



PLANNING & ZONING COMMISSION REGULAR MEETING

City of Dripping Springs Council Chambers

511 Mercer Street – Dripping Springs, Texas

Tuesday, November 28, 2023, at 6:00 PM

AGENDA

CALL TO ORDER AND ROLL CALL

Commission Members

Mim James, Chair

Tammie Williamson, Vice Chair

Christian Bourguignon

Doug Crosson

Eugene Foster

Douglas Shumway

Evelyn Strong

Staff, Consultants & Appointed/Elected Officials

Planning Director Tory Carpenter

City Attorney Laura Mueller

Public Works Director Aaron Reed

City Secretary Andrea Cunningham

IT Director Jason Weinstock

Traffic Engineering Consultant Leslie Pollack P.E., HDR Engineering

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 26, 2023, Planning & Zoning Commission regular meeting minutes.**
- 2. Approval of the October 24, 2023, Planning & Zoning Commission regular meeting minutes.**

BUSINESS

- 3. Double L Development Agreement Transportation Options and Recommendation.** *Pablo Martinez, PE, Brown & Gay Engineers*
 - a. Applicant Presentation
 - b. Staff Report
 - c. Recommendation
- 4. Public hearing and recommendation regarding ZA2023-0002: an application for a zoning map amendment from Local Retail (LR) to Commercial Services (CS) for approximately 0.89 acres out of the North 40 subdivision located at 105 Brookside.** *Applicant: Jon Thompson*
 - a. Applicant Presentation
 - b. Staff Report
 - c. Public Hearing
 - d. Recommendation
- 5. Public hearing and recommendation regarding an Ordinance repealing and replacing Article 28.06 Landscaping and Tree Preservation including changing procedures, tree preservation requirements, and landscaping changes.**
 - a. Staff Report
 - b. Public Hearing
 - c. Ordinance

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.

6. **Consultation with Attorney related to legal questions regarding the development agreement with Double L development.** *Consultation with Attorney, 551.071*

UPCOMING MEETINGS

Planning & Zoning Commission Meetings

December 12, 2023, at 6:00 p.m.

January 23, 2024, at 6:00 p.m.

January 20, 2024, at 6:00 p.m.

City Council & Board of Adjustment Meetings

December 5, 2023, at 6:00 p.m. (CC & BOA)

December 19, 2023, at 6:00 p.m. (CC)

January 2, 2024, at 6:00 p.m. (CC & BOA)

January 16, 2024, 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 **November 22, 2023, at 10:30 a.m.***

Cathy Gieselman, Deputy 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 26, 2023, 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 6:03 p.m.

Commission Members present were:

Mim James, Chair
Christian Bourguignon
Doug Crosson
Eugene Foster
Douglas Shumway
Evelyn Strong

Commission Member absent were:

Tammie Williamson, Vice Chair

Staff, Consultants & Appointed/Elected Officials present were:

City Attorney Laura Mueller
City Secretary Andrea Cunningham
IT Director Jason Weinstock
Planning Director Tory Carpenter

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 8, 2023, Planning & Zoning Commission regular meeting minutes.**
- 2. Denial of SUB2023-0031: an application for the Gateway Village Preliminary Plat for a 97.44 acre tract out of the Philip A. Smith and C.H. Malott Surveys located north of the intersection of Drifting Wind Run and US 290. Applicant: Christopher A. Reid, P.E.**
- 3. Denial of SUB2023-0034: an application for the Lunaroya Subdivision Final Plat for an approximately 70.00-acre tract of land located on Silver Creek Road out of the M.D. Raper Survey. Applicant: Richard Pham, Doucet and Associates**
- 4. Denial of SUB2023-0038: an application for the Ranch at Caliterra Final Plat for a 200.024 acre tract located west of the Caliterra Subdivision out of the Benjamin F. Hannah Survey. Applicant: Bill E. Couch, Carlson Brigrance, and Doering, Inc.**

A motion was made by Commissioner Strong to approve Consent Agenda Items 2 – 4. Commissioner Foster seconded the motion which carried unanimously 6 to 0.

A motion was made by Commissioner Strong to approve Consent Agenda Item 1. Commissioner Crosson seconded the motion which carried 5 to 0 to 1, with Commissioner Bourguignon abstaining.

PLANNING & DEVELOPMENT REPORTS

5. Planning Department Report

Tory Carpenter presented the report which is on file.

EXECUTIVE SESSION

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UPCOMING MEETINGS

Planning & Zoning Commission Meetings

October 10, 2023, at 6:00 p.m.

October 24, 2023, at 6:00 p.m.

November 14, 2023, at 6:00 p.m.

November 28, 2023, at 6:00 p.m.

City Council & Board of Adjustment Meetings

October 3, 2023, at 6:00 p.m. (CC & BOA)

October 17, 2023, at 6:00 p.m. (CC)

November 7, 2023, at 6:00 p.m.(CC & BOA)

November 21, 2023, at 6:00 p.m. (CC)

ADJOURN

A motion was made by Commissioner Strong to adjourn the meeting. Commissioner Foster seconded the motion which carried unanimously 6 to 0.

This regular meeting adjourned at 6:32 p.m.



PLANNING & ZONING COMMISSION REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, October 24, 2023 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
Tammie Williamson, Vice Chair
Doug Crosson
Douglas Shumway
Evelyn Strong

Commission Members absent were:

Christian Bourguignon
Eugene Foster

Staff, Consultants & Appointed/Elected Officials present were:

City Attorney Laura Mueller
Planning Director Tory Carpenter
City Secretary Andrea Cunningham
IT Director Jason Weinstock

PLEDGE OF ALLEGIANCE

Vice Chair Williamson led the Pledge of Allegiance to the Flag.

PRESENTATION OF CITIZENS

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No one spoke during Presentation of Citizens.

CONSENT AGENDA

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Staff requested Consent Agenda Item two be removed and consider at the next regular meeting.

1. **Approval of corrections to August 22, 2023, Planning & Zoning Commission regular meeting minutes related to conditions for CUP2023:0002.**
2. **Approval of the September 26, 2023. Planning & Zoning Commission regular meeting minutes.**
3. **Conditional approval of SUB2021-0065: an application for Heritage Phase 2 Final Plat for a 69.999 acre tract located on Sportsplex Drive out of the Philip A. Smith Survey. Applicant: Sarah Mays, P.E., Kimley-Horn.**
4. **Approval of SUB2023-0031: an application for the Gateway Village Preliminary Plat for a 97.44 acre tract out of the Philip A. Smith and C.H. Malott Surveys located north of the intersection of Drifting Wind Run and US 290. Applicant: Christopher A. Reid, P.E.**

A motion was made by Commissioner Shumway to approve Consent Agenda Items 1, 3, and 4. Commissioner Strong seconded the motion which carried unanimously 5 to 0.

BUSINESS

5. **Discuss and consider recommendation regarding an Ordinance Amending Chapter 28 - Subdivisions and Site Development, Article 28.04 Site Development, and Exhibit "A" Subdivision Ordinance including amendments to address recent legislation, modify review procedures, modify exemptions, and provide other changes.**
 - a. **Staff Report** – Tory Carpenter and Laura Mueller presented the staff report which is on file.
 - b. **Public Hearing** – No one spoke during the Public Hearing.
 - c. **Recommendations** – A motion was made by Chair James to recommend approval of an Ordinance Amending Chapter 28 - Subdivisions and Site Development, Article 28.04 Site Development, and Exhibit "A" Subdivision Ordinance including amendments to address recent legislation, modify review procedures, modify exemptions, and provide other changes with the following changes:

- 1) that staff maintain transparency on items that will no longer be under the purview of the Planning & Zoning Commission;
- 2) that staff maintain public involvement on items that will no longer be under the purview of the Planning & Zoning Commission; and
- 3) that staff maintain signage for development applications for site development and subdivisions.

Vice Chair Williamson seconded the motion which carried unanimously 5 to 0.

6. Discuss and consider approval of the 2024 Planning & Zoning Commission meeting calendar.

Andrea Cunningham presented the staff report which is on file.

A motion was made by Commissioner Strong to approve the 2024 Planning & Zoning Commission meeting calendar. Vice Chair Williamson seconded the motion which carried unanimously 5 to 0.

PLANNING & DEVELOPMENT REPORTS

7. Planning Department 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.

UPCOMING MEETINGS

Planning & Zoning Commission Meetings

November 14, 2023, at 6:00 p.m.

November 28, 2023, at 6:00 p.m.

December 12, 2023, at 6:00 p.m.

City Council & Board of Adjustment Meetings

November 7, 2023, at 6:00 p.m. (CC & BOA)

November 21, 2023, at 6:00 p.m. (CC)

December 5, 2023, at 6:00 p.m. (CC & BOA)

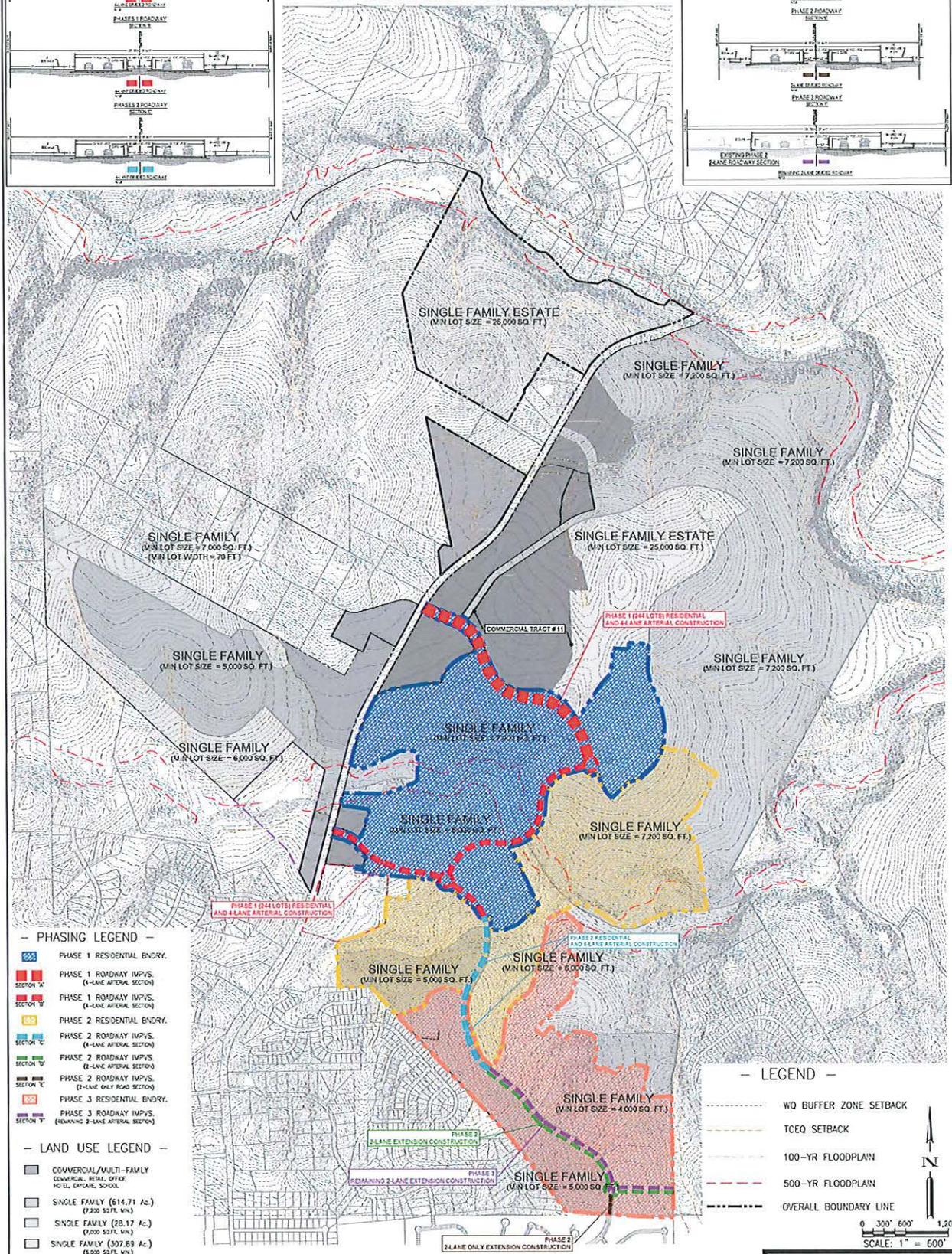
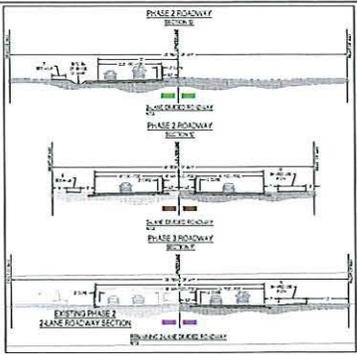
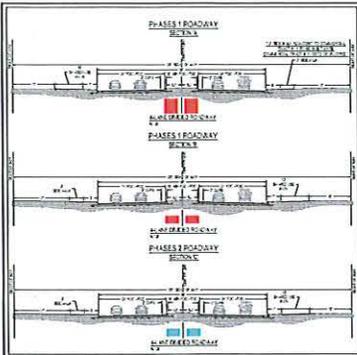
December 19, 2023, at 6:00 p.m. (CC)

ADJOURN

A motion was made by Commissioner Strong to adjourn the meeting. Vice Chair Williamson seconded the motion which carried unanimously 5 to 0.

This regular meeting adjourned at 6:58 p.m.

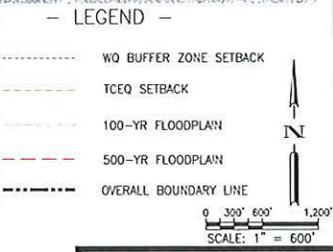
DOUBLE 'L' - EXHIBIT G-1 ROADWAY CONNECTIVITY PHASING PLAN (A TREND DEVELOPMENT, INC. COMMUNITY)



- PHASING LEGEND**
- PHASE 1 RESIDENTIAL BVDY.
 - PHASE 1 ROADWAY IMPVS. (4-LANE ARTERIAL SECTION)
 - PHASE 1 ROADWAY IMPVS. (4-LANE ARTERIAL SECTION)
 - PHASE 2 RESIDENTIAL BVDY.
 - PHASE 2 ROADWAY IMPVS. (4-LANE ARTERIAL SECTION)
 - PHASE 2 ROADWAY IMPVS. (2-LANE ARTERIAL SECTION)
 - PHASE 2 ROADWAY IMPVS. (2-LANE ONLY ROAD SECTION)
 - PHASE 3 RESIDENTIAL BVDY.
 - PHASE 3 ROADWAY IMPVS. (REMAINING 2-LANE ARTERIAL SECTION)

- LAND USE LEGEND**
- COMMERCIAL/MULTI-FAMILY
CONCRETE, RETAIL, OFFICE
HOTEL, EMPLOYEE, SCHOOL
 - SINGLE FAMILY (614.71 Ac.)
(7,200 SQ.FT. MIN.)
 - SINGLE FAMILY (28.17 Ac.)
(7,000 SQ.FT. MIN.)
 - SINGLE FAMILY (307.83 Ac.)
(5,000 SQ.FT. MIN.)
 - SINGLE FAMILY (185.13 Ac.)
(5,000 SQ.FT. MIN.)
 - SINGLE FAMILY (78.50 Ac.)
(4,000 SQ.FT. MIN.)
 - SINGLE FAMILY ESTATE (264.73 Ac.)
(25,000 SQ.FT. MIN.)

NOTE:
CONCEPTUAL PLAN SUBJECT TO CHANGE.



BGE, Inc.
1124 DIRECTOR'S DRIVE, SUITE 4000
AUSTIN, TX 78744
TEL: 512.783.6000 www.bge.com
TS/EI Page/Revision No. 3-15/08

DOUBLE L ROADWAY PHASING

Roadway Phasing	Start Date Per Development Agreement	Exhibit G-1 Addendum Anticipated Start Dates	Exhibit G-1 Addendum Area of Development
Phase 1 Road			
4 Lanes on Elizabeth Trace	February 2024*	2024	First
2-Lanes on John Hill	February 2024*	2024	First
Remaining 2-Lane John Hill	February 2024*	2025	Third
2-Lanes on Anarene	February 2024*	2024	First
Remaining 2-Lane Anarene Blvd	February 2024*	2025	Third
Left Turn Lane on Elizabeth Trace and RR 12	N/A	2024	First
Restricted Right-In/Right-Out on Anarene Blvd and RR 12	N/A	2024	First
Left Turn Lane on Anarene Blvd and RR 12	N/A	2025	Second
Phase 2 Road			
2-Lane Elizabeth Trace Extension	April 2027**	2026	Second
Remaining 2-Lane Elizabeth Trace Extension	April 2027**	2026	Third
2-Lane Elizabeth Trace Extension to Wildridge Development	April 2027**	2026	Fourth
2-Lane Elizabeth Trace Extension to Big Sky	April 2027**	2026	Fourth
Phase 3 Road			
Remaining 2-Lane Elizabeth Extension to Wildridge Development	April 2028**	2026	Fourth

*Assuming 12/19/23 City Council approval of wholesale water agreement for Double L
 ** Assuming (i) 12/19/23 City Council approval of wholesale water agreement for Double L and (ii) 6/1/24 start of construction of 4 lane-Southern Offsite Road



Planning & Zoning Commission Planning Department Staff Report

Item 4.

Planning & Zoning Commission meeting: November 28, 2023

Project No: ZA2023-0002

Project Planner: Tory Carpenter, AICP - Planning Director

Item Details

Property Location: 105 Brookside St

Legal Description: North 40, Section 2, Lot 1A

Applicant: Jon Thompson

Property Owner: Britton Hughs

Request: Zoning amendment from Local Retail “LR” to Commercial Services “CS”



Background

Per Ch. 30 Exhibit A, §3.10-3.12

- **LR – Local Retail:** The LR, local retail district is established to provide areas for low intensity, specialized retail sales that are intended to service local neighborhoods, citizens, and visitors of the city. Bed-and-breakfasts are permitted within local retail districts. General, office, regional commercial, or commercial services uses should not be permitted.

The applicant is requesting a zoning amendment to Commercial Services “CS”

- **CS – Commercial Services:** The commercial services (CS) district is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding, and contractors shops, plumbing shops, automotive repair or painting services, upholstery shops, and other similar commercial uses. Uses in this district may utilize open storage areas that are screened from public view.

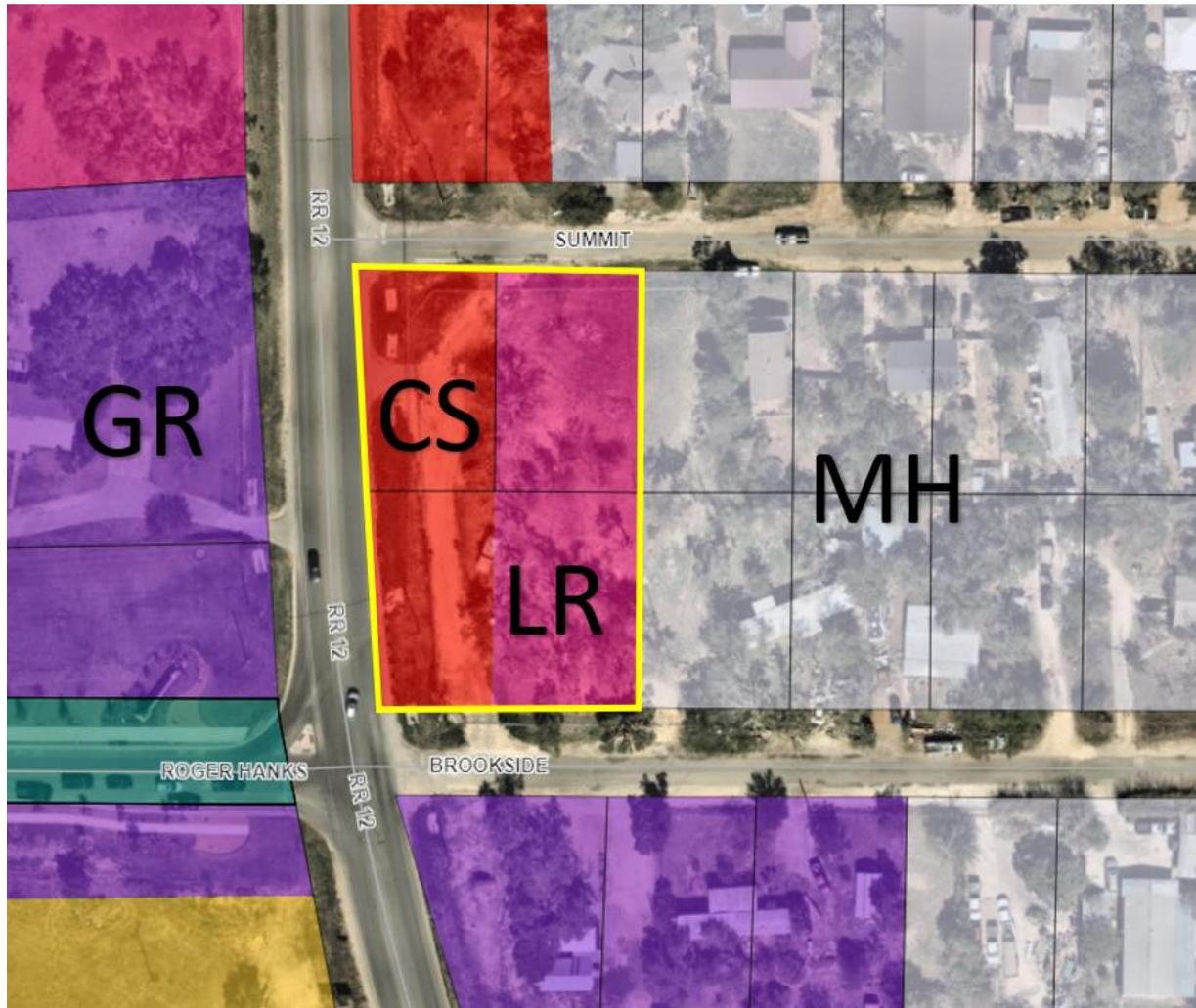
The subject property is currently vacant and has frontage on Ranch Road 12, Brookside Street, and Summit Drive. The property is currently split between two separate zoning district, Commercial Services (CS) and Local Retail (LR). This zoning amendment is to have a consistent zoning district across the entire property.



Analysis			
	LR	CS	Differences between LR & CS
Max Height	2 stories / 40 feet	2 stories / 40 feet	None
Min. Lot Size	5,000 square feet	8,000 square feet	300 square feet more
Min. Lot Width	50 feet	80 feet	30 feet more
Min. Lot Depth	100 feet	100 feet	None
Min. Front/Side/Rear Yard Setbacks	15 feet / 10 feet / 10 feet*	25 feet / 15 feet / 25 feet*	10 feet / 5 feet / 15 feet more
Impervious Cover	60%	70%	10% more

*When adjacent to a single-family district, including MH, the minimum building setback is 30 feet.

Surrounding Properties



The current zoning and existing uses of the adjacent properties to the north, south, east, and west are outlined in the table below:

Direction	Zoning District	Existing Use	Future Land Use
North	CS	Vacant	Not Identified on Future Land Use Map
East	MH	Residences	
South	GR	General Retail	
West	GR	Mobile Home Park	

Approval Criteria for Zoning Amendment (Chapter 30 Zoning, Exhibit A, Sec 2.28.1 and 2.28.2)

2.28.2 The Planning & Zoning Commission and the City Council shall consider the following factors:

Factors	Staff Comments
1. whether the proposed change will be appropriate in the immediate area concerned;	This zoning change is consistent with other zoning districts along Ranch Road 12. While there are residences in a MH zoning district adjacent to the property, there is an increased setback of 30 feet.
2. their relationship to the general area and the City as a whole;	This zoning change would allow for various office / retail uses and is consistent with nearby properties on Ranch Road 12.
3. whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;	The property is not within any existing or proposed City Plans.
4. the amount of undeveloped land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such undeveloped land unavailable for development;	This request would not make other land unavailable for development.
5. the recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;	Land with the same zoning classification has been developing rapidly.
6. how other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;	No areas designated for commercial development will be affected by this proposed amendment.
7. whether the proposed change treats the subject parcel of land in a manner which is significantly different from decisions made involving other, similarly situated parcels; and	Approval of this zoning amendment would not be significantly different from decisions made involving other similar parcels.
8. any other factors which will substantially affect the public health, safety, morals, or general welfare.	None noted.

Staff Recommendation

Staff recommends **approval** of the zoning amendment as presented.

Planning and Zoning action:

2.34.1 The P&Z shall hold a public hearing on a zoning an amendment to the Zoning Ordinance. After all public input has been received and the public hearing closed, the P&Z shall make its recommendations on the proposed zoning request and concept plan, if submitted, stating its findings, its overall evaluation of the request, and its assessment regarding how the request relates to the City's Comprehensive Plan. The P&Z may, on its own motion or at the applicant's request, defer its decision recommendations until it has had an opportunity to consider other information or proposed modifications to the request which may have a direct bearing thereon. If the P&Z elects to postpone or defer its hearing on the request, such action shall specifically state the time period of the postponement by citing the meeting date whereon the request will reappear on the P&Z's agenda.

2.34.2 When the P&Z is ready to act upon the zoning request, it may recommend:

- (a) approval of the request as it was submitted by the applicant;*
- (b) approval of the request subject to certain conditions as in the case of a Planned Development District (PDD) or a Conditional Use Permit (CUP); or*
- (c) disapproval of the request.*

2.34.3 The P&Z's recommendation will be automatically forwarded to the City Council for a second public hearing thereon.

Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the zoning map amendment. To date, no letters for or against the request have been received.

Attachments

Exhibit 1 – Zoning Amendment Application

Recommended Action:	Recommend approval of the requested Zoning Amendment
Alternatives/Options:	Recommend denial of the zoning map amendment.
Budget/Financial Impact:	All fees have been paid.
Public Comments:	Staff received one written response from a neighbor who has concerns with deed restrictions on the property.
Enforcement Issues:	N/A



DRIPPING SPRINGS
Texas

City of Dripping Springs

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

512.858.4725 • cityofdrippingsprings.com

ZONING/PDD AMENDMENT APPLICATION

Case Number (staff use only): _____ - _____

CONTACT INFORMATION

PROPERTY OWNER NAME Britton Hughes

STREET ADDRESS 911 Hwy 290 W

CITY Dripping Springs STATE Texas ZIP CODE 78620

PHONE (512) 695-5204 EMAIL britton.hughes@yahoo.com

APPLICANT NAME Jon Thompson

COMPANY J Thompson Professional Consulting, LLC

STREET ADDRESS PO Box 172

CITY Dripping Springs STATE Texas ZIP CODE 78620

PHONE (512) 568-2184 EMAIL jthompsonconsultingds@gmail.com

REASONS FOR AMENDMENT

TO CORRECT ANY ERROR IN THE REGULATION OR MAP

TO RECOGNIZE CHANGES IN TECHNOLOGY, STYLE OF LIVING, OR MANNER OF CONDUCTING BUSINESS

TO RECOGNIZE CHANGED CONDITIONS OR CIRCUMSTANCES IN A PARTICULAR LOCALITY

TO MAKE CHANGES IN ORDER TO IMPLEMENT POLICIES REFLECTED WITHIN THE COMPREHENSIVE PLAN

PROPERTY & ZONING INFORMATION	
PROPERTY OWNER NAME	Britton Hughes
PROPERTY ADDRESS	105 Brookside Street
CURRENT LEGAL DESCRIPTION	North 40, Section 2, Lot 1A
TAX ID#	R36484, R36518, R36517
LOCATED IN	<input checked="" type="checkbox"/> CITY LIMITS <input type="checkbox"/> EXTRATERRITORIAL JURISDICTION
CURRENT ZONING	western half of the tract is CS; the eastern half of the tract is LR
REQUESTED ZONING/AMENDMENT TO PDD	CS for entirety of lot
REASON FOR REQUEST <i>(Attach extra sheet if necessary)</i>	With the tract being split by the zoning, especially with the lot having been replatted into one lot rather than four, the zoning needs to be across the entirety. The property to the north is zoned CS, the property to the south is GR as well as the property to the west across RR12. The property to the east is MH. This residential zoning on the east will create a increased setback on the east side.
INFORMATION ABOUT PROPOSED USES <i>(Attach extra sheet if necessary)</i>	The owner intends to relocate his business, H2O2U, to this location.

COMPLIANCE WITH OUTDOOR LIGHTING ORDINANCE? *

(See attached agreement).

YES (REQUIRED)* YES (VOLUNTARY)* NO*

* If proposed subdivision is in the City Limits, compliance with 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 CODS webpage and online Lighting Ordinance under Code of Ordinances tab for more information).*

APPLICANT'S SIGNATURE

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that Jon Thompson, J Thompson Professional Consulting is authorized to act as my agent and representative with respect to this Application and the City's zoning amendment process.

(As recorded in the Hays County Property Deed Records, Vol. _____, Pg. _____.) Instrument # 22031562

Britton Hughes Pitt
Name

owner
Title

STATE OF TEXAS §

§

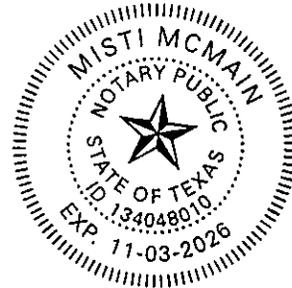
COUNTY OF HAYS §

This instrument was acknowledged before me on the 16 day of October, 2023 by Britton Hughes.

Misti McMain
Notary Public, State of Texas

My Commission Expires: 11/03/2026

Jon Thompson, J Thompson Professional Consulting
Name of Applicant



ZONING AMENDMENT SUBMITTAL

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

Jon Thompson
Applicant Signature

October 24, 2023
Date

CHECKLIST

STAFF	APPLICANT	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Completed Application Form - including all required signatures and notarized
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application Fee-Zoning Amendment or PDD Amendment (<i>refer to Fee Schedule</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PDF/Digital Copies of all submitted Documents</u> When submitting digital files, a cover sheet must be included outlining what digital contents are included.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Billing Contact Form
<input type="checkbox"/>	<input checked="" type="checkbox"/>	GIS Data
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Lighting Ordinance Compliance Agreement - signed with attached photos/drawings (<i>required if marked "Yes (Required)" on above Lighting Ordinance Section of application</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Description
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Concept Plan
<input type="checkbox"/>	<input type="checkbox"/>	Plans
<input type="checkbox"/>	<input type="checkbox"/>	Maps
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architectural Elevation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Explanation for request (<i>attach extra sheets if necessary</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Information about proposed uses (<i>attach extra sheets if necessary</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Notice Sign (<i>refer to Fee Schedule</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of Ownership-Tax Certificate or Deed
<input type="checkbox"/>	<input type="checkbox"/>	Copy of Planned Development District (<i>if applicable</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Digital Copy of the Proposed Zoning or Planned Development District Amendment

Received on/by: _____

Project Number: _____ - _____
Only filled out by staff



DRIPPING SPRINGS
Texas

BILLING CONTACT FORM

Project Name: Zoning Amendment for 102 Brookside Street

Project Address: 102 Brookside Street

Project Applicant Name: Jon Thompson, J Thompson Professional Consulting

Billing Contact Information

Name: Britton Hughes

Mailing Address: 102 Brookside Street

Dripping Springs, Texas 78620

Email: britton.hughes@yahoo.com Phone Number: (512) 695-5204

Type of Project/Application (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Alternative Standard | <input type="checkbox"/> Special Exception |
| <input type="checkbox"/> Certificate of Appropriateness | <input type="checkbox"/> Street Closure Permit |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Waiver |
| <input type="checkbox"/> Exterior Design | <input type="checkbox"/> Wastewater Service |
| <input type="checkbox"/> Landscape Plan | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Lighting Plan | <input checked="" type="checkbox"/> Zoning |
| <input type="checkbox"/> Site Development Permit | <input type="checkbox"/> Other _____ |

Applicants are required to pay all associated costs associated with a project's application for a permit, plan, certificate, special exception, waiver, variance, alternative standard, or agreement, regardless of City approval. Associated costs may include, but are not limited to, public notices and outside professional services provided to the City by engineers, attorneys, surveyors, inspectors, landscape consultants, lighting consultants, architects, historic preservation consultants, and others, as required. Associated costs will be billed at cost plus 20% to cover the City's additional administrative costs. Please see the online Master Fee Schedule for more details. By signing below, I am acknowledging that the above listed party is financially accountable for the payment and responsibility of these fees.

Jon Thompson
Signature of Applicant

October 14, 2023
Date

Types of Trees:

Heritage Trees:

- 100% have to be protected during construction of larger residential subdivisions and all commercial projects
- Can be removed if dead or diseased
- Residents and small projects may only remove with waiver from the City

Legacy Trees:

- 100% have to be protected during construction of larger residential subdivisions and all commercial projects
- Can be removed if dead or diseased
- Residents and small projects may only remove with waiver from the City

Standard Trees:

- Commercial, Industrial, and Multi-family – A minimum of 40% of Standard trees and Legacy trees, exclusive of Heritage trees, including clusters
- Residential – A minimum of 35% of Standard and Legacy Trees, exclusive of Heritage trees, including clusters
- Dead or diseased trees not included towards removed trees
- Residents and small projects may remove any standard tree

Non-Native/Unprotected Trees

- Can be removed during construction or by residents

All protected trees will be preserved:

- Water Quality Zones (as defined by ordinance)
- Steep Slopes (as defined by ordinance)

Protected Trees	Tree	Heritage Size	Legacy Size	Standard Size	Notes
	Ashe Juniper	24 inch	8 inch	6 inch	Golden Cheek Warbler
	Huisache (Acacia farnesiana)	24 inch	12 inch	8 inch	
	Mesquite (Prosopis glandulosa)	24 inch	12 inch	8 inch	
	Arizona Ash (Fraxinus velutina)	24 inch	12 inch	8 inch	

 <p>Hackberry <i>Celtis occidentalis</i></p>	<p>Hackberry (Celtis spp.)</p>	<p>24 inch</p>	<p>12 inch</p>	<p>8 inch</p>	
 <p>TEXAS PERSIMMON <i>Diospyros texana</i></p>	<p>Texas Persimmon (Diospyros texana)</p>	<p>12 inch</p>	<p>5 inch</p>	<p>3 inch</p>	
	<p>Texas Redbud (var. texensis)</p>	<p>12 inch</p>	<p>5 inch</p>	<p>3 inch</p>	

	<p>Texas Mountain Laurel (Sophora secundiflora)</p>	<p>12 inch</p>	<p>5 inch</p>	<p>3 inch</p>	
	<p>Condalia (Condalia hookeri)</p>	<p>12 inch</p>	<p>5 inch</p>	<p>3 inch</p>	
	<p>Possum Haw (Ilex decidua)</p>	<p>12 inch</p>	<p>5 inch</p>	<p>3 inch</p>	<p>In floodplain only</p>
	<p>Hawthorne (rataegus texana)</p>	<p>12 inch</p>	<p>5 inch</p>	<p>3 inch</p>	

Non-Native Trees – Not Protected

<p>Chinese Pistache (<i>Pistacia chinensis</i>)</p>	 An illustration showing two trees: one with vibrant orange autumn foliage and one with green summer foliage. Below the trees is a branch with several pinnately compound leaves, some green and some turning red.
<p>Chinaberry (<i>Melia azedarach</i>)</p>	 A photograph of a large, mature Chinaberry tree with dense green foliage, situated in a residential yard with a white picket fence and a house in the background.
<p>Chinese Tallow (<i>Sapium sebiferum</i>)</p>	 An illustration featuring a tree with green foliage on the left, a branch with small dark flowers and red leaves in the center, and a single large, bright red leaf on the right.

Tree of Heaven (<i>Ailanthus altissima</i>)		
Salt Cedar (<i>Tamarix species</i>)		
Japanese Ligustrum (<i>ligustrum japonicum</i>)		

<p>Nandina (nandina domestica)</p>	
<p><u>Paper Mulberry (Broussonetia papyrifera)</u></p>	

Tree Resources

Texas A&M Forest Service: <http://texastreeid.tamu.edu/content/listOfTrees/>

City of Austin Environmental Criteria Manual Residential Tree Planting List:
https://austintexas.gov/sites/default/files/files/Planning/City_Arborist/RecommendedTreePlantingList.pdf

Oak Wilt: <https://texasoakwilt.org/>

ARTICLE 28.06 LANDSCAPING AND TREE PRESERVATION

DIVISION 1. GENERALLY -RESIDENTIAL TREE PRESERVATION

Sec. 28.06.001. Title.

This article shall be commonly cited as the residential and commercial_landscape ordinance.

Sec. 28.06.002. Purpose – Residential Tree Preservation.

- (a) Generally . The purpose of this article is to provide protection for Heritage and Legacy Trees in residential areas and for the preservation of native trees, 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.

Sec. 28.06.003. Scope and Applicability.

Divisions 1 and 2 – Residential Tree Preservation apply to all residential property that has been issued a certificate of occupancy or which has or will be occupied by owner or lessee and any residential property project where subdivision results in fewer than five dwelling units within the incorporated municipal boundaries (i.e., city limits). Divisions 3, 4, and 5 apply to any residential construction that is part of a project covered by those divisions prior to the issuance of the certificate of occupancy or when the residential construction is first occupied by an owner or lessee. This article applies to actions taken after the date of enactment.

In addition, this article applies to all development requiring site plan approval subject to zoning requirements, including:

- (a) All residentially zoned property for which a subdivision is accepted by the City after the effective date of this ordinance generating fewer than five dwelling units;
- (b) 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.
- (c) Any grading, filling or clearing of land related to a project as limited above;
- (d) Trenching or excavating that may damage or destroy protected trees as defined related to a project as limited above.

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.

ANSI. The American National Standards Institute (ANSI) is a private, non-profit organization that administers and coordinates the U.S. voluntary standards and conformity assessment system.

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 administrators.

City arborist. The employee or consultant designated by the city council as the city arborist.

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.

Development Review Committee. A group consisting of the city administrator or designee, the city engineer, building official, and the city planner.

DBH (diameter at breast height). The unit of measure for tree size once over four inch (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.

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

Extreme drought classification. 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.

Heritage tree. A protected tree having a trunk of 24.0" or greater caliper in inches measured at DBH as further defined in Sec. 28.06.052.

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 10.03).

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 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 as further defined in Sec. 28.06.052.

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.

Protected tree. Any of the following:

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

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

Responsible party. The owner/operator of the business on which the site development permit is being sought or where the protected tree or landscaping is required; the owner of the property upon which the tree is located or landscaping is required; the person who performs construction or landscaping on a lot, contracts with or directs a person to accomplish the construction.

Standard tree. A protected tree having a trunk of 8.0" -11.9" caliper in inches measured at DBH as further defined in Sec. 28.06.052.

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.

Sec. 28.06.005. RESERVED-

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 or to fund landscape project grants that serve a public city purpose.

Sec. 28.06.007. Damaging or removing trees.

No person shall damage or remove trees in violation of this article. "Damage" in this case includes, but is not limited to, altering or maintaining trees in a manner inconsistent with the standards published in American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations". A violation of this section is an offense under section 28.06.008.

Sec. 28.06.008. Offense

- (a) A person who intentionally, knowingly, recklessly, or with criminal negligence violates, causes, allows or permits a violation of a section of this chapter designated as an offense commits a misdemeanor punishable by a fine not exceeding \$2000.00. A person who otherwise violates a section of this chapter designated as an offense commits an offense punishable by a fine not to exceed \$500.

- (b) Each violation of this chapter designated as an offense constitutes a separate offense.
- (c) No culpable mental state is required to prove an offense under this chapter if the offense involves:
- (1) removal or damage to trees in violation of this chapter including clearing, grubbing, or other heavy instruction over the critical root zone of a protected tree; or
 - (2) death of a protected tree outside of-but adjacent to-areas of disturbance by construction.
- (d) Violations:
- (1) Section 28.06.007. Damaging or Removing Trees.
 - (2) Section 28.06.052. Tree Preservation.

Sec. 28.06.009. - Liability.

The provisions of this chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person that damages or removes any tree, from personal injury or property damage resulting from the damage or removal of the tree, or resulting from the negligence or willful acts of such person in the construction or maintenance of any property resulting in the damage or removal of a tree or the damage or removal of any tree, or from the damage caused by the failure to remediate oak wilt or planting of a prohibited tree. Nor shall it be construed as imposing upon the city or its officers, employees or agents any responsibility or liability by reason of the approval of any site development permit, subdivision, or construction under these provisions.

Sec. 28.06.010. - Civil remedies.

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

- (1) Injunctive relief to prevent specific conduct that violates the chapter or to require specific conduct that is necessary for compliance with the chapter, including remediation of oak wilt or protection of trees where such remediation or protection is required by this chapter at the expense of the responsible party;
- (2) A civil penalty up to \$1,000.00 a day when it is shown that the defendant was notified of the provisions of the chapter and after receiving notice committed acts in violation of the chapter or failed to take action necessary for compliance with the chapter; and other available relief.
- (3) Any person violating any provision of this article is subject to a stop work order. 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.

Secs. 28.06.011—28.06.050. Reserved.

DIVISION 2. STANDARDS - RESIDENTIAL TREE PRESERVATION

Sec. 28.06.051. 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) Limitation of water due to drought restrictions placed by the City, Water Supply Corporation, West Travis PUA, or any other water provider temporarily suspends the watering requirement in subsection (2).
- (4) A violation of this section is an offense under section 28.06.008.

Sec. 28.06.052. Tree preservation.

(a) Protected trees are defined as follows:

- (1) Protected Trees;
 - (A) Heritage Trees;
 - (B) Legacy Trees;
 - (C) Standard Trees.
- (2) Hardwood trees defined in Sec. 28.06.004 “Definitions”
- (3) The following species are considered protected trees with at least one (1) trunk being equal or greater than the respective size (DBH):
 - i. Ashe Juniper (*Juniperus ashei*) - eight (8) inch DBH;
 - ii. Huisache (*Acacia farnesiana*) - twelve (12) inch DBH;
 - iii. Mesquite (*Prosopis glandulosa*) - twelve (12) inch DBH;
 - iv. Arizona Ash (*Fraxinus velutina*) - twelve (12) inch DBH;
 - v. Hackberry (*Celtis* spp.) - twelve (12) 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.
- (4) 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 eight (8) inches or greater DBH (the value of the eight (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*).
- (5) Non-native Trees. Non-native invasive tree species are not protected. 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. Nandina (*Nandina domestica*);
 - viii. Paper Mulberry (*Broussonetia papyrifera*)
- (b) Minimum Tree Preservation Requirements
- (1) No Heritage or Legacy tree shall be removed from any any property within the City of Dripping Springs without following the provisions as stated below except where exempted.
- (2) Tree Preservation by Land Use:
- (A) A property owner may remove any tree, other than a Heritage or Legacy Tree, on property owned where the removal is not due to a residential development resulting in five or more dwelling units or due to commercial, industrial, government, or multi-family development.

(B) All Heritage and Legacy trees on any lot shall be preserved unless the tree falls under an exception or a waiver to remove the tree is granted by the development review committee. Heritage and Legacy trees within clearing and installation for infrastructure (roads, utilities, etc.) shall not be removed without a waiver from the development review committee and mitigation.

(C) Tree preservation in Historic Districts shall comply with both this Chapter and the code and implementation manuals for the districts. When in conflict, the stricter requirement applies.

(3) All healthy Heritage, Standard, and Legacy trees shall be preserved in the Water Quality Protection Zones as defined in Article 22.05.

- (c) Healthy designated class I and II trees (as defined by the City of Austin Environmental Criteria Manual) that are Heritage or Legacy trees as defined that require removal to accommodate the development shall be replaced as directed herein. Trees identified as distressed by a Certified Texas Arborist shall not be included in tree preservation requirements evaluation.
- (d) Any activity that damages trees on adjacent lots is prohibited.
- (e) A violation of this section is an offense under section 28.06.008.

Sec. 28.06.0531. Mitigation for Tree Removal.

- (a) Mitigation for all removed Heritage and Legacy trees not covered by an exception is required. For all removed Heritage and Legacy trees in accordance with tree preservation requirements or after a waiver is approved for removal in excess of the tree preservation requirements the inches (TC) required for mitigation will be determined by the development review committee in consultation with the City Arborist.
- (b) Protected trees which are removed shall be mitigated using any combination of the following:
 - (1) Preservation of existing trees >6 inches in DBH above minimum preservation requirements;
 - (2) Relocation of the removed tree onsite, mitigation is required for relocated trees if mortality occurs within 3-years of the relocation;
 - (3) Replacement by new Legacy tree species, or alternative native trees approved by the development review committee; and/or
 - (4) Payment of a fee in lieu of tree replacement.
 - (5) Mitigation cannot be accomplished by only using one of methods “1” thru “4” above. They must be used in combination.
- (c) The preservation of healthy Standard and Legacy trees on-site is encouraged and may be used as mitigation to offset the removal of Protected Heritage and Legacy 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 >6 inches in DBH, in good health, 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.

- (d) 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 (3:1) for Heritage trees and (1.5:1) for Legacy Trees.
- (e) Replacement trees shall be a minimum of two and a half caliper inches measured 6 inches from ground level and a minimum height of 8 feet when planted.
- (f) When possible, replacement trees shall be planted on the same lot according to an approved Tree Preservation Plan. Replacement trees may be planted on another lot if approved by the Development Review Committee.
- (g) Fee in lieu of replacement:
 - (i) If all or a portion of the required replacement trees will not be planted on-site or on a site approved by the development review committee, payment of a fee in lieu of replacement shall be made, which shall be deposited into the City’s Landscaping Fund. The fee shall be determined as follows in the Table below;

Table Mitigation methods for tree removal

Tree Classification	Tree Diameter Removed (DBH)	Tree Planting: Aggregate TC in inches of trees removed	Mitigation Fee per inch (TC) of tree removed
Heritage	24.0” or greater	3:1	\$200
Legacy	12.0” – 23.9”	1.5:1	\$100

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

Sec. 28.06.0532. Exceptions.

Exceptions: The following shall be exempt from the Tree Preservation requirements for Heritage and Legacy trees of Section 28.06.052:

- (a) 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.
- (b) Hazardous, diseased, dead, or dying trees as determined by a tree survey and a letter from a certified Texas Arborist.
- (c) Trees causing physical damage to existing structures, drainageways, utility systems or facilities in the public right of way as determined by the city engineer or their designee.
- (d) Protected trees damaged or destroyed by floods, fire, wind or other natural causes.

-
- (e) Trees identified by a certified arborist as distressed shall not be included in tree preservation requirements evaluation.

Sec. 28.06.054. Oak Wilt Management

- (a) 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 person wishing to trim or cut an oak tree susceptible to oak wilt during the prohibited months, provided that the person agrees to comply with this section as it relates to painting wounds. Trimming or cutting of trees are allowed during the prohibited months if done in response to damage caused by weather. Trimming or cutting can be done by the entity, property owner, or a licensed professional or landscape company. In the case of oak species, wounds must be painted with an acceptable wound dressing within 30 minutes from the time of cutting.
- (b) 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.
- (c) 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.
- (d) 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 Arborist. For information on oak wilt identification, spread and management reference www.texasoakwilt.org.
- (e) In the case of emergencies due to tree damage from weather events or other natural disaster the requirement for licensed professional tree care or landscaping company for review for trimming during prohibited months is not required if not available. In addition, painting within 30 minutes at the time of cutting is not required, but painting shall be done as soon as possible.

ARTICLE 28.06 LANDSCAPING AND TREE PRESERVATION

DIVISION 3. GENERALLY - COMMERCIAL AND RESIDENTIAL SUBDIVISION TREE PRESERVATION

Sec. 28.06.060. Purpose-Commercial and Residential Subdivision.

- (a) Generally. The purpose of commercial and residential subdivision tree preservation 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 watering 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.

Sec. 28.06.061. Scope and Applicability.

Divisions 3, 4, and 5 – Commercial and Residential Subdivision Tree Preservation and Interior Lot Landscaping apply to all commercial property and residential subdivisions with five or more dwelling units within the incorporated municipal boundaries (i.e., city limits). This article applies to actions taken after the date of enactment.

In addition, this article applies to all development requiring site plan approval or construction plan approval subject to zoning requirements, including:

- (a) All residentially-zoned property and property being used for residential use for which a subdivision application is accepted by the City after the effective date of this ordinance generating five or more dwelling units;

- (b) All industrial, commercial, office, multi-family, institutional development, governmental facilities and infrastructure, 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; and
- (c) 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.
- (d) For tree preservation purposes, this article applies to the three types of development stated above, and also includes:
- (1) Any grading, filling or clearing of land related to a project as limited above;
 - (2) Trenching or excavating that may damage or destroy protected trees as defined related to a project as limited above;
 - (3) All governmental development shall comply with the tree preservation plan review procedure regardless of the zoning district in which they are located unless the development is utility related or in street R.O.W.
- (e) Exemptions from Divisions 3 and 4 – Commercial Property and Residential Subdivision Tree Preservation include:
- (1) The cultivation of land for agricultural purposes, fence building or rebuilding.
 - (2) Street construction and maintenance projects that do not increase the impervious cover beyond that of the original street.
 - (3) Structural repairs or replacements to existing structures.
 - (4) Construction or reconstruction of barns, silos, livestock pens, sheds, and other agriculturally related structures.
 - (5) Any site plan submitted prior to the effective date of this article except expansions or additions as stated in this Code.

Sec. 28.06.062. 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.

ANSI. The American National Standards Institute (ANSI) is a private, non-profit organization that administers and coordinates the U.S. voluntary standards and conformity assessment system.

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 administrator.

City arborist. The employee or consultant designated by the city council as the city arborist.

City council. The governing body of the city.

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.

Development Review Committee. A group consisting of the city administrator or designee, the city engineer, building official, and the city planner.

DBH (diameter at breast height). The unit of measure for tree size once over four inch (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.

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

Extreme drought classification. 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.

Heritage tree. A protected tree having a trunk of 24.0” or greater caliper in inches measured at DBH as further defined in Sec. 28.06.079.

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 10.03).

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 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 as further defined in Sec. 28.06.079.

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.

Protected tree. Any of the following:

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

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

Responsible party. The owner/operator of the business on which the site development permit is being sought or where the protected tree or landscaping is required; the owner of the property upon which the tree is located or landscaping is required; the person who performs construction or landscaping on a lot, contracts with or directs a person to accomplish the construction.

Standard tree. A protected tree having a trunk of 8.0” -11.9” caliper in inches measured at DBH as further defined in Sec. 28.06.079.

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.

Sec. 28.06.063. 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 or to fund landscape project grants that serve a public city purpose.

Sec. 28.06.064. Damaging or removing trees.

No person shall damage or remove trees in violation of this article. “Damage” in this case includes, but is not limited to, altering or maintaining trees in a manner inconsistent with the standards published in American National Standards Institute (ANSI) A-300 “Standards for Tree Care Operations”. A violation of this section is an offense under section 28.06.067.

Sec. 28.06.065. Violations.

It shall be unlawful for any person to violate this article.

Sec. 28.06.066. Offense

- (a) A person who violates, causes, allows or permits a violation of a section of this chapter designated as an offense commits a misdemeanor punishable by a fine not exceeding \$2000.00. In addition, the cost of the tree or trees may also be charged to the responsible party.
- (b) Each violation of this chapter designated as an offense constitutes a separate offense.
- (c) No culpable mental state is required to prove an offense under this chapter if the offense involves:
 - (1) removal or damage to trees in violation of this chapter including clearing, grubbing, or other heavy instruction over the critical root zone of a protected tree; or
 - (2) death of a protected tree outside of-but adjacent to-areas of disturbance by construction, including protected clusters.
- (d) Violations:
 - (1) Section 28.06.064. Damaging or Removing Trees.
 - (2) Section 28.06.065. Violations.
 - (3) Section 28.06.066. Landscape Material.
 - (4) Section 28.06.075(g). Paving over Critical Root Zone.
 - (5) Section 28.06.077. Maintenance Requirements.
 - (6) Section 28.06.079. Tree Preservation.

Sec. 28.06.067. - Liability.

The provisions of this chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person that damages or removes any tree, from personal injury or property damage resulting from the damage or removal of the tree, or resulting from the negligence or willful acts of such person in the construction of maintenance of any property resulting in the damage or removal of a tree or the damage or removal of any tree, or from the damage caused by the failure to remediate oak wilt or planting of a prohibited tree. Nor shall it be construed as imposing upon the city or its officers, employees or agents any responsibility or

liability by reason of the approval of any site development permit, subdivision, or construction under these provisions.

Sec. 28.06.068. - Civil remedies.

Nothing in this chapter shall be construed as a waiver of the city’s right to bring a civil action to enforce the provisions of this chapter and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates the chapter or to require specific conduct that is necessary for compliance with the chapter, including remediation of oak wilt or protection of trees where such remediation or protection is required by this chapter at the expense of the responsible party;
- (2) A civil penalty up to \$1,000.00 a day when it is shown that the defendant was notified of the provisions of the chapter and after receiving notice committed acts in violation of the chapter or failed to take action necessary for compliance with the chapter; and other available relief.
- (3) Any person violating any provision of this article is subject to a stop work order. 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.

Secs. 28.06.069—28.06.070. Reserved.

DIVISION 4. STANDARDS -- COMMERCIAL PROPERTY AND RESIDENTIAL SUBDIVISION TREE PRESERVATION

Sec. 28.06.071. 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 required tree planted in the front yard. Three ~~small trees~~/large shrubs may be substituted for one required tree. The following minimum standards apply:

Zoning	No. of Required Trees
SF-1	2
SF-2	2
SF-3	1
SF-4	2
SF-5	1 per unit
MF	Follow Nonresidential Street Tree Requirements 28.06.071(b)

MH	1
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- (b) Nonresidential street tree requirements . At least one required tree, shall be planted adjacent to or near the street right-of-way for each 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.
- (c) Trees planted shall be a minimum two and a half inch caliper, staked, and wrapped. Small trees/large shrubs trees shall be a minimum one and a half inch caliper, staked, and wrapped.
- (d) Trees with deep roots may be planted in the area between the sidewalk and road if approved by the development review committee in consultation with the City Arborist. Trees of species whose roots are known to cause damage to public roadways or other public works are prohibited.
- (e) Trees are not allowed to be planted within public water, or wastewater easements. Trees are not allowed to be planted within fifteen feet of telecommunication or electrical lines.
- (f) Trees in place at the time of construction and preserved on the lot, may count towards the required planting of trees if the preserved trees meet all of the requirements listed herein.

Sec. 28.06.072. Landscape buffers.

- (a) Landscape buffer planting requirements .
 - (1) All plant material shall be of native or adapted species.
 - (2) All new proposed shade trees shall be a minimum of two and a half inches in caliper.
 - (3) All proposed ornamental trees shall be a minimum of one and a half inches in caliper.
 - (4) All large shrubs shall be a minimum of five-gallon container size and small shrubs/groundcovers a minimum of one-gallon container size.
- (b) Landscape buffer spacing requirements . The following landscape buffer spacing requirements shall apply to all designated landscape buffers:
 - (1) Shade trees (such as Live Oak or Cedar Elm). One per 50 feet of buffer frontage.
 - (2) Ornamental trees (such as Crape Myrtle or Desert Willow). One per 25 feet of buffer frontage.
 - (3) Large shrubs, five-gallon (such as Wax Myrtle, DW Yaupon, or Agarita) . One per six feet of buffer frontage.
 - (4) Small shrubs/groundcovers, one-gallon (such as Lantana or Liriope). One per three feet of buffer frontage.
- (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:

	At Arterial Roadways	At Collector Roadways
AG	0	0
SF-1	35 feet	25 feet
SF-2	35 feet	25 feet
SF-3	40 feet	30 feet
SF-4	50 feet	40 feet
SF-5	40 feet	30 feet
MF	50 feet	40 feet
MH	35 feet	25 feet
O	25 feet	25 feet
LR	25 feet	25 feet
GR	25 feet	25 feet
CS	25 feet	25 feet
I	50 feet	50 feet
H	25 feet	25 feet
GUI	25 feet	25 feet
PR	25 feet	25 feet
PP	25 feet	25 feet
PD	Varies	Varies

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

This buffer area shall contain either native vegetation in the form of trees and bushes left in their natural, undisturbed condition, or, if no such native vegetation exists, shall consist of landscaping in conformance with this article. If the area consists of landscaped plantings, maintenance of such plantings shall be the sole responsibility of the developer or the homeowners' or property owners' association.

Sec. 28.06.073. Landscape material.

All trees, plants, and vegetation shall comply with the City of Austin "Grow Green" recommended plant guide. Invasive plants in this guide are specifically prohibited. A violation of this section is an offense under section 28.06.066.

Sec. 28.06.074. Landscape plan and tree survey submittal.

A landscape plan and tree survey shall be submitted to the city with the proposed site development plans and construction plans. The landscape plan shall comply with the landscape requirements. The landscape plan shall be signed and sealed by a landscape architect licensed by the state. The existing tree survey should be signed and sealed by a surveyor licensed by the state. The landscape plan must also be complied with while any structures are being built up to certificates of occupancy.

Sec. 28.06.075. Parking area landscaping.

- (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 90 square feet for each 12 parking spaces, having a minimum width of nine (9) feet.
- (c) One tree is required for every six parking spaces. Tree preservation is encouraged for parking areas defined as back of curb and a nine (9) foot buffer around that back of curb, thus one existing tree that is at four inches DBH shall count for two new trees.
- (d) No parking space shall be located further than 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 more than seventy-five percent (75%) of the critical root zone is prohibited unless approved by the city development review committee. All approved paving shall be porous pavement to allow water and air exchange. Paving over more than seventy-five percent (75%) of the critical root zone without approval of the City is an offense.

Sec. 28.06.076. 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 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 12 feet to allow proper service access. An additional ten 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. 28.06.077. 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;
- (2) The repair or replacement of required landscape structures (walls, fences, etc.) to a structurally sound condition;
- (3) The regular maintenance, repair, or replacement, where necessary, of any screening or buffering;
- (4) Replacing planted trees if they die or become diseased beyond repair within five years after planting; and
- (5) 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.
- (6) Limitation of water due to drought restrictions placed by the City, Water Supply Corporation, West Travis PUA, or any other water provider temporarily suspends the watering requirement in subsection (2).
- (7) A violation of this section is an offense under section 28.06.066.

Sec. 28.06.078. 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.

Sec. 28.06.079. Tree preservation.

- (a) A grading and tree survey shall be submitted with the site development plans and construction plans. Residential site development, subdivision, or resubdivision which results in fewer than five dwelling units is exempt from this section.
- (b) The tree survey shall include all existing, live, healthy protected trees with an eight-inch DBH in diameter and larger, including clusters. 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 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 with the project shall be represented. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed (including trees identified to be distressed). Non-native trees or other exempt tree species as listed herein shall be omitted from the tree survey.

(c) Protected trees are defined as follows:

(1) Protected Trees;

(A) Heritage Trees;

(B) Legacy Trees;

(C) Standard Trees.

(2) Hardwood trees defined in Sec. 28.06.062 “Definitions”

(3) The following species are considered protected trees with at least one (1) trunk being equal or greater than the respective size (DBH):

- i. Ashe Juniper (*Juniperus ashei*) - eight (8) inch DBH;
- ii. Huisache (*Acacia farnesiana*) - twelve (12) inch DBH;
- iii. Mesquite (*Prosopis glandulosa*) - twelve (12) inch DBH;
- iv. Arizona Ash (*Fraxinus velutina*) - twelve (12) inch DBH;
- v. Hackberry (*Celtis spp.*) - twelve (12) 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.

(4) 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 (12) inches or greater DBH (the value of the twelve (12) 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*).
- (5) 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 chinesis*);
 - 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*).
 - vi. Japanese Ligustrum (*Ligustrum japonicum*);
 - vii. Nandina (*Nandina domestica*);
 - viii. Paper Mulberry (*Broussonetia papyrifera*)

(d) 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 except where exempted.
- (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) Tree Preservation by Land Use:

(A) Commercial, Industrial, and Multi-family – A minimum of 40% of Standard trees and Legacy trees, exclusive of Heritage trees, including clusters, shall be preserved on a lot. Heritage trees within clearing and installation for infrastructure (roads, utilities, etc.) shall not be removed without a waiver from the development review committee and mitigation. The tree preservation plan must also be complied with during all construction including while any structures are being built as part of the project up to certificates of occupancy. Waivers will be reviewed under the same standard as other Subdivision waivers pursuant to Section 1.6 of Exhibit A of the Subdivision Ordinance.

(B) Subdivision Development of Single-family and other residentially zoned areas where subdivision or site development results in five or more dwelling units – A minimum of 35% of Standard trees and Legacy trees. Heritage trees within clearing and installation for infrastructure (roads, utilities, etc.) shall not be removed without a waiver from the development review committee and mitigation. Removal of a protected tree, other than a Heritage Tree, due to residential development that results in less than five dwelling units is exempt from this section. The tree preservation plan must also be complied with during all construction including while any structures are being built as part of the project up to certificates of occupancy. Waivers will be reviewed under the same standard as other Subdivision waivers pursuant to Section 1.6 of Exhibit A of the Subdivision Ordinance.

(C) A property owner after the certificate of occupancy have been issued may remove any tree, other than a Heritage Tree, on property owned where the removal is not due to a

residential development resulting in five or more dwelling units or due to commercial, industrial, government, or multi-family development.

(D) Steep slopes – Protected trees shall not be removed from a steep slope area.

(E) All Heritage trees on any lot shall be preserved unless the tree falls under an exception or a waiver to remove the tree is granted by the development review committee. Heritage trees within clearing and installation for infrastructure (roads, utilities, etc.) shall not be removed without a waiver from the development review committee and mitigation. Waivers will be reviewed under the same standard as other Subdivision waivers pursuant to Section 1.6 of Exhibit A of the Subdivision Ordinance.

(F) Tree preservation in Historic Districts shall comply with both this Chapter and the code and implementation manuals for the districts. When in conflict, the stricter requirement applies.

(4) Tree preservation in the Water Quality Protection Zones.

(A) No trees shall be removed without following the procedures set forth for Water Quality Protection Zones. The minimum percentage of trees to be preserved shall be by tree type, as follows:

- (i) Standard trees – 100% shall be preserved
- (ii) Legacy trees – 100% shall be preserved
- (iii) Heritage trees – 100% shall be preserved

(B) Drainageway Water Quality Buffer Zones. The above shall apply unless tree removal is specifically approved by the development review committee for allowable development in the WQBZ as defined by Water Quality Ordinance [22.05.017(d)]

- (e) A Tree Preservation Plan shall be submitted with the site plan for all applicable site plans and subdivisions. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed (including trees identified to be distressed).
- (f) Healthy designated class I and II trees (as defined by the City of Austin Environmental Criteria Manual Appendix F) that require removal to accommodate the development shall be replaced as directed herein. Trees identified as distressed shall not be included in tree preservation requirements evaluation.
- (g) 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.
- (h) 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 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, or other solid material approved by the city administrator. Stakes shall be no more than six feet apart and at least one and one-half deep into the ground. Rigid fencing shall be at least three feet in height.

- (i) The city inspector 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 inspector or designee.
- (i) Parking or storing of vehicles, equipment or materials allowed within the critical root zone is prohibited.
- (j) Any activity that damages trees on adjacent lots is prohibited.
- (k) A violation of this section is an offense under section 28.06.066.

Sec. 28.06.080. Mitigation for Tree Removal.

- (a) Mitigation for all removed trees not covered by an exception is required for all trees removed during all construction including while any structures are being built as part of the project up to certificates of occupancy. For all removed trees in accordance with tree preservation requirements or after a waiver is approved for removal in excess of the tree preservation requirements 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 percentage is reached. The number of trees needed to meet the preservation requirement will be included in the mitigation calculation.
- (b) Protected trees which are removed shall be mitigated using any combination of the following pursuant to a tree mitigation plan as approved by the development review committee:
 - (1) Preservation of existing trees >6 inches in DBH above minimum preservation requirements;
 - (2) Relocation of the removed tree onsite, mitigation is required for relocated trees if mortality occurs within 2-years of the relocation;
 - (3) Replacement by new Legacy tree species, or alternative native trees approved by the City Administrator or designee; and/or
 - (4) Payment of a fee in lieu of tree replacement.
 - (5) Mitigation cannot be accomplished by only using one of methods “1” thru “4” above. They must be used in combination in a balance approved by the development review committee.
- (c) 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 >6 inches in DBH, in good health, 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.
- (d) Replacement trees are in addition to the minimum landscaping requirements as described in Section 28.06.071 through Section 28.06.076 of this document.
- (e) 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.

- (f) Replacement trees shall be a minimum of two and a half caliper inches measured 6 inches from ground level and a minimum height of 8 feet when planted.
- (g) When possible, replacement trees shall be planted on the same lot according to an approved Tree Preservation Plan. Replacement trees may be planted on another lot if approved by the development review committee. Replacement trees must be maintained and kept alive for three years through a maintenance plan or replaced if destroyed, diseased, or dead within that time period.
- (h) Landscaping should be mulched to a depth of 3-4” and devoid of weeds and trash. Newly planted trees shall be mulched in a 4 foot radius or 8 foot diameter. The mulch will be kept 6 to 8 inches away from the root flare.
- (i) Biodiversity requirements for tree replacement
 - (A) When replacing trees on site, or at a location approved by the development review committee, 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 three (3) different approved tree species shall be used to fulfill the replacement requirements.
- (j) Fee in lieu of replacement:
 - (i) If all or a portion of the required replacement trees will not be planted on-site or on a site approved by the development review committee, payment of a fee in lieu of replacement shall be made, which shall be deposited into the City’s Landscaping Fund. The fee shall be determined as follows in the Table below;
 - (ii) As described in Texas Government Code Sec.212.905, a tree mitigation fee is not required 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>	8.0” -11.9”	1:1	\$50
<u>Legacy</u>	12.0” – 23.9”	1.5:1	\$100
<u>Heritage</u>	24.0” or greater	3:1	\$200

* 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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- (k) 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 the director's 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 in excess of the minimum tree preservation requirements. If used, the incentive provided by this subsection shall control over any other conflicting provision of this article.
 - (2) Sidewalks. Where the development review committee 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 this chapter. Trees installed to meet the requirements of the landscape buffer Section 28.06.071 through Section 28.06.076 may be used to meet the requirements of the final tree canopy section.
 - (6) Minimum Lot Size and Setbacks. The board of adjustment may approve a variance to 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 protected 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
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of complying with minimum lot size or setback requirements; and

- (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.

Sec. 28.06.082. Exceptions.

Exceptions: The following shall be exempt from the Tree Preservation requirements of Section 28.06.079:

- (a) 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.
- (b) Hazardous, diseased, dead, or dying trees as determined by a tree survey and a letter from a certified Texas Arborist.
- (c) Trees causing physical damage to existing structures, drainageways, utility systems or facilities in the public right of way as determined by the city engineer or their designee.
- (d) Protected trees damaged or destroyed by floods, fire, wind or other natural causes.
- (e) The following exempted tree species; Hackberry, Sugarberry, Chinese Tallow, Eastern Red Cedar, Common Ashe Juniper < 10" DBH, Chinaberry, Mesquite, Huisache and Ligustrum.
- (f) Trees or areas of tree canopy preventing the opening of reasonable and necessary vehicular traffic lanes in a street or alley.
- (g) Trees or areas of tree canopy located in the clear site line area and impeding required sight distance, as defined by the Dripping Springs Technical Criteria Manual (DSTC) Chapter 28, Exhibit C, as determined by the city engineer.
- (h) 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:
 - (1) roadways, bridges, culverts, and associated traffic facilities; and
 - (2) sidewalks and similar off-highway trails and passageways; and
 - (3) streets and passageway lighting; and
 - (4) surface and subsurface stormwater drainageways (where horizontal boring is not practicable); and
 - (5) subsurface potable water and wastewater utility infrastructure (where horizontal boring is not practicable); and
 - (6) roadway widening/creating on-street parking
- (i) Trees identified by a certified arborist as distressed shall not be included in tree preservation requirements evaluation.

Sec. 28.06.083. Irrigation requirements.

- (a) An irrigation plan is required as part of the site plan and 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 shall comply with the interior lot landscaping requirements in this article. St. Augustine is expressly prohibited.
- (c) Landscaped areas must be mulched as required by the interior lot landscaping requirements in this article.
- (d) Watering landscaping by hose-end sprinklers or permanently installed automatic sprinkler systems between 10 a.m. and 6 p.m. is prohibited.
- (e) Watering by hand-held hose, drip irrigation, or soaker hose is allowed at any time. No more than two hours per day maximum is encouraged.
- (f) Watering or irrigating of any landscaping in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, parking area, street, alley, gutter, or ditch is prohibited.
- (g) A subdivision or commercial project that uses drip irrigation in all open, park, and common areas will receive a credit of fifty percent (50%) of water reuse fees in Section 22.06.007 – Development requirements.
- (h) All restrictions herein are in addition to any restrictions placed by a utility provider including the Water Supply Corporation, the West Travis County PUA, or the City of Dripping Springs.

Sec. 28.06.084. Drought conditions.

- (a) During extreme drought classifications for this region as determined by the National Drought Mitigation Center, the city administrator, 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 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 28.06.066 of this article shall apply.
- (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 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.

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- (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 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 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 28.06.066 of this article shall apply.
 - (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.

Sec. 28.06.085. Seasonal Installation Bond/Escrow

- (a) Landscaping for any project should be installed at an appropriate time of year, to maximize the survivability of the material being planted. If construction activities are completed, save for the installation of trees, shrubs, ornamental ground covers, perennials, and annuals, from March 15 thru September 15, the Planning Department, at the option of Owner, may accept a fiscal deposit of the amount equal to the cost of purchasing and installing these materials in lieu of the installation of trees and other landscaping required for the issuance of a certificate of occupancy or certificate of completion, as appropriate; or, the Planning Department 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 the Code has been reviewed and accepted by the City Administrator. Failure to maintain and adhere to an approved erosion control plan during the period March 15 – Sept. 15 shall be deemed a violation and the fines and penalties under section 28.06.066 of the Code shall apply.
 - (b) Upon the request that the City accept a fiscal deposit in lieu, owner/applicant shall provide the City Administrator with written documentation from an entity that sells trees and landscaping the cost of purchasing and installing the trees and other landscaping required by the Code.
 - (c) If no cost for the installation of trees and landscaping required by the Code is provided to the City, the City shall require a fiscal deposit equal to 66% of the cost of the trees and landscaping to be delivered to the City as the installation cost in addition to the cost to purchase the trees and landscaping.
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- (d) Any fiscal deposits for trees and landscaping paid to the City pursuant to this chapter 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 by the City to the depositing property owner or his/her/its designee to implement tree and landscaping requirements within 30 days of drawing upon the escrow. Failure to implement the tree and landscaping requirements within 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 28.06.066 of the Code shall apply.
 - (e) Whenever necessary to enforce any provision of this section 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 section until such time the complete landscape package has been installed and accepted by the City. 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.

Sec. 28.06.086. Oak Wilt Management

- (a) 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 or property owner wishing to trim or cut an oak tree susceptible to oak wilt during the prohibited months, provided that the entity or property owner contracts with a licensed professional tree care or landscaping company. Trimming or cutting of trees are allowed during the prohibited months if done in response to damage caused by weather. Trimming or cutting can be done by the entity, property owner, or a licensed professional or landscape company. In the case of oak species, wounds must be painted with an acceptable wound dressing within 30 minutes from the time of cutting.
 - (b) 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.
 - (c) It is an offense for a contractor or individual to prune any oak without sealing wounds with an acceptable wound dressing within 30 minutes of pruning.
 - (d) 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.
 - (e) 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 Arborist. For information on oak wilt identification, spread and management reference www.texasoakwilt.org.
 - (f) In the case of emergencies due to tree damage from weather events or other natural disaster the requirement for licensed professional tree care or landscaping company for review for trimming during prohibited months is not required if not available. In
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addition, painting within 30 minutes at the time of cutting is not required, but painting shall be done as soon as possible.

DIVISION 5. STANDARDS -- INTERIOR LOT LANDSCAPING

Sec. 28.06.090. Scope and Applicability

This article Divisions 3, 4, and 5 – Commercial and Residential Subdivision Tree Preservation and Interior Lot Landscaping apply to all commercial property and residential subdivisions with five or more dwelling units 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.

Sec. 28.06.091. Turf Grass Areas

- (a) Turf grass areas shall be planted in drought-tolerant species normally grown as permanent lawns in the City, including Zoysia, Bermuda, Buffalograss, Habiturf (combination of Buffalograss, Blue Grama, and Curly Mesquite) or other drought-tolerant turf grass varieties as approved by the City in consultation with Texas A&M Agrilife Extension.
- (b) In single-family residential home subdivision, turf grass areas shall be limited to a maximum of 75% of the total provided landscaped area, except that up to 50% of the areas can be turf if supported by drip irrigation in lieu of spray irrigation. Areas that are approved for use for land application, septic area, or other type of wastewater application are not included in this calculation.
- (c) In all other developments, turf grass areas shall be limited to a maximum of 25% of the total provided landscaped area, except that up to 50% of the areas can be turf if supported by drip irrigation in lieu of spray irrigation. Areas that are approved for use for land application, septic area, or other type of wastewater application are not included in this calculation.
- (d) Turf grass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales, other areas subject to erosion, or as required in a Water Quality Protection Zone Plan.

Sec. 28.06.092. Soils

New landscaped areas shall be prepared so as to achieve a soil depth of at least 6 inches for turf. A soil depth of 12 to 18 inches should be used for perennials and shrubs, and 18-24 inches for trees. The six-inch soil depth shall consist of at least 25% compost blended with soil.

Sec. 28.06.093. Xeriscape materials

Developers and homebuilders are encouraged to plant native, adapted, and non-invasive xeriscape plants and trees in addition to using other materials such as mulch and compost to promote use of water-wise landscaping.