



Environmental Conservation Commission

August 4, 2026
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:30 p.m.

AGENDA

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG

C. PUBLIC COMMENT

The purpose of this item is to allow the public an opportunity to address the Board/Commission regarding any item on this agenda that is not a "Public Hearing." Issues regarding daily operational or administrative matters should first be dealt with by calling Town Hall at 972.874.6000 during business hours.

In accordance with the Texas Open Meetings Act, the Board/Commission is restricted from discussing or acting on items not listed on the agenda.

To speak during public comment, fill out a comment form (PDF). Note:

- Limited to three (3) minutes, a tone will sound at 30 seconds left and when time has expired, and times may be adjusted by the Chair
- Direct comments to the Board/Commission
- State your name and the municipality where you reside

D. STAFF/DIRECTOR REPORT

E. PRESENTATION

1. Owl nest box presentation – Animal Services Board Sub-Committee

F. CONSENT ITEM(S)

This part of the agenda consists of non-controversial, or "housekeeping" items required by law. Items may be removed from Consent by any Commissioner by making such request prior to a motion and vote.

1. Minutes Approval - Consider approval of the minutes from the regular meeting of the Environmental Conservation Commission on June 2, 2026.

G. REGULAR ITEM(S)

1. TRP26-0004 Alexan The Point Phase II - Consider an application for a tree removal permit (TRP26-0004) for one (1) specimen tree on the property known

as Alexan the Point Phase II for the proposed development. The property is generally located east of Lake Forest Boulevard and north of Silveron Boulevard.

H. ADJOURNMENT- REGULAR SESSION

I. CALL WORK SESSION TO ORDER

J. WORK SESSION ITEM

1. Review the Tree Ordinance regulations, including post oak specimen size, and discuss draft amendments to the tree ordinance.

K. SUBCOMMITTEE REPORT

L. COORDINATION OF FUTURE AGENDAS/MEETINGS

M. ADJOURNMENT - WORK SESSION

I do hereby certify that the notice of above meeting for the Town of Flower Mound was posted at Town Hall, Town of Flower Mound, Texas, and on the Town's website in compliance with Chapter 551, Texas Government Code on July 29, 2026, by 5:00 p.m.

Hannah Perez, Administrative Assistant

The Flower Mound Town Hall and Jody Smith Hall are wheelchair accessible. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting by contacting Town Hall at 972.874.6000. Additional time limits will be provided for members of the public that need to address the Town Council through a translator.



Environmental Conservation Commission

June 2, 2026
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:30 p.m.

DRAFT MINUTES

A. CALL TO ORDER

The Environmental Conservation Commission met in a regular meeting with the following members present:

Marilyn Lawson, Chair, Place 4
Anurag Sharma, Place 1
Danielle Workman, Place 2
Laura Spurlock, Place 3
Toni Moffitt, Place 9 Alternate
Nagesh Kunamneni, Place 10 Alternate

with the following member(s) absent:

Alton Bowman, Vice Chair, Place 5
Elaine Takacs, Place 7
Alan Fullbright, Place 8

constituting a quorum with the following members of the Town Staff participating:

Matthew Woods, Director of Environmental Services
Jake Speckhals, Urban Forester
Kayla Lipinski, Environmental Review Analyst
Hannah Smith, Environmental Programs Coordinator
Katy Schwarzweller, Environmental Resource Specialist
Hannah Perez, Administrative Assistant II

B. PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG

C. PUBLIC COMMENT

The purpose of this item is to allow the public an opportunity to address the Board/Commission regarding any item on this agenda that is not a "Public Hearing." Issues regarding daily operational or administrative matters should first be dealt with by calling Town Hall at 972.874.6000 during business hours.

In accordance with the Texas Open Meetings Act, the Board/Commission is restricted from discussing or acting on items not listed on the agenda.

To speak during public comment, fill out a comment form (PDF). Note:

- Limited to three (3) minutes, a tone will sound at 30 seconds left and when time has expired, and times may be adjusted by the Chair
- Direct comments to the Board/Commission
- State your name and the municipality where you reside

D. STAFF/DIRECTOR REPORT

Update and status report related to environmental issues and events regulatory activities, and projects.

E. PRESENTATION

1. Republic Services Annual Report Update.
Jeri Harwell, Municipal Manager with Republic Services, presented on the Green Waste Program, Annual Report and answered questions.

F. CONSENT ITEM(S)

This part of the agenda consists of non-controversial, or “housekeeping” items required by law. Items may be removed from Consent by any Commissioner by making such request prior to a motion and vote.

1. Minutes Approval - Consider approval of the minutes from the regular meeting of the Environmental Conservation Commission on May 5, 2026.

ACTION: Commission Member Spurlock moved to approve F.1. as presented in the agenda caption. Commission Member Workman seconded the motion.

AYES: Anurag Sharma, Danielle Workman, Laura Spurlock, Toni Moffitt, Nagesh Kunamneni

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

G. ADJOURNMENT- REGULAR SESSION

Chair Lawson adjourned the regular session at 6:49 pm.

H. CALL WORK SESSION TO ORDER

Chair Lawson called the work session to order at 6:49 pm.

I. WORK SESSION ITEM

1. Review the Tree Ordinance regulations, including post oak specimen size, incentives for planting approved mitigation tree species, and discuss draft amendments to the tree ordinance.

Staff Presenter

Jake Speckhals, Urban Forester, gave a presentation with the following items included and answered questions.

- Recap Previous Meetings
- Key Takeaways — May 5th ECC Meeting
- Post Oak Tree Mitigation - 7 Slide
- Tree Survey Standards
- Mitigation Fees - 3 Slides

J. SUBCOMMITTEE REPORT

Receive updates and status reports related to subcommittee activities and establish subcommittees as necessary.

K. COORDINATION OF FUTURE AGENDAS/MEETINGS

ECC members and staff discussed possible future agenda items.

L. ADJOURNMENT - WORK SESSION

Chair Lawson adjourned the work session at 7:50 p.m. on June 2 and all were in favor.



