ORDINANCE NO. 111226-01

AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING LA VERNIA CODE OF ORDINANCES CHAPTER 38 ZONING; MAKING REVISIONS TO Sec. 38-403. - LANDSCAPING STANDARDS, ADDING SECTION I LANDSCAPE IRRIGATION REQURENMENTS; CREATING CHAPTER 38 ZONING SEC. 38-404. – TREE PRESERVATION AND PROTECTION STANDARDS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 211 of the Vernon's Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement, and amendment; and

WHEREAS, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City to promote the public health, safety, morals, and general welfare of the residents of the City, and

WHEREAS, the City of La Vernia Code of Ordinances Chapter 38, which constitutes the City's Zoning Ordinance, requires a property to be zoned in accordance with proper designations as defined by this ordinance; and

WHEREAS, the City Council and Planning and Zoning Commission of the City of La Vernia have met and discussed amending the above-mentioned sections of the Zoning code; and

WHEREAS, the Planning and Zoning Commission of the City of La Vernia has recommended approval of the amendments to the Zoning Regulations discussed in this ordinance, and the proposed amendments are uniform and conform to the plan and design of the City of La Vernia's Zoning Ordinance; and

WHEREAS, the City Council of the City of La Vernia believes the amendments will comply with the standards and purpose of the Zoning Ordinance and are in the best interests of the public safety and the general welfare of the residents of the City of La Vernia;

NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS:

Section 1.
Zoning Regulations Amended.

1. **CHAPTER 38 ZONING, Sec. 38-403. - LANDSCAPING STANDARDS ADDING SECTION I LANDSCAPE** of the City of La Vernia's Code of Ordinances is hereby amended as reflected in the attached document as **Attachment "A."**

2. **Chapter 38 Zoning Sec. 38-404. – Tree Preservation and Protection Standards** of the City of La Vernia's Code of Ordinances is hereby created as reflected in the attached document as **Attachment "B."**

Section 2.
Severability

If any section, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance, or the application thereof, to any person or circumstance, is held invalid, such holding shall not affect the validity of the remaining portions of the same and the City Council hereby declares it would have passed such remaining portions despite such invalidity.

Section 3
Cumulative

This ordinance is cumulative of all other laws addressing land use regulations and any prohibitions and sanctions that may be imposed under other laws relating to the subjects covered hereunder.

Section 4.
Effective Date

This ordinance shall take effect immediately after its passage and publication, as may be required by governing law.

PASSED, APPROVED, AND ADOPTED THIS 12TH DAY OF November 2026.

_____
Gary Gilbert, Mayor
City of La Vernia

ATTEST:

_____
Madison Farrow, City Secretary
City of La Vernia

ATTACHMENT A

Sec. 38-403. - Landscaping standards.

(e)

Landscaping required.

(1)

Fifteen percent of the total land area in any proposed multifamily residential or nonresidential development or construction that occurs for any use after the effective date of the ordinance from which this chapter is derived shall be landscaped.

(2)

All landscaping shall be completed and installed in accordance with the approved landscape plan within 90 days of a certificate of occupancy being granted. A one-time extension, not to exceed 90 days, may be granted upon approval of the administrative official.

(3)

Where the development is to be a multiphase development, only the area being developed in the current phase need to be subject to the landscape regulations; however, each phase will be required to meet the landscaping requirements as they are being developed.

(4)

The use of native and adapted, drought tolerant plants is encouraged to meet requirements of this section.

(5)

Artificial plants or turf are expressly prohibited.

(6)

~~An irrigation system must be provided or a hose bib connection be available within 100 feet of all landscape areas with all landscape plans for nonresidential developments.~~

An irrigation system or hose bib connection shall be provided within 100 feet of all landscape areas shown on landscape plans for nonresidential developments. Any

irrigation system provided pursuant to this section shall comply with the landscape irrigation requirements of subsection (i).

(h)

Multifamily and nonresidential landscaping requirements.

(1)

Requirement standards. The following standards shall apply to all multifamily and nonresidential properties. Standards that are set forth in this section for the provision of trees may be met by saving existing, on-site trees of six inches minimum caliper, measured 4.5 feet above grade, or by planting new trees.

(2)

Nonresidential and multifamily buffering and screening requirements.

a.

