

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 protection
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imilar)

Add: "Typical tree protection details are shown below."

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) main trunk and many branches. It may appear to have several stems or trunks as in several varieties of oaks.

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shown below) with a tr
greater measured twe

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.

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Trees that are not ~~protected trees are as follows:~~

on the Preferred Tree List are not protected.

es	Large Trees (Shade Trees)
ree	Chinkapin Oak
s	Live Oak
n	Red Oak
	Cedar Elm
ar	Southern Magnolia
chio	Pecan
w	Slash Pine
m	Loblolly Pine
Locust	Sycamore
	Pin Oak
n	
ple	

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	Populua 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.

I don't know why this is different than paragraph D. A tree shouldn't be that close to a foundation. They should both be 12'.

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.

feet (12')

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

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Administrative Official deems it necessary, he/she may require a permit request to be reviewed by the City Council.

- B. Application Process. Permits for removal or replacement of trees covered herein shall be obtained by making application on a form provided by the City, to the Administrative Official. The application shall be accompanied by a site plan, a preliminary plat or other graphic representation showing the exact location, size (trunk diameter and height), and common name of all protected trees and an indication of which trees are to be removed or replaced.
- C. Fees. The application shall be accompanied by the appropriate fee, according to the fee schedule of the City of Joshua.

8.15.6 REQUIRED APPLICATION

The application shall be accompanied by a written document indicating the reasons for removal or replacement of trees and a copy of a legible site plan, preliminary plat, or other graphic representation drawn to the largest practical scale showing the following:

- A. Location of existing or proposed structures, improvements, and site uses, properly dimensioned and referenced to property lines, setback and yard requirements.
- B. Existing and proposed site elevations, grades and major contours.
- C. Location of existing or proposed utility easements.
- D. Location of all protected trees on the site, to be removed or replaced as well as all trees to be protected.
- E. The document shall include street address, lot and block, subdivision name, and date of preparation. The site plan shall state the name, address, and telephone number of the owner and person preparing the document if different from the applicant.

8.15.7 APPLICATION REVIEW

Upon receipt of the proper application, the Administrative Official shall review the application, or if it is deemed necessary, forward the application to the City Council. Following a review and inspection, the permit will be approved, disapproved, or may be approved with conditions by the Administrative Official or the City Council.

8.15.8 PERMIT EXPIRATIONS

Permits shall be valid for ninety (90) days after the issue date on the permit. Permits which are issued in conjunction with a building permit or a site plan approval, shall be valid for the same time frame as such permits are valid.

8.15.9 APPEAL OF ADMINISTRATIVE OFFICIAL DECISION

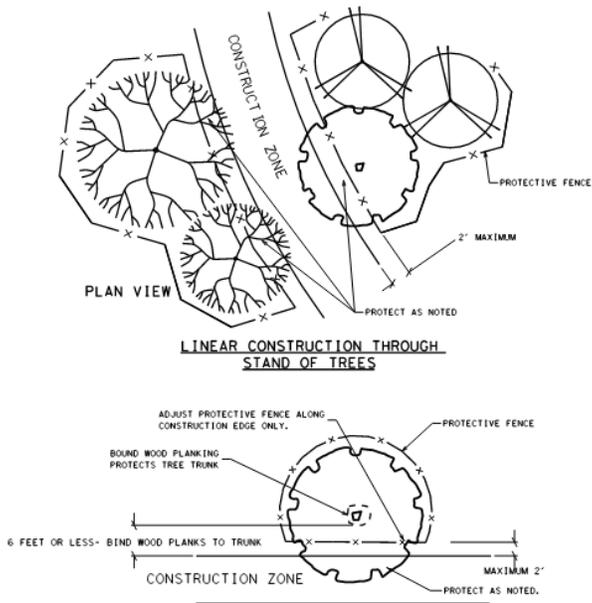
Decisions of the Administrative Official may be appealed to the City Council.

8.15.10 TREE REPLACEMENT REQUIREMENTS

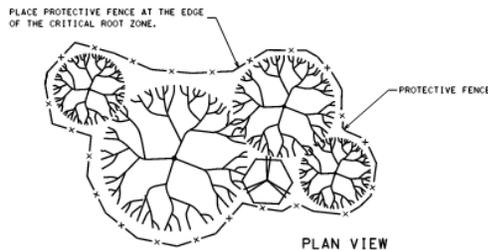
If it is necessary to remove protected tree(s) outside the buildable area, the developer, as a condition to issuance of a tree removal permit, shall be required to replace, somewhere on the property, the tree(s) being removed with comparable trees. A sufficient number of trees shall be planted to equal, in caliper, the diameter of the trees removed. The replacement trees shall be at least (3") three inches in caliper when planted.