ENVIRONMENTAL CONSERVATION COMMISSION AGENDA G.1. REGULAR ITEM(S)

DATE: August 4, 2026
FROM: Jake Speckhals, Environmental Review Analyst
ITEM: **Consider an application for a tree removal permit (TRP26-0004) for one (1) specimen tree on the property known as Alexan the Point Phase II for the proposed development. The property is generally located east of Lake Forest Boulevard and north of Silveron Boulevard.**

BACKGROUND: Alexan The Point Phase II is generally located east of Lake Forest Boulevard and north of Silveron Boulevard. The site is approximately 8.6 acres in size. This site is within Planned Development 156 (PD-156) which is zoned for combined uses.

According to the tree survey for the project, the site contains six (6) specimen trees. The applicant is requesting to remove one (1) specimen tree from the site to facilitate the development. The specimen tree proposed for removal is in good condition and is located within the proposed buildable area.

The Town's tree ordinance requires that specimen trees removed from the site be replaced at a rate of two times their caliper inches. Based on the size of tree #8603, 56" of replacement trees, equaling 19 three-inch caliper trees, is the required mitigation for the removal of one (1) specimen tree on this site. In addition, protected trees removed from the buildable area would require replacement at a tree-for-tree rate. Mitigation may be accomplished by paying the applicable fee, planting mitigation trees, or through a combination of planting trees and paying the required fee.

BOARD REVIEW/CITIZEN FEEDBACK: As of July 29, 2026, staff has not received feedback related to this item.

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

1. Tree Survey
2. Tree Removal Permit Application
3. Letter of Intent
4. Picture of Specimen Tree Requested for Removal
5. Onsite Signage

DRAFT MOTION: Move to recommend approval, approval with conditions, or denial of the requested permit for the removal of one (1) specimen tree on property known as Alexan The Point Phase II. The property is generally located east of Lake Forest Boulevard and north of Silveron Boulevard.



TREE SURVEY LEGEND:

- ###
△ NON- PROTECTED TREE REMOVED NO NEED MITIGATION
- ###
○ PROTECTED TREE REMOVED NO NEED MITIGATION DUE TO TREE CONDITION
- ###
× PROTECTED TREE REMOVED NEED MITIGATION
- ###
⊗ SPECIMEN TREE REMOVED NEED MITIGATION
- ###
○ SPECIMEN TREE TO REMAIN
- ###
□ PROTECTED TREE PRESERVE OUTSIDE OF UPLAND HABITAT
- ###
PROPOSED IMPACTS UPLAND AREA: 2.1 ACRES

TREE PROTECTION NOTES:

THE DEVELOPER AND CONTRACTOR SHALL ADHERE TO THE FOLLOW TREE PROTECTION MEASURES PER TOWN OF FLOWER MOUND ORDINANCE.

- PRIOR TO ANY AND ALL CONSTRUCTION OR LAND DEVELOPMENT ACTIVITY, THE DEVELOPER OR PROPERTY OWNER SHALL INSTALL FOUR-FOOT-HIGH PLASTIC (OR EQUIVALENT) SAFETY FENCING AROUND THE DRIP LINE OF PROTECTED TREES AND SIX-FOOT-HIGH CHAIN-LINK FENCING AROUND THE DRIP LINE OF SPECIMEN AND HISTORIC TREES.
- PRIOR TO ANY AND ALL CONSTRUCTION OR LAND DEVELOPMENT ACTIVITY, THE DEVELOPER/PROPERTY OWNER/CONTRACTOR SHALL INSTALL A FOUR-FOOT-HIGH PLASTIC (OR EQUIVALENT) SAFETY FENCING ALONG THE PERIMETER OF THE UPLAND HABITAT AREA TO BE SAVED ADJACENT TO WHERE CONSTRUCTION ACTIVITIES WILL OCCUR.
- PRIOR TO ANY AND ALL CONSTRUCTION OR LAND DEVELOPMENT ACTIVITY, THE DEVELOPER OR PROPERTY OWNER SHALL ESTABLISH DESIGNATED PARKING AREAS FOR THE PARKING AND MAINTENANCE OF ALL VEHICLES, TRAILERS, CONSTRUCTION EQUIPMENT AND RELATED ITEMS, DESIGNATED STOCKPILE AREAS FOR THE STORAGE OF CONSTRUCTION SUPPLIES AND MATERIALS DURING CONSTRUCTION OF THE SUBDIVISION AND DESIGNATED DRIVE AREAS FOR VEHICLE AND EQUIPMENT. THE LOCATION AND DIMENSIONS OF SUCH DESIGNATED AREAS SHALL BE CLEARLY IDENTIFIED ON BOTH SUBDIVISION CONSTRUCTION AND SITE PLANS AND SHALL BE APPROVED BY THE TREE PRESERVATION AND ENFORCEMENT OFFICER OR AUTHORIZED DESIGNEE PRIOR TO ANY CONSTRUCTION OR LAND DEVELOPMENT ACTIVITY IN, ON OR ABOUT THE SUBDIVISION. SUCH DESIGNATED AREAS SHALL BE COMPLETELY FENCED WITH CHAIN-LINK FENCING AND GATES FOR SAFETY PURPOSES AND TO SEPARATE PROTECTED, SPECIMEN, OR HISTORIC TREES FROM THE CONSTRUCTION AREA AND RELATED CONSTRUCTION ACTIVITY. WITH THE APPROVAL OF THE TREE PRESERVATION AND ENFORCEMENT OFFICER OR AUTHORIZED DESIGNEE, THE DESIGNATED PARKING AND STOCKPILE AREAS MAY BE COMBINED INTO ONE FENCED AREA, PROVIDED THAT THE PRESERVATION OF PROTECTED TREES IS NOT ADVERSELY AFFECTED OR JEOPARDIZED. SUPPLIES AND PIPE AND OTHER ITEMS THAT ARE CUSTOMARILY UNLOADED WHERE INSTALLED SHALL NOT BE REQUIRED TO BE STORED WITHIN THE DESIGNATED STOCKPILE AREAS. SITES APPROVED FOR TEMPORARY BATCHING PLANT PERMITS SHALL BE FENCED AND GATED IN THE SAME MANNER AS DESIGNATED PARKING AND STOCKPILE AREAS. TEMPORARY BATCHING PLANT PERMITS SHALL ALSO BE REQUIRED FOR THE OPERATION OF ALL BATCHING PLANTS, PURSUANT TO THE REGULATIONS OF THIS CHAPTER.
- DURING CONSTRUCTION, THE DEVELOPER OR PROPERTY OWNER SHALL PROHIBIT THE CLEANING OF EQUIPMENT OR MATERIALS AND/OR THE DISPOSAL OF ANY WASTE MATERIAL, INCLUDING, BUT NOT LIMITED TO, PAINT, OIL, SOLVENTS, ASPHALT, CONCRETE, MORTAR, ETC., UNDER THE CANOPY OR DRIP LINE OF ANY PROTECTED, SPECIMEN, OR GROUP OF SUCH TREES.
- NO ATTACHMENTS OR WIRES OF ANY KIND, OTHER THAN THOSE OF A PROTECTIVE NATURE, SHALL BE ATTACHED TO ANY PROTECTED TREE(S).
- WITH MAJOR GRADE CHANGES OF SIX INCHES OR GREATER, A RETAINING WALL OR TREE WELL OF ROCK, BRICK, LANDSCAPE TIMBERS OR OTHER APPROVED MATERIALS SHALL BE CONSTRUCTED AROUND THE TREE NO CLOSER THAN THE DRIP LINE OF THE TREE. THE TOP OF THE RETAINING WALL OR TREE WELL SHALL BE CONSTRUCTED AT THE NEW GRADE.
- UNLESS OTHERWISE APPROVED BY THE TOWN, NO CONSTRUCTION OR CONSTRUCTION-RELATED ACTIVITY SHALL OCCUR UNDER THE CANOPY OR DRIP LINE OF ANY PROTECTED, SPECIMEN, OR HISTORIC TREE OR GROUP OF SUCH TREES.
- ANY TREE(S) REMOVED DURING LAND DEVELOPMENT, CONSTRUCTION OR CONSTRUCTION-RELATED ACTIVITIES SHALL BE CHIPPED OR HAULED OFFSITE. BURNING OF REMOVED TREES IS PROHIBITED UNLESS PRIOR APPROVAL IS GIVEN BY THE TOWN'S FIRE MARSHAL.
- THE TREE PRESERVATION AND ENFORCEMENT OFFICER OR AUTHORIZED DESIGNEE MAY REQUIRE ADDITIONAL PROTECTION MEASURES OR BEST MANAGEMENT PRACTICES AS NEEDED ON A CASE BY CASE BASIS TO ADEQUATELY PROTECT PROTECTED, SPECIMEN, OR HISTORIC TREES.