In addition to any screening requirements, when a nonresidential or multifamily use is established on a lot located adjacent to a residentially zoned property, the nonresidential or multifamily use shall provide a minimum ten-foot landscape buffer strip adjacent to the property line of the residentially zoned property. A minimum of one tree shall be planted for each 50 linear feet of landscape buffer. A minimum of ten shrubs shall be planted for each 50 linear feet of landscape buffer. All other areas within the landscape buffer shall be covered with grass or another solid vegetative cover approved at the time of site plan approval.

b.

When a nonresidential or multifamily use is established on a lot adjacent to a residentially zoned property, the nonresidential or multifamily use shall construct a solid screening fence constructed of wood, masonry or other material to a minimum of six feet in height, approved by the planning and zoning commission taking into consideration aesthetic value, light, air, or open space factors and accessibility and safety concerns at the time of site plan approval. The screen shall be located no closer to the street than the property line. Such screening fence shall be maintained in good condition.

(3)

Parking area landscaping and buffering requirements.

a.

Perimeter landscaping and screening.

1.

Any parking lot or portion thereof that fronts upon or is adjacent to a public or private street right-of-way and contains ten or more parking spaces shall provide a minimum ten-foot landscape buffer adjacent to the street right-of-way. A minimum of one tree shall be planted for each 50 linear feet of landscape buffer. A minimum of ten shrubs shall be planted for each 50 linear feet of landscape buffer. All other areas within the landscape buffer shall be covered with grass or another solid vegetative cover approved at the time of site plan approval.

2.

A landscaped berm or combination of berm and shrubs may be provided in lieu of required shrubs. The berm must be an average height of three feet, but in no case less than 18 inches, above the average grade of the street and parking lot curbs. A variation in height of the berm is encouraged. Shrubs may be grouped to provide variety in design.

b.

Interior landscaping.

1.

All parking areas shall provide a minimum of ten percent of the gross parking area devoted to landscaping. Interior landscape areas shall be protected from vehicular encroachment of overhang through appropriate wheel curbs, tire stops/parking blocks or similar barriers. A minimum of one tree shall be planted for each 400 square feet of required interior landscape area.

2.

Interior areas of parking lots shall contain planting islands, peninsulas, or medians located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every 12 parking spaces and at the terminus of all rows of parking. Such islands shall be a minimum of 200 square feet. Planter islands shall contain a combination of trees, shrubs, lawn, ground cover and other appropriate materials provided such landscaping does not cause visual interference within the parking area.

c.

Distribution of landscaped areas. Required landscaped areas for parking lots shall be evenly distributed throughout the parking lot. Adjustments may be approved by the

planning and zoning commission and city council at the time of site plan approval when the shape or size of the parking lot, the location of existing trees or other natural constraints reasonably prevent such distribution.

(4)

Dumpster screening and buffering requirements. All dumpsters or other solid waste collection facilities located on a nonresidential or multifamily property shall be located away from residential properties or uses and shall be enclosed on three sides by a minimum six-foot-tall masonry or other noncombustible material screening wall. Temporary dumpsters are exempt from this screening requirement. Temporary dumpsters must be removed upon completion of the event, construction, or demolition.

(i), "Landscape Irrigation Requirements,"

(1) Applicability. All new landscape irrigation systems installed in connection with development subject to this section shall comply with the requirements of this subsection and all applicable federal, state, and local laws, regulations, and requirements.

(2) Separate irrigation meter. All new landscape irrigation systems connected to the City's potable water supply shall be served through a separate irrigation water meter dedicated solely to landscape irrigation for all Commercial, multifamily, industrial, and other nonresidential development. The irrigation system shall not be connected to or supplied through a meter serving domestic, commercial, or other non-irrigation water uses. Single-family residential development is exempt from the separate irrigation meter requirement and may connect the irrigation system to the domestic water meter, provided an approved backflow prevention device is installed in accordance with applicable City requirements. The backflow prevention device shall be located in an area accessible to City staff for inspection.

