NJH: 3/13/03
Item #34

AN ORDINANCE 97332

AMENDING CHAPTER 21 AND CHAPTER 35 OF THE CITY CODE OF SAN ANTONIO, TEXAS BY ADDING OR AMENDING VARIOUS SECTIONS RELATING TO TREE PRESERVATION AND THE PREVENTION AND CONTROL OF OAK WILT DISEASE; REQUIRING LICENSING OF TREE MAINTENANCE PROFESSIONALS; AND PROVIDING FOR PENALTIES.

WHEREAS, the City Council, in order to protect the health and general welfare of the City, passed and approved a tree preservation ordinance, Ordinance No. 85262, on December 5, 1996; and

WHEREAS, the City Council amended the contract of the Unified Development Code consultant, Mark White to utilize a public process to review the effectiveness of the ordinance; and

WHEREAS, five (5) public meetings were held during which numerous comments were submitted by design professionals, community members, and members of the development community relating to the tree preservation ordinance; and

WHEREAS, a report entitled "Survey and Recommendations" was distributed which explained the findings and recommendations of the meetings, as well as information relating to tree preservation ordinances and issues in Texas and throughout the nation; and

WHEREAS, the City Master Plan provides that the tree preservation ordinance shall be strengthened as needed,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Code of San Antonio, Texas is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

SECTION 2. Chapter 35, Article 5, Section 35-523 is amended as follows:

35-523 Tree Preservation

While allowing the reasonable improvement of land within the city and city's ETJ, it is stated public policy of the city to maintain, to the greatest extent possible, existing trees within the city and the ETJ, and to add to the tree population within the city and the ETJ. The planting of additional trees and preservation of existing trees in the city and the ETJ is intended to accomplish, where possible, the following objectives:

- *To preserve trees as an important public resource enhancing the quality of life and the general welfare of the city and enhancing its unique character and physical, historical and aesthetic environment.*
- *To encourage the preservation of trees for the enjoyment of future generations.*
- *To encourage the preservation of trees to provide health benefits by the cleansing and cooling of the air and contributing to psychological wellness.*
- *To encourage the preservation of trees to provide environmental elements by adding value to property, and reduction of energy costs through passive solar design utilizing trees.*
- *To encourage the preservation of trees to provide environmental elements necessary to reduce the amount of pollutants entering streams and to provide elements crucial to establishment of the local ecosystem.*
- *To provide tree preservation requirements and incentives to exceed those requirements that encourage the maximum preservation of trees.*
- *To promote and protect the health, safety and welfare of the public by creating an urban environment that is aesthetically pleasing and that promotes economic development through an enhanced quality of life.*

This Section implements the following provisions of the Master Plan:

- *Neighborhoods, Policy 3c: Continue to implement the tree preservation ordinance and strengthen as needed.*

(a) Applicability

(1) Generally

A. The regulations contained in this division shall apply to any private property located within the city limits of the city and the ETJ of the city that is not the subject of a Permit as of the effective date of this provision.

B. The regulations contained in this division shall apply to all public property held by or for the benefit of the city or any agency, board or commission thereof in accordance with the provisions of subsection (o) of this division.

C. The regulations contained in this division shall regulate all activities that result or may result in the removal of Significant or Heritage trees ~~protected or heritage tree(s)~~ as defined herein. Said activities include any of the following conducted on property to which the division applies:

1. Industrial, commercial, office, multifamily, residential and institutional development, including all new construction and any additions that increase the total floor area of a structure by more than two thousand five hundred (2,500) square feet.

2. Construction of a new parking lot larger than two thousand five hundred (2,500) square feet or expansion of an existing parking lot by more two thousand five hundred (2,500) square feet.

3. Any grading, filling or clearing of land.

4. Any clear, selective or individual cutting or removal of any Significant or Heritage tree ~~protected or heritage tree(s)~~ as defined.

5. Chemical or biological treatment of trees that may result in the death or destruction of any Significant or Heritage tree ~~protected or heritage tree(s)~~ as defined.

6. Trenching or excavation that may damage or destroy any Significant or Heritage tree ~~protected or heritage tree(s)~~ as defined.

D. The regulations in this Section shall apply to any projects receiving any federal, state, and/or local financial assistance.

(2) Activities Exempt

The regulations in this division shall not apply to the clearing of understory necessary to perform boundary surveying of real property or ~~the clearing of underbrush required~~ to conduct tree surveys or inventories. Clearing for surveying may not exceed a width of two (2) feet for general survey (i.e. of easement boundary, etc.) and eight (8) feet for survey of property boundary lines. Except for surveys done in connection with residential development, no tree ten (10) inches or larger may be removed in any manner during such boundary or general surveying.

(3) Categories of Development Exempt

The provisions of this Section shall not apply to any Conservation Subdivision.

(4) Trees Exempt

This division shall not apply to:

A. Any Significant or Heritage tree ~~protected or heritage tree~~ determined to be diseased, dying or dead, by the city arborist.

B. Any Significant or Heritage tree ~~protected or heritage tree~~ determined to be causing a danger or be in hazardous condition as a result of a natural event such as tornado, storm, flood or other act of God that endangers the public health, welfare or safety and requires immediate removal.

C. Trees located on property on which construction of single-family, two-family or three-family residential dwelling units has been completed.

D. Trees located in the clear vision area, as defined in the Street Improvement Standards.

E. Trees preventing the opening of reasonable and necessary vehicular traffic lanes in a street or alley.

The provisions contained in this section ~~division~~ shall control in the event and to the extent they may conflict with other provisions contained in this Chapter that do not related to health and safety.

(b) Administration

The provisions of this section ~~division~~ shall be implemented by a city arborist under the direction of the director of development services ~~building inspections~~. The city arborist shall oversee regulation of the maintenance and removal of Significant or Heritage trees ~~protected and heritage tree(s) that are required to be preserved in the city and the ETJ~~ and shall enforce and administer the provisions of this section ~~division~~.

The city arborist shall work closely with all city departments and governmental entities and licensees, and franchisees thereof in order to promote and ensure the maximum protection of trees by the implementation and administration of this section ~~division~~. City departments with which the city arborist is authorized to interact pursuant to subsection (o) of this section include, but are not limited to the following:

A. Planning department. Coordination of tree preservation in the review of master ~~preliminary overall area~~ development plans (for phase development) and any grading, fillings and spoil activities when applicable.

B. Development services ~~Building inspections~~ department. Coordinate and maximize the preservation of trees through the implementation of the city landscape and streetscape standards ~~ordinance~~ and through the building permit application and approval process contained in this chapter.

C. Public works department. Maximize the preservation of trees during public works projects for public improvements such as, but not limited to utility installation, street construction and maintenance, drainage construction and maintenance, grading, filling, placement of soil, etc. and coordinate any projects that ~~hat~~ modify natural drainage areas in a way that negatively affects trees on private property or public property.

D. San Antonio Water System. Maximize the preservation of trees during capital improvement projects. The arborist shall review any policies related to trees.

E. City public service board. Maximize the preservation of trees during capital improvement projects. The arborist shall review any policies related to trees.

F. Parks and recreation. Maximize the preservation of trees during ~~parks and recreation~~ capital improvement projects ~~and programming the use of the tree mitigation and replacement fund~~.

G. Any other entities which may require easements or rights-of-way shall maximize the preservation of trees during the project. The arborist shall review any policies related to trees.

~~The director of parks and recreation shall be responsible for administering the tree mitigation and replacement fund as established by subsection (e) of this division.~~

(c) Violation, enforcement and penalties

The provisions of this Section shall be enforced as provided in Article 4, Section 35-493 of this Chapter.

(d) Protected Tree Designations

The Significant or Heritage tree designations establish a threshold trunk size, measured in diameter at breast height ("DBH"), for various tree species for purposes of applying the requirements of this ordinance. A Significant or Heritage tree is defined by DBH as set forth below. Significant trees of less than six (6) inches may be omitted from the Tree Survey and preserved or mitigated based on a numerical count.

(1) Significant Trees

A Significant tree means a tree of six (6) inches or greater DBH for all tree species except for the following species where a Significant tree means a tree with two (2) inches or greater DBH:

1. Persimmon
2. Redbud
3. Mountain Laurel
4. Condalia
5. Possum Haw (in floodplain only)
6. Crabapple (in floodplain only)

(2) Heritage Trees

A Heritage tree means a tree of twenty-four (24) inches or greater DBH for all tree species except for the following species where a Heritage tree means a tree with eight (8) inches or greater DBH:

1. Persimmon
2. Redbud
3. Mountain Laurel
4. Condalia
5. Possum Haw (in floodplain only)
6. Crabapple (in floodplain only)

(e) Minimum tree preservation requirements

(1) Generally

Table 523-2 establishes the minimum percentage of all diameter inches or percent tree canopy of Significant or Heritage trees that must be preserved or mitigated.

Table 523-2		
	Single-family Dwellings	**Multi-family and Non-residential uses**
Significant Trees	50% within the easements and the platted setback or survey areas (20' from front and rear property lines) excluding street rights-of-way plus the planting of two (2) additional two (2) inch caliper Class I trees	25% within the entire site excluding the street rights-of-way
Heritage Trees-Entire site excluding the street rights-of-way	100%	100%
100 year flood plain(s)	80%	80%

~~A minimum of all protected trees within the surveyed area must be preserved in the following manner:~~

~~Use~~	~~10 inches or larger~~	~~8 inches or larger~~
~~Single Family~~	~~50%(1)~~	~~45%~~
~~Multifamily residential:~~	~~30%(2)~~	~~25%~~
~~Commercial/all other building types~~	~~30%(2)~~	~~25%~~

~~Notes to table:~~

~~[1] Refers to trees shown according to the survey criteria for contiguous lot construction according to Appendix B, § 35-B121 of this division.~~

~~[2] Refers to diameter inches within the area included in the tree survey.~~

~~Trees Excluded from Calculation~~

~~Trees located within the permitted building area, easements, public roads, public alleys and rights-of-way will not be included in calculating the percentage of protected trees (ten (10) inches or larger) that must be preserved. For uses other than Single-Family, trees located within~~

~~the building footprint (dwelling, administration, office, laundry and postal buildings only), easements, and parking garages (excluding stand alone canopies), will not be included in calculating the percentage of protected trees that must be preserved. No heritage tree may be removed or destroyed within the surveyed area unless it is mitigated at a ratio of two (2) inches of mitigation for every one (1) inch of heritage tree removed.~~

(2) Calculation of Preservation Ratios

All percentages relating to preservation stated within this section shall be based on the initial tree survey. Any subsequent redevelopment of property must minimally preserve the applicable percentage of the total diameter inches of protected trees as indicated by the initial tree survey.

(3) Tree Retention Ratio

A minimum of ten (10) percent of the total diameter inches within the surveyed area must be retained in their original location.

(4) Tree Stand Delineation Alternative

As an alternative to a tree survey, a tree stand delineation may be used to meet the preservation requirements (see submittal requirements Section 35-B125). The amount of tree area(s) required to be preserved is twenty-five (25) percent. Within the tree save area, the existing understory must be included/preserved to meet the requirements of this elective option.

(5) Mitigation

Protected trees that are required to be preserved are to be mitigated at the ratio described in Table 523-3 ~~a ratio of one (1) inch of mitigation for any one (1) inch of removed tree~~.

(6) Diversity and Desirability

As the particular site conditions warrant, the applicant shall make a reasonable effort to preserve a diversity of species of trees as determined by the city arborist.

(7) Site Design

The location of all proposed buildings and improvements shall be oriented by the applicant, to the extent the applicant determines possible, in a manner which allows for preserving ~~the saving~~ of the greatest number of trees and in doing so the applicant is encouraged to design by taking into consideration the site's limitations and assets. ~~However, all trees located in the proposed footprint of a building, and other exclusions, are not required to be counted toward the total number of on-site trees for the purpose of calculating the minimum preservation percentage required in subparagraph (1) above.~~ Trees located within the existing right-of-way ~~and public easements~~ shall not be counted as it pertains to the minimum preservation percentage. Applicants are encouraged ~~however,~~ to preserve trees ~~and place mitigated trees and any trees needed~~ to meet

the landscape and streetscape standards which could reduce or eliminate the irrigation requirements ~~ordinance requirements in rights-of-way adjacent to public roads if deemed appropriate by the arborist and any other agencies having jurisdiction over said easements and rights-of-way~~.

(8) Rights of Way

Unless otherwise allowed by this division, trees of a protected size or larger located within existing rights-of-way or easements may be damaged, destroyed, or removed only if prior approval is granted by the city arborist.

(9) Trees on Public Property

The city shall have the right to maintain trees, plants, and shrubs within the lines of all public property as may be necessary to ensure the safety, protect facilities and improvements, and maintain the health and asthetics of such public grounds. In order to achieve the above, the city or its municipal utility entities may remove or cause or order to be removed any tree which is located on public property and determined to be in conflict with a public purpose or to be a public hazard through coordination with the city arborist.

Unless specifically authorized by the city, no person shall knowingly cut, carve, transplant, or remove any tree; attach any rope, wire, nails, advertising posters, or other contrivances to any tree; or allow any substance, solid, liquid, gas, or fire to injure any tree or portion thereof on public property.