GENERAL NOTES:

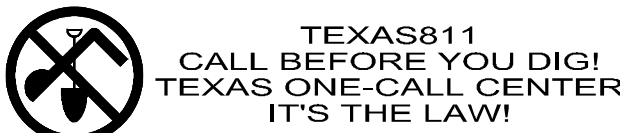
- ORIGINAL TREE SURVEY INFORMATION AND ON-SITE DOCUMENTATION PROVIDED BY CATES-CLARK DATED 06/05/2018. REFER TO TREE SURVEY AND ALL ASSOCIATED DOCUMENTATION FOR ADDITIONAL INFORMATION.
- SHEETS L6-16 AND L6-17 PRODUCED BY LANDDESIGN ARE FOR CONVEYING TREE ORDINANCE REQUIREMENTS ONLY, BASED ON THE TREE SURVEY INFORMATION PROVIDED BY CATES-CLARK AND CURRENT SITE PLAN SHOWN.
- THIS PLAN IS PRELIMINARY AND SUBJECT TO CHANGE AND WILL BE FINALIZED DURING THE PERMITTING PROCESS BASED ON FINAL SITE PLAN AND GRADING PLANS.
- ADDITIONAL PROTECTED TREES TO BE PRESERVED ON SITE AS FINAL GRADING ALLOWS AND FINALIZED DURING THE DEVELOPMENT/PERMITTING PROCESS.
- REFER TO SHEET L6-13 FOR ADDITIONAL SPECIMEN/PROTECTED TREE MITIGATION CREDITS AND INFORMATION.

TREE SURVEY MITIGATION TABULATIONS:

TOTAL NUMBER OF PROTECTED AND SPECIMEN TREES:	172 TREES
TOTAL PROTECTED TREES ONSITE IN "GOOD" CONDITION - PHASE 2:	157 TREES
TOTAL PROTECTED TREES REMOVED IN BUILDABLE AREA IN "GOOD" CONDITION - PHASE 2:	29 TREES
TOTAL SPECIMEN TREES ON SITE:	140.8" CAL. INCHES (6 TREES)
TOTAL SPECIMEN TREES TO BE REMOVED:	28.2" CAL. INCHES

PROTECTED TREE MITIGATION w/in BUILDABLE - PHASE 2
TOTAL PROTECTED TREE REPLACEMENT: 62 TREES*
29 (DEBITS FOR HEALTH PROTECTED TREES REMOVED OUTSIDE OF UPLAND HABITAT) + 19 (DEBITS FOR TREE 8833) + 6 (CREDITS FOR PROTECTED TREES REMAIN OUTSIDE OF UPLAND HABITAT) - 62 (CREDITS FOR MITIGATION TREES) = -20

MITIGATION FEE, PER-CALIPER-INCH CASH
29 (DEBITS FOR HEALTH PROTECTED TREES REMOVED OUTSIDE OF UPLAND HABITAT) + 19 (DEBITS FOR TREE 8833) + 6 (CREDITS FOR PROTECTED TREES REMAIN OUTSIDE OF UPLAND HABITAT) - 62 (CREDITS FOR MITIGATION TREES) = -20



**SITE PLAN
SUBMITTAL**

**ALEXAN THE
POINT II**

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
	SITE PLAN SUBMITTAL	04.03.2026
	SITE PLAN SUBMITTAL	05.22.2026
	DESIGN DEVELOPMENT SET	06.01.2026
	SITE PLAN SUBMITTAL	07.30.2026