(3) Drip irrigation required. All new landscape irrigation systems shall utilize drip irrigation as the required method of irrigation for landscape beds, trees, shrubs, and other planted areas, excluding turfgrass lawns. Traditional spray irrigation systems, including pop-up spray heads, fixed spray heads, and conventional sprinkler heads, may be used for turfgrass lawns but shall not be permitted for landscape beds, trees, shrubs, or other planted areas required to be irrigated under this section

(4) Irrigation zones. Irrigation systems shall be designed with separate zones based upon plant material type, water requirements, sun and shade conditions, soil conditions, and other relevant site conditions to promote efficient water use.

(5) Prevention of overspray and runoff. Irrigation systems shall be designed and installed to prevent water from spraying, flowing, or otherwise being discharged

onto buildings, sidewalks, driveways, parking areas, streets, alleys, or other impervious surfaces.

(6) Irrigation plan. The landscape plan required by subsection (d) shall identify the location of the irrigation meter, point of connection, irrigation lines, valves, irrigation zones, and type of irrigation equipment proposed. The plan shall demonstrate compliance with the irrigation requirements of this subsection.

(7) Compliance with state requirements. All landscape irrigation systems shall be designed, installed, operated, and maintained in accordance with applicable requirements of Texas Commission on Environmental Quality (TCEQ) regulations, including 30 Texas Administrative Code Chapter 344, as amended. Where the requirements of this section are more restrictive than applicable state requirements, the requirements of this section shall apply to the extent permitted by law.

(8) Maintenance. Irrigation systems shall be maintained in good working order and operated in a manner that prevents water waste, excessive runoff, overspray, or other inefficient use of water. Backflow devices are required to be tested annually with a passing inspection report to be submitted to the City for review.

ATTACHMENT B

Sec. 38-404. – Tree Preservation and Protection Standards.

(a) Purpose and intent.

The purpose of this section is to encourage the preservation of mature and desirable trees, protect existing trees during development and construction, regulate the unnecessary removal of protected and heritage trees, and provide for replacement or mitigation when removal is necessary.

It is the intent of this section to:

(1) Discourage the indiscriminate clearing of property;

(2) Preserve and enhance the natural character and aesthetic appearance of the city;

(3) Protect healthy and desirable trees and encourage preservation of mature tree canopy;

(4) Protect and enhance the value of residential, commercial, and other developed property;

(5) Reduce heat, glare, erosion, stormwater runoff, and other adverse environmental effects associated with development and impervious surfaces;

(6) Encourage site design that incorporates existing trees and natural features whenever reasonably practicable; and

(7) Establish reasonable standards for the protection, removal, and replacement of protected and heritage trees during development.

(b) Applicability.

Except as otherwise provided in this section, these requirements shall apply to new commercial, industrial, multifamily, residential subdivision, and other development within the corporate limits of the city for which an application establishing development rights

has not been filed or approved prior to the effective date of this section, subject to applicable state law.

(c) Exemptions.

The following shall be exempt from the tree preservation and replacement requirements of this section:

(1) Property lawfully devoted to bona fide agricultural use and actively being used for agricultural purposes;

(2) An existing owner-occupied single-family residence located on an individual lot of two acres or less, except where tree removal is associated with subdivision, redevelopment, or new construction requiring approval by the city;

(3) Removal of a tree that is dead, diseased, damaged beyond reasonable recovery, in imminent danger of falling, or determined by the city administrator or designee to constitute an immediate threat to public health or safety;

(4) Removal or trimming reasonably necessary to restore interrupted public utility service following a storm, flood, accident, or other emergency;

(5) Trees grown by a licensed nursery specifically for commercial sale; and

(6) Other activities expressly exempted by state law.

(d) Definitions.

For purposes of this section:

DBH (diameter at breast height) means the diameter of a tree trunk measured in inches at a point 4.5 feet above the surrounding natural grade.

For a multi-trunk tree, DBH shall be calculated in accordance with an approved method established by the administrative official.

Drip line means an imaginary vertical line extending from the outermost portion of a tree's canopy to the ground.

Heritage tree means a tree having a DBH of 24 inches or greater and which is not identified by the city as a prohibited or non-credit species.

Protected tree means a tree having a DBH of six inches or greater and which is not identified by the city as a prohibited or non-credit species.

Root protection zone (RPZ) means the area surrounding a tree intended to protect the tree's root system during construction, generally consisting of the area beneath and extending to the drip line of the tree unless otherwise approved by the administrative official.

