- b. redevelopment of any residential or nonresidential property within the City that results in an increase in the building footprint or the total destruction and reconstruction;
- c. any grading, filling or clearing of land in the City limits; and
- d. any selective or individual removal of any Protected Class Trees, Century Class Trees, Heritage Class Trees, and Windswept Oak Trees in the City limits.

~~(2) The following definitions shall be applicable to the provisions of this section:~~

- ~~a. Protected Class Trees. Trees having a DBH (diameter at breast height measured four and one-half feet above existing ground level) between eight inches (8") and less than twenty-four inches (24") are designated as "Protected Class Trees".~~
- ~~b. Century Class Trees. Trees having a DBH greater than or equal to twenty-four inches (24") and less than forty-eight inches (48") are designated as "Century Class Trees".~~
- ~~c. Heritage Class Trees. Trees having a DBH greater than or equal to forty-eight inches (48") are designated as "Heritage Class Trees".~~
- ~~d. Windswept Oak Trees. Any Live Oak tree whose crown shows a definite south-east to north-west influence as a result of Rockport's prevailing southeasterly wind~~

- (3) **(2)** The following are exempt from the preservation and mitigation requirements of this section:

- a. Protected Class Trees located within the area of a proposed on-site sewage facility (OSSF). A waiver to mitigation for Century Class Trees and Heritage Class Trees may be requested;
- b. Protected Class, Century Class Trees and Heritage Class Trees located within a right-of-way to be dedicated to and maintained by the City and shown on the City's Master Thoroughfare Plan;
- c. Protected Class Trees located within any utility easement. Protected Class Trees located within any utility easement are exempt from preservation requirements only. A waiver to mitigation for Century Class Trees and Heritage Class Trees may be requested;
- d. Protected Class, Century Class, Heritage Class, and Windswept Oak trees damaged or destroyed by floods, fire, wind or other natural causes;
- e. Dangerous, diseased, damaged, dead or dying Protected Class, Century Class, Heritage Class, and Windswept Oak trees as determined by a certified Texas Arborist;
- f. Protected Class, Century Class, Heritage Class, and Windswept Oak trees that are less than **10"** in diameter at the point on the trunk 4.5' above the ground located on property that has an existing one family or two-family dwelling that is occupied;
- g. Protected Class trees of a species listed in Table 106-D.8 *Plant Species list- Invasive Species*. A waiver to mitigation for Century Class, and Heritage Class trees may be requested;
- h. Protected Class, Century Class, and Heritage Class trees of the following tree species are exempt:
 1. Hackberry (*Celtis occidentalis*)
 2. Eastern Red Cedar (*Juniperus virginiana*)
 3. Common Ashe Juniper (*Juniperis ashei*)

4. Chinaberry (*Melia azedarach*)
5. Mesquite (*Prosopis* spp.)
6. Ligustrum (*Ligustrum* spp.)

- (c) Tree Preservation. The existing natural landscape character shall be preserved to the maximum extent reasonable and feasible. Except as otherwise exempted in section 106-15.b.3 2 above, a Tree Removal Permit is required for the removal of any tree with a DBH of eight inches (8”) or greater.
- (1) Protected Trees. Any Protected Trees not exempt from preservation in section 106-15.b.3 2 above may be removed upon approval of a Tree Removal Permit by the City Manager or his/her designee.
 - (2) Century Trees. Any Century Trees not exempt from preservation in section 106-15.b.3 2 above may be removed upon approval of a Tree Removal Permit by the City Manager or his/her designee.
 - (3) Heritage Trees. Any Heritage Trees not exempt from preservation in section 106-15.b.3 2 above may be removed upon approval of a Tree Removal Permit by the City Manager or his/her designee.
 - (4) Minimum Preservation. In the development of any site, at least twenty-five percent (25%) of all non-exempt Protected Class, Century Class, and Heritage Class trees must be preserved. A waiver to the 25% preservation requirement may be requested.
- (d) Tree Mitigation. Any non-exempt Protected Class, Century Class, or Heritage Class trees that are removed or damaged, shall be mitigated for on the same site as the proposed development. All trees planted for mitigation purposes must be a species of shade tree identified in table 106-15.d.7: *Plant species list – Shade Trees*. In the event that mitigation is not feasible on the same site as the proposed development, an applicant may request to donate trees, meeting the mitigation requirements of this section, to be planted at public parks, schools, or other approved public facilities throughout the City or pay a fee-in-lieu. Approval of requests to donate trees or pay a fee-in-lieu are at the discretion of the City Manager or his/her designee. Mitigation requirements are:
- (1) Protected Class Trees. Protected trees shall be mitigated at a one-to-one (1:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two- and one-half inches (2.5”).
 - (2) Century Class Trees. Century Class trees shall be mitigated at a three-to-one (3:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two- and one-half inches (2.5”).
 - (3) Heritage Class Trees. Heritage Oak trees shall be mitigated at a five-to-one (5:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two- and one-half inches (2.5”).
 - (4) Windswept Oak Trees shall be mitigated at a five-to-one (5:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two- and one-half inches (2.5”).
 - (5) Damaged Trees. Any trees that are designated for preservation and are damaged during the construction process or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for in accordance with subsection 106-15.d.1, d.2, d.3, and d.4 above.
 - (6) Mitigated Trees. Trees planted and counted towards the necessary mitigation requirements that are damaged after planting or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for at a one-to-one (1:1) DBH inch ratio for every tree damaged or that dies.
 - (7) Mitigated trees critical root zone cannot have been impacted by construction activities.**
 - (8) Mitigated trees cannot be located in a public utility easement.**

Table 106-15.d.7: Plant species list—SHADE TREES

SCIENTIFIC NAME	COMMON NAME
<i>Quercus macrocarpa</i>	Bur Oak (H, N)
<i>Quercus virginiana</i>	Live Oak (H, N)
<i>Quercus laceyi</i>	Lacey Oak
<i>Taxodium distichum</i>	Bald Cypress (W)
<i>Taxodium mucronatum</i>	Montezuma Bald Cypress (W)

<i>Ulmus americana</i>	American Elm
<i>Ulmus crassifolia</i>	Cedar Elm (N)
<i>Pithecellobium flexicaule</i>	Texas Ebony (F, H, N)
<i>Araucaria heterophylla</i>	Norfolk Island Pine (F)
<i>Pinus thunbergia</i>	Japanese Black Pine
<i>Ehretia anacua</i>	Anaqua (N, H)
<i>Parkinsonia aculeate</i>	Retama (H, N)

(e) Tree Protection Standards.

(1) All trees to be preserved on site shall be protected from damage caused by site excavation or construction in accordance with the following:

- a. All trees shall be protected by a fence, frame or box constructed around the drip line of the preserved tree. Protection measures may not be removed until construction is complete.
- b. A minimum of three inches (3") of mulch or compost shall be spread beneath the drip line of the preserved tree.
- c. No person shall excavate any ditches, tunnels, or trenches, place any paving material or place any drive or parking area within the drip line of any Protected Class, Century Class, Heritage Class, and Windswept Oak Tree without prior written approval of the City Manager or his/her designee.
- d. No person shall attach any rope, wire, nails, advertising posters or other contrivance to any Protected Class, Century Class, Heritage Class, and Windswept Oak Tree.

(2) Windswept Live Oak Tree Protection.

- a. Windswept Live Oak trees are considered a special natural resource unique to this area, shaped and created by forces of nature, and are irreplaceable. Windswept Live Oak trees provide character and beauty to the community, and special preservation of such trees benefits the community. Windswept Live Oak trees not exempted by section 106-15.b.3 above may only be removed if:
 1. It is demonstrated by clear and convincing evidence that the applicant's stated reasons for removal exist in fact and the removal is imminently necessary to accomplish the applicant's stated reason(s).
 2. A reasonable effort to preserve the tree/s has been made and reasonable alternatives have been evaluated and determined to not be feasible.

(3) Heritage Tree Protection Requirements

a. Heritage trees shall be graphically identified on Subdivision Plats, and the plats shall contain a note stating that such trees cannot be removed without prior consent from the City

b. 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 critical root zone.

c. It shall be unlawful to prune a Heritage Tree without an approved Heritage Tree pruning permit.

d. Heritage Trees shall not be removed or damaged in rights-of-way or easements, unless specifically approved by the Landscape Official.

(4) Critical Root Zone Protection

a. No construction or disturbance shall occur within an area that constitutes more than 50 percent (50%) of the total critical root zone and one-half of the radial distance of the critical root zone 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 Landscape Official 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.

b. 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.

c. Within the protected critical root zone, only flatwork, decking or similar construction, may be approved and shall not affect the branching of the tree.

d. If proposed or actual protection of the critical root zone of a tree does not meet the requirements of this section, then the tree shall be considered removed and shall require mitigation.

(f) Obstruction; pruning of trees.

a. Maintenance pruning allows for the healthy uniform growth of trees. Tree pruning should be accomplished in accordance with the procedures set forth in the latest ANSI A300 standard. The use of unnatural pruning techniques will be considered an unauthorized removal of a tree unless the tree is designated on an approved landscape plan to be shaped or formed in an unnatural pattern or to be maintained at a certain height.

b. It shall be the duty of any person or persons owning or occupying real property bordering on any street or public way upon which property there may be trees or other vegetation, to prune such trees or other vegetation on their property in such a manner that they will not obstruct or shade streetlights, obstruct the passage of pedestrians, obstruct vision or traffic signs, obstruct flow of vehicular traffic, or obstruct view of any street or alley intersection. Minimum clearance of any overhanging portion thereof shall be no less than 14-feet above the street and sidewalk surfaces such that no portion of any tree is located within said 14-foot clear space area.

(1) Notice to prune. Should any person or persons owning real property bordering on any street fail to prune trees as herein above provided, the landscape official, or his/her designee, shall order such person, or persons, within ten days after receipt of written notice, to prune such trees.

(2) Order required. The order required herein shall be served in accordance with notification procedures as outlined in section 106-11, of this article.

(3) Failure to comply. When a person to whom an order is directed fails to comply within the specified time, the landscape official, or his/her designee, may have such trees pruned in the interest of public safety.

c. On any corner lot, no vegetation shall be permitted or maintained higher than three feet above ground level or average street level within a vision triangle formed by a straight line from the points of the two intersecting right-of-way lines 20 feet back from their common intersection. This restriction shall not apply to permanent structures authorized by other sections of this article nor by other local, state, or federal laws. This restriction shall not apply to the trunks of trees as long as said trees are not clustered in a way so as to impede vision and are pruned so that all overhanging limbs will not impede vision.

(g) Tree Preservation Credits—Nonresidential and Multifamily Developments.

(1) To encourage the preservation of existing Protected Class, Century Class, Heritage Class, and Windswept Oak Trees contained within a proposed development, tree preservation credits may be requested to reduce the amount of new landscaping trees required on nonresidential and multifamily sites. Tree preservation credits can be issued to offset landscape buffer requirements when the tree being preserved is located within the buffer. Tree preservation credits can also be issued to satisfy total trees per acre requirements. The following minimum tree preservation credits may be requested:

- a. Protected Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a one-to-one (1:1) caliper inch ratio;
- b. Century Class Trees shall receive a credit against the minimum required landscaping or mitigation

- standards at a three-to-one (3:1) caliper inch ratio;
- c. Heritage Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a three-to-one (3:1) caliper inch ratio;
- d. Windswept Oak Trees shall receive a credit against the minimum required landscaping or mitigation standards at a five-to-one (5:1) caliper inch ratio;
- (2) Tree preservation credits may only be applied to the site where the trees are being preserved and only to offset new tree planting requirements. Credits may only be used to offset required new landscaping and must be requested at time of building permit.
- (h) Tree Removal Permit.
 - (1) Permit Required. A tree removal permit is required for the removal of any Protected Class, Century Class, and Heritage Class, tree/s not exempt in section 106-15.b.3 above and any Windswept Live Oak Tree regardless of size, classification, or exemption status. Application for a Tree Removal Permit must be accompanied by an appropriate application as identified in the City's Development Manual.

(2) Removal of Protected or Heritage Class Trees

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 City. To qualify for a transplant, the owner must submit fiscal surety to the city and a two year guarantee of monitoring and maintenance program for the transplanted trees. The Property owner shall submit quarterly statements that demonstrate compliance with the required tree monitoring and maintenance provided by an approved tree care service.

b. Heritage Tree Removal Permit

Heritage trees may only be removed with the approval of a Heritage Tree removal permit. Prior to the approval of a Heritage Tree removal permit, all other efforts to preserve the tree should be attempted.

(i) 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 or Heritage Tree crown (non-residential only); 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;

a. Of the City determines that the tree has been damaged, the property owner shall be required to take action to assure the future vitality of the tree.

b. If the City 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 owners and mitigation standards in the section shall take effect.

(j) Ⓢ Violations.

- (1) Work without a Tree Removal Permit. It shall be a violation of this chapter for any person or corporation to remove without a Tree Removal Permit, any non-exempt Protected Class, Century Class, and Heritage Class tree or any Windswept Live Oak Tree regardless of size, classification, or exemption status.
- (2) It shall be unlawful for any person or corporation to develop and/or maintain property in violation of this chapter.
- (3) Penalties and appeals shall be in accordance with the provisions laid out in Article I of this chapter.

(k) Ⓢ Waiver.

(1) General. The City Manager or his/her designee may authorize waivers from the provisions of this Article when, in their opinion, undue hardship will result from requiring strict compliance. Waivers may be granted only to items specifically stated in this section. Waivers must meet one of the following eligibility requirements:

- a. The tree is proposed for removal in order for the property to achieve compliance with other applicable City requirements and standards (i.e. site design or storm water management); or
- b. The tree is proposed for removal because it is within a future public utility location; or
- c. Minimum preservation requirements cannot be met due to too few trees or an excessive abundance of trees on site.

(2) Criteria for approval. Waivers shall be evaluated using the following criteria:

- a. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees or windbreaks;
- b. The requested waiver does not violate the intent of this section or the Rockport Code of Ordinances;
- c. Strict interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other nearby properties in the same zoning district or with the same land use that would comply with the same provisions;
- d. A reasonable effort to preserve the tree has been made and reasonable alternatives have been evaluated and determined to not be feasible.

(1) (4) Tree Mitigation Fee-in-lieu.

(1) The tree mitigation fee-in-lieu of replanting shall be ~~\$50~~ **on a** per inch **basis for** ~~of~~ mitigation. **Such fee shall be adopted separately by ordinance or resolution of the City Council.**

Secs. 106-16—106-29. Reserved.

ADDRESS	AMOUNT	PAYMENT	PAID BY	DATE
622 E Market	\$ 13,600.00	CK 0464775	Speedy Stop Food Stores	11/3/2022
802 ENTERPRISE	\$ 5,000.00	CK 8395	RICKS HOMES	2/27/2023
1824 YOUNG ST	\$ 1,000.00	MO 22-019041493	Darcy & Stacy Dorn	3/1/2023
1824 YOUNG ST	\$ 1,000.00	MO 22-019041494	Darcy & Stacy Dorn	3/1/2023
1824 YOUNG ST	\$ 1,000.00	MO 22-019041495	Darcy & Stacy Dorn	3/1/2023
1824 YOUNG ST	\$ 375.00	MO 22-019041496	Darcy & Stacy Dorn	3/1/2023
105 PEACHTREE DR	\$ 650.00	CK 297	AARON M PRIDGEON	4/5/2023
802 ENTERPRISE	\$ 15,000.00	CK 1072	RICKS HOMES	4/21/2023
802 ENTERPRISE	\$ 12,750.00	CK 1080	RICKS HOMES	5/22/2023
1812 W MARKET ST	\$ 20,100.00	CK 1001	MICHAEL HUNTER	5/31/2023
SIMMONS TREE FARMS	\$ (12,140.00)	PO# 22-00418	CITY OF ROCKPORT	10/2/2023
1812 W MARKET ST	\$ 1,350.00		MICHAEL HUNTER	8/8/2023
29 WHOOPING CRANE	\$ 900.00	2072	TURF'S UP LAWN MNGT SIYATA STORAGE (NOSSON	10/30/2023
835 W MARKET	\$ 4,800.00		DUBIN	11/17/2023
Balance of FedX/Arbor Day Foundation \$12,000 Grant	\$ 6,554.93	PER FINANCE	FED X / ARBOR DAY FOUNDAITON	
1603 Pirate Dr (Highschool)	\$ 12,725.00	CK # 243720	Teal Const	1/23/2024
2302 Hwy 35 N - Starbucks	\$ 17,200.00	CK# 1503	DLS Realty Corp	3/7/2024
208 Doral	\$ 500.00	Ck# 1583	Chad/Gaylynn Diebel	4/17/2024
101 Poquito	\$ 3,400.00	CH# 0600	Christopher Nichols	7/5/2024
C Outdoors Billboard	\$ (300.00)	PO# 23-00497	City of Rockport	7/5/2024
Cooper Billboard	\$ (325.00)	PO# 23-00498	City of Rockport	7/5/2024
3588 SH 35 Bypass - 7/11 Stores	\$ 38,250.00	Ck# 24703	Rockport Retail Partners,LTD	7/22/2024
Amazon - Tree watering bags & DBH Measuring Tape	\$ (295.38)		City of Rockport	8/20/2024
Cooper Billboard	\$ (325.00)	PO# 23-00498	City of Rockport	8/20/2024
C Outdoors Billboard	\$ (300.00)	PO# 23-00497	City of Rockport	
Pearl Point Storage	\$ 11,100.00	Ck#673842	Pearl Point Storage LLC	9/4/2024
Cooper Billboard	\$ (325.00)	PO# 23-00498	City of Rockport	9/13/2024
Cooper Billboard	\$ (1,160.00)	PO# 23-00498	City of Rockport	9/13/2024
Cooper Billboard	\$ (325.00)	PO# 23-00498	City of Rockport	9/20/2024
Cooper Billboard	\$ (810.00)	PO# 23-00498	City of Rockport	9/20/2024
NTN (Trees for Arbor Day)	\$ (3,186.00)		City of Rockport	10/4/2024
Amazon (Watering Bags)	\$ (265.98)		City of Rockport	10/15/2024
Amazon (Tree Fertilizer Spikes)	\$ (178.30)		City of Rockport	10/15/2024
Cooper Billboards	\$ (1,135.00)	PO# 24-00026	City of Rockport	10/20/2024
Lowes - Mulch	\$ (378.49)	CC	City of Rockport	10/21/2024
174 Shady Terrace Ln	\$ 1,550.00	CH# 325	Brendan H Huwar	10/21/2024
2405 Hwy 35 N (Taquila Jalisco)	\$ 1,900.00	CH# 1191	Coastal Custom Const, LLC	10/23/2024
Fire Chef Catering/Shelly Steckler	\$ (1,104.00)		Shelly Steckler	10/31/2024
Ace Hardware (shovels/supplies)	\$ (141.98)		Parks Department	10/31/2024
130 Barbuda Dr.	\$ 1,875.00	CK 1282	Douglas Reynolds	11/7/2024
1703 Stadium Dr - softball field	\$ 3,825.00	Ch# 7343	RF ISD	11/7/2024
941 Hwy 35 S - Crowley	\$ 5,250.00	Ch# 20408	Crowley Properties	11/20/2024
Cooper Outdoor	\$ (1,135.00)	PO# 24-00026	City of Rockport	11/20/2024
2302 HWY 35 N - Starbucks	\$ 1,812.50	CK 1257	DLS Realty Corp	11/22/2024
Cooper Outdoor	\$ (1,135.00)	PO# 24-00026	City of Rockport	12/20/2024
Cooper Outdoor	\$ (1,135.00)	PO# 24-00026	City of Rockport	1/20/2025
100 Paquito	\$ 600.00	CH# 5321	Janice Nichols	1/23/2025
1936 HWY 35 N	\$ 200.00	CASH (Bal 800.00)	NGA PHAM	2/12/2025
Cooper Outdoor	\$ (1,135.00)	PO# 24-00026	City of Rockport	2/20/2025
Native Texas Nursery (birding sanctuary)	\$ (1,416.00)	Credit Card	City of Rockport	3/3/2025
1936 HWY 35 N	\$ 200.00	CASH (Bal 600.00)	NGA PHAM	3/5/2025
1703 Picton	\$ 3,825.00	CH# 5527	HMCI General Contractors	3/10/2025
226 Portia	\$ 1,675.00	ck 1079	Kyle Koenning	3/13/2025
Cooper Outdoor	\$ (1,135.00)	PO# 24-00026	City of Rockport	3/20/2025
Professional Tree Care (trim trees in Traylor Blvd R-O-W -hazardous)	\$ (1,100.00)	Pd. By check 04/01/25	City of Rockport	4/1/2025
Professional Tree Care (402 E Market r-o-w-hazardous)	\$ (750.00)	Pd. By check	City of Rockport	4/1/2025

1936 HWY 35 N	\$	300.00	CASH (Bal 300.00)	NGA PHAM	4/2/2025
Cooper Outdoor	\$	(1,135.00)	PO# 24-00026	City of Rockport	4/20/2025
621 Hickory	\$	3,400.00	Ch# 7000	Scott Lykins/Cindy Welk	4/29/2025
1936 HWY 35 N	\$	300.00	CASH	NGA PHAM	4/29/2025
Cooper Outdoor	\$	(1,135.00)	PO# 24-00026	City of Rockport	5/20/2025
520 S Fulton Beach Rd	\$	800.00	Credit Card	Leslie & Brent Anderson	5/22/2025
114 Crossing Lane	\$	500.00	CK #1003	James & Catheryn Hoffstadt	5/27/2025
Kokomo Development ph 6 Tree Mitigation	\$	5,400.00	CK# 253	Kokomo Development LP	6/2/2025
Cooper Outdoor	\$	(1,135.00)	PO# 24-00026	City of Rockport	6/20/2025
20 Riviera Dr	\$	1,150.00	CK 1915	Brian Prichard	6/23/2025
611 S Fulton Beach Rd	\$	800.00	CK#2473	Hope Church	6/25/2025
Professional Tree Care - Ruby	\$	(1,000.00)	Pd. By check	City of Rockport	6/27/2025
Street Tree - hazardous	\$	(1,135.00)	PO# 24-00026	City of Rockport	7/20/2025
Cooper Outdoor	\$	(1,135.00)	PO# 24-00026	City of Rockport	7/20/2025
Total Account Balance		\$ 166,776.30			