TREE SURVEY LIST

	A	B	C	D	E	F	G	H	I	J	K
	ID#	DBH	COMMON NAME	SCIENTIFIC NAME	PROTECTED SPECIES YES/NO	SAVE OR REMOVE	CONDITION	MITIGATION STATUS	CREDIT	DEBIT	UPPLAND WILDLIFE HABITAT (UPWH)
1											
2	7635	20.1	post oak	Quercus stellata	YES	SAVE	Healthy		4		YES
3	7642	9.0	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
4	7643	19.8	post oak	Quercus stellata	YES	SAVE	Healthy		4		YES
5	7648	14.3	American elm	Ulmus americana	YES	SAVE	Healthy		3		YES
6	7650	8.3	American elm	Ulmus americana	YES	SAVE	Healthy		1		YES
7	7653	16.2	post oak	Quercus stellata	YES	SAVE	Healthy		4		YES
8	7654	7.6	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
9	7657	6.5	cedar elm	Ulmus crassifolia	YES	SAVE	Declining	TREE HEALTH			YES
10	7659	6.1	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
11	7661	6.3	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
12	7662	6.4	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
13	7666	6.6	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
14	7667	6.6	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
15	7670	8.7	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
16	7671	10.6	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
17	7672	10.6	post oak	Quercus stellata	YES	SAVE	Hazard	TREE HEALTH			YES
18	7673	8.5	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
19	7675	9.1	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
20	7676	6.8	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
21	7677	9.7	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
22	7678	8.5	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
23	7679	9.5	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
24	7680	6.8	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
25	7681	8.4	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
26	7682	6.8	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
27	7683	7.7	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
28	7684	11.6	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
29	7685	9.6	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
30	7686	8.6	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
31	7687	7.6	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
32	7688	6	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
33	7689	13.7	post oak	Quercus stellata	YES	SAVE	Healthy		4		YES
34	7690	17	post oak	Quercus stellata	YES	SAVE	Healthy		4		YES
35	7691	14	post oak	Quercus stellata	YES	SAVE	Healthy		4		YES
36	7692	22	post oak	Quercus stellata	YES	SAVE	Healthy	SPECIMEN TREE	6		YES
37	7694	6.7	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
38	7695	10.8	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
39	7696	13.2	post oak	Quercus stellata	YES	SAVE	Healthy		4		YES
40	7699	18.9	post oak	Quercus stellata	YES	SAVE	Healthy		4		YES
41	7700	11.8	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
42	7701	7.9	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
43	7702	16	post oak	Quercus stellata	YES	SAVE	Healthy		4		YES
44	7703	6	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
45	7704	13.1	post oak	Quercus stellata	YES	SAVE	Healthy		4		YES
46	7705	8	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
47	7706	10.2	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
48	7707	15.6	post oak	Quercus stellata	YES	SAVE	Healthy		4		YES
49	7708	8.5	cedar elm	Ulmus crassifolia	YES	SAVE	Declining	TREE HEALTH			YES
50	7709	6.9	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
51	7710	8.8	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
52	7711	16	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		3		YES
53	7712	6.4	cedar elm	Ulmus crassifolia	YES	NO	Healthy		1		YES
54	7714	9.6	cedar elm	Ulmus crassifolia	YES	NO	Declining	TREE HEALTH			YES
55	7723	12.7	post oak	Quercus stellata	YES	NO	Healthy		1		YES
56	7724	16.7	post oak	Quercus stellata	YES	NO	Healthy		1		YES
57	7725	8.5	cedar elm	Ulmus crassifolia	YES	NO	Healthy		1		YES
58	7726	12.2	cedar elm	Ulmus crassifolia	YES	NO	Healthy		1		YES
59	7728	6.6	American elm	Ulmus americana	YES	NO	Declining	TREE HEALTH			YES
60	7730	7.5	green ash	Fraxinus pennsylvanica	YES	SAVE	Healthy		1		YES
61	7731	7.5	green ash	Fraxinus pennsylvanica	YES	SAVE	Healthy		1		YES
62	7732	12.3	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
63	7733	16	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		3		YES
64	7734	11.4	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
65	7735	8.5	green ash	Fraxinus pennsylvanica	YES	SAVE	Healthy		1		YES
66	7736	7.1	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
67	7737	8.3	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
68	7740	13	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		3		YES
69	7750	7.1	American elm	Ulmus americana	YES	SAVE	Healthy		1		YES
70	7751	10.2	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
71	7752	10	American elm	Ulmus americana	YES	SAVE	Healthy		1		YES
72	7753	9.7	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
73	7754	12	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
74	7755	12.6	post oak	Quercus stellata	YES	SAVE	Healthy		4		YES
75	7756	7.8	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
76	7757	12.6	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
77	7758	8.2	post oak	Quercus stellata	YES	SAVE	Hazard	TREE HEALTH			YES
78	7759	6.7	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
79	7760	8.5	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
80	7761	6.7	post oak	Quercus stellata	YES	SAVE	Hazard	TREE HEALTH			YES
81	7762	9.3	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
82	7763	8.2	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
83	7764	7.7	post oak	Quercus stellata	YES	SAVE	Healthy	SPECIMEN TREE	6		YES
84	7765	13.8	post oak	Quercus stellata	YES	SAVE	Healthy		4		YES
85	7766	6.6	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
86	7767	15	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
87	7768	8.6	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
88	7769	7.4	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
89	7770	11.5	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
90	7771	7.6	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
91	7772	8.2	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
92	7773	8.2	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
93	7774	6.1	post oak	Quercus stellata	YES	SAVE	Declining	TREE HEALTH			YES
94	7775	7.7	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
95	7776	8.1	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
96	7777	21.2	post oak	Quercus stellata	YES	SAVE	Healthy		4		YES
97	7778	14.6	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		3		YES
98	7779	16.1	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		3		YES
99	7780	7.4	green ash	Fraxinus pennsylvanica	YES	SAVE	Healthy		1		YES
100	7781	6.6	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
101	7782	8.3	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES

	A	B	C	D	E	F	G	H	I	J	K
	ID#	DBH	COMMON NAME	SCIENTIFIC NAME	PROTECTED SPECIES YES/NO	SAVE OR REMOVE	CONDITION	MITIGATION STATUS	CREDIT	DEBIT	UPLAND WILDLIFE HABITAT (UPWH)
1											
102	7783	8.2	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
103	7784	6	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
104	7785	9.3	cedar elm	Ulmus crassifolia	YES	SAVE	Hazard	TREE HEALTH			YES
105	7786	6.3	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
106	7787	6	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
107	7788	6.3	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
108	7789	7.4	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
109	7790	6.7	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
110	7791	8.9	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
111	7792	8.6	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
112	7793	6.3	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
113	7794	6.3	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
114	7795	6.1	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
115	7796	11.7	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
116	7797	6	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
117	7798	10.3	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
118	7799	18.5	post oak	Quercus stellata	YES	SAVE	Healthy		4		YES
119	7800	7.9	post oak	Quercus stellata	YES	SAVE	Declining	TREE HEALTH	2		YES
120	7802	11	Texas Red Oak	Quercus falcata	YES	SAVE	Healthy	PROTECTED TREE PERSERVE OUTSIDE OF UPLAND HABITAT			NO
121	7803	7.5	Shumard oak	Quercus shumardii	YES	SAVE	Healthy	PROTECTED TREE PERSERVE OUTSIDE OF UPLAND HABITAT			NO
122	7804	9.4	Texas Red Oak	Quercus falcata	YES	NO	Hazard	TREE HEALTH	1		NO
123	7805	8.7	Shumard oak	Quercus shumardii	YES	NO	Healthy		1		NO
124	7806	9.7	Texas Red Oak	Quercus falcata	YES	NO	Hazard	TREE HEALTH	1		NO
125	7807	10	Texas Red Oak	Quercus falcata	YES	NO	Declining	TREE HEALTH	1		NO
126	7812	7.1	Shumard oak	Quercus shumardii	YES	SAVE	Healthy	PROTECTED TREE PERSERVE OUTSIDE OF UPLAND HABITAT			NO
127	7813	9.1	Shumard oak	Quercus shumardii	YES	NO	Healthy		1		NO
128	7824	6.6	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
129	7851	13.7	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		3		YES
130	7853	7.4	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
131	7854	22.9	post oak	Quercus stellata	YES	SAVE	Healthy	SPECIMEN TREE	6		YES
132	7855	9.4	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
133	7856	6.2	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
134	7858	11.8	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
135	7859	14.3	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
136	7860	14	cedar elm	Ulmus crassifolia	YES	NO	Healthy		1		YES
137	7861	13	post oak	Quercus stellata	YES	NO	Healthy		1		YES
138	7866	7.2	cedar elm	Ulmus crassifolia	YES	NO	Healthy		1		YES
139	7868	10.3	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy	PROTECTED TREE PERSERVE OUTSIDE OF UPLAND HABITAT			NO
140	7869	11	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
141	7870	13.4	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		3		YES
142	7871	6.8	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
143	7872	8.5	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
144	7873	11.3	Texas Red Oak	Quercus falcata	YES	SAVE	Healthy		3		YES
145	7874	13.5	Texas Red Oak	Quercus falcata	YES	SAVE	Healthy		3		YES
146	7875	8	Texas Red Oak	Quercus falcata	YES	SAVE	Healthy		1		YES
147	7876	12.5	Texas Red Oak	Quercus falcata	YES	SAVE	Healthy		1		YES
148	7878	22.6	post oak	Quercus stellata	YES	SAVE	Healthy	SPECIMEN TREE	6		YES
149	7879	15.7	post oak	Quercus stellata	YES	SAVE	Healthy		4		YES
150	7880	7.2	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
151	7881	15.7	post oak	Quercus stellata	YES	SAVE	Healthy		4		YES
152	7882	6	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
153	7883	11.6	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
154	7884	10.4	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
155	7886	9.1	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
156	7887	7.1	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
157	7888	15.6	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		3		YES
158	7889	9.7	post oak	Quercus stellata	YES	SAVE	Healthy		2		YES
159	7890	8.3	cedar elm	Ulmus crassifolia	YES	SAVE	Healthy		1		YES
160	7892	8.5	American elm	Ulmus americana	YES	SAVE	Declining	TREE HEALTH	1		YES
161	7894	23.1	post oak	Quercus stellata	YES	SAVE	Healthy	SPECIMEN TREE	6		YES
162	8601	20.5	post oak	Quercus stellata	YES	NO	Healthy		1		NO
163	8602	11.1	green ash	Fraxinus pennsylvanica	YES	NO	Hazard	SPECIMEN TREE	4		NO
164	8610	11.6	green ash	Fraxinus pennsylvanica	YES	NO	Healthy		1		NO
165	8611	10.1	green ash	Fraxinus pennsylvanica	YES	NO	Healthy		1		NO
166	8612	6.2	green ash	Fraxinus pennsylvanica	YES	NO	Hazard	TREE HEALTH	1		NO
167	8614	8.2	green ash	Fraxinus pennsylvanica	YES	NO	Healthy		1		NO
168	8645	11.7	green ash	Fraxinus pennsylvanica	YES	NO	Healthy		1		NO
169	8646	10.3	green ash	Fraxinus pennsylvanica	YES	NO	Healthy		1		NO
170	8648	7.6	green ash	Fraxinus pennsylvanica	YES	NO	Healthy		1		NO
171	8651	7.6	green ash	Fraxinus pennsylvanica	YES	SAVE	Healthy	PROTECTED TREE PERSERVE OUTSIDE OF UPLAND HABITAT			NO
172	8655	6	green ash	Fraxinus pennsylvanica	YES	SAVE	Healthy	PROTECTED TREE PERSERVE OUTSIDE OF UPLAND HABITAT			NO
173	8659	11.2	green ash	Fraxinus pennsylvanica	YES	NO	Healthy		1		NO
174	9276	7.3	eastern redcedar	Juniperus virginiana	NO	SAVE	Healthy				NO
175	9279	6.3	eastern redcedar	Juniperus virginiana	NO	SAVE	Healthy				NO
176	9282	6.3	eastern redcedar	Juniperus virginiana	NO	SAVE	Healthy				NO
177	9285	6.9	eastern redcedar	Juniperus virginiana	NO	SAVE	Hazard	TREE HEALTH			NO
178	9299	12.5	eastern redcedar	Juniperus virginiana	NO	SAVE	Hazard	TREE HEALTH			YES
179	9304	6.7	eastern redcedar	Juniperus virginiana	NO	SAVE	Healthy				NO
180	9307	6.1	Osage-Orange	Maclura pomifera	NO	NO	Healthy				NO
181	9311	11.2	eastern redcedar	Juniperus virginiana	NO	NO	Healthy		1		NO
182	9321	7.5	eastern redcedar	Juniperus virginiana	NO	NO	Healthy		1		NO
183	9327	6.1	mesquite	Prosopis glandulosa	NO	NO	Healthy		1		NO



Town of Flower Mound Environmental Services
Mailing Address: 2121 Cross Timbers Road, Flower Mound, TX 75028
Telephone: 972-874-6340 Website: www.flower-mound.com

TREE REMOVAL PERMIT

(Effective for Developments submitted 10/6/08 - present)

Check one: ☐ Protected Tree



☒ Specimen Tree

☐ Historic Tree

This application is required to be submitted 30 days prior to the next available ECC hearing.