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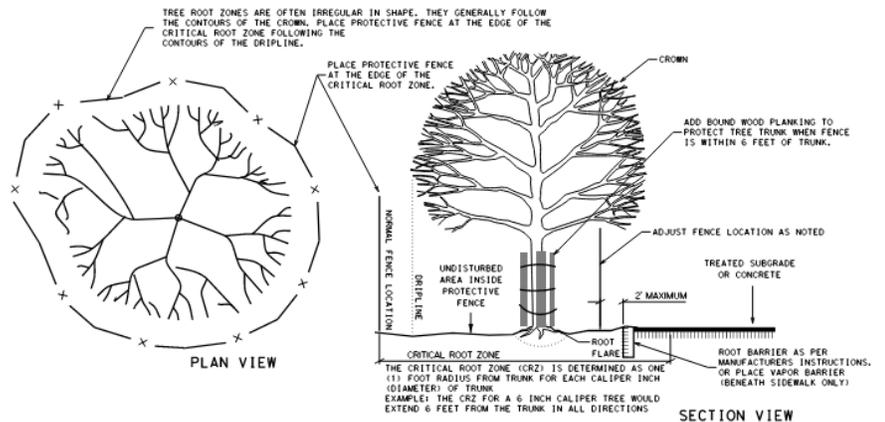
TREE PROTECTION DETAIL



**PLAN VIEW
PAVING UNDER TREES**



TYPICAL TREE GROUPING PROTECTION



TYPICAL TREE PROTECTION

NOTES:

CRITICAL ROOT ZONE IS 1 FT. AWAY FROM TREE TRUNK FOR EVERY 1 IN. OF TREE DIAMETER MEASURED AT 4 FT. HEIGHT.

WATER TREES EVERY 2 WEEKS WITH A MINIMUM OF 100 GALLONS PER TREE.

SPRAY TREE WITH WATER TO REMOVE CONSTRUCTION DUST WHEN DIRECTED.

CONSTRUCTION FENCE SHALL BE 4 FT. TALL.

DO NOT PERFORM WORK OR STORE EQUIPMENT WITHIN PROTECTED AREA.

COVER THE CRITICAL ROOT ZONE BETWEEN THE PROTECTED AREA AND THE CONSTRUCTION ZONE WITH 4 IN. OF MULCH.

PERFORM TREE TRIMMING AND WOUND REPAIR PER STANDARD SPECIFICATIONS.

DAMAGED AND EXPOSED ROOTS SHALL BE TRIMMED AND TREATED PER STANDARD SPECIFICATIONS. BACKFILL EXPOSED ROOTS WITH TOPSOIL WITHIN 24 HOURS OF EXPOSURE.

PLACE PLASTIC UNDER CONCRETE PLACED IN THE CRITICAL ROOT ZONE.

PLACE A ROOT BARRIER IN THE CRITICAL ROOT ZONE AT THE EDGE OF TREATED SUBGRADE TO THE DEPTH OF THE SUBGRADE.

ALL WORK IS SUBSIDIARY TO BID ITEM.

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8.15.11 TREE PROTECTION.....

- A. Tree Protection. During any construction or land development, the developer shall clearly mark those trees to be protected and may be required by the Administrative Official to erect “Protective Fencing - In those situations where a protected tree is so close to the construction area that construction equipment might infringe on the root system or is within 20 feet of the construction area, a protective fencing shall be required between the outer limits of the critical root zone of the tree and the construction activity area. Four feet high protective fencing shall be supported at a maximum of ten feet intervals by approved methods. All protective fencing shall be in place prior to commencement of any site work and remain in place until all exterior work has been completed. Bark Protection - In situations where a protected tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree with 2" x 4" lumber encircled with wire or other means that do not damage the tree. The intent here is to protect the bark of the tree against incidental contact by construction equipment.” protective barriers to ensure protection of said trees. The protective barriers must be maintained during all construction until the project is finished.
- B. Material and Equipment Storage. The developer shall not store any material or equipment within the critical root zone of a protected tree. During the construction stage of the development, no cleaning or storage of equipment or material shall be allowed within the drip line of a protected tree or under the canopy of the tree. Materials include but are not limited to oils, paint, solvents, mortar, asphalt, and concrete.
- C. Signs. No signs, wires, or other attachments except protective barriers shall be attached to the protected trees.
- D. Traffic. No vehicular traffic, construction equipment traffic, or parking shall take place within the critical root zone of a protected tree other than on an existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, or vehicular traffic necessary for routine utility maintenance, emergency restoration of utility service or routine moving operations.
- E. Grade. No grade change in excess of four (4") inches shall be allowed within the limits of the critical root zone of any protected tree unless adequate construction methods are approved by the Administrative Official beforehand.
- F. Paving. No impervious paving with asphalt or concrete shall be placed within the critical root zone of a protected tree.

Insert Tree Protection Details



8.15.12 TREE PLANTING RESTRICTIONS.....

- A. Overhead Lines. No required replacement tree shall be planted within an area where the mature canopy of the tree will interfere with overhead utility lines.
- B. Underground Lines. No required replacement tree shall be planted within an area where the mature root zone of the tree will interfere with underground public utility lines. No tree shall be planted within ten (10') feet of a fire hydrant.

8.15.13 ENFORCEMENT.....

- A. Developers Agreement. No developer agreement shall be approved unless the agreement states that all construction activities shall meet the requirements of this Section.