~~Corridor Trees~~

~~Where possible a minimum of one (1) tree shall be provided for each fifty (50) feet of Street frontage. These trees shall be located within thirty (30) feet of the projected Street curb. The trees may be located in the public right-of-way. For purposes of this paragraph, "projected Street curb" means the future location of the Street curb consistent with the city major thoroughfare plan as determined by the Director of Public Works. As an incentive to preserve trees in the parkway, the applicant may receive either landscape credits (at a ratio of one (1) point per diameter inch) and/or may use the total diameter inches of parkway trees saved to go towards meeting the minimum tree preservation requirements.~~

(10) Historic Trees

In order to protect historic trees, as defined, the city arborist shall defer the approval of tree preservation plans to review by the director of planning ~~building inspections~~ who shall seek the advice of the historic design and review commission in instances where a historic tree is proposed to be removed. The commission may recommend additional replacement standards, recommend a cash payment to be deposited to the tree replacement fund to offset the cost of future tree planting on public property, or recommend that the application for permit and tree

preservation plan be denied. Provided, however that no later than thirty (30) days after the final application for removal of the historic ~~heritage~~ tree was received, the director of development services ~~building inspection~~ shall advise the applicant by certified mail, return requested, or hand delivery of his decision. The final application will be deemed approved if not acted upon by the director of planning before the expiration of the thirty-day time period herein established. Such action may be appealed pursuant to Section 35-489 ~~subsection (k)(4) and (k)(5)~~ of this Chapter ~~section~~.

~~All percentages relating to preservation stated within this section shall be based the initial tree survey. Any subsequent redevelopment of property must minimally preserve the applicable percentage of the total diameter inches of protected trees as indicated by the initial tree survey.~~

(f) Mitigation/alternative mitigation methods

Significant or Heritage trees ~~Protected trees~~ may be removed in excess of the minimum preservation requirement contained in subsection (e) provided the excess removal is properly mitigated. ~~However, at least ten (10) percent of the total diameter inches within the surveyed area may not be mitigated, and must actually be preserved.~~

~~Mitigation Rate~~

If mitigation is required to compensate for removing trees in excess of the number of diameter inches allowed to be removed within the surveyed area to be calculated for tree preservation under the minimum preservation requirements, the mitigation may be achieved in one of the ways prescribed in Table 523-3, below ~~following ways~~:

Table 523-3 Mitigation		
(A) Method	(B) Description	(C) Restrictions
1. Establishment and maintenance of new trees at the required ratio on-site	Significant 1:1 Heritage 3:1	No more than twenty-five (25) percent of the replacement trees shall be of the same species; for the purposes of mitigation, Heritage designation does not apply to Ashe Juniper.
2. Payment to the tree mitigation fund	See subsection (n) of this Section.	See subsection (n) of this Section.
3. Protection and Maintenance of smaller trees within Surveyed Area	Protection and maintenance of existing trees within the surveyed area that are smaller than the size requirements for a protected tree.	Such trees must be at least two and one-half (2 ½) inches DBH. See Column B ratios for diameter-inches required.
4. Protection and Maintenance of natural areas within the Surveyed Area	Protection and maintenance of existing natural areas, i.e., prairie, steep slope, etc.	Area(s) must contain desirable plants as determined by the city arborist and/or by Texas Parks and Wildlife Dept.

In considering a mitigation method, the city arborist may weigh the value of smaller trees, clumps of trees, and natural vegetation that could be retained to meet the requirements of this section, such as mitigation method above, or the amount of vegetation to be retained on the site and/or added according to a landscape plan to determine the extent additional trees may not be required. For these reasons, indiscriminate clearing of smaller trees and shrubs or understory is discouraged.

~~A. Establishment and maintenance of new trees at the required ratio on-site under the following guidelines: (See subsection (d) for minimum preservation requirements)~~

~~B. Protected trees shall be mitigated at a ratio of one (1) caliper inch per one (1) diameter inch removed.~~

~~C. Heritage trees shall be mitigated at a ratio of two (2) caliper inches per one (1) diameter inch removed.~~

~~D. Whenever protected and heritage trees are mitigated, no more than twenty-five (25) percent of the replacement trees shall be of the same species.~~

~~E. In considering recommending a replacement tree, the city arborist may weigh the value of smaller trees, clumps of trees, and natural vegetation that is to be retained on the site and/or added according to a landscape plan in compliance with the landscape ordinance, with greater weight going to retention of existing trees and vegetation. Agreement by the applicant to retain or add such trees and vegetation may satisfy the arborist's concern to the extent that he would agree not to recommend a replacement tree as a condition for approval. For these reasons, indiscriminate clearing of sites where protected trees are located shall be discouraged; or~~

~~Tree Mitigation Fund~~

~~Payment to the tree mitigation and replacement fund as provided in this Code;~~

~~Tree Preservation Credits~~

~~Use of tree preservation credits (in inches) according to the required ratio, provided the credits have been issued pursuant to subsection (f)(1) of this Section (Note: Tree preservation credits issued pursuant to this division may be used to satisfy no more than eighty (80) percent of the minimum preservation requirements of subsection (d) as applied to the subject development); or~~

~~Protection and Maintenance within Surveyed Area~~

~~Protection and maintenance of existing trees within the surveyed area that are smaller than the size requirements for a protected tree but at least two and one-half (21/2) inches in diameter measured four and one-half (41/2) feet from the ground.~~

(g) 100 year Flood Plain(s)

Significant trees shall be preserved at eighty (80) percent preservation within the 100 year flood plains. Heritage trees shall be preserved at one hundred (100) percent preservation within the 100 year flood plains. The 100 year flood plain shall be determined by the Flood Plain Administrator. Such trees shall be mitigated as defined in Table 523-3. If trees are required to be removed by a governmental entity due to existing off site conditions, then mitigation shall not be required by the applicant. The City Arborist, the Director of Public Works, the Director of Development Services, and one representative from the Cibolo Creek watershed, the Leon Creek Coalition, the Salado Creek Foundation, the San Antonio River Oversight Committee, and the Land Heritage Institute (for the Medina River) shall agree on a standard for treatment of drainage ways, which standard shall be approved by the Urban Affairs Committee of City Council.

(h) Tree preservation incentives

An individual may apply for, and subject to verification, shall receive incentives for tree preservation as follows:

(1) ~~***Tree preservation credits***~~

~~Upon application, and payment of applicable fees, and after verification, the city arborist shall provide a certificate of credit for the number of diameter inches of trees preserved by an individual in excess of the minimum preservation requirements of subsection (d), or for trees that are permanently established or protected on property that is located within the city limits or within the city's ETJ, but that is not subject to regulation by this division. The certificate of credit may be used to meet tree preservation requirements on site or may be assigned to another site for the purpose of meeting minimum tree preservation requirements. Credits issued under this provision are assignable by the holder thereof. However, the city arborist may not issue a certificate of tree credits until the applicant for tree credits submits to the arborist a duly executed conservation easement meeting the requirements of and enforceable in accordance with V.T.C.A., Natural Resources Code § 183.001 et seq., that:~~

A. ~~Restrict the removal of and provide protection of the trees that are the subject of the applicant's request for credits;~~

B. ~~Identify the trees that have been protected by use of a plat, drawing, tree survey or other document that provides sufficient identification of the location, size and species of the protected trees.~~

C. ~~Require the trees protected by the easements to be mitigated if intentionally removed at a ratio of two (2) inches of mitigation for one (1) inch of protected tree removed.~~

~~Each certificate of credit issued will be sequentially numbered and will be issued on a type of paper of unique nature. The city arborist will retain a log of each certificate issued, to whom it was given, the date of issuance, the number of inches credited, and other relevant information.~~

(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 of § 35-526 of this Code to help meet the minimum tree preservation requirements. For the purpose of providing an incentive, the said minimum parking requirements of § 35-526 of this Code may be reduced by one (1) parking space for every four (4) diameter ~~caliper~~ 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 development services ~~Director of Public Works~~ or his

designee, and no waiver may exceed thirty (30) percent of the required spaces. A waiver of up to fifty (50) percent of the minimum parking spaces required by Table 526-3 may be granted if the plan will result in the preservation of woodlands or significant stands of trees in a natural state as in Section 35-526. If used, the incentive provided by this subsection shall control over any other conflicting provision of this Code. ~~In order to promote placing trees in the parking field to provide additional cooling and shade benefits it is suggested that the developer attempt to place a portion of the preserved and/or mitigation trees in the interior of the parking areas at a ratio of one (1) tree for every fifteen (15) parking spaces, and attempt to have no parking space further than eighty (80) feet from any tree (this sentence is intended to provide guidance only, compliance with this sentence is not mandatory).~~

(2) Sidewalks

Where the director of development services determines that preservation of trees warrants the elimination, reduction in width, 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 105% for each tree within the cluster with a minimum size of 2 ½ inch diameter.

B. Cluster(s) of three (3) or more trees less than ten (10) feet apart with existing understory will be calculated at 115% for each tree within the cluster with a minimum size of 2 ½ inch diameter.

(4) Landscape credits

Landscape credits may be awarded as provided in § 35-511, above.

(5) Understory

The ~~With approval of the~~ city arborist, may determine that the preservation of native understory plants together with trees grouped in significant stands may result in a reduction of new plantings needed to meet the landscape requirements and/or an increase of credit given for elective points and/or the elimination of an irrigation system requirement of Section 35-511 ~~by the number of points determined by the arborist~~. Emphasis is on the preservation of said significant stands and accompanying native understory plants and therefore, the smaller tree diameters may be counted one for one in terms of meeting the minimum tree preservation requirements. It is at the discretion of the city arborist as to the maximum number of trees, less than the Significant tree

size, that may be allowed to be used for obtaining additional landscape points under this incentive.

(6) Minimum Lot Size and Setbacks

The Board of Adjustment may waive the minimum lot size and setback requirements of the applicable zoning district for an individual lot or lots where the Applicant demonstrates the following:

A. Compliance with the minimum lot size or setback requirement is needed to preserve a Significant Tree or Heritage Tree; and

B. If the Tree Permit application is pursuant to a proposed subdivision plat, the average lot size of the proposed subdivision will equal or exceed that of the applicable zoning district; and

C. The public purpose involved in protecting the tree exceeds the public purpose of complying with minimum lot size or setback requirements; and

D. The resulting lot sizes or setbacks do not violate the Master Plan or the applicable Neighborhood Plan.

(7) State Certification in Lieu of Compliance

The city arborist shall assist those who wish 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.

(i) Root protection zone ~~requirements~~

(1) Root Protection Zone

~~Root Protection Zone~~

~~Unless a developer or property owner chooses to provide the warranty required in subsection (2) of this section, a~~ A root protection zone must be established around the trunk of each tree preserved or mitigation tree ~~planted pursuant to this division~~. The root protection zone shall be an area defined by an average radius extending outward from the trunk of the tree a distance of one-half (1/2) linear foot for each inch (DBH) of the subject tree. Root Protection Zones for trees in a cluster may be overlapping. ~~The maximum size of a root protection zone required by this division shall not exceed one thousand (1,000) square feet for any tree or trees located within the same root protection zone.~~

The area contained within a root protection zone required under this subsection must be left in a pervious condition after construction and development are completed unless approved alternative construction methods are used. ~~The root protection zone for each preserved tree must remain unpaved unless approval has been given by the city arborist.~~ The arborist shall establish a written set of technical criteria on which such approval shall be based. During construction activity on the site, at least six-inch layer of a coarse mulch shall be placed and maintained over the root protection zone. The impervious cover may encroach within the root protection zone if said encroachment is approved by the city arborist.

(2) Warranty

In lieu of establishing root protection zone(s) as prescribed in Section 35-523 (i) or adhering to alternate construction methods as approved by the city arborist, a developer or property owner may choose to provide a Tree Preservation Warranty. In the event a developer or property owner chooses to provide a Tree Preservation Warranty as provided for herein for any tract in San Antonio, Texas (the "Property"), the owner of the Property must provide a Tree Preservation Warranty to the City arborist, in the form set out herein, which shall obligate the then owner of the Property, as well as any successor owner of the Property (herein collectively the "Owner"), to replace any tree (or trees) reflected on the tree survey which is submitted with a Tree Preservation Warranty (the "Approved Tree Survey"), if it (they) shall die during the term of the Tree Preservation Warranty, with a tree (or trees) of the same species as the tree (or trees) reflected on the Approved Tree Survey, and of at least the same size dbh (or total caliper inches if more than one tree is planted to replace a dead Significant tree) as reflected on the Approved Tree Survey. However, if a Heritage tree (or trees) dies during the term of the Tree Preservation Warranty, each Heritage tree shall be replaced by trees whose caliper inches total at least three times the DBH of each dead Heritage tree. All replacement trees shall be planted in accordance with the standards set forth in section 35-523(l). The City may require such Owner to replace a tree (or trees) that has died at any time during the term of the Tree Preservation Warranty, and, if such Owner fails to replace the tree within 90 days of the city's written request to replace same, the city shall have the right, but not the obligation, to replace the tree (or trees) at the Owner's cost, and file a lien against the Property to collect the cost of same from the Owner. Each tree that is covered by a Tree Preservation Warranty must be identified on a tree survey prepared in accordance with section 35-B123(c)(1)A. and submitted with the Tree Preservation Warranty.

The Tree Preservation Warranty shall be filed of record in the Real Property Records of Bexar County, Texas, and shall provide the following:

> This Tree Preservation Warranty is provided in accordance with the requirements of Article 35-523 of the Unified Development Code of the City of San Antonio, and in consideration of the approval by the City of San Antonio of [describe plans/tree plan], and is to be appurtenant to and shall run with the [describe property], and shall be an obligation of the owner of said property, and his/her/its successors and assigns in the ownership of said property, to replace any tree on

said property which dies during the term hereof in the manner required in said Article 35-523; but conveyance of the property shall not relieve the owner of the property or any successor in interest in the property from personal liability for fulfillment of the obligations created hereunder.