1. Applicant- Note: Must be an ISA certified arborist, certified forester, or a registered landscape architect.

Name:

Matthew Vinten, PLA

Address:

LandDesign, Inc.

5217 Alpha Rd Suite 140, Dallas, TX 75240

Phone:

214.504.3429

Applicant's Legal Interest in the Property:

For the multifamily project located at Silveron Blvd & Lake Forest Blvd, the current site plan and utility layout require the removal of tree label 8603, which is a 28.2" DBH Post Oak.

2. Property Owner(s)

Name(s): Direct Retail Partners

Address: 12221 Merit Drive, Suite 1220

Dallas, Texas 75251

3. Location and Legal Description of Property:

401 Silveron Blvd, Flower Mound, Texas

Lot 5, Block 1, The Point, an addition to the Town of Flower Mound, Denton County and Tarrant County, Texas recorded in Doc. Noc. 2019-284, Official Records, Denton County, Texas.

4. Owner's Authorization of Representation

I, David S. Watson, the owner of the above described real property, do hereby authorize Land Design to represent my interests and to file an Application for Tree Removal Permit for said real property, pursuant to the terms and provisions of Chapter 94 (Trees), of the Land Development Regulations of the Town of Flower Mound, Texas Code of Ordinances.

[Signature]
Signature of Owner



Given Under My Hand and Seal of Office
This the 17th Day of June, 2026
Kellie Rose Drayovitch
Notary Public
In and For Dallas County, Texas.

5. Applicants Affidavit- Note: Applicant must be an ISA certified arborist, certified forester, or a registered landscape architect.

Subject to criminal penalties contained in Subpart B, the Land Development Regulations of the Town of Flower Mound, Texas Code of Ordinances, I Matthew Vinfer, do hereby swear or affirm that all of the information contained herein and submitted herein is, to the best of my knowledge, true, correct and complete and that no false, misleading or incomplete information has been intentionally provided or submitted with this Application for a Tree Removal Permit.

[Signature]
Signature of Applicant



Landscape Architect License No. 2946
State of Licensure Texas
Or ISA Certified Arborist No. _____
Or Certified Forester No. _____

Given Under My Hand and Seal of Office
This the 16th Day of June, 2026
[Signature]
Notary Public
In and For Dallas County, Texas

6. Received by Town of Flower Mound on (Date) 6/18/2026 by
(initials) JG.

7. REQUIRED SUBMITTALS CHECKLIST

- a. A \$250 Administrative fee per Specimen or Historic Tree proposed for removal, not to exceed a total of \$1,000 per permit application.
- b. A \$200 fee is required for each Tree Removal Request sign that is made by the Town. The sign(s) must be placed on the property 15 days prior to the ECC hearing that the item is scheduled for on the agenda. Signs shall be placed perpendicular to the street and clearly visible. There shall be one sign for each 500ft of street frontage.
- c. One (1) electronic copy of this application signed and notarized.
- d. One (1) electronic copy of the site plan, development plan, or concept plan or landscape plan where applicable.
- e. One (1) electronic copy of the Tree Survey drawn to the largest practical scale and indicating the items as required by the Town's Tree Ordinance.
- f. One (1) electronic copy of photograph(s) or other evidence indicating that (a) sign(s) has/have been placed on the lot or tract as required by Chapter 94 of the Town's code of ordinances. Photograph(s) shall be taken from the street(s).
- g. One (1) electronic copy of a photograph for each tree requiring a tree removal permit, which is proposed for removal.
- h. One (1) electronic copy of a written document fully explaining the reasons for removal of the Protected, Specimen or Historic tree (LOI).



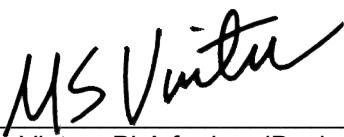
LETTER OF INTENT

DATE	06.18.2026	PROJECT #	8524057
PROJECT NAME	TCR Alexan the Point II		
TO	Jake Speckhals, Town of Flower Mound		
FROM	Mathew Vinten, PLA		
SUBJECT	Tree Removal Permit Application, Letter of Intent		

For the Alexan The Point II Multifamily, located near the intersection of Lake Forest Blvd and Silveron Blvd, the proposed development currently includes six (6) specimen trees on site.

We are proposing to preserve five (5) of the specimen trees. One (1) specimen tree is located within the proposed driveway alignment and is intended for removal with mitigation.

Tree No. 8603, a 28.2" DBH Post Oak, is the tree proposed for removal. The associated tree mitigation will be addressed either through replacement planting based on caliper requirements or through approved per-caliper-inch cash contribution, in accordance with City requirements.

By: 
Matthew Vinten, PLA for LandDesign, Inc.
Director





PROPOSED

TREE REMOVAL
PERMIT
TRP26-0004



972-874-6340

PROPOSED

TREE REMOVAL
PERMIT
TRP26-0004



972-874-6340

PROPOSED

TREE REMOVAL
PERMIT
TRP26-0004



972-874-6340



ENVIRONMENTAL CONSERVATION COMMISSION AGENDA J.1. WORK SESSION ITEM

DATE: August 4, 2026
FROM: Jake Speckhals, Environmental Review Analyst
ITEM: **Review the Tree Ordinance regulations, including post oak specimen size, and discuss draft amendments to the tree ordinance.**

BACKGROUND: This item provides the Environmental Conservation Commission (ECC) the opportunity to continue the evaluation of the Town's tree preservation regulations and discuss draft amendments to the tree ordinance. This item is for discussion purposes only and no formal action is required.

The ECC has been discussing this topic across multiple meetings: Item (J.1) on December 3, 2024, Item (I.1) on May 6, 2025, Item (I.1) on August 5, 2025, Item (I.1) on October 7, 2025, Item (H.1) at the April 7, 2026, Item (I.1) at the May 5, 2026, and Item (I.1) at the June 2, 2026 regular meeting of the ECC. The ECC's review of Ch. 94 "Trees" included the following:

- Reviewed current tree preservation rules
- Reviewed approved tree surveys for a variety of development projects and associated mitigation requirements
- Reviewed approved mitigation tree species
- Considered lowering the minimum specimen size for post oaks and other protected tree species
- Discussed shifting focus toward replanting incentives instead of lowering specimen sizes at the April 7, 2026, ECC meeting
- Considered the creation of a separate fund that would be directly used to support the planting, propagation, or care of post oaks on town property.

At the June 2, 2026, regular meeting, the ECC planned for further discussion on the creation of a post oak mitigation fund, and review of draft amendments to the tree ordinance.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

1. Ch. 94 Trees (1)

DRAFT MOTION: This item is for discussion purposes only; therefore, no formal action is required.

Chapter 94 TREES¹

ARTICLE I. GENERALLY

Sec. 94-1. Purpose.

The terms and provisions of this chapter are intended to accomplish the following public purposes:

- (1) Establish rules and regulations for the protection and preservation of native and/or established trees within the town.
- (2) Encourage the preservation and replacement of the town's tree canopy by establishing a 35 percent canopy goal for the town as outlined in guidelines established by "American Forests," the nation's oldest nonprofit citizens' conservation organization.
- (3) Encourage the protection of healthy trees and provide for the replacement and/or replanting of trees that are necessarily removed during construction, development or redevelopment.
- (4) Provide for the preservation and protection of larger native and/or established trees, which provide a valuable amenity to the urban environment and which, once destroyed, can only be replaced after generations, if at all.
- (5) Provide for shade, windbreaks and the cooling of air; thereby, reducing the requirements for air conditioning and heating and the utilization of scarce energy sources.
- (6) Provide for open space and more efficient drainage of land; thereby, reducing the effects of soil erosion and the need for additional drainage facilities.
- (7) Reduce the clear-cutting of land.
- (8) Preserve the country atmosphere and natural environment that define the community character of the town and make it a unique and desirable community.
- (9) Mitigate the ill effects of rapid and intense urbanization.

(Ord. No. 63-08, § 3(94-1), 10-6-2008)

¹Editor's note(s)—Ord. No. 63-08, § 3, adopted Oct. 6, 2008, repealed the former Ch. 94, Art. I, Art. II, Div. 1, Subdiv. I, Subdiv. II, §§ 94-71—94-73, Subdiv. III, §§ 94-91—94-94, Div. 3, §§ 94-121—94-128, Div. 4, Subdiv. I, §§ 94-151—94-156, Subdiv. II, §§ 94-181—94-183, Subdiv. III, §§ 94-201, 94-202, Subdiv. IV, §§ 94-221, 94-222, Subdiv. V, §§ 94-241, 94-242 and enacted a new Ch. 94 as set out herein. The former Ch. 94 pertained to vegetation and derived from Code 1989, ch. 12, § 5.03(e)(1)—(e)(8), ch. 12, §§ 5.08(a)—(d), ch. 12, §§ 5.08(e)(1)—(e)(3), ch. 12, § 5.08(f)(1), (f)(2), ch. 12, §§ 5.08(g)(1), (g)(2), ch. 12, §§ 5.08(h)—(k), ch. 12, § 6.15(a)(1), (2), ch. 12, §§ 6.15(b)(1)—(b)(3), ch. 12, § 6.15(c); Ord. No. 12-00, §§ 2, 6, 2-17-2000; Ord. No. 101-02, § 1, 12-16-2002.

Sec. 94-2. Applicability of chapter provisions.

The terms and provisions of this chapter shall apply to real property within the town's corporate limits and extraterritorial jurisdiction as follows:

- (1) All real property upon which any protected, specimen, or historic tree is located, excluding property that has already been developed for single-family and two-family residential uses.
- (2) All vacant and undeveloped real property.
- (3) All real property to be subdivided or re-subdivided, including record plats and replats.
- (4) The yard areas of all developed property, excluding property already developed for single-family and two-family residential uses.

(Ord. No. 63-08, § 3(94-2), 10-6-2008)

Secs. 94-3—94-12. Reserved.

ARTICLE II. MEASUREMENT

Sec. 94-13. Landscape, nursery, or replacement trees.

Unless specified otherwise, tree caliper (diameter) or circumference shall be measured at a height of six inches above ground level. The caliper of multi-trunk trees shall be measured by determining the diameter or circumference of the largest trunk at full caliper added to one-half of the diameter or circumference of each remaining trunk, measured at a height of six inches above ground level.

(Ord. No. 63-08, § 3(94-3), 10-6-2008; Ord. No. 51-22, § 8, 10-17-2022)

Sec. 94-14. Existing, established, and/or native trees.

The caliper or circumference of existing, established, and/or native trees shall be measured in accordance with the measuring rules and procedures as developed and updated by the Texas Forest Service. A copy of these procedures shall be made available for review in the office of the tree preservation and enforcement officer. The current procedure is outlined below.

- (1) *Caliper width or circumference.*

General rule: Measure the smallest trunk caliper width or circumference between the diameter at breast height ("DBH") point (4.5 feet) and the ground, but below the lowest fork. Also record the height above the ground, in inches, where the measurement was taken.

- (2) *Determining DBH point.*

Tree on slope: Measure up 4.5 feet along the axis of the trunk on both the high and low sides of the trunk; DBH point is midway between these two planes.

Leaning tree: Measure 4.5 feet along both the top and under sides of the trunk; DBH point is midway between these two planes.

Low branches: When determining where on the trunk to measure circumference, ignore portions of the tree that do not form part of the tree's crown, such as dead branches or forks, and epicormic sprouts.

Obstruction at DBH: If there is a bump, burl, branch, or other obstruction at the DBH point, measure the circumference of the trunk above and below the obstruction and record the smaller value. A buttress that forms between the trunk and root system as a natural feature of the species (e.g.—bald cypress, water tupelo) should not be considered an obstruction.

- (3) *Multiple trees.* In practice, it must be determined whether a tree has a single trunk, or whether it represents two or more stems growing very close to one another. Trunks that have clear separation or included bark at or near the ground line should be considered separate trees; trunks of different species should also be considered separate stems, no matter how closely aligned. When following the measurement rules above, if the point below the lowest fork places the measurement at the ground line, the stems should be considered and measured as separate.

(Ord. No. 63-08, § 3(94-4), 10-6-2008)

Secs. 94-15—94-20. Reserved.

ARTICLE III. PRESERVATION

Sec. 94-21. Tree designations.

Protected, specimen, and historic trees, except as specified in this section, shall possess the following respective characteristics or criteria:

- (1) *Protected trees.* Any tree listed on the small, medium, or large protected tree lists in section 94-22 that measures six inches in caliper width or greater and which is at least ten feet in height and located outside of existing public streets, alleys, rights-of-way, utility easements, drainage easements, fence easements, pedestrian access easements, or other existing public rights-of-way or easements.
- (2) *Specimen tree.* Except as specified in this section, any tree listed on the town's small, medium, or large protected tree lists can be considered a specimen tree if it reaches the designated size for that list. For the small tree list, a specimen tree shall be any tree that measures 13 inches or more in caliper width. For the medium tree list, a specimen tree shall be any tree that measures 19 inches or more in caliper width. For the large tree list, a specimen tree shall be any tree that measures 25 inches or more in caliper width. All measurements shall be taken in accordance with the measuring rules and procedures as outlined and maintained by the Texas Forest Service. These procedures are outlined in section 94-14 of this chapter. In addition to the provisions of this subsection, a specimen tree shall be any other tree that has been designated by the town council, upon recommendation by the environmental conservation commission, after public hearing and due notice to the owner of the tree, to be of high value because of its type, size, age or other relevant criteria. Specimen trees shall not be regulated as protected trees. Specific requirements are set forth in this chapter regarding specimen trees.

Post oak trees shall receive a separate designation and specimen size classification of 22 inches or more in caliper width as listed within section 94-22.

- (3) *Historic tree.* Upon recommendation by the environmental conservation commission, a historic tree shall be any tree that has been designated by the town council, after public hearing and due notice to the owner of the tree, as a tree of notable historical interest and value to the town because of its location or historical association with the community. A listing and map of all designated historic trees

shall be maintained and updated by the tree preservation and enforcement officer or authorized designee and made available to the public upon request. Historic trees are not dependant on or determined by diameter or caliper width as are protected and specimen trees. Specific requirements are set forth in this chapter regarding historic trees.

Subject to the review and approval of the tree preservation and enforcement officer or authorized designee, a protected or specimen tree shall not include any living tree that a registered arborist or landscape architect certifies in writing is injured, dying, diseased or infested with harmful insects; that is in danger of falling, interferes with utility service or creates unsafe vision clearance; in any manner creates a hazardous or dangerous condition so as to endanger the public health, welfare or safety. Further, a protected tree shall not include any living tree that is identified on approved subdivision construction plans as necessary to be removed to comply with EPA storm water permitting requirements or FHA lot grading plans.

Subject to review and approval of the tree preservation and enforcement officer or authorized designee, a protected, specimen, or historic tree shall not include any tree that a registered arborist or landscape architect certifies in writing is dead.

(Ord. No. 63-08, § 3(94-5), 10-6-2008; Ord. No. 62-16, § 2, 11-21-2016)

Sec. 94-22. Protected tree lists.

- (a) *Generally.* The tree species lists contained in this section have been developed and will be periodically updated by the town's environmental conservation commission and shall be maintained and distributed to the public by the tree preservation and enforcement officer or authorized designee as guides for the identification and selection of tree species that meet the various standards and requirements of this chapter. Trees included on this tree species list were selected on the basis of one or more of the following criteria or factors: hardiness, resistance to disease, suitability relative to local climate and soil conditions, adaptability for transplantation, longevity, adaptability to various landscape conditions, resistance to drought, aesthetic qualities, shade provision, windbreak provision, and screening qualities.
- (b) *Lists of trees that are protected.* Unless otherwise specified in this chapter, only those tree species found on the following lists shall be subject to the preservation, protection and replanting requirements of this section.

Small Tree List

Common Name	Scientific Name
Carolina buckthorn	(Rhamnus caroliniana)
Yaupon holly	(Ilex vomitoria)
Possum haw	(Ilex deciduas)
Redbud	(Cercis species)
Texas buckeye	(Aesculus glabra variety arguta)
Chickasaw plum	(Prunus agustifolia)
Mexican plum	(Prunus mexicana)
Eve's necklace	(Styphnolobium affine)

Medium Tree List

Common Name	Scientific Name
Slippery elm	(Ulmus rubra)

Cedar elm	(<i>Ulmus crassifolia</i>)
Winged elm	(<i>Ulmus alata</i>)
Blackjack oak	(<i>Quercus marilandica</i>)
Persimmon species	(<i>Diospyros species</i>)
Chittamwood	(<i>Bumelia languinosa</i>)
Western soapberry	(<i>Sapindus drummondii</i>)
Sweetgum	(<i>Luquidambar styraciflua</i>)

Large Tree List

Common Name	Scientific Name
Shumard red oak	(<i>Quercus shumardi</i>)
Texas red oak	(<i>Quercus texana</i>)
Southern live oak	(<i>Quercus virginiana</i>)
Water oak	(<i>Quercus nigra</i>)
Bur oak	(<i>Quercus macrocarpa</i>)
Chinquapin oak	(<i>Quercus muehlenbergii</i>)
American elm	(<i>Ulmus americana</i>)
Pecans and hickories	(<i>Cayra species</i>)
Magnolia	(<i>Magnolia grandiflora</i>)
Bald cypress	(<i>Taxodium distichum</i>)
Pine species	(<i>Pinus species</i>)
Ash species	(<i>Fraxinus species</i>)
Sycamore	(<i>Plantanus occidentalis</i>)
Black walnut	(<i>Juglans nigra</i>)

Post Oak — 22" Specimen Size

Common Name	Scientific Name
Post oak	(<i>Quercus stellata</i>)

(Ord. No. 63-08, § 3(94-6), 10-6-2008; Ord. No. 62-16, § 3, 11-21-2016; