

ZONING ORDINANCE

The City Manager or a designee may approve minor variations in the location of required landscape materials due to unusual topographic constraints, siting requirements, preservation of existing stands of native trees or similar conditions, or to maintain consistency of established front yard setbacks. These minor changes may vary the location of required landscape materials, but may not reduce the amount of required landscape area or the required amount of landscape materials. The landscape plan shall be submitted to the administrative official or a designee and shall specify the modifications requested and present a justification for such modifications.

Section 8.14 Relief From Landscaping Requirements

A property owner may apply for relief from landscaping requirements in situations where individual circumstances, such as the presence of existing facilities or unusual topography, limit the applicant's ability to comply with the landscaping requirements of this ordinance. The following procedures shall apply:

- A. The applicant shall provide the City Council with an alternative landscape plan for review together with a written explanation of the circumstances which limit the applicant's ability to comply with the landscaping requirements of this ordinance. Said landscape plan will illustrate a plan to landscape area as available, provide for irrigation, and provide a phasing schedule for completing the plan.
- B. If the City Council grants the requested relief, the applicant shall install the landscaping shown on the landscape plan approved by the City Council.

Section 8.15 Tree Preservation State Requirements

8.15.1 PURPOSE

The purpose of this Section is the preservation of mature trees and natural areas. This Section is intended to protect trees during construction, development, and redevelopment, and to control the removal of protected trees. It also establishes rules for replacement and replanting of trees which must be removed during construction. This Section shall protect any property from indiscriminate clearing and shall help maintain and enhance a positive image of the City as well as attract new business enterprises. The terms and provisions of this Section shall apply to the following real property:

- A. All new subdivisions of land at the time of preliminary and/or final platting;
- B. All undeveloped land at the time of replatting;
- C. All un-platted and undeveloped tracts of land greater than three (3) acres;
- D. All nonresidential tracts of land at the time of site plan approval.

8.15.2 DEFINITIONS

Buildable Area. That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected and including the actual structure, driveway, parking lot, pool, and other construction as shown on a site plan.

Building Pad. The actual foundation area of a building and a reasonable area around the foundation necessary for construction and grade transitions.

Critical Root Zone. The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line.

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Construction Drawings. Engineering or architectural drawings, which have been prepared by an authorized individual and approved by the Administrative Official, that describe in detail by measurements and specifications the method and manner in which a structure, building, utility, street, or physical alteration to land a structure or building is to be accomplished.

Drip Line. A vertical line run through the outermost portion of the crown of a tree and extending down to the ground.

Limits of Construction. A delineation on a graphic exhibit which shows the boundary of the area within which all construction activity will occur.

Protection Fencing. Snow fencing, chain-link fence, barbed wire fence, orange vinyl construction fencing or other similar fencing with a four-foot (4') approximate height.

Tree. Any self-supporting woody perennial plant which will attain a trunk diameter of three (3") inches or more when measured at a point twelve (12") inches above ground level and normally attains an overall height of at least twenty feet (20') at maturity, usually with one (1) trunk diameter of 18 inches (18") or greater measured twelve inches (12") above ground. *on the on the City's Preferred Tree List (Section 8.7) with a*

Tree, Protected. Tree species that are ~~approved by the City and should be saved are identified by individual characteristics of the tree, or a tree which has a diameter of eighteen (18") inches or greater measured twelve (12") inches above ground.~~ The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk to 1/2 the diameter of each additional trunk.

Trees that are not protected trees are as follows:

Sugar Hackberry	Celtis laevigata
Hackberry	Celtis occidentalis
Honeylocust	Gleditsia tracanthos
Bois d'arc	Maclura pomifera
Mimosa	Albizia julibrissin
Red Mulberry	Morus rubra
White Mulberry	Morus alba
White (Silver) Poplar	Populus alba
Lombardy Poplar	Populus nigra italica
Cottonwood	Populus deltoids
Mesquite	Prosopis glandulosa
Willow	Willow sp.

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Silver Maple	Acer saccharinum
Sycamore	Platanus occidentalis

8.15.3 TREE REMOVAL PERMIT

- A. General. No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging any protected tree that is located on a property regulated by this Section without first obtaining a tree-removal permit unless otherwise specified in this Section.
- B. New Development. Unless otherwise specified in Chapter 245 of the Local Government Code, all developments which have not submitted final plats as of the effective date of this Section shall be subject to the requirements for tree protection and replacement specified herein.
- C. Residential Subdivisions. All areas within public rights-of-way, utility easements, or drainage easements as shown on an approved final plat, ~~and areas designed as cut/fill on the master drainage construction plan approved by the City Engineer~~ shall be exempt from the tree protection and replacement requirements specified herein. All other areas shall be subject to the requirements of this Section and the applicant for a tree removal permit shall indicate how protected trees may be saved.
- D. Nonresidential Developments. All areas within public rights-of-way, public utility or drainage easements as shown on an approved final plat, and the fire lanes, parking areas, and areas within twelve feet (12') of a building foundation as shown on an approved site plan shall be exempt from the tree protection and replacement requirements specified herein. All other areas shall be subject to these requirements.
- E. Private Property.
1. Agricultural. Property zoned "A", agricultural, and being actively used for agricultural purposes shall be exempt from the requirements specified herein.
- F. Homeowners. The owner of a residence who uses the residence as his/her homestead shall be exempt from the tree protection and replacement requirements of this Section as they pertain to his/her residential property.
- G. Building / Contractors. All builders who have not submitted a request for a building permit as of the effective date of this Article are subject to the requirements herein. All areas within the driveway, sidewalks, patios, septic tank and lateral lines, parking area, pool, and associated deck area and area within twelve inches (12") of the building foundation as shown on an approved plot plan shall be exempt from the tree protection and replacement requirements of this Section. All other areas of the lot shall be subject to these requirements.

8.15.4 EXEMPTIONS

Any franchise utility is exempt from these regulations.

8.15.5 PERMIT REVIEW AND APPROVAL PROCESS

- A. Authority of Review and Approval. The Administrative Official shall be responsible for the review and approval of all requests for tree removal permits and replacements thereof. If the