The city may charge reasonable fees for recordation of the Tree Preservation Warranty. Upon the expiration of five (5) years after the Tree Preservation Warranty is filed of recorded, as herein required, the property owner of record at that time may request a Tree Warranty Inspection of the Property by contacting the Office of the City Building Inspector and requesting same. If the trees referenced in the Approved Tree Survey have not died or have been replaced as required by this section, the city will execute a form of Release of Tree Preservation Warranty, in recordable form, which the then owner of the Property may file of record in the Real Property Records of Bexar County; and from and after the recording of the same, the Tree Preservation Warranty and the Owner's obligations thereunder shall be of no further force or effect. The owner of property subject to a Tree Preservation Warranty shall disclose such to prospective buyers.

~~Warranty~~

~~In the event a developer or property owner provides a letter of warranty to the city arborist warranting the life of a tree or tree(s) for a period of three (3) years from the date a tree preservation permit was issued pursuant to this division, the property owner or developer may utilize a root protection zone smaller than the root protection zone smaller than the size required by subsection (1) of this subsection. In the event the tree(s) warranted under this section die within the warranty period, the applicant will be required to replace the dead tree(s) within ninety (90) days from being notified by the city arborist that the tree has died.~~

~~Exemption~~

~~The requirements contained in subsection (a) and (b) of this section shall not apply to single-family residential developments. The root protection area for single-family residential lots shall be the same area contained in the front and rear yard set backs of such lots.~~

(j) Tree protection during construction

(1) Generally

It is the applicant's responsibility to insure that all parts of the tree preservation plan are transferred to each appropriate person concerned with the development project.

(2) Protection Barrier

Except for single family residential construction, a ~~A~~ protection barrier shall be erected at the edge of the root protection zone for all trees, understory and/or natural areas to be preserved to

meet the requirements of the Tree Preservation, Landscape and/or Streetscape standards. The barrier shall be in place before any site work is initiated and maintained throughout the construction process. However, on one side of the tree the ~~A~~ protective barrier can be erected on one side, ~~a, however, at~~ a minimum~~, the barrier shall be erected a~~ distance of sixty (60) inches from ~~around~~ the trunk(s) of individual Significant, Heritage ~~protected, heritage~~ or mitigation trees or islands of such trees and understory and maintained until construction is completed. This protective barrier may be comprised of snow fencing, vinyl construction fencing, chain link, geotextile material or other similar sturdy material. During construction, no excess soil, additional fill, equipment, liquids or construction debris shall be placed inside the protective barrier nor shall any soil be removed within the barrier.

(3) Grading

The ~~Except for single-family residential development, the~~ proposed finished grade within the root protection zone of any tree to be preserved shall not be raised or lowered more than three (3) inches, except for single-family residential development where the grade may be raised or lowered six (6) inches. Approved welling methods for tree preservation may be used within the root protection zone. Other ~~but~~ welling and/or retaining methods may be used to protect and/or provide lateral support to the area outside the root protection zone.

(4) Branch/Root Pruning and Wounded Trees

All broken branches and exposed roots two (2) inches in diameter or greater of ~~a~~ Significant, Heritage or mitigation~~, protected or heritage~~ trees shall be cut cleanly. In the case of oak species, in order to prevent infection by oak wilt ~~welt~~ spores, wounds must be painted with an acceptable wound dressing within thirty (30) minutes ~~reasonable time as determined by the city arborist~~.

(5) Equipment/Vehicle Storage and Parking Areas

Prior to construction or land development, the developer or builder shall establish designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment, and related items, as well as stockpile areas for the storage of construction supplies and materials. The location and dimensions of said designated areas shall be clearly identified on construction and site plans and at the construction site.

(6) Boring of Utilities

A. For purposes of this subsection, "boring" means the practice of tunneling below the effective root system of a tree for the purpose of running underground utilities.

B. Boring is permitted, but not required, under protected trees where needed to provide underground utility access. The minimum length of the bore

shall be the width of the tree's canopy. The minimum depth is twenty-four (24) inches.

(7) Tree Protection Details

Tree protection notes and details shall be included on subdivision plans, tree preservation plans and/or landscape plans. The applicant shall also include tree protection notes and details with the bid documents given to the contractor.

(k) General maintenance

Significant, Heritage, ~~Heritage, protected~~ or mitigation trees ~~trees~~ must be maintained in a healthy condition at all times. The property owner is responsible for irrigating, fertilizing, pruning and other maintenance of all trees as needed. Except for residential development, mitigation trees that are planted on the property and that die within twelve (12) months of final inspection are subject to the mitigation requirements set forth in subsection (e) at a ratio of one (1) inch mitigation for every one (1) inch of a Significant, Heritage, or mitigation trees ~~protected or heritage tree~~ that dies. However, a Significant or Heritage or mitigation ~~heritage~~ tree that dies from other than natural causes shall be mitigated at a ratio as defined in Table 523-3 ~~of two (2) inches mitigation for every one (1) inch of heritage tree~~. Any tree that dies must be replaced with another living tree of the same category type or better within ninety (90) days after notification by the city. The building official may extend this time period up to an additional ninety (90) days due to weather considerations. If the plants have not been replaced after appropriate notification and/or extension, the property owner shall be in violation of this section ~~division~~. If a public utility disturbs trees, it shall make every reasonable effort to preserve the trees and return them to their prior location and condition after the utility work is completed. If nonetheless, trees die, replacement is not the responsibility of the property owner if the death or destruction of the trees is due to the action of a public utility.

(l) General planting standards

(1) Mitigation or replacement trees required by this section ~~division;~~ must have a minimum caliper ~~diameter~~ of two and one-half (21/2) inches measured six (6) inches above grade at the time of installation and, shall be planted in a pervious area of at least one hundred and sixty-two (162) ~~(100)~~ square feet per tree.

(2) No artificial plant materials may be used to satisfy the requirements of this section.

(3) For single family residential construction, the two trees required to be planted per residential lot shall be Class I trees, of two (2) inch caliper, and shall be a species that matures to a minimum height of thirty (30) feet (Appendix E) unless there is a conflict with overhead utilities where the trunk would be wihin twelve (12) feet of overhead utilities. In such incidences the tree will be from the small tree species as listed in Appendix E.

(4) Plant materials required by this section must comply with the following minimum size requirements at the time of installation.

A. In satisfying the requirements of this section, the use of mulch material shall be provided at the time of planting.

B. Each replacement tree must be planted at least thirty (30) inches away from any impervious surface.

C. Plant areas must be protected from vehicular traffic through the use of concrete curbs, wheel stops or other permanent barriers.

(5) Transplanting existing trees shall be considered an acceptable method for preserving a tree if:

A. The tree is a Significant or Heritage tree; and

B. The tree is transplanted on the same lot, parcel, or development site; and

C. The applicant provides a feasibility report prepared by a Certified Arborist or Landscape Architect which describes the following:

1. Digging method;
2. Relocation sites;
3. Method of transport;
4. Time of year transplanting will take place;
5. Storage methods (if any); and,
6. Maintenance programs before, during, and after transplanting.

D. The Applicant shall comply with the requirements of the feasibility report, which shall be considered a condition of the Tree Permit.

(m) Variance procedure

(1) Variances

Variances to the terms and requirements of this division may be granted by the city arborist where a literal enforcement of the provisions of this division will result in an unnecessary hardship. No variance may be granted unless:

A. Such variance will not be contrary to public interest;

B. Such variance will be in harmony with the spirit and purpose of this division;

C. The variance will not substantially weaken the general purposes of this division or the regulations herein established for the protection of trees; and

D. The variance granted is limited in scope of relief to only that which is necessary to relieve the hardship condition.

(2) Request for variance

A person who feels they qualify for a variance, under the conditions outlined in subsection (a) above, from the literal application of this division to their property may request a variance from such application of one (1) or more of the provisions of this division. All requests for variances shall be made in writing to the city arborist, and shall include:

A. The subject of the requested variance; and

B. The justification for granting a variance.

(3) Burden

A. The party requesting a variance has the burden of demonstrating that sufficient evidence exists for the granting of a variance to application of this division. The city arborist shall consider and provide a written response to all such requests for variances as quickly as possible but not more than thirty (30) ~~fifteen (15) working~~ days from the date a valid request for variance is received. The response shall be served by certified mail, return receipt requested, or by hand delivery.

B. *If granted.* If a variance is granted as requested, or with modification, the recipient of the variance may develop their property according to all applicable provisions of this division, to the extent ~~extend~~ such provisions have not been waived or modified by the variance.

(4) Appeal

Any person who properly requests a variance pursuant to this section and objects to the decision of the city arborist which denies all or part of the relief requested may appeal such denial to the director of development services ~~building inspections~~ or his designee by filing a request for appeal within ten (10) working days from the date notice of denial is received by the requesting party. All such appeals shall be made in writing to the office of the director of development services ~~building inspections~~ and shall include all pertinent information which the person requesting the appeal wishes to be considered. The director of development services ~~building inspections~~ may require additional information from or request a meeting with the person making the appeal. The written decision of the director of development services ~~building inspections~~, or authorized designee, on the appeal shall be rendered within fifteen (15) working

days and shall be delivered to the appealing party by certified mail, return requested, or by hand delivery. If the director of development services ~~building inspections~~ or authorized designee fails to render an opinion on the appeal within the fifteen-day period, the relief requested in the appeal shall be granted.

(5) Planning commission

A. If the director of development services ~~building inspections~~ denies all or part of the relief requested in an appeal, the aggrieved party may appeal to planning commission by filing a notice of appeal with the office of the city clerk no later than the tenth working day following the party's receipt of the written decision of the director of development services ~~building inspections~~. A true and correct copy of the notice of final appeal must also be filed with the office of the director of development services ~~building inspections~~ who upon receipt of such notice, shall immediately transfer copies of all documents and information relevant to the appeal to the executive secretary to the planning commission. The executive secretary of the planning commission shall schedule the hearing of the appeal at the earliest available regularly scheduled meeting of the planning commission which will allow compliance with the requirements of the Texas Open Meetings Act.

B. A decision of the planning commission that is adverse to the applicant shall be appealable by the applicant to the city council for final action by filing a notice of final appeal with the office of the city clerk no later than the tenth working day following the party's receipt of the written decision of the planning commission. The city clerk shall schedule the hearing of final appeal at the next available regularly scheduled meeting of the city council which will allow compliance with the requirements of the Texas Open Meetings Act.

C. Where this division requires either the city or applicant to respond, or take other action, within a specific number of days, such calculation shall begin on the first working day after the date of receipt of the information that necessitated response or action.

(n) Tree mitigation ~~/replacement~~ fund

(1) Fund Established

The director of finance is hereby directed to establish a dedicated account to be entitled tree mitigation ~~and replacement~~ fund (hereinafter the "fund").

(2) Penalties

§ 35-493 of this Chapter provides for sections imposing civil penalties in addition to criminal penalties. Civil penalties collected pursuant to such section shall be recorded in the fund created pursuant to this section, unless expressly prohibited by law. Likewise, all funds received from the payment of mitigation fees pursuant to subsection (f) ~~(e)~~ shall be recorded in the fund.

(3) Use of funds

The funds collected from civil penalties and mitigation fees in the fund shall be utilized to pay for the planting and maintenance of trees, the funding of tree preservation and planting programs to be administered by the development services ~~parks and recreation~~ department. The development services ~~parks and recreation~~ director shall seek the advice of the open space advisory board in regard to the selection of projects to be funded. A portion of the fund may be used, on an annual basis, to fund activities directed towards educating the public ~~school age children~~ on the importance of trees in the environment, ecological issues and pollution prevention.

(4) Funds to be kept separate

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

(o) Public projects ~~property~~

Municipal and utility entities shall obtain a Tree Permit before any vegetation is removed or new construction activity takes place. Special attention will be given to the preservation of trees in public rights-of-way that are to help satisfy the objectives of the Streetscape Planting Standards of this Article (§ 35-512). The city arborist shall approve an application for the reasonable removal of a protected tree in connection with construction, maintenance or repair of public facilities in or above a public street, alley, rights-of-way, easement or other public land.

(1) Generally

A minimum of twenty-five (25) percent of all diameter inches of protected trees within the project boundary/limits must be preserved.

(2) Calculations of Preservation Ratios

All percentage relating to preservation stated within this section shall be based the initial tree survey. Any subsequent redevelopment of public property must minimally preserve the

applicable percentage of the total diameter inches of protected trees as indicated in the initial tree survey.

(3) Tree Retention Ratio

A minimum of ten (10) percent of the total diameter inches within the surveyed area must be retained in their original location when possible. Removal of additional trees, up to the percentage prescribed in this section, requires mitigation (see subsection (f) above).

(4) Design, Diversity and Desirability

The location of all improvements shall be orientated by the applicant, to the extent the applicant determines possible, in a manner which allows for the preserving of the greatest number of trees and in doing so is encouraged to acquire rights-of-way in such a manner. Applicants are also encouraged to preserve trees to meet the landscape and streetscape standards. Also as the particular site conditions warrant, the applicant shall preserve a diversity of species.

~~The Director of Public Works, in coordination with the city arborist, shall approve an application for the removal of a protected tree in connection with construction, maintenance or repair of public facilities in or above a public Street, alley, right-of-way, easement or other public land under one (1) or more of the following conditions:~~

~~(1) The location of the tree prevents the opening of reasonable and necessary vehicular traffic lanes in a Street or alley.~~

~~(2) The location of the tree prevents the construction or maintenance of utility lines or drainage facilities which may not be reasonably rerouted.~~

~~(3) The location of the tree prevents all reasonable access to the property.~~

~~(4) Denial of the application would deny the affected governmental entity the reasonable use of public property for the achievement of its public purpose.~~

~~(5) The city arborist shall not later than twelve (12) months after the effective date of this division report to the planning commission in regard to compliance with applicable provisions of this division by governmental entities subject to its provisions.~~

~~It is understood that although local governmental entities and utility companies are not uder the auspices of the tree preservation ordinance per se, every effort will be made by the above mentioned organizations to consult with the city arborist before any such construction activity takes place. Special attention will be given to the preservation of trees in rights-of-way that are along public roads so as to help in satisfying the objectives of the corridor tree section of this division. For above ground utility poles adjacent to public roads and alleys and sides of property~~

~~which abut adjacent residential areas, the easement below will be carefully studies so as to allow for the maximum preservation of trees.~~

SECTION 3. Chapter 35, Article 5, is amended by adding a new Section 35-524 as follows:

35-524 Woodlands Preservation Standards

The purpose of this Section is to encourage contiguous stands of trees. The City hereby finds and determines that preserving contiguous stands of trees provides significant benefits exceeding the preservation of individual trees, including:

- *Increased survivability rates.*
- *More effective stormwater management.*
- *More effective protection of air quality.*
- *Preservation of biodiversity and a variety of plant species, including understory.*

This section establishes a minimum size for tree stands in order to ensure that they perform a significant biological function and to provide certainty in the approval process.

The City also finds and determines that delineating tree stands early in the process provides an economic advantage to the applicant. By designating trees early in the approval process, site infrastructure and lots can be planned around trees. By contrast, providing a tree survey late in the approval process, as is permitted by § 35-523, can involve unanticipated expenses and delay that could be resolved by early coordination with the City. Accordingly, this Section provides an optional process whereby applicants are encouraged to delineate woodlands early in the approval process, and are thereby excused from the individual tree surveys and construction measures required by § 35-523.

This Section implements the following provisions of the Master Plan:

Neighborhoods Element of the Master Plan, Policy 3c: Continue to implement the tree preservation ordinance and strengthen as needed.

(a) Applicability

The provisions of this Section provide an alternate method of approval to Section 35-523 and apply to any Application for Development Approval subject to an approved Stand Delineation, as described in subsection (d), below, and Appendix B to this Code. If a Stand Delineation is approved as provided herein, the tree protection requirements of Section 35-523, above, shall not

apply, provided however, Heritage Trees shall be protected as provided in Section 35-523 notwithstanding approval of a Stand Delineation.

(b) Administration

See Section 35-478 of this Chapter.

(c) Violation, Enforcement and Penalties

See Section 35-493 of this Chapter.

(d) Stand Delineation

The Stand Delineation shall be used during the preliminary review process to determine the most suitable and practical areas for Woodland conservation. A Stand Delineation as provided by this section shall not substitute for the delineation of Protected Trees if there is no Woodland on the site. See Section 35-478 for Stand Delineation approval procedures, and Appendix B, Section 35-B125 for Stand Delineation submittal requirements.

(e) Preservation Ratios

(1) The following Preservation Ratios are established for purposes of this Section:

Proposed Land Use	Preservation Ratio
Single-Family Residential, not more than two (2) dwelling units per acre	25%
Single-Family Residential, greater than two (2) dwelling units per acre	20%
Multi-family and Non-residential uses	15%

(2) The applicant shall comply with the Preservation Ratio by using one (1) of the following alternatives:

A. Preserving an area of continuous canopy coverage equal to the Net Area of the site multiplied by the applicable Preservation Ratio. Such areas shall be designated as "Tree Save Areas."

B. Providing Reforestation as prescribed in subsection (f), below.

(3) The following areas shall be considered priority for retention and protection, and shall be included in the Tree Save Area:

A. Trees, shrubs, and plants located in sensitive areas including 100-year floodplains, Streamside Management Zones, steep slopes, and critical wildlife habitat;

B. Contiguous Woodland that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site;

C. Trees, shrubs, or plants identified on the list of rare, threatened, and endangered species of the U.S. Fish and Wildlife Service or Texas Parks and Wildlife Department;

D. Trees that are part of a historic site or associated with a historic structure or designated by the Texas Forest Service on the Texas Big Tree Registry; and

E. Trees having a diameter measured at 4.5 feet above the ground of 30 inches or 75% of the diameter of the current National Champion Tree of that species as listed on the Texas Big Tree Registry maintained by the Texas Forest Service.

(4). The Applicant may include up to fifty percent (50%) of areas designated as Natural Areas, Greenways, or Greenbelts pursuant to the Parks and Open Space Standards (§ 35-503 of this Chapter) within the Tree Save Area. Such areas shall conform to the requirements of this Section.

(f) Mitigation Ratios

(1) Reforestation where used pursuant to subsection (e)(2) shall conform to the following:

Area Removed	Reforestation Ratio (percentage of acreage removed)
Less than the Tree Save Area	25%
At or more than the Tree Save Area	200%

[Commentary: An Applicant proposing a single-family development with six (6) dwelling units per acre has a 100-acre site with 40 acres of Woodlands. The mitigation ratio is as follows:

Tree Save Area (TSA) = 100 x 20% = 20 acres
Below TSA = 20 acres x 25% = 5 acres, plus
At or above TSA = 20 acres x 200% = 40 acres
Total Reforestation required = 40 + 5 = 45 acres]

(2) Each acre of Woodland retained on the net tract area above the applicable Preservation Ratio shall be credited against the total number of acres required to be reforested under subsection (1) of this subsection.

(3) The reforestation requirements under this section shall be accomplished within 1 year or 2 growing seasons after completion of the development project.

(4) Reforestation shall occur on-site except where:

A. Off-site reforestation occurs within the same watershed or in accordance with a master plan where the applicant has demonstrated that no reasonable on-site alternative exists, or:

B. Any on-site priority areas for reforestation have been planted in accordance with subsection (1) of this section; or

C. The city has, by ordinance, designated woodland mitigation banks.

(5) The following shall be considered priority for forestation or reforestation:

A. Establish or enhance Woodlands as buffers within Streamside Management Zones;

B. Establish or increase existing Woodland corridors to connect existing Woodlands within or adjacent to the site. Where practical, Woodland corridors should be a minimum of 300 feet in width in order to facilitate wildlife movement;

C. Establish or enhance Woodland buffers adjacent to critical wildlife habitat zones where appropriate;

D. Establish or enhance Woodlands in 100-year floodplains;

E. Establish plantings to stabilize slopes of 25% or greater and slopes of 15% or greater which include the following soils as described in the Soils Survey: Austin Silty Clay, bracket clay loam, Brackett-Austin complex (Austin only), Gullied land, Houston clay, Houston-Sumter clays, Houston Black clay, Houston Black gravelly clay, San Antonio clay loam, Venus loam, Venus clay loam, Webb fine sandy loam, or Webb soils. Such areas may include the slopes of ravines or other natural depressions;

F. Establish buffers adjacent to areas of differing land use where appropriate, or adjacent to highways or utility rights-of-way;

G. Establish Woodlands adjacent to existing Woodlands so as to increase the overall area of contiguous Woodland, when appropriate; and

(g) Tree Protection During Construction

Woodlands within Tree Save Areas shall be protected as follows.

(1) A protective barrier must be erected around the perimeter of each Tree Save Area to be preserved and maintained until construction is completed.

(2) During construction, no excess soil, additional fill, equipment, liquids, or construction debris shall be placed inside the protective barrier nor shall any soil be removed from within the barrier.

(3) The proposed finished grade and elevation of land within six (6) feet of a Tree Save Area to be preserved shall not be raised or lowered more than three (3) inches unless compensated for by welling or retaining methods.

(h) Street and Utility Crossings

In order to permit limited crossings of the tree stand by roads and utilities in order to provide site access and to avoid creating a disincentive to using the tree stand delineation procedure, the following standards shall apply:

(1) Streets shall conform to the design standards for an "Access to Conservation Subdivision," as prescribed in the Transportation Standards of this Chapter. The street right-of-way shall not exceed thirty-four (34) feet, and the pavement width shall not exceed twenty-four (24) feet.

(2) Streets and utilities shall be located within the same right-of-way. Utilities shall not cross a Woodland subject to a Stand Delineation outside of the street right-of-way.

(3) Streets shall cross in a manner to minimize impact to trees and natural areas.

(4) Streets shall not be located on soils subject to erosion.

SECTION 4. Chapter 35, Article 4, Section 35-477 is amended as follows:

35-477 Tree ~~Preservation~~ Permits

(a) Applicability

The provisions of this section apply to any activity subject to the Tree Preservation Standards.

(b) Initiation

(1) Application to City Arborist

A valid application for permit must be filed with the city arborist~~, and a permit must be received from the city arborist before any protected or heritage tree(s) that are required to be counted for calculating minimum tree preservation percentages may be mitigated, removed or destroyed, or before an individual conducts a regulated activity, as defined in subsection (a) of § 35-523, on property subject to this division that may result in the removal or destruction of any such tree.~~ before:

A. Mitigating, removing, or destroying any Significant or Heritage trees that are required to be counted for calculating minimum tree preservation percentages as provided in the Tree Preservation Standards; or

B. Any Person conducts a regulated activity, as defined in subsection (a) of §35-523, on property subject to this Section that may result in the removal or destruction of any such tree.

(2) Affidavit

In lieu of a Tree Preservation Plan, an applicant may submit a notarized Tree Affidavit with fees and required information may be submitted verifying that no Significant or Heritage trees required to be counted for calculating minimum tree preservation requirements will be damaged or removed as a result of the application or receipt of the approval requested.

~~The above paragraph notwithstanding, application for a receipt of a tree preservation permit shall not be a condition of requesting or obtaining other permits, except building permits for construction on property where one (1) or more protected trees are located, or approvals required by this chapter if the applicant, for the approval or permit, verifies (by affidavit), and payment of applicable fees, that removal or destruction of protected or heritage trees required to be counted for calculating minimum tree preservation requirements will not occur as a result of the application for or receipt of the permit or approval requested.~~

(3) Single-Family Residential Developments

At the platting or subdivision review, an application for a Tree Permit shall include a tree preservation plan. See Section 35-B123. ~~The tree preservation plan that includes a site plan or tree survey of the Protected, Significant, Heritage or mitigation tree(s) identified by a unique number; a tree inventory where each tree is listed with the information as to species, size, and disposition; and calculations verifying the percent preservation and the tree protection notes. A copy of the tree preservation plan shall be forwarded to subsequent home builder(s) for each lot. No additional review is required at the building permit stage. Any revisions to the original plan would require an additional review.~~

~~In lieu of a tree survey, a tree stand delineation may be utilized. A tree stand delineation includes a current aerial photograph (a minimum resolution of 6 inch pixels) with an overlay of the development, an outline of the entire tree area(s) and the portion of the tree area(s) that are to be preserved (see submittal requirements Section 35-477). Additional information shall include the type of vegetation i.e., Live oak trees 8-18 inch DBH with understory of Agarito, Condalia and Texas persimmon.~~

~~For single-family residential developments the application and permit requirements of subsection (1) shall apply to the developer to the extent the developer will be removing protected trees that are required to be counted for the purpose of calculating minimum tree preservation from lots within the development. In the event the developer conveys a lot or lots to home builders, the home builder must obtain the permit required by subsection (1) for the lot or lots on which such trees will be removed by the builder within the development. To assure compliance with this division, each permit holder within a single-family residential development shall provide the survey required by this division (Master Development Plan) on a lot by lot basis together with a summary sheet providing cumulative information on the total protected trees existing and removed within the surveyed area(s) and the total mitigation trees planted or trees smaller than the protected tree size preserved on the lot(s) that are identified in the permit.~~

(4) Combined Landscape Plan & Tree Survey

The landscape plan (Section 35-476) and/or the streetscape plan (Section 35-512) may be combined with a tree preservation plan. A combined plan may be submitted at the discretion of the applicant and must include all the submittal requirements required by each plan.

~~The landscape plan required by § 35-476 may be combined with the tree survey required by this division at the discretion of the applicant. When a combined plan is submitted it shall be sufficient for satisfying the requirements of both § 35-476 and this section.~~

(5) Educational Seminars and Pre-application Meetings

A. Applicants are encouraged, but not required, to attend educational seminars conducted by the city arborist and/or establish pre-application conferences as provided by this subsection.

B. Applicants are encouraged, but not required, to request a preliminary plan meeting for a proposed project to determine the specific requirements and to maximize use of preserved trees and understory to meet the Tree Preservation, Landscape and Streetscape standards.

C. Prior to the commencement of any activities requiring a Tree Permit, the Applicant may request a pre-construction conference with the City Arborist in order to review procedures for protection and management of all Significant, Heritage or mitigation trees.

(c) Completeness Review.

~~tree preservation permit~~ The City Arborist shall review the application for a tree preservation permit for completeness within fifteen (15) ~~working~~ days. The Appellate Agency for purposes of completeness review (see § 35-402(c) of this Chapter) shall be the Planning Commission.

(d) Decision.

(1) Generally

The tree permit application[~~,~~] and tree preservation plan technical review ~~and other data that may be filed by an applicant~~ shall be completed ~~reviewed~~ by the city arborist within thirty (30) days. If the city arborist finds that the work described in the application for a permit and the plans and other data conforms to the requirements of the Tree Preservation Standards ~~this division~~ and that the fees have been paid by the applicant, the city arborist shall issue a tree removal permit to the applicant.

~~*(2) Combined Landscaping Plan and Tree Preservation Plan*~~

~~If the landscaping plan and tree preservation plan are combined, the building official responsible for the review and approval of the landscape requirements of § 35-476 shall also review and approve those portions of the application relating to the Landscaping Standards. All items identified in the data and drawings used in combined plans shall clearly indicate whether they are to be applied to satisfy the requirements of this section or § 35-476 (landscaping), or if they are intended to satisfy the requirements of both sections.~~

~~*(3) Waiver for Sidewalks*~~

~~As provided by the Transportation Standards (sidewalks), the director of public works may grant a waiver to the requirements in this section.~~

~~If an application is denied because it fails to meet the requirements of this Section, the city arborist will notify the applicant of such action and provide a written statement of the rationale for the denial.~~

(e) Type of Hearing

The Application for a Tree Preservation Permit shall be processed as a ministerial permit pursuant to § 35-401. A public hearing is not required.

(f) Approval Criteria.

A Tree Preservation Permit shall comply with the Tree Preservation Standards, § 35-523 of this Chapter.

(g) Subsequent Applications.

Not applicable.

(h) Amendments

Notification and approval of the city arborist are required if changes need to be made to an approved tree preservation plan. Approval of the changes must be received from the city arborist, in writing, before commencement of any work that is the subject of the change or field adjustment.

(i) Scope Of Approval.

A tree preservation permit shall remain valid for the longer of:

1. The period of validity of the permit or authorization that triggered the requirement for obtaining the tree preservation permit (i.e. building permit, plat, etc.); or

2. One hundred eighty (180) days from the date of issuance if the Tree Permit ~~tree preservation permit~~ was obtained solely for the removal of trees ~~and not in conjunction with the application for or receipt of a separate permit or authorization~~.

(j) Recording Procedures

It shall be the responsibility of the permit holder to maintain a copy of the Tree Permit ~~tree preservation permit~~, the data and drawings required by this section ~~division~~, and the conditions of approval imposed by the city arborist readily available at the site ~~on file~~ at all times during which the authorized work is in progress.

SECTION 5. Chapter 35, Article 4, is amended by adding a new Section 35-478 as follows:

35-478 Woodlands Preservation

(a) Applicability

The provisions of this section apply to any application for development approval in which the applicant elects to utilize the Woodlands Preservation Plan option as an alternative method to obtain a Tree Permit.

(b) Initiation

Where the applicant elects to provide a Woodlands Preservation Plan:

(1) The Woodlands Preservation Plan shall be filed with the Master Site Plan, if required; the application for a letter of certification for a subdivision plat; or the application for approval of a building permit if no subdivision plat or site plan is required.

(2) The Woodlands Preservation Plan shall be approved prior to mitigating, removing, or destroying any Tree within the designated Tree Stand Delineation area.

(3) The landscape plan required by § 35-476 may be combined with the Woodlands Preservation Plan required by this Section at the discretion of the applicant. When a combined plan is submitted it shall be sufficient for satisfying the requirements of both Section 35-476 and this section.

(4) An affidavit shall not be filed in lieu of a Woodlands Preservation Plan.

(c) Review.

The Woodlands Preservation Plan shall include the information required by Appendix B to this Chapter. The City Arborist shall review the Woodlands Preservation Plan within fifteen (15) days.

(d) Decision.

(1) Generally

If a Woodlands Preservation Plan is submitted to meet the requirements of the Woodlands Preservation Standards, it shall be reviewed by the city arborist for compliance within twenty (20) days. If the city arborist finds that the work described in the application for a permit and the plans and other data conform to the requirements of this section and that the fees have been paid by the applicant, the city arborist shall approve the Woodlands Preservation Plan.

(2) Combined Landscaping Plan and Woodlands Preservation Plan

If the landscaping plan and the Woodlands Preservation Plan are combined, the building official responsible for the review and approval of the landscape requirements of § 35-476 shall also review and approve those portions of the application relating to the Landscaping and Streetscaping Standards. All items identified in the data and drawings used in combined plans shall clearly indicate whether they are to be applied to satisfy the requirements of this section or § 35-476 (landscaping), or if they are intended to satisfy the requirements of both sections.

(e) Type of Hearing

The Application for a Tree Permit shall be processed as a ministerial permit pursuant to Section 35-401. A public hearing is not required.

(f) Approval Criteria.

A Woodlands Preservation Plan submitted for meeting the requirements of the Woodlands Preservation Standards shall comply with those standards set forth in Section 35-524.

(g) Subsequent Applications.

Not applicable.

(h) Amendments

Notification and approval of the city arborist are required if changes need to be made to an approved Woodlands Preservation Plan. Approval of the changes must be received from the city arborist, in writing, before commencement of any work that is the subject of the change or field adjustment.

(i) Scope Of Approval

A Woodlands Preservation Plan shall remain valid for the period of validity of the permit or authorization that triggered the requirement for obtaining the Tree Permit (i.e. Master Site Plan, building permit, plat, etc.).

(j) Recording Procedures

It shall be the responsibility of the permit holder to maintain a copy of the approved Woodlands Preservation Plan, the data and drawings required by this section, and the conditions of approval imposed by the city arborist readily available at the project site at all times during which the authorized work is in progress.

SECTION 6. Chapter 35, Article 4, Section 35-493 is amended as follows:

35-493 Violations of Tree Preservation Standards

(a) Inside city limits.

(1) Violation Defined

It shall be a violation of this division for any person to intentionally or knowingly remove or destroy, or allow the removal or destruction of a Significant or Heritage tree ~~protected or heritage tree~~ located on any property to which this chapter ~~division~~ applies, or for any person to knowingly or intentionally perform any regulated activity in a manner that does not conform to

the requirements of this chapter ~~division~~. Any act or omission contrary to the requirements or directives of this chapter ~~division~~, or any breach of any duty imposed by this chapter ~~division~~ shall constitute a violation hereof. In addition to enforcement by the city arborist, this section ~~division~~ shall be enforceable by and pursuant to the authority provided in Section 35-491 of this chapter.

(2) Penalty

Any person who commits a violation of this chapter ~~division~~ shall be subject to a civil penalty of up to one thousand dollars ($1,000.00) per violation or a criminal penalty of up to two hundred dollars ($200.00) per violation per day and may be required to attend one or more training seminars. For the purpose of calculating penalties, each day on which a violation is found to exist shall constitute a separate and sanctionable offense.

(b) Outside city limits.

Whenever a violation of this chapter ~~division~~ is believed to have occurred or to be occurring outside the corporate limits of the city but within the city's ETJ, criminal penalties shall not be sought, however, enforcement against such violations is hereby authorized pursuant to and under the authority granted by V.T.C.A., Texas Local Government Code, § 212.001, et. seq.

SECTION 7. Chapter 35, Appendix A, Definitions & Rules of Interpretation, is amended as follows:

Appendix A: Definitions & Rules Of Interpretation

Arborist

See "Certified Arborist."

Buffer zone

The area on a commercial lot located between the rear of the commercial building(s) and the rear lot line of the property.

Building official

The director of development services ~~building inspections~~ or his designated representative.

Caliper

The average cross-sectional measurement of the trunk of a newly planted tree at six (6) inches above grade if the resulting measurement does not exceed four (4) inches, and twelve (12) inches above grade if the resulting measurement exceeds four (4) inches.

~~The minimum diameter of a tree measured six (6) inches above the ground for trees up to and including four (4) inches in diameter and twelve (12) inches above the ground for trees having a larger diameter.~~

Certified arborist

An individual who has a current and valid ~~received the~~ designation of "ISA Certified Arborist" by the International Society of Aboriculture.

City arborist

An individual employed by the city who is responsible for the administration and overseeing of the Tree Preservation Standards and Woodland Preservation Standards ~~chapter 35, article 6, division 2 of the San Antonio City Code~~. The individual shall have appropriate educational experience, credentials and work experience as well as practical experience that qualify the individual for performance of his or her necessary responsibilities.

Class I specie

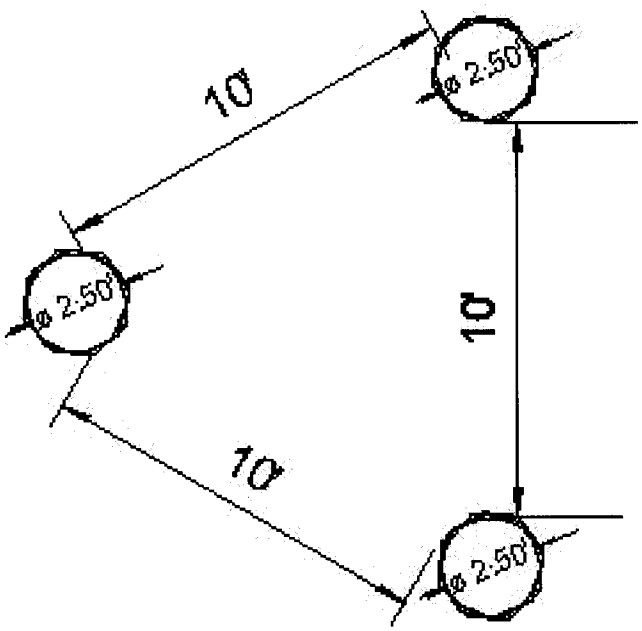
A tree specie that lives for a relatively long time, is drought tolerant, has minimum pest problems, provides wildlife habitat, and is very adapted to the area's soil, climate conditions.

Clear vision area

The triangular area adjacent to the intersection of any street within which no obstruction may be placed which would block the sight lines for vehicular traffic. The triangle is established in accordance with section 35-506(d)(5) of this chapter.

Cluster

A grouping of at least three (3) trees, of two and one-half (2-½) inches of caliper or greater in size, and with trunks spaced at no greater than ten-foot intervals.



Critical wildlife habitat

Land on which the landowner preserves trees so as to provide at least three of the following benefits for an animal or plant that is listed as endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. §1531 et seq.) and its subsequent amendments or as endangered under Parks and Wildlife Code, § 68.002:

- habitat control;
- erosion control;
- predator control;
- providing supplemental supplies of water;
- providing supplemental supplies of food;
- providing shelters; or
- making of census counts to determine population.

[Commentary: See 4 TAC § 215.1.]

Crown

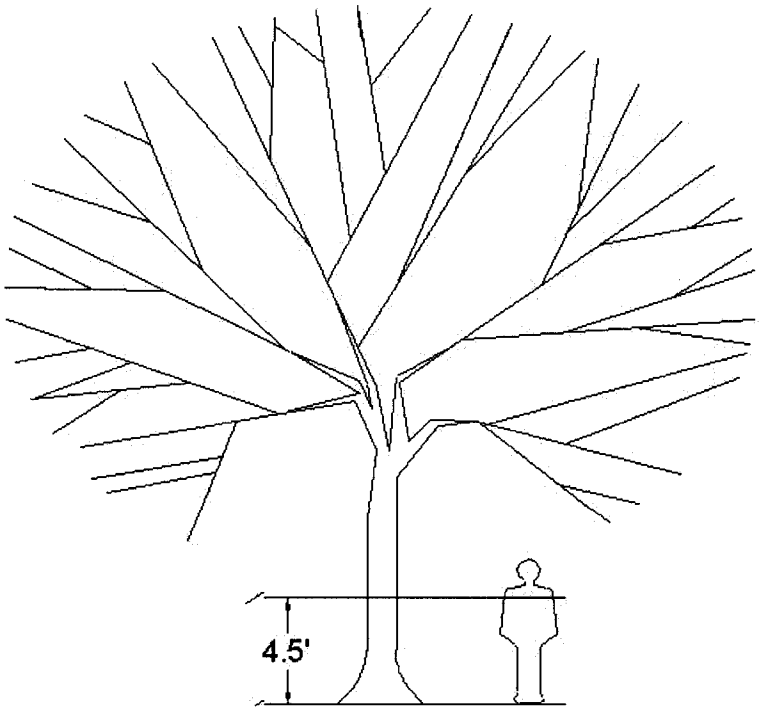
That portion of a tree comprised of its branches.

~~The upper mass or head of a tree, shrub, or vine, including branches with foliage. (Source: G. Hightshoe, Native Trees, Shrubs, and Vines for Urban and Rural America (New York: Van Nostrand Reinhold & Co., 1988), at 790).~~

Diameter breast height (DBH) or diameter inches

The average cross-sectional measurement of the trunk of an existing tree at four and one-half (41/2) feet above grade. If the tree is on a slope, it shall be measured from the high side of the slope. Newly planted trees shall be measured six (6) inches above grade. For multi-trunk species, this measurement will be based on the measured diameter of the main trunk taken four and one-half (4½) feet above grade together with one-half (½) of the diameter of the remaining trunks measured at the same height.

Diameter at Breast Height (DBH)
= diameter measured 4.5 feet
above grade



Dripline

A vertical line run through the outermost portion of the crown of a tree and extending to the round.

~~A vertical line of a tree canopy or shrub branch extending from the outermost edge to the ground.~~

Ephemeral stream

A stream or drain that flows only during and for short periods following precipitation and flows in low areas that may or may not have a well-defined channel.

Erodible soils

Soils rated as Austin Silty Clay, bracket clay loam, Brackett-Austin complex (Austin only), Gullied land, Houston clay, Houston-Sumter clays, Houston Black clay, Houston Black gravelly clay, San Antonio clay loam, Venus loam, Venus clay loam, Webb fine sandy loam, Webb soils in the Soil Survey.

Heritage tree

As described in 35-523(d).

~~A tree, of any species, having a trunk size of thirty (30) inches DBH or larger~~.

Historic tree

A tree that has been officially found by the San Antonio City Council to be of a character (age, size, species or historic association), and/or to have had a role in local, state or federal historical events that warrant its protection or a Significant or Heritage tree within a historical district.

Intermittent stream

A stream that flows only during wet periods of the year (or 30-90% of the time) and flows in a continuous, well-defined channel.

Large tree

A tree of a species which normally reaches a height of forty (40) ~~thirty (30)~~ feet or more upon maturity.

Landscape architect

An individual currently registered to practice landscape architecture in the State of Texas, as evidenced by a valid certificate of registration issued by the Texas Board of Architectural Examiners.

~~A landscape architect licensed pursuant to Chapter…?~~

Linear project

A project whose configuration is elongated with nearly parallel sides and used to transport a utility product or public service not otherwise contained in an application for subdivision, such as electricity, gas, water, sewer, communications, trains, and vehicles. Linear projects may traverse fee simple properties through defined boundaries or through easement rights.

Medium tree

A tree species which normally grows to a height between twenty-five and forty feet.

~~A tree of a species which normally reaches a height exceeding fifteen (15) feet but less than thirty (30) feet upon maturity.~~

Mitigation tree

A tree used for the purpose of mitigating the destruction or removal of a protected or heritage tree pursuant to the requirements of the Tree Preservation Standards ~~division 2 of this article~~. A mitigation tree must have a caliper ~~trunk size~~ of at least two and one-half (21/2) inches ~~measured at six (6) inches above grade for single trunk species trees or one and one-half (11/2) inches measured at six (6) inches above grade for multi-trunk species trees. In the case of multi-trunked species trees, a tree will be qualified as a mitigation tree based on the measured diameter of the largest of the existing trunks at six (6) inches together with one-half (1/2) of the measured diameter of the remaining trunks at the same height~~.

Multi-trunk tree

A tree having two (2) or more main trunks arising from the root collar or from the main trunk and measured for DBH by adding the entire DBH of the largest trunk to the sum of the remaining trunks at one half of their DBH.

Natural area

Natural areas are areas which contain a diverse and complex assortment of endemic (native to the area) plants (trees, shrubs, wildflowers, forbes and grasses) and void of invasive plant species.

Natural regeneration

The natural establishment of trees and other vegetation with at least 400 woody, free-to-grow seedlings per acre, which are capable of reaching a height of at least 20 feet at maturity.

Net area

A. Within the context of the Woodlands Preservation Standards, net area means: (1) in non-linear project areas, the total area of a site less that area where tree removal is restricted by another local ordinance or program, including but not limited to, the Area of Special Flood

Hazard and Wetlands; or (2) for a linear project area, the area of a right-of-way width, new access roads and storage. Parks and Open Space may be included in the Net Area where permitted by the Woodland Preservation Standards.

B. Within the context of a Master Development Plan ~~this section~~, net area shall mean total acreage within a Master Development Plan less the area within the 100-year floodplain and the area dedicated to conservation easement, natural area (such as greenbelt) and parks.

Perennial stream

A stream that flows throughout a majority of the year (or greater than 90% of the time) and flows in a well-defined channel.

Preserve

As used in the Tree Preservation Standards, to "preserve" a tree means to retain the tree in its natural state, including a Root Protection Zone and requirements for tree protection during construction, and general maintenance.

Protected tree

A Significant or Heritage tree as described in 35-523(d).

Reforestation

The creation of a biological community dominated by trees and other woody plants containing at least 100 trees per acre with at least 50% of those trees having the potential of attaining a 2 inch or greater diameter measured at 4.5 feet above the ground, within 7 years. "Reforestation" includes landscaping of areas under an approved landscaping plan that establishes a Woodland that is at least 35 feet wide and covering 2,500 square feet of area. "Reforestation" for a linear project which involves overhead transmission lines may consist of a biological community dominated by trees and woody shrubs with no minimum height or diameter criteria.

Retention

The deliberate holding and protecting of existing trees, shrubs or plants on the site.

Root collar or root flares

An encircling structure of swollen tissue or a marked color change (from the tree bark) located at the highest part of the root system joining into the trunk of a tree at or slightly below the surrounding soil line.

Root protection zone:

The root protection zone shall be an area defined by an average radius extending outward from the trunk of the tree a distance of one-half (1/2) linear foot for each inch (DBH) of the subject tree. Root Protection Zones for trees in a cluster may be overlapping.

~~An area with a radius of one-half (1/2) foot for each inch DBH of trunk, or if branching occurs at four and one-half (41/2) inches, the diameter is measured at the point where the smallest diameter closest to the branching occurs. The zone need not be exactly centered around the tree or circular in shape, but it should be positioned so that no disturbance occurs closer to the tree that one-half (1/2) of the radius of the zone or within five (5) feet of the tree, whichever is less. For any tree or groups of trees, the zone need not exceed one thousand (1,000) square feet in size. The radial root protection zones of trees may overlap one another so that the area of protection required for one (1) tree may be shared by the area of protection required for another tree to minimize the total square footage of protected area where possible.~~

Significant stand of trees and/or ~~or~~ shrubs

A group of Class I trees that exceed a minimum of three (3) individual trees and have a minimum of a thousand (1000) square feet of area associated with the stand.

~~A clustering of at least three (3) trees, of two and one-half (21/2) inches of caliper or greater in size and trunks spaced at no greater than ten-foot intervals.~~

Small tree

A tree species that normally does not reach a height that exceeds twenty-five (25) feet at maturity.

~~A tree of a species which normally reaches a height of less than thirty (30) feet upon maturity.~~

Streamside Management Zone (SMZ)

A Streamside Management Zone (SMZ) includes forested buffers adjacent to streams or bodies of water, including intermittent and perennial streams, river, lake, slough, pond, creek, reservoir, watershed, or wetland (ephemeral streams are excluded). The minimum width of an SMZ on each side and above the head of streams or adjacent to bodies of water shall be 50 feet from each bank. The total SMZ width includes average stream channel width plus buffer width.

Transportation standards

See § 35-506 ~~35-513~~ of this Chapter.

Tree retention ratio

The percentage or amount of trees that must actually be retained on a site, rather than mitigated. See § 35-523(e) of this Chapter.

Tree ~~preservation~~ permit

An authorization by the city arborist authorizing specific work as it relates to compliance with the Tree Preservation Standards or Woodland Preservation Standards ~~protected and mitigation tree(s)~~.

Tree preservation plan

A plan required to be submitted for a Tree Permit which contains three (3) components; a tree survey or tree stand delineation; an inventory with calculations; and the tree protection notes, details and specifications.

Tree preservation standards

See Section 35-523 of this Chapter.

Tree save area

An area left undisturbed in its natural condition pursuant to the Woodland Preservation Standards.

Tree stand delineation

An optional alternative method for the "on-the-ground" tree survey and inventory required for the tree preservation plan using a current aerial photograph (a minimum resolution of 6 inch pixels) with an overlay of the development, an outline of the tree area(s) and the portion of that area (the tree save areas with the associated understory) that are to be preserved to meet the requirements as per the Tree Preservation standards in Section 35-523.

Woodland

An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a continuous canopy. For purposes of submitting a Master Site Plan, a Woodland shall include areas with a continuous canopy of trees over an area of at least twenty thousand (20,000) square feet, and may be delineated through an aerial photograph or a ground survey. A Woodland shall include both understory and protected trees.

Woodland conservation

The retention of existing Woodlands at the levels prescribed by § 35-524, where the city arborist has approved a Stand Delineation.

Woodland preservation standards

See Section 35-524 of this Chapter.

Woodland slope

The ratio of elevation change to horizontal distance, measured as a numerical ratio,percent,or in degrees. Slope is computed by dividing the vertical distance by the horizontal distance, and multiplying the ratio by one hundred. Expressed as a ratio,the first number is the horizontal distance (run) and the second is the vertical distance (rise),as 2:1. A 2:1 slope is a 50 percent slope. Expressed in degrees,the slope is the angle from the horizontal plane,with a 90 degree slope being vertical (maximum)and a 45 degree slope being a 1:1 slope. [*Reference: Texas Forest Service, Texas Forestry Best Management Practices (January 2000)*] For purposes of

this Chapter, a "slope" shall include only those areas with a horizontal distance of at least fifty (50) feet.

Woodland stand delineation

The methodology for evaluating the existing vegetation on a site proposed for development, taking into account the environmental elements that shape or influence the structure or makeup of a plant community. The procedures and requirements for a Stand Delineation are defined in § 35-523 and Appendix B to this Code.

Woodlands tree save area:

Any area designated for the purpose of preserving a Significant Stand of trees, as provided in the Woodlands Preservation Standards or the area identified to be saved through the use of the Tree Stand Delineation process as an alternative to an "on-the-ground" tree survey and inventory with calculations.

SECTION 8. Chapter 35, Appendix B, Section 35-B101, Table B-1 (H) is amended as follows:

35-B101 Specifications For Documents To Be Submitted

* * * * *

TABLE B-1

A	B	C	D	E	F	G
(A) MATERIAL/INFORMATION	MASTER DEVELOPMENT PLAN	PUD PLAN	MAJOR PLAT APPLICATION	MINOR PLAT APPLICATION	DEVELOPMENT PLAT APPLICATION	SPECIFIC USE PERMIT

TABLE B-1

	A	B	C	D	E	F	G
	(A) MATERIAL/INFORMATION	MASTER DEVELOPMENT PLAN	PUD PLAN	MAJOR PLAT APPLICATION	MINOR PLAT APPLICATION	DEVELOPMENT PLAT APPLICATION	SPECIFIC USE PERMIT
* * * * *							
H. DESIGN							
(1)	Sufficient data to determine readily and reproduce accurately on the ground the location, bearing and length of every street and alley line, lot line, building line, easements required hereunder or of record in Bexar County or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of linear closure shall not be in excess of 1:10,000. In closed traverses, the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of seven and one-half (7.5) seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than ninety (90) seconds, whichever is smaller. Said information shall be provided on tracing cloth or reproducible mylar and on a diskette in ArcInfo or ArcView software, or a computer file with a ".dfx" format which is translatable to ArcView.			*	*		
(2)	Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names of adjacent property owners or subdivision name when adjacent property is a platted subdivision from the latest certified assessment rolls	*		*	*		
(3)	Final location, arrangement and dimensions of all proposed and existing lots.			*	*		
(4)	Lots numbered as approved by the City.		*	*	*		
(5)	Layout shall show where Lot setbacks as required .		*	*	*		*
(6)	Off-street parking and loading areas and structures, including the number of spaces; dimensions of spaces and aisles; and landscaping for parking areas.		*				*
(7)	Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way, as part of a request for LOC			*	*		
(8)	Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage, as part of a request for LOC			*	*		

TABLE B-1

	A	B	C	D	E	F	G
	(A) MATERIAL/INFORMATION	MASTER DEVELOPMENT PLAN	PUD PLAN	MAJOR PLAT APPLICATION	MINOR PLAT APPLICATION	DEVELOPMENT PLAT APPLICATION	SPECIFIC USE PERMIT
(9)	All roadway locations and dimensions, their names, numbers, and rights-of-way with profiles and cross sections of all proposed streets showing proposed cuts and fills, as part of a request for LOC.			*	*		
(10)	Location and size of existing water and sewer mains together with intended water sources and sewage disposal sites, as part of a request for LOC			*	*		
(11)	Location of existing springs or public water supply, as part of a request for LOC			*	*		
(12)	Location of proposed water and sewer lines, as part of a request for LOC.			*	*		
(13)	Location of proposed fire hydrants, as part of a request for LOC.		*	*	*		
(14)	A tree preservation plan (section 35-B123)			*	*		
(15)	The location, dimensions and type of all walls, fences (other than fences on private residential lots) and landscaping.						*
(16)	Tree Stand Delineation (section 35-B125 General)	*					
~~(20)~~ (17)	Location and size in acres of school sites, as applicable.	*	*	*	*		
~~(23)~~ (18)	The exterior boundaries as indicated from deeds or other instruments of the development area giving lengths and bearings of the boundary lines. If the proposed development is bounded by a watercourse, a closing meander traverse of that boundary shall be made and shown on the site plan. Where curving boundaries are used, sufficient data to establish the boundary on the ground shall be given; including the curve's radius, central angle, and arc length.	*	*	*	*	*	
~~(24)~~ (19)	A stormwater management plan (section 35-B119)	*	*	*	*	*	*
~~(25)~~ (20)	Street, alley and cross walkway plans (section 35-B120)			*			

SECTION 9. Chapter 35, Appendix B, Application Submittal, Section 35-B123 is amended as follows:

35-B123 Tree Permit-Tree Preservation Plan Option

(a) Number of Copies

The Applicant shall submit a Tree Preservation/Affidavit application with three (3) sets of tree preservation plans, a survey showing the location of all Significant, Heritage, or mitigation trees, including clusters, an inventory with calculations, and tree protection notes ~~surveys and/or drawings~~ as provided herein.

(b) Format

The tree survey shall be drawn to scale with sufficient clarity to indicate the location and extent of the work proposed, and show in detail that it conforms to the requirements of this section. The survey shall be submitted on a Tree Preservation (TP) sheet(s) and shall relate to the civil drawings. A survey that cannot be drawn on a single sheet shall be drawn with appropriate match lines on two (2) or more sheets. A TP survey sheet may also include the tree inventory, calculations, and the tree protection notes at the discretion of the applicant. It shall be the responsibility of the permit holder to maintain a copy of the tree permit, the data and drawings required by this section, and the conditions of approval imposed by the city arborist readily available at the site at all times during which the authorized work is in progress. All tree preservation plans~~, surveys and/or drawings~~ shall be submitted in the form required by the city arborist and shall contain and provide tree protection notes, details and specifications clearly indicating the trees which will remain and the trees which are to be removed.

(c) Contents

(1) **The Tree Preservation Plan** contains three components: a tree survey, the tree inventory, and the tree protection notes.

