



### Landscape/Tree Preservation Ordinance Changes

#### Primary Changes:

- Changed from protecting all Heritage (24 inch and up) and Legacy hardwood (12 inch and up) trees to protecting all Heritage trees (18 inches and up)
- Moved Ashe Juniper, Huisache, and Mesquite from protected trees to trees that can be used for preservation credit but which are not otherwise protected
- Added definitions

<b>Change</b>	<b>Sections Changed— Proposed</b>	<b>Request</b>	<b>Notes</b>	<b>Current</b>
Added administrative waiver process	28.06.091	Request process for approving other drought tolerant grasses	Councilmember	Only allows Buffalo, Zoysia, and Bermuda.
Removed some tree species from protection but kept them as potential	28.06.052; 28.06.079	Provide more flexibility by eliminating some trees from highest level of protection	Mayor	All trees were protected, not just certain species, but allowed for

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trees for mitigation if preserved				clear cutting for a charge per acre.
Changed to two types of trees where only certain trees that are 18 inches or larger are fully protected rather than 12 inches and larger	28.06.052; 28.06.079	Provide more flexibility by limiting the full protection of the Ordinance to larger trees	Mayor	All trees were protected, not just certain species, but allowed for clear cutting for a charge per acre.
Lessened screening requirements for equipment and allowing choice of one landscaping material for screening	28.06.076	Change screening requirements to make it more user friendly-only one type of plant and screening on 2 sides.	Mayor	Required 2 types of plants and screening on all sides.
Not Changed	DIVISION 1. GENERALLY - INDIVIDUAL RESIDENTIAL LOTS AND SMALL PROJECT LANDSCAPING AND TREE PRESERVATION; DIVISION 3.	Combine into one division	Councilmember – The Subcommittee reviewed this issue extensively and wanted a residential user to be able to focus on their ordinance without being confused by the additional	All provisions including screening, tree protection, and landscaping materials applied to all lots not just larger residential

	GENERALLY - COMMERCIAL AND SUBDIVISION LANDSCAPING AND TREE PRESERVATION		requirements for larger projects. Definitions and other provisions are mirrored between the divisions.	subdivisions and commercial projects.
Boundary Tree definition added and treatment handled	28.06.004; 28.06.062	Boundary Trees	Councilmember	Not addressed.
Additional Definitions added to both divisions.	28.06.004; 28.06.062	Definitions	Councilmember	Fewer definitions.
Addressed as a potential alternative to Turf	28.06.093	Xeriscape Materials	Councilmember	Only allowed Zoysia, Bermuda, and Buffalo.
Changed to two types of trees: Heritage and Standard. Added language clarifying what a healthy tree is.	28.06.004; 28.06.062; 28.06.052; 28.06.079(c)	Clarify Tree Definitions	Councilmember	All trees eight inch and larger are protected and have to be part of the tree survey.
Changed TC to DBH and changed fees to reflect change.	28.06.053(Mitigation Table); 28.06.080 (Mitigation Table)	Change all TC to DBH	Councilmember , attached to the packet is additional information on how	DBH only.

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			the fees were calculated	
Added language to Violation.	28.06.007; 28.06.066	Each tree is a separate offense	Councilmember	Offense language was less clear.
Added definition of heavy construction; no other changes; Added new language protecting CRZ during construction; changed back to 75% protection of CRZ	28.06.066; 28.06.079	Change Protection of Critical Root Zone to lessen protection	Councilmember	Parking or storing of vehicles, equipment or materials allowed within the critical root zone is prohibited.
Added preservation of additional trees to count for mitigation; clarified when mitigation is required	28.06.079; 28.06.080	Change Mitigation	Councilmember	Healthy I and II trees or \$6,000 per acre.
Added 2 year expiration for tree surveys.	28.06.074	Tree Survey expiration	Councilmember	No expiration.
No change	28.06.075	Lessen tree requirement for parking areas	Councilmember, subcommittee discussed. The amount isn't being changed with this ordinance and is	Same as proposed.

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			similar to nearby communities. The Planning Department has also not had any complaints recently based on this requirement.	
Preservation of these types of trees allows for use as mitigation but not protected by themselves.	28.06.053; 28.06.080	More Protective of Cedar Trees (Ashe Juniper)	Public	Healthy I or II trees or \$6,000 per acre
Changed from protecting certain 24 inch and up trees to 18 inch and up trees	28.06.052; 28.06.079	More Protective of smaller trees	Public	8 inches or above are protected
Added artificial turf to xeriscape	28.06.091; 28.06.093	Artificial Turf	Staff	Not addressed.
Limited hardwood trees to specific list in definitions	28.06.004; 28.06.062	Limit what trees are hardwood	P&Z	All trees protected.
Added industrial, GUI, and multi-family to definition of Commercial Land Use	28.06.062;	Clarify the difference between residential and commercial uses	P&Z	Not addressed.
Changed to updated tree survey between	28.06.079	Update as built language	P&Z	Not addressed.

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installation of infrastructure and building of specific structures				
Added statement that the ordinance is in addition to state, federal, and county rules	28.06.003; 28.06.061;	Ensure that all laws, including federal, state, and county laws are also followed	P&Z	Not addressed although implied due to preemption
Changed references to Chapter to Article	Throughout	Clarify that violations apply to actions taken under the Article not the entire Ch. 28 Chapter	Staff	Not addressed.