Tree mitigation means the replacement of removed protected or heritage tree diameter through the planting of approved replacement trees, preservation of additional qualifying trees, payment into an authorized tree mitigation fund if established by the city, or another method expressly approved by the city and permitted by state law.

Tree preservation plan means a plan identifying protected and heritage trees located on a development site and demonstrating the trees proposed for preservation, removal, protection, and mitigation.

(e) Tree preservation plan or affidavit required.

(1) An applicant for a preliminary plat, final plat, site plan, or building permit associated with development subject to this section shall submit either:

a. A tree affidavit affirming that no protected or heritage trees subject to this section are located on the property or will be removed or materially damaged by the proposed development; or

b. A tree preservation plan identifying protected and heritage trees located on the property.

(2) When a tree preservation plan identifies the proposed removal of a protected or heritage tree, the applicant shall also provide the information necessary for the city to determine compliance with the preservation and mitigation requirements of this section.

(3) Approval of a tree preservation plan shall be required prior to clearing, grading, excavation, or other site disturbance affecting protected or heritage trees.

(f) Minimum contents of tree preservation plan.

A tree preservation plan shall include, at a minimum:

(1) Property boundaries;

(2) Existing and proposed structures;

(3) Existing and proposed streets, driveways, parking areas, sidewalks, easements, utilities, drainage facilities, and rights-of-way;

(4) Existing and proposed topography when required by the administrative official;

(5) The location, species, and DBH of each protected and heritage tree;

(6) Identification of each protected and heritage tree proposed to remain and each proposed for removal;

(7) The root protection zone of trees proposed to remain;

(8) A summary of total qualifying DBH proposed for preservation and removal;

(9) Proposed tree-protection measures; and

(10) Proposed mitigation or replacement trees, where required.

The tree preservation information may be incorporated into the landscape plan required by section 38-403 rather than submitted as a separate drawing, provided all information required by this section is clearly shown.

(g) Protection of trees during construction.

Tree protection measures shall be installed before commencement of clearing, grading, excavation, or construction and shall remain in place for the duration of construction.

Within the root protection zone of a protected or heritage tree designated for preservation:

(1) Construction fencing shall be installed and maintained;

(2) Vehicles, equipment, spoil, construction materials, debris, or other materials shall not be stored;

(3) Concrete washout, paint, oil, solvents, chemicals, asphalt, mortar, or other potentially harmful materials shall not be deposited;

(4) No sign, wire, nail, fixture, or other attachment shall be affixed to the tree except an approved protective device;

(5) Existing grade shall not be raised or lowered by more than six inches unless an alternative tree-protection method is approved by the administrative official;

(6) Damage to roots, trunks, limbs, or crowns shall be minimized and promptly corrected using accepted arboricultural practices; and

(7) The area shall remain pervious except for improvements expressly approved as part of the development plan.

(h) Preservation standards.

Unless a variance or alternative compliance method is approved pursuant to this section:

(1) Commercial, multifamily, industrial, and other nonresidential development shall preserve not less than 25 percent of the total qualifying DBH located on the development site.

(2) New single-family residential subdivisions shall preserve not less than 50 percent of the total qualifying DBH located within the subdivision, calculated prior to development.

(3) Removal of a heritage tree shall require specific approval regardless of whether the minimum overall preservation percentage has otherwise been achieved.

The city may approve reasonable adjustments where compliance is prevented by street alignment, drainage facilities, utility infrastructure, required fire access, building placement, unusual topography, or other physical characteristics of the property, provided the purposes of this section are substantially achieved.

(i) Mitigation and replacement.

(1) Removal of a protected tree requiring mitigation shall be mitigated at a ratio of one inch of replacement DBH for each one inch of DBH removed.

(2) Removal of a heritage tree shall be mitigated at a ratio of three inches of replacement DBH for each one inch of DBH removed.

(3) Replacement trees shall:

a. Be an approved species;

b. Have a minimum caliper of 2.5 inches measured 4.5 feet above grade at the time of planting; and

c. Be planted and maintained in accordance with section 38-403.

(4) Existing qualifying trees preserved above the minimum preservation requirement may be credited toward mitigation when approved by the administrative official.

(5) Any fee-in-lieu or tree mitigation fee established by the city shall be administered in accordance with applicable state law, including all required planting credits.

(i) Fee-in-Lieu of Tree Replacement

In lieu of providing required replacement trees, the applicant may pay a fee-in-lieu of planting in the amount of $200 per inch of diameter for each non-heritage tree removed and $600 per inch of diameter for each heritage tree removed. Tree diameter shall be

measured in accordance with the measurement standards established in this section. All fees collected shall be administered and used in accordance with applicable state law and City requirements.

(k) Unauthorized Tree Removal or Damage

The removal or material damage of any protected or heritage tree without prior approval as required by this section shall be subject to an unauthorized removal fee equal to twice the applicable fee-in-lieu of tree replacement cost. The fee shall be calculated based on the diameter at breast height (DBH) of each tree removed or materially damaged, at a rate of $400 per inch of DBH for protected trees and $1,200 per inch of DBH for heritage trees.

Payment of the unauthorized removal fee shall not relieve the property owner or applicant of any obligation to provide required tree replacement, mitigation, or other corrective measures under this section. This subsection shall not apply to tree removal expressly exempted under this section or otherwise permitted by applicable state law.

(l) Relationship to landscape requirements.

Trees preserved or planted pursuant to this section may also be counted toward satisfaction of the landscaping requirements of section 38-403 when the tree otherwise satisfies the size, species, location, and other requirements of that section.

Nothing in this section shall reduce the minimum landscaping requirements established by section 38-403 unless expressly approved through an alternative compliance or variance procedure authorized by this code.

(m) Authorized Tree Species and Planting Standards

(1) General requirements.

Trees planted to satisfy the landscaping, tree preservation, or tree mitigation requirements of this chapter shall be selected from the authorized species identified in this subsection.

The City Administrator or designee may approve an alternative species not specifically identified herein when the applicant demonstrates that the proposed species:

a. Is non-invasive;

b. Is suitable for the soils and climatic conditions of the La Vernia area;

c. Is reasonably drought tolerant once established;

d. Is appropriate for the proposed planting location and available growing space;

e. Will not create an unreasonable conflict with utilities, streets, sidewalks, drainage facilities, buildings, or other public infrastructure; and

f. Provides substantially equivalent landscaping, canopy, screening, environmental, or aesthetic value to an otherwise authorized species.

Preference shall be given to native and adapted species suitable for South Central Texas.

(2) Authorized Large and Medium Canopy Trees.

The following species are authorized canopy trees and may be used to satisfy required tree planting, preservation, and mitigation requirements:

Common Name	Scientific Name
Live Oak	*Quercus fusiformis* / *Quercus virginiana*
Monterrey Oak / Mexican White Oak	*Quercus polymorpha*
Lacey Oak	*Quercus laceyi*
Chinkapin Oak	*Quercus muehlenbergii*
Bur Oak	*Quercus macrocarpa*
Shumard Red Oak	*Quercus shumardii*
Cedar Elm	*Ulmus crassifolia*
Pecan	*Carya illinoinensis*
Mexican Sycamore	*Platanus mexicana*
Bald Cypress	*Taxodium distichum*
Western Soapberry	*Sapindus saponaria var. drummondii*

Unless otherwise approved by the City Administrator or designee because of site constraints, **not less than 50 percent of trees required for a commercial, industrial, multifamily, or residential subdivision development shall consist of species listed as authorized large or medium canopy trees.**

(3) Authorized Small and Ornamental Trees.

The following species may be used to satisfy tree planting requirements where their mature size is appropriate for the proposed location:

Common Name	Scientific Name
Texas Redbud	*Cercis canadensis var. texensis*
Mexican Plum	*Prunus mexicana*
Texas Mountain Laurel	*Dermatophyllum secundiflorum*
Eve's Necklace	*Styphnolobium affine*

Common Name	Scientific Name
Anacacho Orchid Tree	*Bauhinia lunarioides*
Desert Willow	*Chilopsis linearis*
Possumhaw Holly	*Ilex decidua*
Yaupon Holly	*Ilex vomitoria*
Mexican Buckeye	*Ungnadia speciosa*
Flameleaf Sumac	*Rhus lanceolata*
Texas Persimmon	*Diospyros texana*

Small and ornamental trees may be particularly appropriate beneath or near overhead utilities, within constrained landscape areas, within parking areas, or in other locations where the mature size of a canopy tree would create a foreseeable conflict.

Small and ornamental trees shall not constitute more than 50 percent of the total number of trees required for a commercial, industrial, multifamily, or residential subdivision development unless otherwise approved by the City Administrator or designee.

(4) Existing Native Trees Eligible for Conditional Preservation Credit.

The following existing native species may be preserved and may receive preservation or mitigation credit when determined by the City Administrator or designee to be healthy, desirable, appropriately located, and of sufficient size and quality to warrant preservation:

Common Name	Scientific Name
Honey Mesquite	*Prosopis glandulosa*
Huisache	*Vachellia farnesiana*
Ashe Juniper / Mountain Cedar	*Juniperus ashei*
Sugar Hackberry	*Celtis laevigata*
Netleaf Hackberry	*Celtis reticulata*
Texas Persimmon	*Diospyros texana*

The preservation of a species listed in this subsection shall not automatically entitle the applicant to preservation or mitigation credit. Credit shall be based upon the condition, location, size, ecological value, and suitability of the individual tree.

Trees within this category may be allowed to remain regardless of whether preservation credit is awarded.

(5) Non-Credit and Prohibited Replacement Species.

The following species shall not be planted to satisfy any landscaping, tree replacement, preservation mitigation, or other required-tree obligation under this chapter:

Common Name	Scientific Name
Chinese Tallow	*Triadica sebifera*
Chinaberry	*Melia azedarach*
Tree-of-Heaven	*Ailanthus altissima*
Bradford/Callery Pear	*Pyrus calleryana*
Mimosa / Silk Tree	*Albizia julibrissin*
Chinese Privet	*Ligustrum sinense*
Glossy Privet	*Ligustrum lucidum*
Japanese Privet	*Ligustrum japonicum*
Paper Mulberry	*Broussonetia papyrifera*
Salt Cedar / Tamarisk	*Tamarix* spp.
Chinese Pistache	*Pistacia chinensis*

The City Administrator or designee may designate additional invasive or unsuitable species as ineligible for required planting or mitigation credit based upon recommendations or classifications of the Texas A&M Forest Service, Texas Department of Agriculture, Texas Parks and Wildlife Department, Texas Invasive Plant and Pest Council, or other recognized governmental or scientific authority.

Existing trees of a species listed in this subsection shall not be required to be removed solely because of their inclusion on this list unless otherwise required by law or determined to constitute a public health or safety hazard. However, such trees shall not count toward required preservation, landscaping, or mitigation calculations.

(6) Minimum Size of Required Trees.

Unless otherwise expressly provided by this chapter, a tree planted to satisfy a landscaping or mitigation requirement shall have a minimum caliper of **2.5 inches measured 4.5 feet above grade at the time of planting**, consistent with section 38-403.

Replacement and mitigation trees shall be healthy nursery stock, properly planted and maintained, and shall be replaced if they die or become substantially damaged within two years of initial planting.

(7) Species Diversity.

To reduce the potential for widespread loss of tree canopy resulting from disease, insects, drought, or other environmental conditions, developments requiring ten or more new trees shall provide reasonable species diversity.

Unless otherwise approved by the City Administrator or designee:

a. Developments requiring ten to 19 trees shall contain at least two different authorized tree species;

b. Developments requiring 20 to 39 trees shall contain at least three different authorized tree species; and

c. Developments requiring 40 or more trees shall contain at least four different authorized tree species.

No single species shall constitute more than 50 percent of the total required trees on a development requiring 20 or more trees unless the City Administrator or designee determines that site conditions or the purposes of the approved landscape plan warrant an alternative distribution.

(8) Appropriate Location and Maintenance.

Required trees shall be located so that their anticipated mature size is appropriate for the planting location.

Trees shall not be planted in a location that, at maturity, is reasonably anticipated to:

a. Obstruct required sight visibility;

b. Interfere with overhead or underground utilities;

c. Damage public streets, sidewalks, drainage improvements, or other infrastructure;

d. Unreasonably interfere with required fire access; or

e. Otherwise create a foreseeable public safety hazard.

Trees planted beneath or immediately adjacent to overhead utility lines should generally be selected from the authorized small and ornamental tree category.

All trees required by this chapter shall be maintained in a healthy living condition in accordance with section 38-403.