



DRIPPING SPRINGS
Texas

PLANNING & ZONING COMMISSION WORKSHOP & REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, October 11, 2022 at 6:00 PM

Agenda

CALL TO ORDER AND ROLL CALL

Commission Members

Mim James, Chair
Tammie Williamson, Vice Chair
Christian Bourguignon
Doug Crosson
John McIntosh
Douglas Shumway
Evelyn Strong

Staff, Consultants & Appointed/Elected Officials

City Attorney Laura Mueller
City Secretary Andrea Cunningham
IT Director Jason Weinstock
Planning Director Howard Koontz
Senior Planner Tory Carpenter
City Planner Warlan Rivera

PLEDGE OF ALLEGIANCE

PRESENTATION OF CITIZENS

A member of the public who desires to address the Commission regarding any item on an agenda for an open meeting may do so at presentation of citizens before an item or at a public hearing for an item during the Commission's consideration of that item. Citizens wishing to discuss matters not contained within the current agenda may do so, but only during the time allotted for presentation of citizens. Speakers are allowed two (2) minutes to speak during presentation of citizens or during each public hearing. Speakers may not cede or pool time. Members of the public requiring the assistance of a translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the Commission. It is the request of the Commission that members of the public wishing to speak on item(s) on the agenda with a noticed Public Hearing hold their comments until the item(s) are presented for consideration. Speakers are encouraged to sign in. Anyone may request a copy of the City's policy on presentation of citizens from the city secretary. By law no action may be taken during Presentation of Citizens.

CONSENT AGENDA

The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of Planning &

Zoning Commission meetings, it is intended that these items will be acted upon by the Planning & Zoning Commission with a single motion because no public hearing or determination is necessary. However, a Planning & Zoning Commission Member or citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the Planning & Zoning Commission voting on the consent agenda as a collective, singular item. Prior to voting on the consent agenda, the Planning & Zoning Commission may add additional items that are listed elsewhere on the same agenda.

- 1. Approval of the September 27, 2022, Planning & Zoning Commission regular meeting minutes.**

- 2. Conditional approval of SUB2022-0039: an application for the Village Grove preliminary plat for a 112.40 acre tract out of the CH Malott and Philip A Smith surveys located south of U.S. 290 and east of Rob Shelton Blvd. along Sports Park Road adjacent to the Sports and Recreation Park directly south and adjacent to Wallace Mountain, and directly west and adjacent to The Preserve subdivision. Applicant: Ryan Perry, Doucet Engineers.**

WORKSHOP

- 3. Presentation and request for recommendations and staff direction related to a draft updated proposed Tree Preservation and Landscape Ordinance and on the proposed process and schedule for review and approval of the Ordinance.**
 - a. Staff Report
 - b. Public Comment
 - c. Recommendation & Staff Direction

EXECUTIVE SESSION

The Planning & Zoning Commission for the City of Dripping Springs has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 Deliberations about Gifts and Donations), 551.074 Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development). The Planning & Zoning Commission for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.

UPCOMING MEETINGS

Planning & Zoning Commission Meetings

October 25, 2022, at 6:00 p.m.
November 8, 2022, at 6:00 p.m.
November 22, 2022, at 6:00 p.m.

City Council & Board of Adjustment Meetings

October 18, 2022, at 6:00 p.m. (CC)
November 1, 2022, at 6:00 p.m. (CC & BOA)
November 15, 2022, at 6:00 p.m. (CC)

ADJOURN

TEXAS OPEN MEETINGS ACT PUBLIC NOTIFICATION & POSTING OF MEETING

All agenda items listed above are eligible for discussion and action unless otherwise specifically noted. This notice of meeting is posted in accordance with Chapter 551, Government Code, Vernon's Texas Codes. Annotated. In addition, the Commission may consider a vote to excuse the absence of any Commissioner for absence from this meeting.

*I certify that this notice of meeting was posted at the City of Dripping Springs City Hall and website, www.cityofdrippingsprings.com, on **October 7, 2022, at 11:15 a.m.***

City Secretary

This facility is wheelchair accessible. Accessible parking spaces are available. Requests for auxiliary aids and services must be made 48 hours prior to this meeting by calling (512) 858-4725.



PLANNING & ZONING COMMISSION REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, September 27, 2022 at 6:00 PM

MINUTES

CALL TO ORDER AND ROLL CALL

With a quorum of the Commission present, Chair James called the meeting to order at 6:02 p.m.

Commission Members present were:

Mim James, Chair
 Tammy Williamson, Vice Chair
 Christian Bourguignon
 Doug Crosson
 John McIntosh
 Douglas Shumway
 Evelyn Strong

Staff, Consultants & Appointed/Elected Officials present were:

City Attorney Laura Mueller
 City Secretary Andrea Cunningham
 IT Director Jason Weinstock
 Senior Planner Tory Carpenter
 Planning Assistant Warlan Rivera
 Mayor Pro Tem Taline Manassian

PLEDGE OF ALLEGIANCE

Commissioner Crosson led the Pledge of Allegiance to the Flag.

PRESENTATION OF CITIZENS

A member of the public who desires to address the Commission regarding any item on an agenda for an open meeting may do so at presentation of citizens before an item or at a public hearing for an item during the Commission's consideration of that item. Citizens wishing to discuss matters not contained within the current agenda may do so, but only during the time allotted for presentation of citizens. Speakers are allowed two (2) minutes to speak during presentation of citizens or during each public hearing. Speakers may not cede or pool time. Members of the public requiring the assistance of a translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the Commission. It is the request of the Commission that members of the public wishing to speak on item(s) on the agenda with a noticed Public Hearing hold their comments until the item(s) are presented for consideration. Speakers are encouraged to sign in. Anyone may request a copy of the City's policy on presentation of citizens from the city secretary. By law no action may be taken during Presentation of Citizens.

No one spoke during Presentation of Citizens.

CONSENT AGENDA

The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of Planning & Zoning Commission meetings, it is intended that these items will be acted upon by the Planning & Zoning Commission with a single motion because no public hearing or determination is necessary. However, a Planning & Zoning Commission Member or citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the Planning & Zoning Commission voting on the consent agenda as a collective, singular item. Prior to voting on the consent agenda, the Planning & Zoning Commission may add additional items that are listed elsewhere on the same agenda.

1. **Approval of the August 23, 2022, Planning & Zoning Commission regular meeting minutes.**
2. **Conditional approval of SUB2022-0029: an application for the Vitolich Plaza Lot 1 Replat for a 7.26 acre tract located on Bell Springs Road north of Daisy Lane.** *Applicant: Jon Thompson.*
3. **Denial of SUB2022-0033: an application for the Ranch at Caliterra Preliminary Plat for a 200.025 acre tract located west of the Caliterra Subdivision out of the Benjamin F. Hannah Survey.** *Applicant: Bill E. Couch, Carlson Brigrance, and Doering, Inc.*
4. **Conditional approval of SUB2022-0037: an application for the Driftwood Phase One Lot 2 preliminary plat for a 25.22 acre tract being lot 2 of the Driftwood 967 Phase One minor plat.** *Applicant: Chris Earthman, Driftwood 25-ACA LP.*
5. **Conditional approval of SUB2022-0021: an application for Headwaters at Barton Creek Phase 3 Final Plat for a 200.77 acre tract out of the FA Jolly, JP Powell, WM Walker, and H Benson Surveys located near the intersection of Canyonwood Drive and US 290.** *Applicant: WFC Headwaters Owner VII, L.P.*
6. **Denial of SUB2022-0008: an application for the Wild Ridge Preliminary Plat for a 283.4 acre tract located out of the I.V. Davis Jr. and Edward W. Brown surveys.** *Applicant: Richard Pham, P.E., Doucet & Associates, Inc.*
7. **Denial of SUB2021-0073: an application for the Hardy T Land Preliminary Plat for a 78.02 acre tract located at the intersection of Bunker Ranch Boulevard and Ross Street out of the Benjamin F. Hannah Survey.** *Applicant: Brian Estes, P.E., Civil & Environmental Consultants, Inc.*
8. **Denial of SUB2022-0041: an application for the Hays Street Preliminary Plat for a 1.855 acre tract located at 102 Bluff Street out of the Town of Dripping Springs survey.** *Applicant: Joe Grasso, P.E., Doucet & Associates.*
9. **Denial of SUB2022-0042: an application for the Silver Creek Preliminary Plat for a 70.0 acre tract located at the dead end of Silver Creek Road out of the Marcus D Raper Survey.** *Applicant: Richard Pham, P.E., Doucet & Associates.*

A motion was made by Commissioner Strong to approve Consent Agenda Items 1 – 9. Commissioner Crosson seconded the motion which carried unanimously 7 to 0.

BUSINESS

10. **Public hearing and consideration of a recommendation regarding an Ordinance approving CUP2022-0004: an application for a Conditional Use Permit to allow a mobile food vendor for longer than 10 days at 501 Old Fitzhugh Road. Applicant: Nathan Pruitt**

a. Applicant Presentation – Applicant was not present.

b. Staff Report – Tory Carpenter presented the staff report which is on file. Staff recommends approval of the conditional use permit.

c. Public Hearing – No one spoke during the Public Hearing.

d. Recommendation – A motion was made by Commissioner Strong to recommend City Council approval of an Ordinance approving CUP2022-0004: an application for a Conditional Use Permit to allow a mobile food vendor for longer than 10 days at 501 Old Fitzhugh Road. Commissioner Bourguignon seconded the motion which carried unanimously 7 to 0.

PLANNING & DEVELOPMENT REPORTS

11. **Planning Report**

Tory Carpenter presented the report which is on file.

EXECUTIVE SESSION

The Planning & Zoning Commission for the City of Dripping Springs has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 Deliberations about Gifts and Donations), 551.074 Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development). The Planning & Zoning Commission for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.

The Commission did not meet in Executive Session.

UPCOMING MEETINGS

Planning & Zoning Commission Meetings

September 27, 2022, at 6:00 p.m.

October 11, 2022, at 6:00 p.m.

October 25, 2022, at 6:00 p.m.

City Council & Board of Adjustment Meetings

October 4, 2022, at 6:00 p.m. (CC & BOA)

October 18, 2022, at 6:00 p.m.

November 1, 2022, at 6:00 p.m. (CC & BOA)
November 15, 2022, at 6:00 p.m.

ADJOURN

A motion was made by Commissioner Strong to adjourn the meeting. Commissioner Bourguignon seconded the motion which carried unanimously 7 to 0.

This regular meeting adjourned at 6:11 p.m.



DRIPPING SPRINGS
Texas

City of Dripping Springs

Item 2.

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

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PRELIMINARY PLAT APPLICATION

Case Number (staff use only): _____ - _____

MEETINGS REQUIRED

(AS APPLICABLE PER SUBDIVISION ORDINANCE)

INFORMAL CONSULTATION

PRE-APPLICATION CONFERENCE

DATE: _____

DATE: 6/23/22

NOT SCHEDULED

NOT SCHEDULED

CONTACT INFORMATION

APPLICANT NAME Ryan Perry, P.E., CPESC

COMPANY Doucet

STREET ADDRESS 7401B Hwy. 71 W., Ste. 160

CITY Austin STATE TX ZIP CODE 78735

PHONE 512-583-7633 EMAIL rperry@doucetengineers.com

OWNER NAME Matthew Scrivener

COMPANY Dripping Springs Partners, LLC

STREET ADDRESS 7401B Hwy. 71 W., Ste. 160

CITY Austin STATE TX ZIP CODE 78735

PHONE 615-405-0225 EMAIL matthew@atxli.com

PROPERTY INFORMATION	
PROPERTY OWNER NAME	Dripping Springs Partners, LLC & 740 Sports Park, LLC
PROPERTY ADDRESS	Sports Park Rd., Dripping Springs, TX 78620
CURRENT LEGAL DESCRIPTION	112.4 acre tract out of the C.H. Malott Survey, Abstract #693 and the Philip A. Smith Survey, Abstract #415, Hays County, Texas, comprised of 4 tracts: 80.31 ac, 5 ac & 10 ac tracts: Dripping Springs Partners, LLC and a 17.038 ac tract: 740 Sports Park, LLC
TAX ID #	R17835, R19955, R159603, R17837, R18076
LOCATED IN	<input checked="" type="checkbox"/> City Limits <input type="checkbox"/> Extraterritorial Jurisdiction
CURRENT LAND ACREAGE	112.4 acres
SCHOOL DISTRICT	Dripping Springs ISD
ESD DISTRICT(S)	1 and 6
ZONING/PDD/OVERLAY	PDD 14
EXISTING ROAD FRONTAGE	<input type="checkbox"/> Private Name: _____ <input type="checkbox"/> State Name: _____ <input checked="" type="checkbox"/> City/County (public) Name: <u>Sports Park Rd.</u>
DEVELOPMENT AGREEMENT? (If so, please attach agreement)	<input checked="" type="checkbox"/> Yes (see attached) <input type="checkbox"/> Not Applicable Development Agreement Name: <u>Village Grove</u>

ENVIRONMENTAL INFORMATION	
IS PROPERTY OVER THE EDWARDS AQUIFER RECHARGE ZONE?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
IS PROPERTY OVER THE BARTON SPRINGS CONTRIBUTING ZONE TO THE EDWARDS AQUIFER?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
IS PROPERTY WITHIN A FEMA FLOODPLAIN AS DEFINED BY THE MOST CURRENT FIRM?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

PROJECT INFORMATION	
PROPOSED SUBDIVISION NAME	Village Grove
TOTAL ACREAGE OF DEVELOPMENT	112.40 acres
TOTAL NUMBER OF LOTS	207 lots (511 units)
AVERAGE SIZE OF LOTS	6,000 SF (Single Family Lot), 1.50 acres (Townhome Lot)
INTENDED USE OF LOTS	<input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL/OTHER: _____
# OF LOTS PER USE	RESIDENTIAL: <u>511</u> units COMMERCIAL: <u>1</u> INDUSTRIAL: _____
ACREAGE PER USE	RESIDENTIAL: <u>105.58</u> COMMERCIAL: <u>6.82</u> INDUSTRIAL: _____
LINEAR FEET (ADDED) OF PROPOSED ROADS	PUBLIC: <u>20,530</u> LF PRIVATE: _____
ANTICIPATED WASTEWATER SYSTEM	<input type="checkbox"/> CONVENTIONAL SEPTIC SYSTEM <input type="checkbox"/> CLASS I (AEROBIC) PERMITTED SYSTEM <input checked="" type="checkbox"/> PUBLIC SEWER
WATER SOURCES	SURFACE WATER <input checked="" type="checkbox"/> PUBLIC WATER SUPPLY <input type="checkbox"/> RAIN WATER GROUND WATER* <input type="checkbox"/> PUBLIC WELL <input type="checkbox"/> SHARED WELL <input checked="" type="checkbox"/> PUBLIC WATER SUPPLY
<p>*IF DOING GROUND WATER PROVISION FOR THE DEVELOPMENT USING GROUNDWATER RESOURCES, THE HAYS-TRINITY GROUNDWATER CONSERVATION DISTRICT MUST BE NOTIFIED:</p> <p>HAYS-TRINITY GCD NOTIFIED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>	

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COMMENTS: _____

TITLE: Sr. Proj. Manager SIGNATURE: 

PUBLIC UTILITY CHECKLIST

ELECTRIC PROVIDER NAME (if applicable): Pedernales Electric Cooperative
 VERIFICATION LETTER ATTACHED NOT APPLICABLE

COMMUNICATIONS PROVIDER NAME (if applicable): _____
 VERIFICATION LETTER ATTACHED NOT APPLICABLE

WATER PROVIDER NAME (if applicable): Dripping Springs Water Supply Corporation
 VERIFICATION LETTER ATTACHED NOT APPLICABLE

WASTEWATER PROVIDER NAME (if applicable): City of Dripping Springs
 VERIFICATION LETTER ATTACHED NOT APPLICABLE

GAS PROVIDER NAME (if applicable): Texas Gas Service
 VERIFICATION LETTER ATTACHED NOT APPLICABLE

PARKLAND DEDICATION?	AGRICULTURE FACILITIES (FINAL PLAT)?
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NOT APPLICABLE	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NOT APPLICABLE

COMPLIANCE WITH OUTDOOR LIGHTING ORDINANCE?*

(See attached agreement)

*If proposed subdivision is in the City Limits, compliance with the Lighting Ordinance is **mandatory**. If proposed subdivision is in the ETJ, compliance is **mandatory** when required by a Development Agreement, or as a condition of an Alternative Standard/Special Exception/Variance/Waiver.

Voluntary compliance is strongly encouraged by those not required by above criteria (see Outdoor Lighting tab on the city’s website at www.cityofdrippingsprings.com and online Lighting Ordinance under the Code of Ordinances tab for more information).

YES (REQUIRED) YES (VOLUNTARY*) NO

APPLICANT'S SIGNATURE

*Note: An additional signature is required on page 7 of the application verifying completeness. Applications should be submitted **only** when all required information is included in the submittal.*

The above information is true to the best of my knowledge. I attest that the real property described is owned by me and all others as signed below. If the below signed applicant is not the owner of said property, the signature of the property owner must be included below, or consent must be attached (If a corporation, please list title, and name of corporation.)

Ryan Perry

Applicant Name

Ryan Perry

7/13/2022

Applicant Signature

Meranda S. Perkins

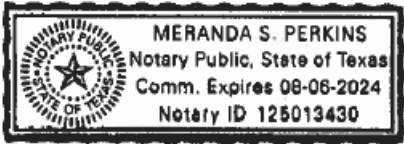
Date

7/13/2022

Notary

Date

Notary Stamp Here



See attached Agent Authorization Letters

Property Owner Name

Property Owner Signature

Date

June 29, 2022


Authority Having Jurisdiction (AHJ)

RE: Agent Authorization for Village Grove

Dear sir or madam:

Doucet & Associates, Inc. is authorized to act as Agents for Dripping Springs Partners, LLC, owner of the tracts locally identified as Hays County Parcel ID R159603, R17835, and R17837, which equal approximately 95.4 acres out of the Philip A Smith Survey, Abstract No. 415 in Hays County, Texas, as referenced in the Official Public Records of Hays County, Texas with regard to coordinating, submitting and processing the subdivision (platting and construction documents, water quality, public improvements (on and offsite), driveway permits and all other applications as necessary to complete the subdivision approval process with the various Authorities Having Jurisdiction. This letter does not give Doucet & Associates, Inc. the authority to sign documents on behalf of the owner that may create entitlement on the property.

If you should have any questions, please contact me.



Signature

Name and Title: Matthew Scrivener, Manager

Dripping Springs Partners, LLC
7401B Highway 71 West
Suite 160
Austin, TX 78735
(615) 405.0225
matthew@atxLi.com

June 29, 2022

Authority Having Jurisdiction (AHJ)

RE: Agent Authorization for Village Grove

Dear sir or madam:

Doucet & Associates, Inc. is authorized to act as Agents for 740 Sports Park, LLC, owner of the tract locally identified as Hays County Parcel ID R18076, which equal approximately 17 acres out of the Philip A Smith Survey, Abstract No. 415 in Hays County, Texas, as referenced in the Warranty Deed recorded in Document No. 21001644 of the Official Public Records of Hays County, Texas with regard to coordinating, submitting and processing the subdivision (platting and construction documents, water quality, public improvements (on and offsite), driveway permits and all other applications as necessary to complete the subdivision approval process with the various Authorities Having Jurisdiction. This letter does not give Doucet & Associates, Inc. the authority to sign documents on behalf of the owner that may create entitlement on the property.

If you should have any questions, please contact me.




Signature

Name and Title: David Denbow, Manager

740 Sports Park, LLC
837 Bell Springs Road
Dripping Springs, Texas 78620
512.264.2767
david@denbowcompany.com

All required items and information (including all applicable below listed exhibits and fees) must be received by the City for an application and request to be considered complete. Incomplete submissions will not be deemed filed and complete. By signing below, I acknowledge that I have read through and met all requirements for a complete submittal:

Applicants Signature:  Date: 7/13/2022

For projects within the ETJ, per the City of Dripping Springs Interlocal Cooperation Agreement with Hays County, a county subdivision application must also be submitted for review to the City. Fees for Hays County shall also be paid. The City will forward the application and Hays County Fees to the County.

<u>PRELIMINARY PLAT CHECKLIST</u> <u>Subdivision Ordinance, Section 4</u>		
STAFF	APPLICANT	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Completed application form – including all required notarized signatures
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application fee (refer to Fee Schedule)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Digital Copies/PDF of all submitted items – please provide a coversheet outlining what digital contents are included on the CD/USB drive.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Digital Data (GIS) of Subdivision
<input type="checkbox"/>	<input type="checkbox"/> N/A	County Application Submittal – proof of online submission (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	ESD #6 Application (<i>if within City or Development Agreement</i>) or Proof of Submittal to Hays County Fire Marshal (<i>if in the ETJ</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$240 Fee for ESD #6 Application (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Billing Contract Form
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineer’s Summary Report
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Preliminary Drainage Study
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Preliminary Plats (3 copies required – 11 x 17)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tax Certificates – verifying that property taxes are current
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Copy of Notice Letter to the School District – notifying of preliminary submittal
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Lighting Ordinance Compliance Agreement
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Development Agreement/PDD (If applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Utility Service Provider “Will Serve” Letters
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Documentation showing approval of driveway locations (TxDOT, County,)

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<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Documentation showing Hays County 911 addressing approval (if applicable)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Parkland Dedication Submittal (narrative, fees)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$25 Public Notice Sign Fee
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	ITE Trip Generation Report, or if required; a Traffic Impact Analysis
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Geologic Assessment Identifying Critical Environmental Features [Sub. Ord. 4.8(l)(4)]
<input type="checkbox"/>	<input type="checkbox"/> N/A	OSSF Facility Planning Report or approved OSSF permit (<i>if applicable</i>)
<input type="checkbox"/>	<input type="checkbox"/> N/A	Hays Trinity Groundwater Conservation District approval of water well (<i>if applicable</i>)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Preliminary Conference Form signed by City Staff
PRELIMINARY PLAT INFORMATION REQUIREMENTS		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	A vicinity, or location, map that shows the location of the proposed Preliminary Plat within the City (or within its ETJ) and in relationship to existing roadways.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Boundary lines, abstract/survey lines, corporate and other jurisdictional boundaries, existing or proposed highways and streets (including right-of-way widths), bearings and distances sufficient to locate the exact area proposed for the subdivision, and all survey monuments including any required concrete monuments (per the City Engineer); the length and bearing of all straight lines, radii, arc lengths, tangent lengths and central angles of all curves shall be indicated along the lines of each lot or Unit (curve and line data may be placed in a table format); accurate reference ties via courses and distances to at least one recognized abstract or survey corner or existing subdivision corner shall be shown.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The name, location and recording information of all adjacent subdivisions (or property owners of adjacent unplatted property), including those located on the other sides of roads or creeks, shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets, alleys, building setbacks, lot and block numbering, easements, and other features that may influence the layout of development of the proposed subdivision; adjacent unplatted land shall show property lines, the names of owners of record, and the recording information.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The location, widths and names of all streets, alleys and easements (it shall be the applicant's responsibility to coordinate with appropriate utility entities for placement of necessary utility easements and for location of all streets and median openings on highways or arterial roadways), existing or proposed, within the subdivision limits and adjacent to the subdivision; a list of proposed street names shall be submitted (in the form of a letter or memo along with

		the application form) for all new street names (street name approval is required at the time the Preliminary Plat is approved)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The location of all existing property lines, existing lot and block numbers and date recorded, easements of record (with recording information), buildings, existing sewer or water mains (can be shown on a separate sheet, if preferred), gas mains or other underground structures, or other existing features within the area proposed for subdivision;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed arrangement and square footage of lots or Units (including lot and block numbers or Unit numbers) proposed use of same; for nonresidential uses, the location and size of buildings, existing and proposed. This information shall be provided on a separate sheet, such as on a concept plan or the final site plan.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	All sheets shall have a title block which shows the title or name under which the proposed subdivision is to be recorded; the name, address and phone number of the property owner(s); the name, address and phone number of the licensed engineer or registered professional land surveyor who prepared the plat/plans; the scale of the plat/plans; the date the plat/plan was prepared; and the location of the property according to the abstract or survey records of Hays County, Texas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sites, if any, to be reserved or dedicated for parks, schools, playgrounds, other public uses or for private facilities or amenities
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Scale (including a graphic scale), date, north arrow oriented to the top or left side of the sheet, and other pertinent informational data
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contours with intervals of two feet (2') or less shown for the area, with all elevations on the contour map referenced to sea level datum; and the limits of any portion of the 100-year floodplain (pursuant to the flood study, if required by the City Engineer) that may be within or adjacent to (i.e., within 100 feet of) the property (final monumentation of the floodplain shall occur, and shall be shown, on the final plat prior to approval and filing at the County) - if no floodplain is present, then a note stating this shall be shown on the plat
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Areas contributing drainage to the proposed subdivision shall be shown in the drainage study and construction plans; locations proposed for drainage discharge from the site shall be shown by directional arrows.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	All physical features of the property to be subdivided shall be shown, including: <ul style="list-style-type: none"> - The location and size of all watercourses; and - 100-year floodplain according to Federal Emergency Management Agency

		<p>(FEMA) information; and</p> <ul style="list-style-type: none"> - Water Quality Buffer Zones as required by [WQO 22.05.017] - Drainage ways and drainage easements. Drainage easements are required for bypass of any offsite flows and for concentrated flows conveyed across lots. Drainage easements shall be large enough to contain the 100-yr storm [Sub. Ord. 12.2.2]. - U.S. Army Corps of Engineers flowage easement requirements; and - All critical environmental features (CEFs) such as karsts, springs, sinkholes, caves, etc., to be located and documentation to be signed and certified by a geologist. All CEF to have a minimum setback of 150'. All designated wetlands to be certified as such by an accredited wetland biologist relying the presence of wetlands plant species. Applicant to include a slope map identifying the breakdown of all lands in categories from 0% to 15 slope, 15 to 30 slope, and over 30% slope; and - Ravines; and - Bridges; and - Culverts; and - Existing structures; and - Drainage area in acres or area draining into subdivisions (to be included in drainage study and construction plans); and - Outline of major wooded areas or the location of major or important individual trees (excluding Cedar Trees) with trunk diameters exceeding twelve inches (12") measured four feet (4') above the ground, and other features pertinent to subdivision; is defined in the City's Technical Construction Standards and Specifications, and the City's Landscape Ordinance.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Provide notes identifying the following:</p> <ul style="list-style-type: none"> • Owner responsible for operation and maintenance of stormwater facilities. • Owner/operator of water and wastewater utilities. • Owner/operator of roadway facilities
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Schematic Engineering plans of water and sewer lines and other infrastructure</p>

		(including sizes) to be constructed in the subdivision; the proposed connections to distribution mains shall be indicated
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed phasing of the development: Where a subdivision is proposed to occur in phases, the applicant, in conjunction with submission of the Preliminary Plat, shall provide a schedule of development, the dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision. The City Engineer shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established, and may require that a traffic impact analysis be submitted for the entire project or for such phases as the City Engineer determines to be necessary to adjudge whether the subdivision will be served by adequate streets and thoroughfares.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	All Preliminary Plats shall be submitted in a legible format that complies with Hays County requirements for the filing of plats.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Existing zoning of the subject property and all adjacent properties if within the city limits.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Traffic Plan showing proposed routes for construction vehicle traffic and points of ingress and egress of such vehicles during construction; temporary construction easement approvals if needed, this shall be sealed by a registered engineer
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Certificates and other language shall be included on the plat, pursuant to the following Subsections: A statement signed by the property owner(s) and acknowledged before a Notary Public that the subdivided area is legally owned by the applicant.</p> <ul style="list-style-type: none"> - A statement signed by the property owner(s) and acknowledged before a Notary Public that the subdivided area is legally owned by the applicant. - An accurate legal, such as by metes and bounds, description by bearings and distances (including necessary curve and line data), accurate to the nearest one hundredth of a foot, for all boundary, block and lot lines, with descriptions correlated to a permanent survey monument. - The registered professional land surveyor’s certificate, with a place for his or her signature and notarization of his or her signature. - A place for plat approval signature of the Chair or Vice Chair, in the Chair’s absence) of the Planning and Zoning Commission, a place for the City Secretary to attest such signature, and the approval dates by Planning and Zoning Commission. - Appendices to this Chapter contain certificates and languages to be used on the plat to accommodate the above requirements:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	If any amount of surface water is to be used by the subject property, the

		<p>Applicant must provide documentation to the City establishing that the Applicant has notified the following entities of the Applicant’s plans for the project: Lower Colorado River Authority (LCRA), and the United States Fish and Wildlife Service (USFWS).</p>
--	--	---

NARRATIVE OF COMPLIANCE

A written narrative describing how all portions of the subdivision meets all requirements of this code and other codes, including landscaping, lighting, parkland dedication, site development, water quality protection, and zoning, as may be relevant.

<p>Outdoor Lighting, Article 24.06</p>	<p>Per Section 2.9 of the PDD No. 14, all illumination for street lighting, signage, security, exterior, landscaping and decorative facilities for the project shall comply with Article 24.06 of the City's Code of Ordinances ("Outdoor Lighting Ordinance". Owner, homeowners, end users and/or a Property Owner Association will be required to operate and maintain the lighting within the project according to applicable rules. Owner agrees that the CCRs for the project shall reinforce this provision and be applied to all construction and builders.</p>
<p>Parkland Dedication, Article 28.03</p>	<p>Per Section 2.4.10 of the PDD No. 14, the project is required to have 22.22 acres of Parkland. The project will include approximately 30.91 net acres that will be dedicated for Parkland, the area being shown more fully on the enclosed Parkland Dedication Submittal. This dedication shall fulfill all parkland dedication requirements of the project to the City, including but not limited to the requirements of the Parkland Dedication Ordinance.</p>
<p>Landscaping and Tree Preservation, Article 28.06</p>	<p>Detailed Landscaping and Tree Preservation requirements are described in Section 2.12 of the PDD No. 14, a copy of which is included with this submittal.</p>

Subdivision, 28.02, Exhibit A	<p>This section shall also include, depending on what type of plat is being filed, how public or private improvements will meet City standards, including water quality, drainage, stormwater, and fire (if applicable).</p> <p>Subdivision will be permitted in phases per PDD No. 14, see Exhibit H. Owner agrees to comply with the City's Water Quality Protection Ordinance, except as modified by the PDD or by specific variance. Water Quality Buffer Zones are shown as required per PDD Exhibit G. See Exhibit E of PDD No. 14 for specific approved Code Modifications.</p>
Zoning, Article 30.02, Exhibit A	<p>This project is subject to approved PDD No. 14, Ordinance No. 2022-19, attached. The base zoning district for the townhome portion of the property is SF-5, the single family lots portion of the property is SF-3 and the commercial and civic center portion of the property is LR, Local Retail.</p>



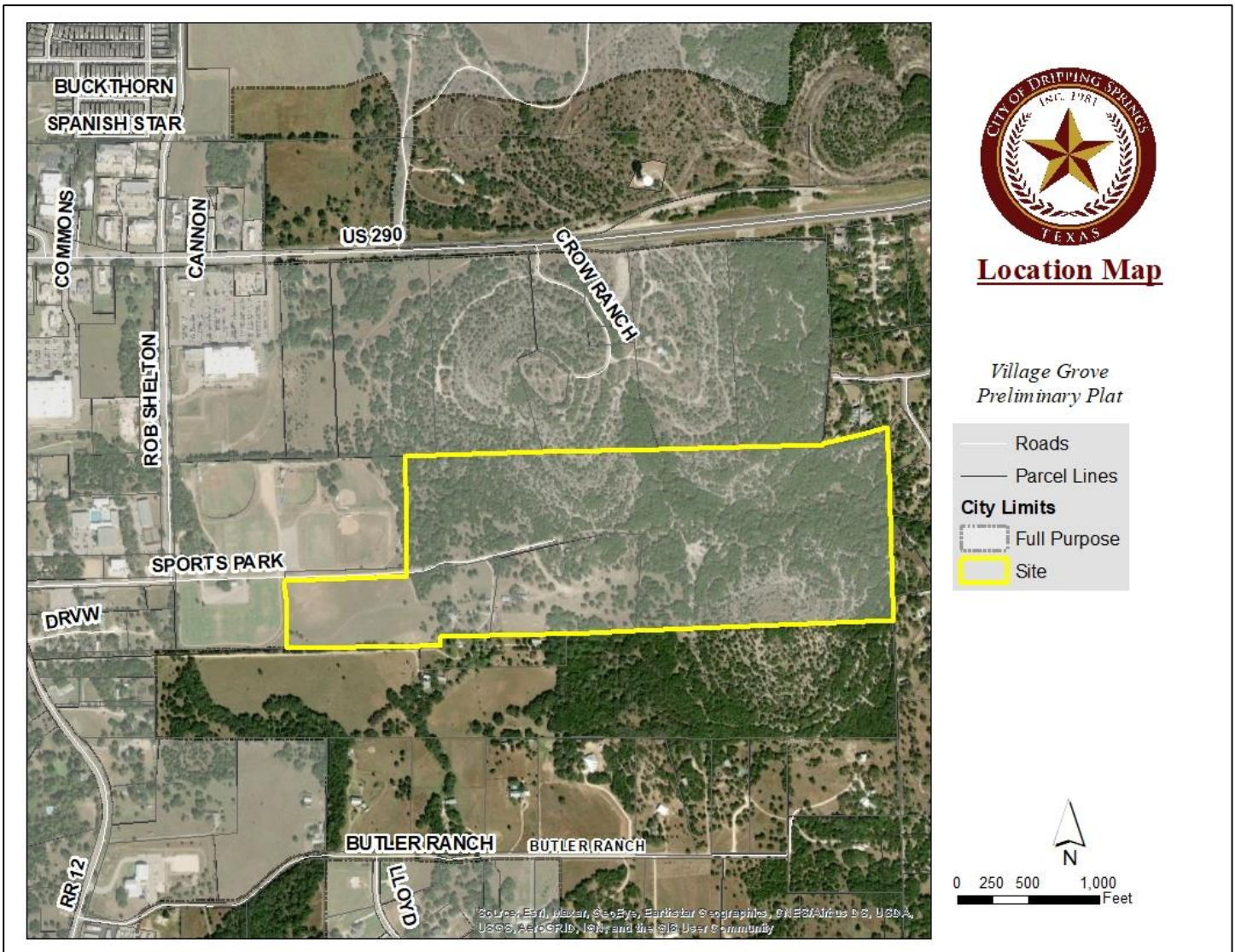
Planning and Zoning Commission Planning Department Staff Report

Item 2.

Planning and Zoning Commission Meeting: August 23, 2022
Project No: SUB2022-00039
Project Planner: Tory Carpenter, AICP - Senior Planner

Item Details

Project Name: Village Grove Preliminary Plat
Property Location: Sports Park Road and Rob Shelton Blvd
Legal Description: 112.4 acres out of the CH Malott and Philip A Smith surveys
Applicant: Ryan Perry, Doucet Engineering
Property Owner: Matthew Scrivener, Dripping Springs Partners, LLC
Staff recommendation: Conditional approval of the Preliminary Plat based on outstanding comments



Planning Department Staff Report

Overview

This preliminary plat consists of 180 single-family detached lots, 331 townhome units, and one mixed use lot.

Access and Transportation

Primary access to the subdivision will be through Ranch Road 12 and US 290. The developer will extend a road along the south side of the property to access Ranch Road 12.

Site Information

Location: Sports Park Road and Rob Shelton Boulevard

Zoning Designation: Village Grove Planned Development District

Property History

The Village Grove Planned Development District was approved by City Council on June 21, 2022.

Recommendation

Approval of the preliminary plat with the following conditions:

1. Receive approval of the Traffic Impact Analysis;
2. Receive approval of the master Parks Plan; and
3. The applicant submits a revised wastewater schematic removing the potential drip field from the Hilltop areas.

Attachments

Exhibit 1 – Subdivision Application

Exhibit 2 – Preliminary Plat

Recommended Action	Approval with the conditions listed above.
Alternatives/Options	N/A
Budget/Financial impact	N/A
Public comments	No comments have been received at the time of the report.
Enforcement Issues	N/A
Comprehensive Plan Element	N/A

Project No.:

SHEET
2

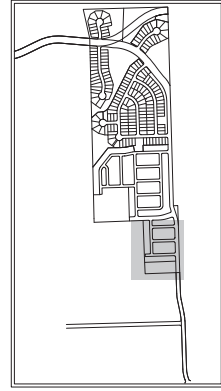
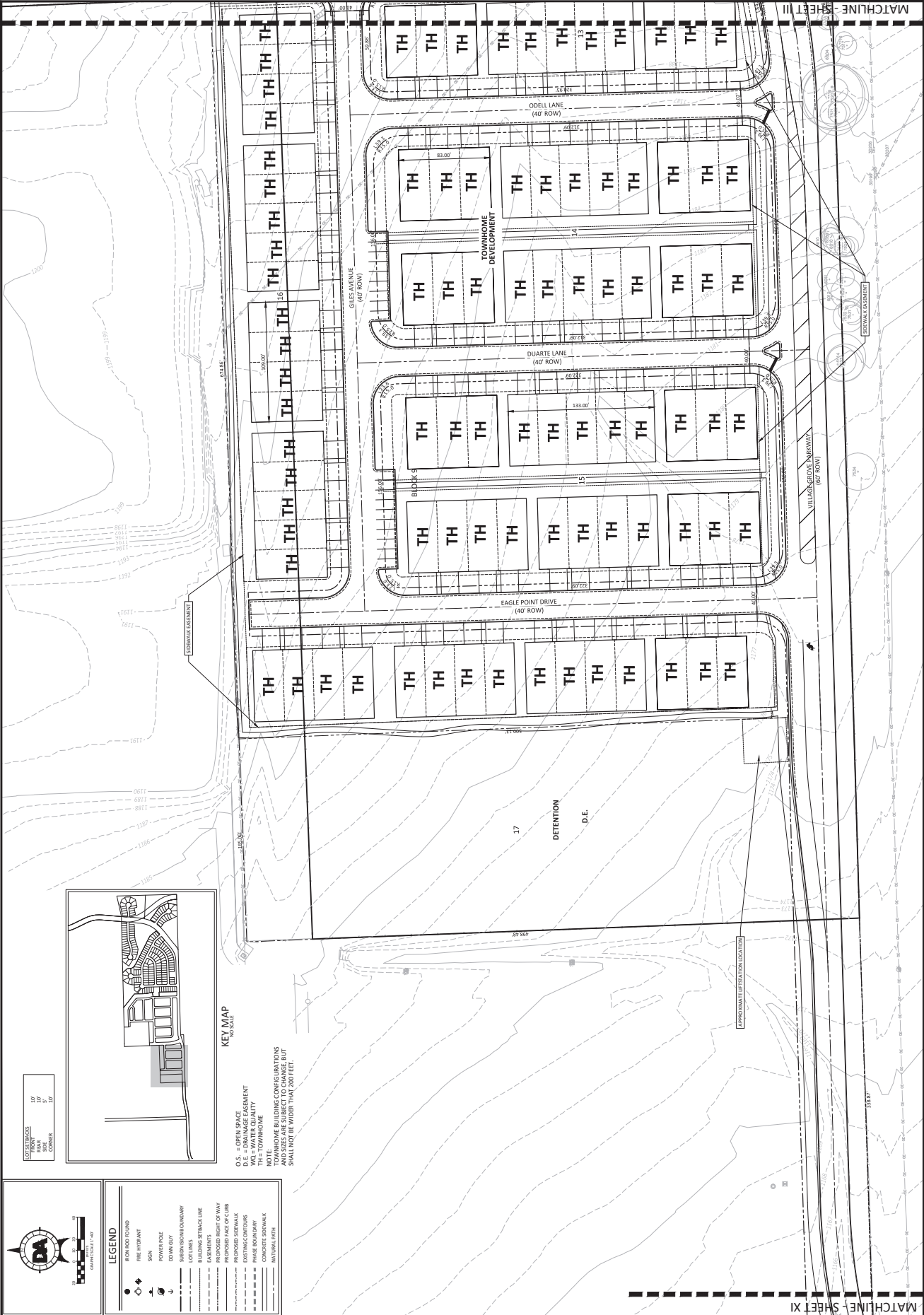


VILLAGE GROVE
SINGLE & MULTIFAMILY DEVELOPMENT

PRELIMINARY PLAT
SHEET I

DOUCET
Civil Engineering // Entitlements // Geospatial

2401 B. Highway 21 W. SM. 140
Austin, TX 78735 Tel: (512) 483-2400
www.doucetengr.com
18785 Firm Number: 2832
187853 Firm Number: 10106000



LOT 1	37
LOT 2	37
LOT 3	37
LOT 4	37

U.S. = CURB STAKE
D.E. = DRAINAGE EASEMENT
W.Q. = WATER QUALITY
N.O. = NOT A TOWNHOME
TOWNHOME BUILDING CONFIGURATIONS
SHOULD BE SUBJECT TO CHANGE, BUT
SHOULD NOT BE WIDER THAN 200 FEET.

LEGEND

- IRON ROD FOUND
- FIRE HYDRANT
- SIGN
- POWER POLE
- DOWN GUY
- SUBDIVISION BOUNDARY
- BUILDING SETBACK LINE
- EASEMENTS
- PROPOSED RIGHT OF WAY
- PROPOSED FACE OF CURB
- EXISTING CONTOURS
- PHASE BOUNDARY
- CONCRETE SIDEWALK
- NATURAL PATH

MATCHLINE - SHEET XI

Plotting: c:\pwworking\entitlements\103535\187853\187853.dwg
User: mckinley
Date: 10/22/10 10:45
Plot Method: AutoCAD LT 2010



VILLAGE GROVE SINGLE & MULTIFAMILY DEVELOPMENT DRIPPING SPRINGS, TX

PRELIMINARY PLAT SHEET II

DOUCET Engineering // Entitlements // Geospatial

2018 B. Highway 21 W. 5th Fl. 140 Austin, TX 78758 Tel: (512) 883-8200 www.doucetengr.com

178753 Firm Number: 28732 178753 Firm Number: 10105800

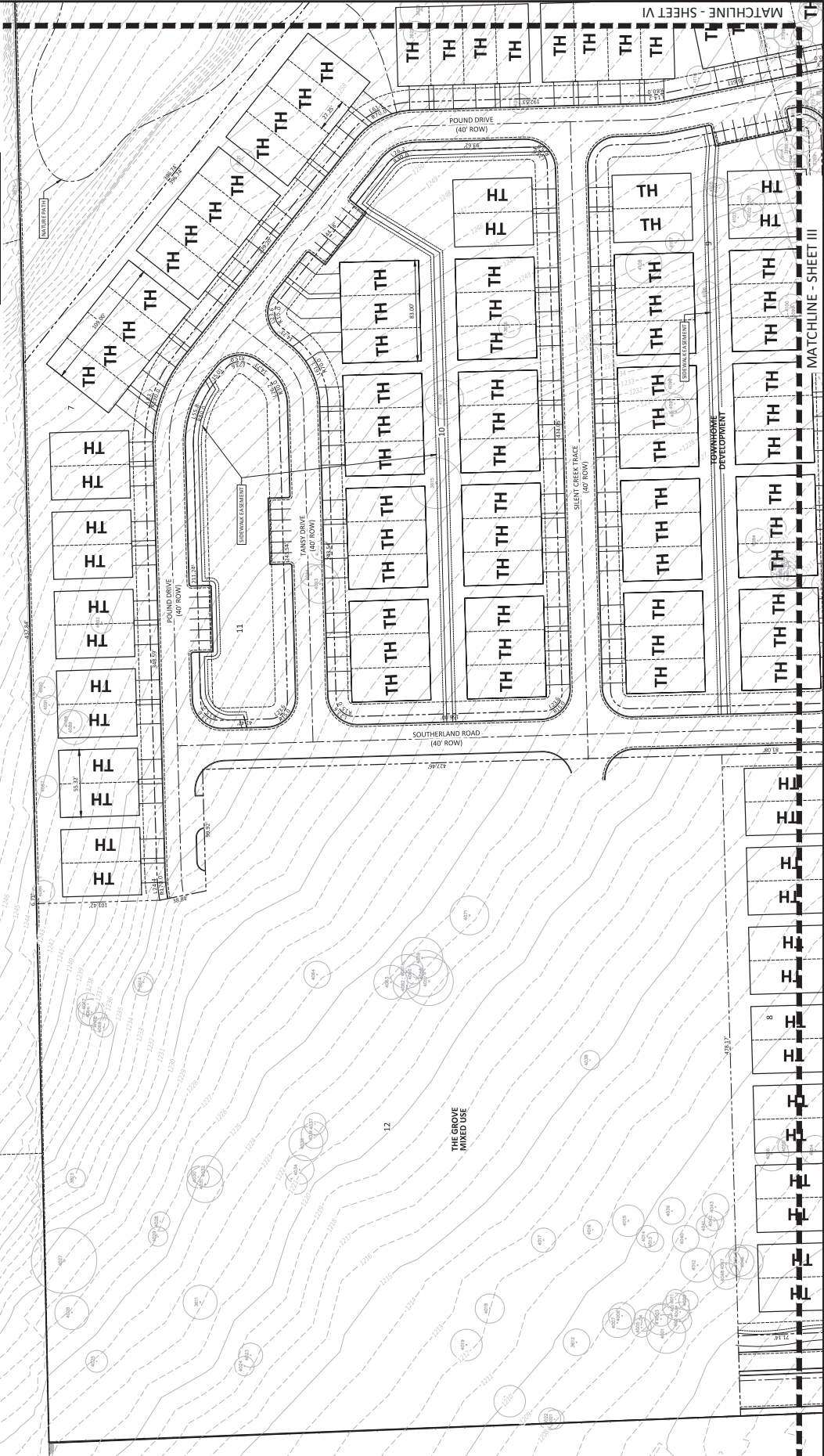
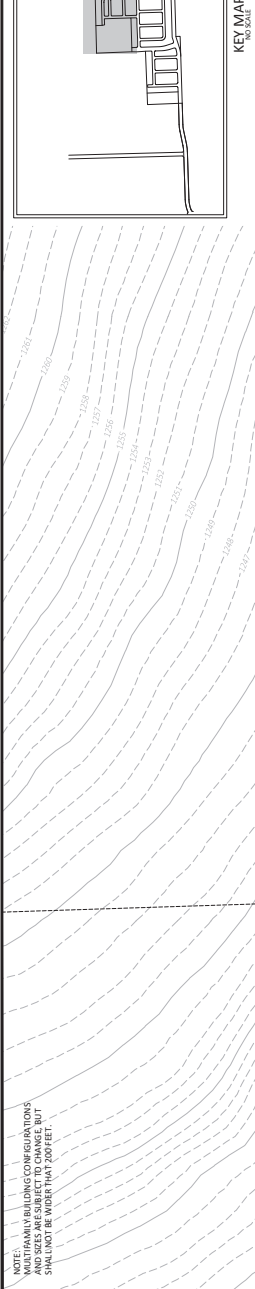
LEGEND

- IRON ROD FOUND
- FIRE HYDRANT
- SON
- POWER POLE
- DOWN GUY
- SUBDIVISION BOUNDARY
- EXISTING UTILITY
- PROPOSED UTILITY
- PROPOSED RIGHT OF WAY
- PROPOSED FACE OF CURB
- PROPOSED DRIVEWAY
- EXISTING CONTOUR
- PHASE BOUNDARY
- CONCRETE SIDEWALK
- NATURAL BATH

O.S. = OPEN SPACE
D.E. = DRAINAGE EASEMENT
V.H. = TOWNHOMES

DATE: 07/20/2018
BY: [Signature]

KEY MAP



MATCHLINE - SHEET VI

MATCHLINE - SHEET III

MATCHLINE - SHEET VIII

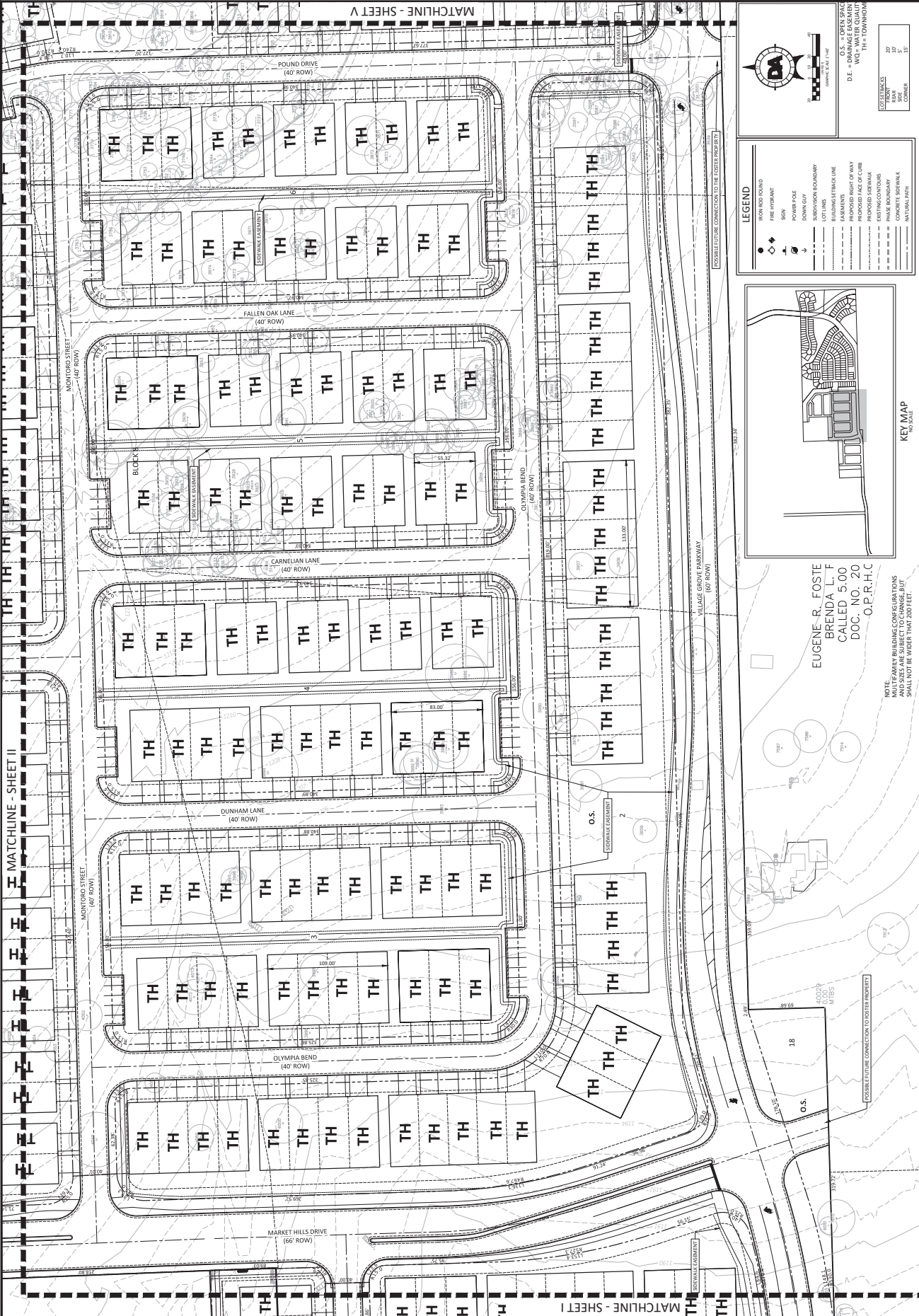


VILLAGE GROVE SINGLE & MULTIFAMILY DEVELOPMENT

PRELIMINARY PLAN SHEET III

DOUCET CH2 Engineering // Entitlements // Geospatial

2401 B. Highway 21 W. Ste. 140
Austin, TX 78735 Tel: (512) 883-2400
www.douceteng.com
17875 Firm Number: 2837
178753 Firm Number: 10105800



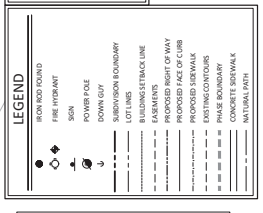
LEGEND

- IRON ROD FOUND
- FIRE HYDRANT
- SEWER
- POWER POLE
- DOWN POLE
- DOWN POLE
- PROPERTY BOUNDARY
- EXISTING SETBACK LINE
- EXISTING DRIVE
- PROPOSED RIGHT OF WAY
- PROPOSED DRIVE
- PROPOSED SIDEWALK
- PROPOSED CONCOURSE
- EXISTING CONCOURSE
- PHASE BOUNDARY
- CONCRETE DRIVEWAY
- NATURAL PATH

REFERENCES

- 307
- 317
- 327
- 337
- 347

O.S. = OTHER SCALE
D.E. = 1/4" = 100' WATER QUALITY
TH = TOWNHOME



EUGENE R. FOSTE
BRENDA L. F
CALLED 5.00
DOC. NO. 20
O.P.R.H.C

NOTE: ALL DIMENSIONS, CONCRETE PATHS AND SIZES ARE SUBJECT TO CHANGE, BUT SHALL NOT BE WIDER THAN 200 FEET.

MATCHLINE - SHEET II

MATCHLINE - SHEET I

PROJECT NO.	5
SHEET	5
DATE	10/22/15
SCALE	AS SHOWN
DRAWN BY	...
CHECKED BY	...
APPROVED BY	...

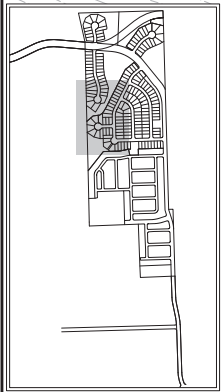
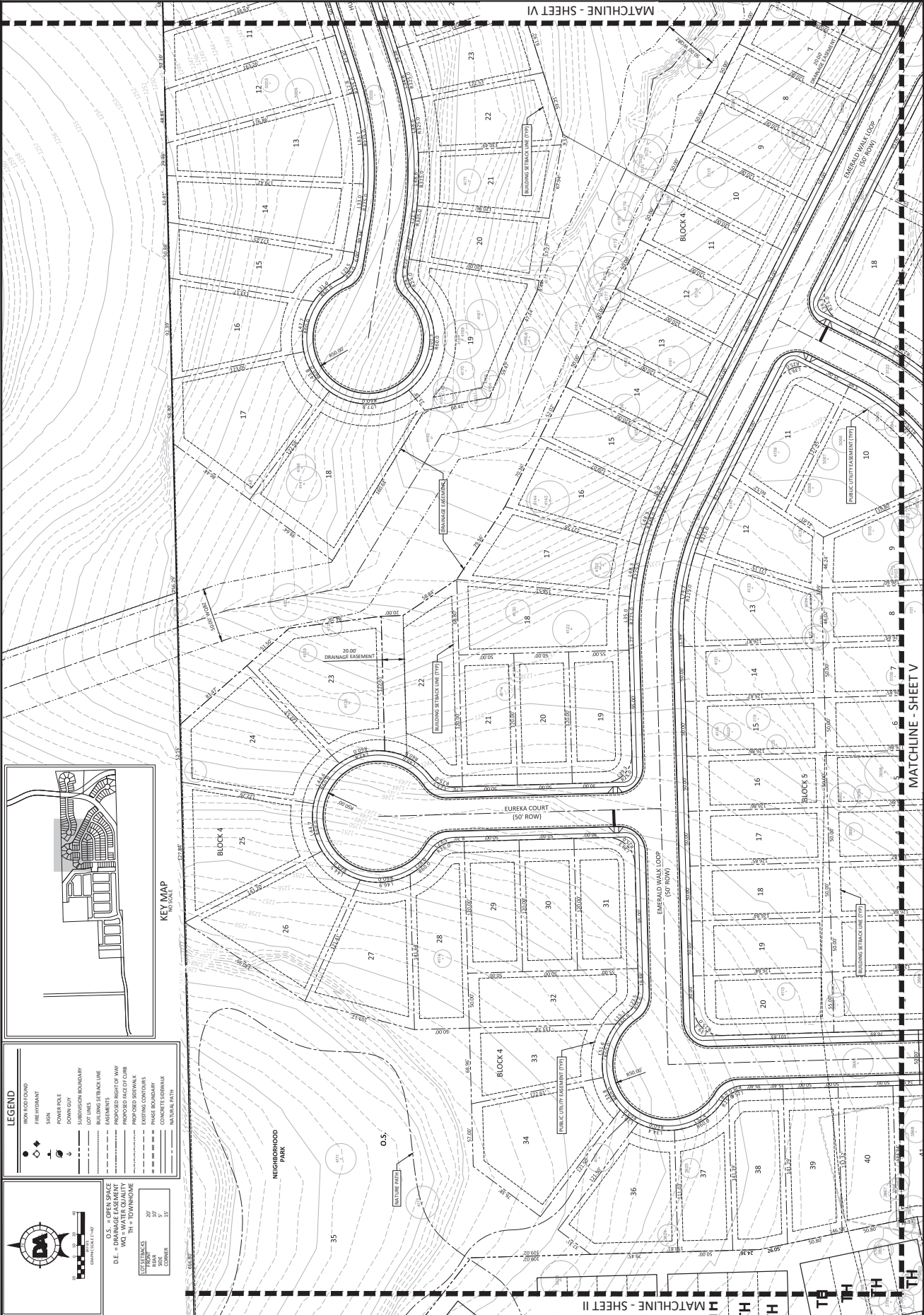


VILLAGE GROVE
SINGLE & MULTIFAMILY DEVELOPMENT

PRELIMINARY PLAT
SHEET IV

DOUCET CIVIL ENGINEERING // EARTHWORKS // GEOSPATIAL

2001 B. HIGHWAY 21 W. RM. 140
AUSTIN, TX 78735 TEL: (512) 483-2400
WWW.DOUCETENGINEERS.COM
18787 Form Number: 2833
18785 Form Number: 10105000



LEGEND

- IRON ROD FOUND
- FIRE HYDRANT
- SION
- POWER POLE
- DOWNHILL
- SUBMISSION BOUNDARY
- REVISIONS SETBACK LINE
- WARRANTS
- PROPOSED RIGHT OF WAY
- PROPOSED FACE OF CURB
- EXISTING CONTOURS
- PHASE BOUNDARY
- CONCRETE SETBACK
- NATURAL BATH

DA DISTRICT OF AUSTIN

O.S. = OPEN SPACE
D.E. = DRAINAGE EASEMENT
M.C. = METEOROLOGICAL CORNER

CONTOUR INTERVALS:
10' - 20'
20' - 30'
30' - 50'



SITE DATA TABLE

TOTAL SITE AREA (531 UNITS)	208	112.40 AC
TOTAL RESIDENTIAL LOTS (50')	150	30.39 AC
TOTAL RESIDENTIAL LOTS (531 UNITS)	14	2.88 AC
TOTAL MARKET USE	1	26.54 AC
TOTAL PARKLAND/OPENSAPCE	13	24.18 AC
STREET R.O.W.	9	3.02 AC
NUMBER OF BLOCKS		
NUMBER E.O.W. DEDICATION		

TOTAL PHASE 1 AREA	48.82 AC
RESIDENTIAL LOTS (50')	0
TOWNHOME LOTS	0
TOTAL PHASE 2A AREA	18.49 AC
RESIDENTIAL LOTS (50')	89
TOWNHOME LOTS	0
AVERAGE LOT SIZE	0.15 AC
TOTAL PHASE 2B AREA	45.09 AC
RESIDENTIAL LOTS (50')	0
TOWNHOME LOTS (531 UNITS)	14
MARKED	1
AVERAGE LOT SIZE	3.01 AC
TOTAL PHASE 3 AREA	10.76 AC
RESIDENTIAL LOTS (50')	91
TOWNHOME LOTS	0
AVERAGE LOT SIZE	0.19 AC

LEGEND

- PROPOSED ROAD
- EXISTING ROAD
- FIRE HYDRANT
- FIRE RISER
- POW. POLE
- COMM. GAS
- SUBDIVISION BOUNDARY
- LOT LINES
- BUILDING SETBACK LINE
- EXISTING UTILITY
- PROPOSED FACE OF CURB
- PROPOSED SIDEWALK
- EXISTING CONTOUR
- PHASE BOUNDARY

PHASE 1 (Green)

PHASE 2A (Blue)

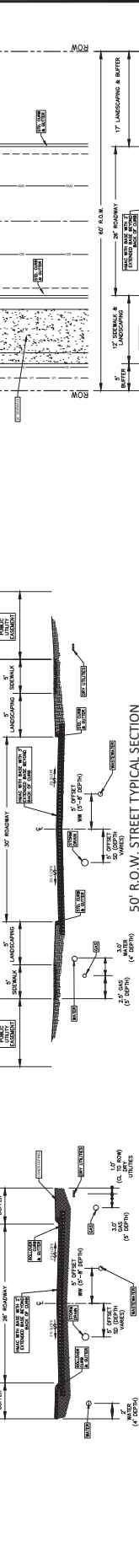
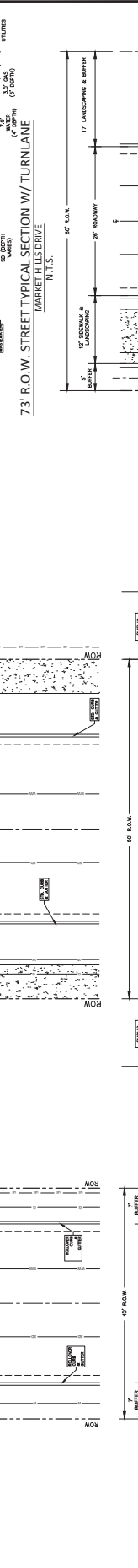
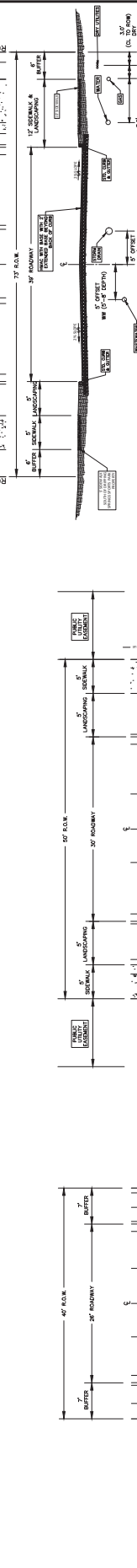
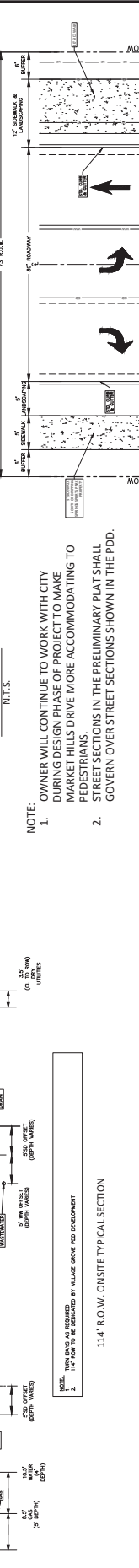
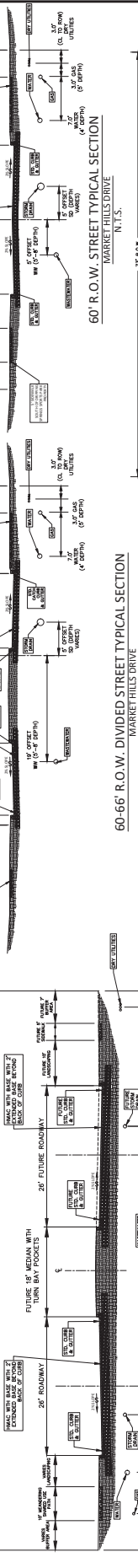
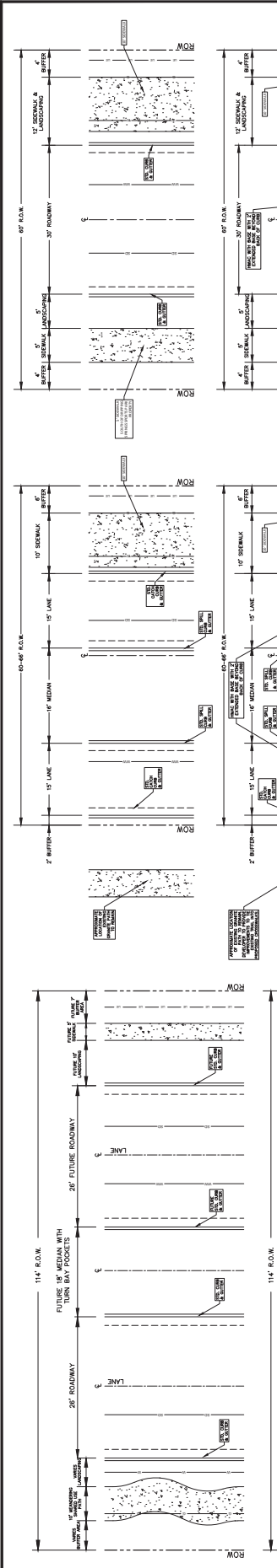
PHASE 2B (Red)

PHASE 3 (Orange)

THE GROVE (FUTURE) (Yellow)

CONCRETE PAVEMENT TO BE RECONSTRUCTED TO BE EITHER 4" OR 6" THICK WITH 12" OR 18" RIGID BASE OR 12" OR 18" PORTLAND CEMENT CONCRETE (PCC)

RANCH ROAD 12



- NOTE:
- OWNER WILL CONTINUE TO WORK WITH CITY DURING DESIGN PHASE OF PROJECT TO MAKE MARKET HILLS DRIVE MORE ACCOMMODATING TO PEDESTRIANS.
 - STREET SECTIONS IN THE PRELIMINARY PLAT SHALL GOVERN OVER STREET SECTIONS SHOWN IN THE PDD.

TOWN HOMES ROADWAY TYPICAL SECTION
 N.T.S.

60' R.O.W. STREET TYPICAL SECTION
 MARKET HILLS DRIVE
 N.T.S.

50' R.O.W. STREET TYPICAL SECTION
 N.T.S.

114' R.O.W. ON-SITE TYPICAL SECTION
 N.T.S.

60' R.O.W. STREET TYPICAL SECTION
 VILLAGE GROVE PARKWAY
 N.T.S.



To: Dripping Springs Planning & Zoning Commission
From: Howard J. Koontz, AICP, Planning Director
Re: Proposed text update to the Landscape and Tree Preservation Ordinance

Commission Members:

Staff has completed approximately 75% of a proposed Landscape and Tree Preservation ordinance revision. Attached to this memo is the draft of the document.

At this time, staff's request is for the Planning & Zoning Commission to review this preliminary draft, for the purpose of comments, questions, and guidance to staff on the intentions of the ordinance. Staff seeks the commissioner's proposed edits to both the spirit of the changes, and the content of the text itself. Staff seeks these comments before the ratification process begins to minimize conflicts in the draft text and to ensure the greatest efficiency of time when the item is up for vote.

As to the ratification process, staff proposes this item be brought to the Commission on November 22nd, and then moved to the Mayor & City Council for their final determination at their regular December 6th meeting.

Open spaces, friendly faces.

ARTICLE 28.06 LANDSCAPING AND TREE PRESERVATION

Division 1. Generally

Sec. 28.06.001 Title

This article shall be commonly cited as the landscape ordinance. (Ordinance 6300.10, ex. A, sec. 1.1, adopted 2/12/08)

Sec. 28.06.002 Purpose

(a) Generally. The purpose of this article is to provide for the preservation of native trees, prevent the clear-cutting of land, and provide for minimum landscaping and screening requirements, in recognition that trees, landscaping, screening, and buffering protect the health and welfare of the community, while addressing the water conservation and drainage issues particular to the Hill Country region. The purpose of this article is also to enhance the community's ecological, environmental, and aesthetic qualities.

(b) Health, welfare, and general well-being. Preserving and improving the natural environment, and maintaining a working ecological balance, are of increasing concern to the city. The fact that the proper use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare, and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare, and general well-being of the community, and therefore it is proper that the appropriate use of such elements be required.

(c) Water conservation and drainage. The city experiences frequent droughts, due in part to a landscape and is characterized by thin-soiled rock formations; therefore, it is the purpose of this article to encourage the use of drought-resistant vegetation and landscaping that minimizes runoff and erosion.

(Ordinance 6300.10, ex. A, sec. 1.2, adopted 2/12/08)

Sec. 28.06.003 Scope

This article applies to all commercial property and all residential subdivision that includes the construction of public infrastructure within the incorporated municipal boundaries (i.e., city limits) for which site development plan or construction plan approval by the city is required under the city's Code of Ordinances. This article applies to actions taken after the date of enactment. (Ordinance 6300.10, ex. A, sec. 1.3, adopted 2/12/08)

Sec. 28.06.004 Definitions

(a) Rules of interpretation. Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

(b) Specific definitions.

Caliper inch. A unit of measure for tree size taken six inches above the ground level for field grown stock, and six inches above the soil line for container grown stock, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size.

City administrator. The chief administrative officer of the city. The term shall also include the deputy city

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1

administrator.

City council. The governing body of the city.

City of Austin Environmental Criteria Manual. The document promulgated by the City of Austin, which is commonly used throughout the region and is widely regarded as the standard in the development community, as may be amended.

City of Austin Grow Green Guide. The document promulgated in part by the City of Austin, entitled "Native and Adapted Landscape Plants: An Earthwise Guide for Central Texas," as may be amended.

City permit. A city license, certificate, approval, registration, consent, permit, or other form of authorization required by a city ordinance, regulation, or rule in order to develop, construct, and operate the improvements on the property.

Code. The Code of Ordinances enacted by the city, as may be amended from time to time.

Commercial land use. All activities and operations except for one- and two-family residences occupied by individual(s) claiming the dwelling as their homestead.

Critical root zone. The circular area surrounding a tree trunk, established as a distance equal to one foot of radial distance for every inch of caliper size or tree DBH, whichever is appropriate.

Development. The construction or placement of any buildings, utilities, access, roads or other structures, excavation, mining, dredging, grading, filling, clearing or removing vegetation, or the deposit of refuse, waste or fill.

DBH (diameter at breast height). The unit of measure for tree size once over 4" caliper. DBH is the tree trunk diameter of an existing tree measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Designated-Protected tree. Any of the following:

- (1) A hardwood tree having a trunk of eight (8) inches in caliper or greater measured at DBH;
- (2) A multi-trunked hardwood tree having a total trunk DBH of thirty (30) inches or more (not counting trunks less than eight (8) inches in diameter); or
- (3) A cluster of hardwood trees within a ten-foot radius circle having a total trunk DBH of forty (40) inches or more (not counting trunks less than eight (8) inches in diameter).

~~(Ordinance 6300.10, ex. A, sec. 2, adopted 2/12/08)~~

Escrow. A deposit of a cash bond with the city in accordance with this article.

Extreme drought classification. ~~A D3 A mandatory drought response issued by the local water supply jurisdiction outlining conditions that include limits to water available for landscape irrigation making it impractical to establish new landscaping by irrigation, classification of drought intensity provided by the National Drought Mitigation Center, with D1 being the least intense and D4 being the most intense. D3 classification, extreme drought areas, result in major crop/pasture losses and widespread water shortages or restrictions. The National Drought Mitigation Center must be consulted to determine the classification for the region.~~

~~(Ordinance 6300.12 adopted 11/11/14)~~

Heritage Tree. ~~— A protected tree having a trunk of 24.0" or greater caliper in inches measured at DBH;~~

Impervious cover. Buildings, parking areas, roads, and other impermeable man-made improvements covering the natural land surface that prevent infiltration. For further clarification on what is considered impervious cover, refer to the city's water quality protection ordinance (article ~~10.0322.05~~).

Landscape architect. One whose profession is the decorative and functional alteration and planting of grounds, especially at or around a building site.

Landscaping. Consists of introduced vegetation, as well as related improvements to a lot, including, but

2

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not limited to, forming and berming, irrigation systems, landscape subsurface drainage systems, site furnishings, and nonstructural retaining walls.

Legacy Tree. A protected tree having a trunk of 12.0" -23.9" caliper in inches measured at DBH;

Natural area. An area where the naturally grown landscaping is left primarily undisturbed, except for the removal of poison ivy, greenbrier, and similar vegetation, oak wilt removal and/or prevention measures, and allowing for maintenance of the trees to maintain vigorous growth.

Owner. A person with legal control over property in question.

Person. A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship, or other legal entity.

Residential Use. One- and two-family structures, occupied by individuals claiming the residence as their homestead.

Standard Tree. A protected tree having a trunk of 8.0" -11.9" caliper in inches measured at DBH;

TCEQ. The state commission on environmental quality, or its successor agency.

Tree caliper. Caliper is the diameter of the trunk, measured at 6 inches above the soil line on the uphill side, and used for trees that measure 4" caliper or smaller. Over 4" caliper, trees are measured in DBH.

(Ordinance 6300.10, ex. A, sec. 2, adopted 2/12/08)

Sec. 28.06.005 Applicability

This article applies to all ~~new commercial~~ development requiring site plan approval subject to zoning requirements, including:

1. All residentially zoned property for which a subdivision is accepted by the City after the effective date of this ordinance;
2. All industrial, commercial, office, multi-family, institutional development and schools (including all new construction and any additions greater than 2500 square feet), and construction of a new parking lot or expansion of an existing parking lot;
3. All properties going through redevelopment through extension, reconstruction, resurfacing, or structural alteration must come into compliance. Site plan approval shall be conditioned on compliance with this article.

For tree preservation purposes, this article applies to the three types of development stated above, and also

includes:

4. Any grading, filling and/or clearing /- grubbing of land;
5. Chemical or biological application on or near tree(s) that may result in the death or destruction of any tree(s) as defined;
6. Trenching or excavating that may damage or destroy protected trees as defined;
7. All governmental development shall comply with the tree preservation plan review procedure regardless of the zoning district in which they are located;
8. Detached and attached dwelling lots platted after the effective date of this ordinance.

(Ordinance 6300.10, ex. A, sec. 3.1, adopted 2/12/08)

Sec. 28.06.006 Landscaping fund

A fund is hereby created in which any cash-in-lieu paid to the city pursuant to the mandates of this article shall be deposited. The fund may be drawn upon by the city to implement landscaping improvements on city land and city controlled rights-of-way. (Ordinance 6300.10, ex. A, sec. 3.2, adopted 2/12/08)

Sec. 28.06.007 Damaging or removing trees

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No person shall damage or remove trees in violation of this article. (Ordinance 6300.10, ex. A, sec. 3.3, adopted 2/12/08)

Sec. 28.06.008 Violations

It shall be unlawful for any person to violate this article. (Ordinance 6300.10, ex. A, sec. 5, adopted 2/12/08)

Sec. 28.06.009 Enforcement; penalties

(a) Compliance. Violators of this article will be required to come into compliance within sixty (60) days, unless a variance has been approved by the city. Compliance with this article may be grounds for withholding of other related pending permits for the project by the city.

(b) Enforcement. The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to a stop work order, suit for injunctive relief, and/or prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance. Any violation of this article may serve as grounds to withhold or delay issuance of other permits and revocation of a certificate of occupancy.

(c) Criminal penalty. Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000.00) to be deposited in the landscaping fund. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a misdemeanor.

(d) Civil remedies. Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including but not limited to the following:

- (1) Injunctive relief. Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;
- (2) Civil penalty. A civil penalty up to five hundred dollars (\$500.00) a day to be deposited in the landscaping fund, when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article, and other available relief; and
- (3) Stop work order. In the event work is not being performed in accordance with this article, the city shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

(Ordinance 6300.10, ex. A, sec. 6, adopted 2/12/08)

Secs. 28.06.010–28.06.050 Reserved

Division 2. Standards

Sec. 28.06.051 Street trees

(a) Residential street tree requirements. The list below sets forth the minimum number of trees, per lot, that must be planted prior to the issuance of a certificate of occupancy permit for the dwelling. Trees shall be in the front of a residential lot, including at least one (1) required tree planted in the front yard. Three (3) small trees/large shrubs may be substituted for one required tree. The following minimum standards apply.

Zoning	No. of Required Trees
SF-1	02
SF-2	2

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SF-3	2
SF-4	2
SF-5	1 per unit
MF	1 per unit
MH	1

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(b) Nonresidential street tree requirements. At least one (1) required tree, shall be planted adjacent to or near the street right-of-way for each twenty-five (25) feet, or fraction thereof, of linear street frontage. Trees shall be planted between the street right-of-way and any horizontal and vertical improvements. The required number of trees need not be placed uniformly, but may be clustered in groups.

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(c) Trees planted shall be a minimum four (4) inch caliperDBH, staked, and wrapped. Small trees/large shrubs trees shall be a minimum two (2) inch caliperDBH, staked, and wrapped.

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(d) Trees with deep roots may be planted in the area between the sidewalk and road if approved by the city administratortree advisory board. Trees of species whose roots are known to cause damage to public roadways or other public works are prohibited.

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(e) Trees are not allowed to be planted within public water or wastewater easements.

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Sec. 28.06.052 Landscape buffers

(a) Landscape buffer planting requirements.

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- (1) All plant material shall be of native or adapted species.
- (2) All new proposed shade trees shall be a minimum of 4 inches in caliperdiameter.
- (3) All proposed ornamental trees shall be a minimum of 2 inches in caliperdiameter.
- (4) All large shrubs shall be a minimum of 5-gallon container size and small shrubs/groundcovers a minimum of 1-gallon container size.

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(b) Landscape buffer spacing requirements. The following landscape buffer spacing requirements shall apply to all designated landscape buffers:

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- (1) Shade trees (such as Live Oak or Cedar Elm). One per 50' of buffer frontage.
- (2) Ornamental trees (such as Crape Myrtle or Desert Willow). One per 25' of buffer frontage.
- (3) Large shrubs, five-gallon (such as Wax Myrtle, DW Yaupon, or Agarita). One per 6' of buffer frontage.
- (4) Small shrubs/groundcovers, one-gallon (such as Lantana or Liriope). One per 3' of buffer frontage.

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(c) Landscape buffer widths. The following landscape buffer width requirements shall apply to all designated landscape buffers and shall be measured from the edge of the right-of-way:

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	At Arterial Roadways	At Collector Roadways
AG	Zero (0)	Zero (0)
SF-1	Zero (0) <u>Thirty-five feet (35')</u>	Zero (0) <u>Twenty-five feet (25')</u>

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- (a) Parking lots and all vehicular parking and maneuvering areas, excluding driveways behind buildings, shall contain areas constructed, planted, and maintained as landscaped islands, peninsulas, or medians.
- (b) The minimum total area in landscaped islands, peninsulas, or medians in the parking lots in front of buildings shall be ninety (90) square feet for each twelve (12) parking spaces.
- (c) One tree is required for every six (6) parking spaces. Tree preservation is encouraged, thus one (1) existing tree that is at four (4) inches DBH shall count for two (2) new trees.
- (d) No parking space shall be located further than fifty (50) feet from a landscaped island, peninsula, median, or tree. They shall be located evenly through the parking areas; however, the location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features.
- (e) Landscape terminal islands (end islands) shall be located at the end of all parking modules in a configuration to allow for turning radii of intersecting aisles to protect parked vehicles, provide for visibility, confine moving traffic to aisles and driveways, and provide space for landscaping. Medium and tall shrubs are prohibited on internal islands to maintain visibility.
- (f) All landscaped islands shall have curbs except when utilizing low impact development techniques to capture and utilize runoff for irrigation purposes.
- (g) Paving over the critical root zone is discouraged and must be approved by the ~~city administrator~~ tree advisory board. All approved paving shall be porous pavement to allow water and air exchange.

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Sec. 28.06.056 Screening of dumpsters and building service equipment

- (a) For outdoor condensers, utility huts, and other building service equipment (other than a rooftop), such equipment shall be reasonably screened from view on all sides using a masonry wall and vegetative screen using at least two (2) varieties of plant material from the "grow green" plant guide, that, at maturity, are at least the height of the equipment to be screened.
- (b) All refuse and/or recycling containers shall be reasonably screened with landscaping from public view and the view of adjoining properties.
- (c) The opening for removal of the dumpster for collection shall be a minimum of twelve (12) feet to allow proper service access. An additional ten (10) feet in width is required for every additional dumpster.
- (d) All durable materials used in constructing the dumpster screening masonry wall system shall be consistent with and complement the primary structure.
- (e) The orientation of the dumpster opening shall not face the street or public sidewalk unless approved by the city administrator.

Sec. 28.06.057 Maintenance requirements

The owner shall be responsible for (unless otherwise specified herein):

- (1) Planting and maintaining trees in a manner which conforms to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and following all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.
- (2) Regular maintenance of all required landscaped areas and plant materials in a vigorous and healthy condition, free from diseases, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilization, pruning, mowing, edging, mulching, or other necessary maintenance in accordance with generally accepted horticultural practice;
- (3) The repair or replacement of required landscape structures (walls, fences, etc.) to a structurally sound condition;
- (4) The regular maintenance, repair, or replacement, where necessary, of any screening or buffering;

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(54) Replacing planted trees if they die or become diseased beyond repair within five (5) years after planting; and

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(65) Repairing damage to landscaped areas, structures, screening, buffering, or trees as a result of ingress or egress from site easements by authorized or unauthorized parties.

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Sec. 28.06.058 Integrated pest management

An integrated pest management plan (IPM) shall be submitted with the site plan. The IPM shall include the soil analysis, fertilizer ratios, brands, and types of fertilization application methods to be used. Fertilizers must be phosphate-free.

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Sec. 28.06.059 Tree preservation

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(a1) Exceptions: The following shall be exempt from the requirements of this Section:

1. Lots on which buildings were constructed prior to the adoption of this ordinance and subsequently damaged by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind, provided a building Permit is issued for restoration within 12 months after the damage occurs and additional square footage is not proposed.

2. ~~Hazardous~~Dangerous, diseased, dead or dying trees as determined by a tree survey and a letter from an ISA certified Texas Arborist.

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3. Trees causing physical damage to existing structures, drainageways, utility systems or facilities in the public right of way.

4. Protected trees damaged or destroyed by floods, fire, wind or other natural causes;

5. The following exempted tree species; Hackberry, Sugarberry, Chinese Tallow, Eastern Red Cedar, Common Ashe Juniper < 10" DBH, Chinaberry, Mesquite, Huisache and Ligustrum.

6. Trees or areas of tree canopy preventing the opening of reasonable and necessary vehicular traffic lanes in a street or alley.

7. Trees or areas of tree canopy located in the clear site line vision area and impeding required sight distance, as defined by the Dripping Springs Technical Criteria Manual (DSTC) Chapter 28, Exhibit C, # the street improvement standards, section 7.5 intersection visibility.

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8. When undertaken in- and immediately adjacent to- the bounds of a public right-of way or dedicated public utility easement by an official government entity or their designee for public use, the installation of:

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a. roadways, bridges, culverts, and associated traffic facilities; and

b. sidewalks and similar off-highway trails and passageways; and

c. streets and passageway lighting; and

d. surface and subsurface stormwater drainageways (where horizontal boring is not practicable);

and

e. subsurface potable water and wastewater utility infrastructure (where horizontal boring is not practicable); and

f. roadway widening/creating on-street parking

(a2) A grading and tree survey shall be submitted with the site development plans and construction plans.

(b) The tree survey shall include all existing, live, healthy protected trees with an eight-inch DBH in diameter and larger. The survey shall indicate the size (DBH) and species of tree. Trees observed to be distressed will be indicated with an asterisk on the tree list. Trees shall be represented by their critical root zone, meaning circles using the formula of one (1) foot of radius for every one inch of trunk diameter. All required trees (both on and off the subject property) with critical root zones that intersect the limit(s) of disturbance within the project shall be represented.

(b2) Protected trees are defined as follows:

1. Hardwood trees defined in Sec. 28.06.004 "Definitions"

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2. The following species are significant trees with at least one (1) trunk being equal or greater than the respective size (DBH):

- i. Ashe Juniper (Juniperus ashei) - ten (10) inch DBH;
- ii. Huisache (Acacia farnesiana) - ten (10) inch DBH;
- iii. Mesquite (Prosopis glandulosa) - ten (10) inch DBH;
- iv. Arizona Ash (Fraxinus Velutina - ten (10) inch DBH;
- v. Hackberry (Celtis spp.) - ten (10) inch DBH;
- vi. Texas persimmon (Diospyros texana) - five (5) inch DBH;
- vii. Texas redbud (var. texensis) - five (5) inch DBH;
- viii. Texas Mountain laurel (Sophora secundiflora) - five (5) inch DBH;
- ix. Condalia (Condalia hookeri) - five (5) inch DBH;
- x. Possum haw (Ilex decidua - in floodplain only) - five (5) inch DBH;
- xi. Hawthorne (crataegus texana) - five (5) inch.

3. **Heritage Trees.** A heritage tree means a tree of twenty-four (24) inches or greater DBH for all tree species except the following species are heritage with at least one (1) trunk being ~~twelve~~ ~~eight~~ (8+2) inches or greater DBH (the value of the ~~twelve~~ ~~eight~~ (12+8) inches or greater trunk is the value given to these small tree species):

- i. Texas persimmon (Diospyros texana);
- ii. Texas redbud (var. texensis);
- iii. Texas Mountain laurel (Sophora secundiflora);
- iv. Condalia (Condalia hookeri);
- v. Possum haw (Ilex decidua - in floodplain only);
- vi. Hawthorne (crataegus texana).

4. **Non-native Trees.** Non-native invasive tree species are not protected and will be omitted from the tree survey. Non-native invasive tree species means the following tree species:

- i. Chinese Pistache (Pistacia chinensis);
- ii. Chinaberry (Melia azedarach);
- iii. Chinese Tallow (Sapium sebiferum);
- iv. Tree of Heaven (Ailanthus altissima);
- v. Salt Cedar (Tamerix species).
- vi. Japanese Ligustrum (Ligustrum japonicum).
- vii. Japanese Ligustrum (Ligustrum japonicum);
- viii. Nandina (Nandina domestica);
- viii. Paper Mulberry (Broussonetia papyrifera)

(b34) Minimum Tree Preservation Requirements

1. No protected tree shall be removed from any real property within the City of Dripping Springs without following the provisions as stated below.

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2. Preservation requirements that are set as percentage values shall be percentage of the trees, not percentage of the sum of all diameter inches.

3. The following shall apply to Protected trees:

a. Commercial and Multi-family – A minimum of 40% of Standard trees, exclusive of Heritage trees, shall be preserved on a lot.

b. Subdivision Development of Single-family and other residentially zoned areas – A minimum of 35% of standard trees, exclusive of clearing and installation for infrastructure (roads, utilities, etc.) and lot lines is allowed.

c. Commercial, Industrial and Multi-family – 100% of Heritage trees shall be preserved. Heritage trees within clearing and installation for infrastructure (roads, utilities, etc.) shall not be removed without mitigation. If removal of a Heritage Tree is required for the construction of infrastructure (roads, utilities, etc) it must first be approved by the City Administrator tree advisory board.

d. Single-family and other residentially zoned areas – 100% of Heritage trees on platted lots, shall be preserved. Heritage trees within clearing and installation for infrastructure (roads, utilities, etc.) shall not be removed without prior to approval by the City Administrator tree advisory board and mitigation.

e. Steep slopes –Protected trees shall not be removed from a steep slope area.

f. Tree preservation in the Water Quality Protection Buffer Zones

No trees shall be removed without following the procedures set forth for Water Quality Buffer Protection Zones. The minimum percentage of trees to be preserved shall be

by tree type, as follows:

i. Drainageway Water Quality Buffer Protection Zones. The following shall apply unless tree removal is specifically approved by the City Administrator tree advisory board for allowable development in the WQBZ as defined by Water Quality Ordinance [22.05.017(d)]

(a) Standard trees – 100% shall be preserved

(b) Legacy trees – 100% shall be preserved

(c) Heritage trees – 100% shall be preserved

(b2) A Tree Preservation Plan shall be submitted with the site development plans and construction plans. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed (including trees identified to be distressed).

(c) Mitigation for Trees Removed

Healthy designated class I and II trees (as defined by the City of Austin Environmental Criteria Manual) that require removal to accommodate the development shall be replaced at a ratio of 1:1, or cash in lieu may be paid to the city, the amount equal to the cost of nursery stock required to replace the caliper amounts lost and the cost of installation on a per unit basis, not to exceed one hundred dollars (\$100.00) per caliper inch or six thousand dollars (\$6,000.00) per acre (prorated for sites of more or less than one acre) for the entire site.

1. When the specific minimum tree preservation requirements are not met the inches (TC) required for mitigation will be determined using the approved tree survey or tree preservation plan. Legacy trees shown to be removed (beginning from largest to smallest (TC)) will be added to the preserved tree total until the preservation

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percentage is reached. The number of trees needed to meet the preservation requirement will be included in the mitigation calculation.

2. Protected trees which are removed shall be mitigated using any combination of the following:

a. Preservation of existing trees >6 inches in DBH above minimum preservation requirements;

b. Relocation of the removed tree onsite, mitigation is required for relocated trees if mortality occurs within 2-years of the relocation;

c. replacement by new Legacy tree species, or alternative native trees approved by the City Administrator or designee; and/or

d. payment of a fee in lieu of tree replacement.

3. The preservation of healthy Standard and Legacy trees on-site is encouraged and may be used as mitigation to offset the removal of Protected trees. The mitigating trees may be of any Legacy tree species with an aggregate TC in inches of the trees removed (1:1). Mitigating trees should be in good health,

greater than >6-inches in DBH, and clear of existing or proposed utility easements and overhead electric lines.

Existing Heritage trees cannot be used to mitigate for the loss of Heritage trees.

4. Replacement trees are in addition to the minimum landscaping requirements as described in Section 28.06.051 through Section 28.06.057 of this document.

5. Replacement trees may be of any Legacy tree species or alternative approved indigenous tree with an aggregate TC in inches of the trees removed with ratio of (1:1) for Standard trees, (1.5:1) for Legacy trees and (3:1) for Heritage trees.

6. Replacement trees shall be a minimum of two caliper inches measured 6 inches from ground level and a minimum height of 8 feet when planted.

7. When possible, replacement trees shall be planted on the same lot according to an approved TPP. Replacement trees may be planted on another lot if approved by the ~~City Administrator~~tree advisory board or designated representative.

8. Biodiversity requirements for tree replacement

a. When replacing trees on site, or at a location approved by the City Manager, no single tree species may account for more than 50% of the total required caliper inches to be replaced.

b. When more than 300 inches (TC) of replacement trees are required, a minimum of five (5) different approved tree species shall be used to fulfill the replacement requirements.

9. Fee in lieu of replacement:

a. If all or a portion of the required replacement trees will not be planted on-site or on a site approved by the ~~City Administrator~~tree advisory board, payment of a fee in lieu of replacement shall be made, which

shall be deposited into the City's Tree Restoration Fund. The fee shall be determined as follows in the Table below:

b. As described in Texas Government Code Sec.212.905, a tree mitigation fee is not required

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for trees < 10 inches in DBH on a property that is an existing one-family or two-family dwelling that is the persons residence.

Table Mitigation methods for tree removal

<u>Tree Classification</u>	<u>Tree Diameter Removed (DBH)</u>	<u>Tree Planting: Aggregate TC in inches of trees removed</u>	<u>Mitigation Fee per inch (TC) of tree removed</u>
<u>Standard</u>	<u>8.0" -11.9"</u>	<u>1:1</u>	<u>\$50</u>
<u>Legacy</u>	<u>12.0" - 23.9"</u>	<u>1.5:1</u>	<u>\$100</u>
<u>Heritage</u>	<u>24.0"- or greater</u>	<u>3:1</u>	<u>\$200</u>

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* If it is necessary to convert diameter or caliper to TC when purchasing replacement trees, the cost shall be calculated as: TC = diameter (in) x 3.1415, where -TC is total circumference (in).

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(c1) **Tree Preservation Incentives-** An individual may apply for, and subject to verification, shall receive incentives for tree preservation as follows:

(1) **Parking Space Reduction.** Upon application and verification by the city arborist, an individual shall be entitled to a reduction in the minimum parking requirements to help meet the minimum tree preservation requirements. For the purpose of providing an incentive, the said minimum parking requirements may be reduced by one (1) parking space for every four (4) diameter inches of trees that have been protected or mitigated on a site. The city arborist shall issue a certificate to the appropriate city department(s) confirming that a reduction has been earned under this section. Up to fifteen (15) percent of the required spaces may be waived, however, a waiver in excess of fifteen (15) percent of the required spaces must be approved by the director of planning and development services or his designee, and no waiver may exceed thirty (30) percent of the required spaces. A waiver of up to fifty (50) percent of the minimum parking spaces required may be granted if the plan will result in the preservation of woodlands or significant stands of trees in a natural state. If used, the incentive provided by this subsection shall control over any other conflicting provision of this article.

(2) **Sidewalks.** Where the director of planning and development services determines that preservation of trees warrants the elimination, reduction in width, alternative routing, or modification to the sidewalk and curb requirements in accordance with the tree preservation standards, a waiver may be granted.

(3) **Tree Cluster(s).** In order to emphasize the importance of preserving trees in a cluster during development, additional tree preservation credit will be given as follows:

A. Cluster(s) of three (3) or more trees less than ten (10) feet apart without existing understory will be calculated at one hundred five (105) percent for each tree within the cluster with a minimum DBH size of two and one-half (2½) inches.

B. Cluster(s) of three (3) or more trees less than ten (10) feet apart with existing understory will be calculated at one hundred fifteen (115) percent for each tree within the cluster with a minimum DBH size of two and one-half (2½) inches.

(4) **Landscape Credits.** Landscape credits may be awarded as provided in section XXXX, above. Trees installed to meet the requirements of the landscape buffer section Section 28.06.051 through Section 28.06.057 may be used to meet the requirements of the final tree canopy section.

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- (5) **Understory.** The city ~~arborist~~tree advisory board, may determine that the preservation of existing predevelopment native understory plants together with trees grouped in significant stands or native "~~"natural"~~" areas may result in a reduction of new tree plantings needed to meet the requirements of tree canopy in subsection ~~(e)~~€. Such areas may receive up to one and one-half (1.5) tree canopy credit. In addition, such areas can be used to meet the landscape requirements and/or an increase of credit given for elective points and/or the elimination of an irrigation system requirement.
- (6) **Minimum Lot Size and Setbacks.** The board of adjustment may waive the minimum lot size and setback requirements of the applicable zoning district for an individual lot or lots where the applicant demonstrates the following:
- A. Compliance with the minimum lot size or setback requirement is needed to preserve a significant tree or heritage tree; and
 - B. If the tree permit application is pursuant to a proposed subdivision plat, the average lot size of the proposed subdivision will equal or exceed that of the applicable zoning district; and
 - C. The public purpose involved in protecting the tree exceeds the public purpose of complying with minimum lot size or setback requirements; and
 - D. The resulting lot sizes or setbacks do not violate the master plan or the applicable neighborhood plan.
- (7) **State Certification in Lieu of Compliance.** The city arborist shall assist those who wish to have a site certified under the Texas Parks and Wildlife, Texas Wildscape Program in lieu of meeting city requirements in this division as long as twenty (20) percent of existing trees on-site are preserved.
- (8) **Energy Conservation Credit.** Planted or preserved large canopy shade trees- located on the western or southern exposures of a habitable building may receive additional tree canopy credit for final tree canopy cover requirements. The trees must be located a minimum of ten (10) feet but a maximum of thirty (30) feet in distance from the building. Tree canopy cover may be credited at one and one-half (1.5) times the existing or newly planted trees meeting the aforementioned specifications.
- (9) **Woodland Canopy Cover Credit.** Woodlands, as defined excluding regulatory floodplains, that are preserved beyond the minimum preservation requirements shall receive a tree canopy cover credit of one and one-half (1.5) times the area and two (2) times if the area joins with an abutting contiguous tree canopy area on the adjacent property. To receive credit, the adjoining properties must indicate tree save areas in perpetuity through subdivision platting or a dedicated conservation easement.
- (10) **Significant Tree Canopy Credit.** A canopy cover credit of one and one-half (1.5) times the tree canopy area of a significant tree preserved beyond the minimum preservation requirements may be counted toward meeting the final canopy coverage using the tree survey method only.
- (11) **Heritage Tree Canopy Credit.** A canopy cover credit of two (2) times the tree canopy area of a heritage tree preserved beyond the minimum preservation requirements may be counted toward meeting the final tree canopy coverage using the tree survey or tree stand delineation method. To use this credit when using the tree stand delineation method a heritage tree survey is required. The minimum root protection zone requirements shall be met to receive this credit. A heritage tree with a tree warranty does not receive two (2) times the tree canopy area credit.

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(12) **Athletic Fields.** Athletic fields shall be deleted from the gross area for the final tree canopy cover requirements, however the tree preservation requirements shall remain at twenty-five (25) percent for both methods tree survey or tree stand delineation.

(13) **Use of Landscaped Low Impact Development (LID) Practices.** A canopy cover credit of one and one-half (1.5) times the existing canopy cover of trees shall be provided for areas where tree preservation is maintained in conjunction with LID practices such as the use of structured soils including infiltration trenches, bioswales, micro-bioretenion areas and where such locations receive appropriate amounts of stormwater runoff. To receive one and one-half (1.5) times credit, the landscaped LID must be approved by application of the standards.

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(c2) Oak Wilt Management

f. a. The planting of Texas Red Oak (*Quercus buckleyi*) aka Spanish Oak, Shumard Oak (*Quercus shumardii*), and similar thin bark red oaks is prohibited. These trees are potential sources of inoculum for the Oak Wilt fungus, *Ceratocystis fagacearum*. Fungal spore mats formed on these types of trees are attractive to insect vectors, which results in long range dissemination of the fungus.

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b. Trimming or cutting of any oak species is prohibited from the first day of February to the last day of July. Permission may be granted to any entity wishing to trim or cut an oak tree susceptible to oak wilt during the prohibited months, provided that the entity contracts with a licensed professional tree care or landscaping company. In the case of oak species, wounds must be painted with an acceptable wound dressing within 30 minutes from the time of cutting.

c. Contractors or individuals identified pruning any oak(s) without a demonstrated ability to seal all wounds greater than 0.75 inches within 30 minutes of the time of cutting will be required to cease all work until a wound sealant is onsite and utilized on the project.

d. Contractors or individuals identified pruning any oak without sealing wounds with an acceptable wound dressing within 30 minutes of pruning will be assessed a \$500 fine per occurrence.

e. Infected red oaks that die in late summer, fall or early winter should be cut down and burned when allowed, buried, or chipped soon after discovery to prevent fungal mats that may form on these trees the following spring.

f. Potential oak wilt investigations should be performed by a member of the Texas Forest Service, a Texas Oak Wilt Qualified (TOWQ) ISA certified arborist or the City urban forester. For information on oak wilt identification, spread and management reference www.texasoakwilt.org

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g. Trees identified by a certified arborist or forester as distressed shall not be included in tree preservation requirements evaluation.

(d) Pre- and post-construction fertilization is required for existing trees that will be or have been disturbed by construction activities, including disturbance of the critical root zone. Fertilizers must be phosphate-free.

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(e) The planting, preserving, and maintaining of trees which are contagiously diseased trees, or the storage of cut oak unless first determined by a certified arborist to be devoid of oak wilt or properly treated, shall be deemed a public nuisance and is prohibited.

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(f) During construction, take measures to protect trees, including rigid fencing, shielding, and signage, as necessary. Rigid fencing shall be placed with a radius of at least ten (10) feet from the trunk or at the critical root zone, whichever is greater, unless property lines or other features prohibit a complete radius. Rigid fencing shall consist of wood, ~~chainlink~~chain-link, or other solid material approved by the ~~city administrator~~tree advisory board. Stakes shall be no more than six (6) feet apart and at least one and one-half (1-1/2) feet deep into the ground. Rigid fencing shall be at least three (3) feet in height.

(g) The ~~city administrator~~tree advisory board or designee shall inspect and approve installed tree protection before issuance of any permit to commence with any construction activity.

(h) Tree protection shall remain in place until final landscaping installation as approved by the ~~city administrator~~tree advisory board or designee.

(i) Parking or storing of vehicles, equipment or materials allowed within the critical root zone is prohibited.

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Sec. 28.06.059b Tree Canopy Investment Fund

Tree Canopy Investment Fund.

(1) **Fund Established.** The director of finance is hereby directed to establish a dedicated account to be entitled Tree Canopy Investment Fund.

(2) **Tree Canopy Investment Fund Fees.**

(i) A fee of fifteen dollars (\$15.00) per lot shall be assessed for each residentially platted lot or for each residential building permit issued.

(ii) A fee of twenty-five dollars (\$25.00) per acre or portion thereof shall be assessed for each commercially platted lot or a fee of twenty-five dollars (\$25.00) per acre for each lot for which a commercial building permit is issued by the department of planning and development services.

(iii) Fees collected pursuant to the Tree Canopy Investment Fund shall be assessed at the time a tree permit is issued and recorded in the fund created pursuant to this section, unless expressly prohibited by law.

(3) **Use of Funds.** The funds collected shall be utilized to pay for the planting and maintenance of trees to include a maintenance period not to exceed three (3) years. Generated funds may be used by the ~~City Administrator~~tree advisory board to plant trees on public or private properties and the yearly digital imagery to proactively enhance the city's tree canopy area. Trees planted utilizing funds from the tree canopy fund are protected trees, and if approved to be removed, shall be mitigated at 1:1 unless heritage size which are mitigated at 3:1 (with the exception of species listed in 2.2B, which will be mitigated at 1:1) and are to be maintained by the project applicant. In addition, ten (10) percent of the funds collected will be kept in a separate budget line to be used for any litigation necessary in the enforcement of this section. The program is to be administered by the parks and recreation department. The Director of the Parks and Recreation department and the City Administrator shall seek the advice of the parks and recreation board on the selection of projects to be funded.

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(4) **Funds to Be Kept Separate.** The balance within the fund shall be recorded and accounted for in a manner that distinguishes them from other general funds of the city and shall be disbursed in a manner consistent with the purposes for which this fund has been established. The balance of this fund shall not be transferred to the general fund at the end of each budget year, but rather, the balance remaining in the fund at the close of the city's fiscal year shall roll over into the balance for the next fiscal year.

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Sec. 28.06.060 Irrigation requirements

- (a) An irrigation plan is required as part of ~~the site~~ development plans and construction plans will be prepared by a licensed irrigator (i.e., licensed landscape architect or engineer). The plan should include rain/freeze sensors on all controllers. The irrigation plan should provide drip irrigation in shrub beds where appropriate and bubblers on all trees.
- (b) Turf grass plantings may be Buffalo, Zoysia, or Bermuda. St. Augustine is expressly prohibited.
- (c) Landscaped areas must be mulched to reduce evaporation and preserve water.

~~(Ordinance 6300.11 adopted 4/8/14)~~

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Sec. 28.06.061 Drought conditions

(a) During extreme drought classifications for this region as determined by the local water supply jurisdiction National Drought Mitigation Center, the ~~city administrator~~ tree advisory board, or designee, may accept a fiscal deposit of the amount equal to the cost of purchasing and installing the trees and other required landscaping into the city's drought tree fund in lieu of the installation of trees and other landscaping required by this chapter for the issuance of a certificate of occupancy permit, or the ~~city administrator~~ tree advisory board may accept an escrow equal to the cost of purchasing and installing the trees and other required landscaping. The city shall only accept the fiscal deposit or escrow if an erosion control plan consistent with section 28.04.016 of this code has been reviewed and accepted by the city administrator. Failure to maintain and adhere to an approved erosion control plan during periods of extreme drought classification shall be deemed a violation and the fines and penalties under section 28.06.009 of this article shall apply.

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(b) Persons requesting that the city accept a fiscal deposit in lieu shall provide the city with written documentation from an entity that sells trees and landscaping the cost of purchasing and installing the trees and other landscaping required by this chapter.

(c) If no cost for the installation of trees and landscaping required by this chapter is provided to the city, the city shall require sixty-six (66) percent of the cost of the trees and landscaping to be paid as the installation cost in addition to the cost to purchase the trees and landscaping.

(d) Any fiscal deposits for trees and landscaping paid to the city pursuant to this section shall be held in escrow. The escrow may be drawn upon by the city to implement tree and landscaping requirements for the depositing property owner, or the funds shall be released to the depositing property owner to implement tree and landscaping requirements within thirty (30) days when the drought mitigation center determines that this region is no longer in an extreme drought condition or higher classification. Failure to implement the tree and landscaping requirements within thirty (30) days of release of the fiscal deposit to the depositing property owner shall be deemed a violation and the fines and penalties under section 28.06.009 of this article shall apply.

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(e) Whenever necessary to enforce any provision of this article or implement tree and landscaping requirements on the depositing property owner's property, city staff, or the city's contractor, may enter upon depositing property owner's property at any reasonable time to inspect or perform any duty imposed by this article during an extreme drought classification for this region. If entry is refused, the city shall have recourse to every remedy provided by law and equity to gain entry.

(f) The city is the custodian of any cash funds or bonds on deposit in the property owner's escrow account. The city has a fiduciary duty to the depositing property owner and may dispose of the escrowed funds only in accordance with this section.

~~(Ordinance 6300.12 adopted 11/11/14)~~

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Section 4. Tree advisory board.

The City Council hereby creates a "Tree Advisory Board," hereinafter referred to as the "Board."

(a) Duties. The Board shall act in an advisory capacity to department directors and shall:

(1) Coordinate and promote Arbor Day activities;

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- (2) Review and update a five-year plan to plant and maintain trees on city property;
 - (3) Support public awareness and education programs relating to trees;
 - (4) Review city department concerns relating to tree care;
 - (5) Submit an annual report of its activities to the city council;
 - (6) Assist with the annual application to renew the Tree City USA designation;
 - (7) Recommend a list of tree species for planting on city property, and a list of prohibited species;
and
 - (8) Other duties that may be assigned by City Council, City Administrator, City Arborist, and/or their designees.
- (b) **Membership.** The Board shall consist of five members approved by City Council. Members of the Board shall live within the city's corporate limits or extra-territorial jurisdiction, and will serve without compensation.
- (c) **Term of office.** Board members shall be appointed for three-year staggered terms. If a vacancy shall occur during the term of any member, a successor shall be appointed by City Council.
- (d) **Officers.** The Board shall annually select one of the members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.
- (e) **Meetings.** The Board shall meet a minimum of four times each year, or as often as there are items which require the board's action, whichever is more. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.