A. Multifamily residential, commercial and other development:

1. **The Tree Survey.** The Tree Survey shall, at a minimum, provide the following:

   a. A vicinity map, project name, street address (or plat #, parcel #, or legal description), date, scale, north arrow and the names, addresses and telephone numbers of the person(s) preparing the plan;

   b. The location, species and size in diameter inches of each Significant, Heritage, (see Section 35-523(d)) or mitigation trees, and any cluster or natural areas used to meet the requirements within the project area. Each tree is to be given a unique number which cross references or identifies the trees in the inventory;

c. The location of property lines, existing site grades and proposed site grades, location and width of existing and proposed streets and alleys, utility easements, driveways, parkways, and sidewalks on or adjacent to the project;

d. Approximate centerlines of existing watercourses and the location of the 100-year floodplain; approximate location of significant drainage features and any major topographical features;

e. The location and dimensions of all staging areas and/or designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment, and related items as well as stockpile areas for the storage of construction supplies and materials; and

f. The location of all improvements and their proximity to Significant or Heritage trees.

2. **The Tree Inventory.** A tree inventory shall include:

a. The diameter inches of and species of each Significant, Heritage, (see Section 35-523(d)) or mitigation trees and optional cluster trees; tree number, species, DBH, location, and disposition of each tree;

b. Reasons for removal of any such trees;

c. Calculations indicating total diameter inches, inches preserved, and percent preservation, with a delineation of Significant and Heritage trees; and

d. The tree designation (Significant or Heritage tree) and desirability percentage.

3. **The Tree Protection Notes.** The Tree Protection Notes shall include written information containing acceptable activities on the site and within the root protection zone of each tree, cluster or natural area to be preserved to meet the requirements for this standard, including:

a. Details and graphics illustrating the protective measures such as fencing and alternative construction methods; and

b. Specifications denoting the criteria for methods and materials used for tree protection.

B. Residential:

1. **The Tree Survey.** For lots located inside the city limits, the developer or property owner must provide a tree survey of the area contained in the front and rear yard

setbacks, as established in the Lot Layout Standards of this Code, of the lots that are to be made ready for construction. For such lots located in a Planned Unit Development, the developer or property owner must provide a tree survey of that portion of the front and rear yards within twenty (20) feet of the front and rear property lines respectively. For lots that are to be made ready for construction located outside the city limits, but in the ETJ and/or a Planned Unit Development, the developer or property owner must provide a tree survey of that portion of the front and rear yards within twenty (20) feet of the front and rear property lines respectively. The Tree Survey shall, at a minimum, provide the following:

a. A vicinity map, project name, street address (or plat #, parcel #, or legal description), date, scale, north arrow and the names, addresses and telephone numbers of the person(s) preparing the plan;

b. A current aerial photograph (a minimum resolution of 6 inch pixels) with an overlay of the development, an outline of the tree area(s) and the tree area(s) and understory that are to be preserved to meet the requirement standards;

c. The location of property lines, existing grades and proposed grades, location and width of existing and proposed streets and alleys, utility easements, driveways, parkways, and sidewalks on or adjacent to the project;

d. Approximate centerlines of existing watercourses and the location of the 100-year floodplain; approximate location of significant drainage features and any major topographical features;

e. The location and dimensions of all staging areas and/or designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment, and related items as well as stockpile areas for the storage of construction supplies and materials;

f. The location of all improvements and their proximity to Significant or Heritage trees; and

g. Location, size, and species of all Heritage trees.

3. **The Tree Inventory.** A tree inventory shall include:

a. The calculations for the preservation ratio of trees to be preserved; and

b. Reasons for removal of any such trees.

3. **The Tree Protection Notes.** The Tree Protection Notes shall include written information containing acceptable activities on the site and within the root protection zone of

each tree, cluster or natural area to be preserved to meet the requirements for this standard, including details and graphics illustrating the protective measures such as alternative construction methods.

~~Unless an affidavit is permitted pursuant to § 35-477(b) of this Chapter, a tree survey shall be prepared for the subject area/property under one (1) of the following criteria, dependent on type of development:~~

~~***(1) Single-family residential tree survey:***~~

~~A. For contiguously developed lots located inside the city limits the developer or property owner must provide a tree survey of the area contained in the front and rear yard set backs, as established in the Lot Layout Standards of this Code, of the lots that are to be made ready for construction. For such lots located outside the city limits but in the ETJ, the developer or property owner must provide a tree survey of that portion of the front and rear yard(s) within twenty (20) feet of the front and rear property lines, respectively. However, the tree survey is not required to include the area located within easements.~~

~~B. For individually developed lots located inside the city limits the developer or property owner must provide a tree survey of the area contained in the front, rear and side yard set backs, as established in the Lot Layout Standards of this Code, of the lots that are to be made ready for construction. For such lots located outside the city limits but in the ETJ, the developer or property owner must provide a tree survey of that portion of the side yards, within five (5) feet from the respective side property line and of that portion of the front and rear yard(s), within twenty (20) feet of the front and rear property lines, respectively. However, the tree survey is not required to include the area located within easements.~~

~~C. The tree survey required by this subsection shall, at a minimum, provide the following:~~

~~1. The location and size in diameter inches of each protected and/or heritage tree (and significant stands at the discretion of the applicant) located in the rear yard, front yard, and side yard setbacks (as applicable) of each lot or contiguous lots for which a tree removal permit is requested (and parkway trees as defined);~~

~~2. The existing and/or proposed topographical information, easements, rights of way, set backs, parkways and property lines;~~

~~3. The location and size of each existing or proposed tree or groups of trees that will be relied on by the applicant for mitigation. To qualify as a~~

~~mitigation tree the trunk diameter must be two and one half (21/2) inches measured six (6) inches from grade, or larger; and~~

~~4. A summary table indicating the total number, diameter inches, and species of protected trees and protected trees to be removed within the surveyed area and the total number and caliper inches of mitigation trees to be planted or alternative mitigation trees to be saved and maintained; and~~

~~5. Location of all existing and proposed structures, utilities, paved areas and sidewalks, to the extent such information is available.~~

~~***(2) Multifamily residential, commercial and other development:***~~

~~For properties that are to be used for development of multifamily, commercial, industrial and other uses a tree survey must be performed on the subject property that, at a minimum, shall contain the following information:~~

~~A. The location and size in diameter inches of each protected tree (and significant stands at the discretion of the applicant) or larger than is located within the site (and parkway trees as defined) except for trees located in those areas over which: (1) An easement or right-of-way exist or will exist after platting; and (2) The footprint of any proposed multifamily residential structures or enclosed or covered commercial, retail, industrial or institutional building(s). (Paved areas for parking facilities are not included as a building).~~

~~B. The location and size of each existing or proposed tree or groups of trees that will be relied on by the applicant for mitigation. To qualify as a mitigation tree the trunk diameter must be two and one half (21/2) inches measured six (6) inches from grade, or larger;~~

~~C. Tree protection notes, details and specifications;~~

~~D. A summary table indicating the total number, diameter inches, and species of protested trees and protected trees to be removed within the surveyed area, and the total number and caliper inches of mitigation trees to be planted or alternative mitigation trees to be saved and maintained;~~

~~E. A written statement by the applicant explaining the purpose for the requested tree removal;~~

~~F. Location of all existing and proposed structures, utilities, paved areas, sidewalks to the extent such information is known; and~~

~~G. The existing and/or proposed topographical information, easements, rights-of-way, set backs, parkways and property lines.~~

~~***(3) Tree Removal Permit***~~

~~In addition to the information required in paragraph (b) above, an application for tree removal permit which is filed in conjunction with construction (other than single-family residential) to be performed on property must also include the following:~~

~~A. Proposed location of all paved areas, setbacks and easements properly dimensioned and referenced to property lines;~~

~~B. Location of all existing and proposed structures, utilities, curbing, sidewalks and other facilities to be built; and~~

~~C. Proposed site elevations or contours around all protected, heritage or mitigation trees, when the change in grade is more than twelve (12) inches within linear distance of twenty-four (24) inches of such tree.~~

SECTION 10. Chapter 35, Appendix B, Application Submittal, is amended by adding a new Section 35-B124 as follows:

35-B124 Tree Permit-Tree Affidavit Option

In lieu of a Tree Permit, a notarized Tree Affidavit with fees and required information may be submitted verifying that no Significant or Heritage tree required to be counted for calculating minimum tree preservation requirements will be damaged or removed as a result of the application or receipt of the approval requested.

(a) Number of Copies

The Applicant shall submit an Tree Preservation/Affidavit application with one (1) copy at the platting stage and three (3) sets at the building permit stage.

(b) Format

(1) A vicinity map, project name, street address (or plat #, parcel #, or legal description), date, scale, north arrow and the names, addresses and telephone numbers of the person(s) preparing the plan,

(2) Any aerial photograph that cannot be plotted on a single sheet shall be plotted with appropriate match lines on two (2) or more sheets. A Tree Preservation survey sheet may also include the tree area calculations and the tree protection notes at the discretion of the applicant. It is the applicant's responsibility to insure that all parts of the tree

preservation plan are transferred to each appropriate person concerned with the development project.

(c) Contents

(1) A current aerial photograph (a minimum resolution of 6 inch pixels) with an overlay of the development, an outline of the tree area(s) and the tree area(s) and understory that are to be preserved to meet the requirement standards; and

(2) The location of property lines, existing grades and proposed grades, location and widths of existing and proposed streets and alleys, utility easements, driveways, parkways, and sidewalks on or adjacent to the project; and

(3) Basic descriptive information regarding the vegetation type(s) that are within the existing tree area(s).

SECTION 11. Chapter 35, Appendix B, Application Submittal, is amended by adding a new Section 35-B125 as follows:

35-B125 Tree Permit-Tree Stand Delineation Plan Option

As an alternative option to the Tree Preservation Plan, a Tree Stand Delineation Plan may be submitted. The Tree Stand Delineation Plan that is required with the Master Development Plan shall include at a minimum a current aerial photograph with a minimum resolution of 6 inch pixels with a scale of one (1) inch equals four-hundred (400) feet (1"=400'), and additional information contained herein.

(a) Number of Copies

The Applicant shall submit a Tree Preservation/Affidavit application with three (3) sets of the Tree Stand Delineation Plan.

(b) Format

(1) A vicinity map, project name, street address (or plat #, parcel #, or legal description), date, scale, north arrow and the names, addresses and telephone numbers of the person(s) preparing the plan;

(2) A Tree Preservation Plan sheet with a current aerial photograph (a minimum resolution of 6 inch pixels) with an overlay of the development, an outline of the tree area(s) and the tree area(s) and understory that are to be preserved to meet the requirement standards; and

(3) Any aerial photograph that cannot be plotted on a single sheet shall be plotted with appropriate match lines on two (2) or more sheets. A Tree Preservation survey sheet may also include the tree area calculations and the tree protection notes at the discretion of the applicant. It is the applicant's responsibility to insure that all parts of the tree preservation plan are transferred to each appropriate person concerned with the development project.

(c) Contents

(1) The location of property lines, existing grades and proposed grades, location and widths of existing and proposed streets and alleys, utility easements, driveways, parkways, and sidewalks on or adjacent to the project;

(2) Basic descriptive information regarding the vegetation type(s) that are within the existing tree area(s) and within those areas that are to be preserved, and

(3) Tree protection notes, details and specifications that include the written and graphic information of acceptable and non-acceptable activities on the site and within the tree save areas to be preserved to meet the requirements for this standard.

SECTION 12. Chapter 35, Appendix B, Application Submittal, is amended by adding a new Section 35-B126 as follows:

35-B126 Tree Permit-Woodlands Preservation Plan Option

(a) Number of Copies

The Applicant shall submit a Tree Preservation/Affidavit application with three (3) sets of plans, surveys and/or drawings as provided herein.

(b) Format

A Woodlands Stand Delineation shall be prepared in accordance with 35-478 by a landscape architect or certified arborist. The information provided herein may be derived from aerial photographs, topographic plans, or on-site surveys at the discretion of the applicant. The information shall be presented at a scale of one (1) inch equals four-hundred (400) feet (1"=400').

(c) Contents

The Woodlands Stand Delineation shall contain the following components:

(1) A topographic or aerial map delineating intermittent and perennial streams, and steep slopes; and

(2) The boundaries and a description of the species associations based upon the "Checklist of the Vascular Plants of Texas", version 2001, published by Texas A&M University, including species composition, stocking density, diameter distribution (if available), age class, and condition at the stand level; and
(3) A computation of the amount of land covered by tree canopy, in acres; and
(4) An estimate of the number of trees per acre; and
(5) A map delineating Critical Wildlife Habitat; and
(6) A map delineating Streamside Management Zones; and
(7) Forest stand maps indicating species, location, and size of trees and showing dominant and co-dominant forest types.
(8) A map of the site drawn at the same scale as the grading or subdivision plan;
(9) A table listing the net area in square feet, the square foot area of Woodlands Conservation required for the site, and the square foot area of Woodlands Conservation provided by the applicant on-site and off-site, if applicable;
(10) A clear graphic indication of the Woodlands Conservation provided on the site showing areas where both retention of existing Woodland, by any and all methods, is planned;
(11) An anticipated construction timetable, including the sequence for tree conservation procedures;
(12) A reforestation plan with a timetable and description of needed site and soil preparation, species, size, and spacing to be utilized;
(13) Locations and types of protective devices to be used during construction activities to protect areas of Woodland designated for conservation;
(14) Limits of disturbance delineated;
(15) Stockpile areas delineated;
(16) A binding 2-year management agreement that details how the areas designated for forestation or reforestation will be maintained to ensure protection or satisfactory establishment including:
(17) Watering; and
(18) Reinforcement planting provisions if survival falls below required standards.

SECTION 13. Chapter 35, Appendix B, Application Submittal, is amended by adding a new Section 35-B127 as follows:

35-B127 Tree Permit-Public Project Preservation Plan

(a) Number of Copies

A Tree Preservation Plan shall consist of an aerial photograph (where applicable) and one (1) set of construction documents with the contents prescribed herein.

(b) Format

The aerial photograph and the construction documents shall be at a scale with sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it conforms to the requirements of this section. The plan shall be submitted on sheets of a size not to exceed thirty by forty-two inches (30" X 42"). A plan which cannot be drawn in its entirety on a single sheet shall be drawn with appropriate match lines on two (2) or more sheets with one (1) sheet illustrating the scope of the entire project.

(c) Contents

The Tree Preservation Plan shall include the following information:

(1) A current aerial photographs (where applicable) at a minimum of six (6) inch pixel with an overlay of the project alignment and all easements,

(2) .A vicinity map, existing grades and proposed grades, location of project lines, and dimensions of the project rights-of-ways and/or all easements, and delineation of the proposed limit of clearance,

(3) Project name, street address, legal description, date, scale, north arrow and the names, addresses and telephone numbers of the person(s) preparing the plan,

(4) The location, species and size in diameter inches of each Significant or Heritage trees within the project area as defined in Section 35-523(d). Each tree is to be given a unique number which cross references or identifies the trees in the inventory,

(5) Location of any mitigation trees to be planted within the project area,

(6) Approximate centerlines of existing watercourses and the location of the 100-year floodplain; approximate location of significant drainage features and any major topographical features,

(7) The location and width of existing and proposed streets and alleys, utility easements, driveways, parkways, and sidewalks on or adjacent to the project,

(8) A summary table indicating the total number, diameter inches, and species of protected trees to be removed within the project area;

(9) Description of tree and tree clusters that may be impacted by any construction activity or fifteen (15) feet from any proposed improvements,

(10) Location and dimensions of all staging areas and/or designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment, and related items as well as stockpile areas for the storage of construction supplies and materials,

(11) For applications that require boring of utilities, show bore pit areas so that the minimum distance of the bore is outside the canopy of the trees or tree clusters and that the minimum depth of the bore shall be twenty-four (24) inches or greater,

(12) Tree and understory preservation notes, specifications, and details.

SECTION 14. Chapter 35, Appendix B, Application Submittal, is amended by renumbering Section 35-B124 as follows:

35-B128 ~~***35-B124***~~ ***Vested Rights Determination***

SECTION 15. Chapter 35, Appendix B, Application Submittal, is amended by renumbering Section 35-B125 as follows:

35-B129 ~~***35-B125***~~ ***Historic Preservation Materials***

SECTION 16. Chapter 35, Appendix C, Fees, is amended by adding a new Section 35-C110 as follows:

35-C110 Tree Preservation and Woodland Preservation Fees

The following fees are established for purposes of issuing permits or taking related actions for purposes of the Tree Preservation Standards and the Woodland Preservation Standards. All fees shall be paid prior to issuance or certification of the action taken, and shall be earmarked as provided in § 35-C101, above.

Basic Fees

	Residential	Commercial
Tree Permit	$35/Lot $2,000 Maximum	$75/Acre
Affidavit Option 1 No Protected Trees	$35/Lot $1,000 Maximum	$75/Acre $2,000 Maximum
Woodland Stand Permit	$75/Acre $2,000 Maximum	$75/Acre $2,000 Maximum
Plan Review Fee	$75	$75

Miscellaneous Fees

Tree Certification Credit	$100/project & $1/inch (Tree Mitigation Fund)
Tree Mitigation	$100/inch (Tree Mitigation Fund)
Tree Maintenance License	$150/Three Years (Four Hours Continuing Education)

SECTION 17. Chapter 35, Article 5, Development Standards, Section 35-511 is amended as follows:

35-511 Landscaping

In addition to the purposes recited generally for this Division, the purpose of this Section is:

- *To improve the appearance of commercial properties when viewed from the Street.*
- *To screen the unattractive aspects of commercial properties.*

* * * * *

(d) Elective Criteria

(1) Generally

In addition to the mandatory requirements, landscape plans shall earn a minimum of seventy (70) ~~sixty (60)~~ points awarded for elective requirements. As an exception to this requirement, landscape plans for commercial parking lots and uses which do not include any off-Street parking within the Street yard shall earn a minimum of twenty-five (25) points.

(2) Tree preservation

A maximum of forty (40) ~~thirty-five (35)~~ points shall be awarded for the preservation of existing healthy trees. Full credit in accordance with the criteria listed below shall be earned for the preservation of trees within the Street yard up to thirty (30) ~~twenty (20)~~ points. Half credit may be earned for preserving trees within the Street yard above thirty (30) ~~twenty (20)~~ points. Half credit may also be earned for preserving trees outside the Street yard up to a maximum of fifteen (15) points. These points shall be included within the maximum forty (40) ~~thirty-five (35)~~ points permitted by this elective. Points shall be tabulated for each tree retained in accordance with the following criteria:

Description	Points Awarded
Caliper equal to or exceeding 4, but less than 6 inches	3
Caliper equal to or exceeding 6, but less than 12 inches	4
Caliper equal to or exceeding 12, but less than 18 inches	6
Caliper equal to or exceeding 18 inches	8

~~A. For each tree retained having a caliper equal to or greater than four (4) inches but less than six (6) inches, two (2) points are awarded.~~

~~B. For each tree retained having a caliper equal to or greater than six (6) inches but less than twelve (12) inches, three (3) points are awarded.~~

~~C. For each tree retained having a caliper equal to or greater than twelve (12) inches but less than eighteen (18) inches, five (5) points are awarded.~~

~~D. For each tree retained having a caliper equal to or greater than eighteen (18) inches, seven (7) points are awarded.~~

Where credit for the preservation of existing trees is being requested, these areas shall be protected as follows.

A. A protective barrier, beginning at the outside of the dripline of the tree, to protect the root protection zone shall be erected and maintained until construction is completed.

B. During construction, no excess soil, additional fill, equipment, liquids, or construction debris shall be placed inside the protective barrier, upon the root protection zone, nor shall any soil be removed from within the barrier.

C. The proposed finished grade and elevation of land within the root protection zone of any tree to be preserved shall not be raised or lowered more than two (2) inches. Welling and retaining methods are allowed outside the root protection zone and shall be done in conformance with the Texas A & M University, Extension Landscape Horticulture, "Protecting Existing Landscape Trees from Construction Damage Due to Grade Changes", Everett E. Janne and Douglas F. Welch, PhD., authors.

D. The root protection zone for each preserved tree shall remain unpaved and shall have a two to four inch layer of mulch installed to help retain moisture and to prevent erosion.

(3) Screening of Surface Parking

Twenty-five (25) points are awarded for screening a surface parking lot within the Street yard in accordance with the following subsections.

A. The screening must extend along the entire street frontage of the surface parking lot, exclusive of driveways.

B. The screening must be at least thirty (30) inches in height. If plants are used, they must achieve the minimum height and form an opaque visual barrier at maturity.

If nonliving materials are used to satisfy the screening requirement, plants must be provided along a minimum of twenty-five (25) percent of the screen's frontage.

C. Any screening placed in a clear vision area must comply with the restrictions contained in § 35-506 of this Code.

(4) Parking Lot Shading

Twenty (20) points are awarded for compliance with subsection (e), below. Further, an additional ~~In addition:~~

A. Five (5) ~~Twenty-five (25)~~ points are awarded when surface parking lots include canopy trees, as defined in Appendix A, which shade a minimum of thirty-five (35) percent of the entire ~~a~~ parking lot; and

B. Fifteen (15) ~~Thirty-five (35)~~ points are awarded when surface parking lots include canopy trees, as defined in Appendix A, which shade a minimum of fifty (50) percent of a parking lot.

(5) Street trees

Twenty-five (25) points are awarded for the installation of large trees that ~~which~~ meet the following requirements:

A. The trees extend along a minimum of seventy-five (75) percent of the total frontage of the Street yard of the parcel;

B. The trees shall be spaced on average no more than fifty (50) feet apart measured from trunk to trunk provided the distance between trees does not exceed one hundred (100) feet; and

C. The trees shall be located no more than seventeen (17) feet from the Street right-of-way line.

(6) Understory preservation

15 additional points can be earned for parking lot shading ~~landscaping~~ with a mixture of canopy trees with understory trees (small species) and large to small shrubs with ground plane perennials. Minimum area 10 feet x 20 feet.

15 points additional points can be earned for parking lot screening with a mixture of canopy trees with understory trees (small species) and large to small shrubs with ground plane perennials. Minimum width is ten (10) feet ~~area 10 foot wide minimum~~.

Where credit for the preservation of existing understory is being requested, these areas must be protected as follows.

A. A protective barrier must be erected around the perimeter of each understory area to be preserved and maintained until construction is completed.

B. During construction, no excess soil, additional fill, equipment, liquids, or construction debris shall be placed inside the protective barrier nor shall any soil be removed from within the barrier.

C. The proposed finished grade and elevation of land within six (6) feet of an understory area to be preserved shall not be raised or lowered more than three (3) inches unless compensated for by welling or retaining methods.

(7) Infill or Commercial Retrofit Use Patterns

Twenty-five (25) points shall be awarded for the provision of landscaping for an Infill or Commercial Retrofit Use Pattern where not more than 4,300 square feet of impervious surface is added.

(e) Parking lot shading

(1) Applicability

Shading shall be required for parking lots subject to this Section that are located within the project area ~~street yard~~, and any parking areas (excluding driveways or garages) in residential districts. Canopy trees, as defined in Appendix A, shall be provided to shade a minimum of twenty-five (25) percent of a parking lot. Medium ~~Small~~ or Large trees may be used. A "parking lot" does not include an area used exclusively for the display of motor vehicles for sale as part of an automobile dealership.

(2) Calculation of Shaded Area

The following table provides the calculation for each of the two sizes of trees as required to create the minimum shade coverage:

Large trees	1,200 square feet per one (1) tree
Large-Medium trees	875 square feet per one (1) tree
Medium trees	550 square feet per one (1) tree
Medium-Small trees	275 square feet per one (1) tree
Small trees	No small trees shall be counted for canopy requirements

The minimum shade coverage shall be determined in accordance with the following formula:

A x B = C, where
A = Percent of site requiring coverage (25%)
B = Square feet of parking lot area (10,000 square feet)
C = Total number of square feet needed for shade

Example:

0.25 x 10,000 = 2,500

Large tree = 1200 square feet of shade (2500 ~~2,000~~/1200 square feet ~~sf~~ = 2 ~~1~~ trees)
Large-Medium tree=875 square feet of shade (2,500/875 square feet = 3 trees)
Medium ~~Small~~ tree = 550 square feet of shade (2,500 ~~2,000~~/550 square feet ~~sf~~ = 5 ~~3~~ trees)
Medium-Small tree=275 square feet of shade (2,500/275 square feet = 9 trees)

(3) Design

Trees shall be planted within an island not less than 9 feet wide by 18 feet deep.
~~t of the trunk of a canopy tree.~~

SECTION 18. Chapter 21 of the City Code of the City of San Antonio, Texas is amended by adding a new Article VIII as follows:

ARTICLE VIII. PREVENTION AND CONTROL OF THE SPREAD OF OAK WILT

21-170 General Requirements.

(a) The provisions of this section apply to any person, firm, corporation, business entity, city department, public or private utility to the extent permitted by law.

(b) All wounds to the trunk, limbs and root system of oak trees in the city that expose sapwood shall be painted within thirty minutes of the wound with asphaltic or exterior oil or latex based paint.

(c) Firewood from oak wilt infected trees shall not be brought into the city at anytime.

21-171 Tree maintenance license.

(a) Tree maintenance license. It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing trees for profit without first applying for and procuring a tree maintenance license. A tree maintenance license shall require proof of continuing education credits at a minimum of 4 hours per 3 year licensing period before the license is issued, provided however, the initial issuance of a license shall be for a period of one year to allow the applicant to obtain the necessary continuing education credits. The license shall be valid for three years and the fee shall be paid in advance. No license shall be required of any employee of a public utility or the city.

21-172 Penalty.

Violation of any of the provisions of this section shall be a misdemeanor offense and shall be punished by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) for the first offense and a fine of not less than one hundred dollars ($100.00) nor more than ($500.00) for the second offense.

SECTION 19. Three new positions are hereby authorized in Fund 11-000000 (General Fund) in Activity 29-02-09 entitled Development Services as indicated below:

Position	Job Class
Plans Examiner I	0577
Special Projects Officer	0865
Tree Preservation/Landscape Inspector	0408

SECTION 20. Funds from the newly created fees will be deposited into Fund 11-000000 (General Fund) in Index Codes 079889 entitled "Tree Maintenance License" and Index Code 079897 entitled "Woodlands Stand Permit".

SECTION 21. All other provisions of Chapter 35 of the City Code of San Antonio shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 22. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 23. Notice of these changes to the Unified Development Code shall not require the publication in an official newspaper of general circulation in accordance with Chapter 35, Article IV, Division 1, Table 403-1.

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SECTION 24. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing code.

SECTION 25. This ordinance shall become effective immediately upon passage by eight or more votes otherwise this ordinance becomes effective March 23, 2003.

PASSED AND APPROVED this the 13th day of March, 2003.

M A Y O R
EDWARD D. GARZA

ATTEST: Yolanda L. Ledesma
City Clerk

APPROVED AS TO FORM: _____
for **City Attorney**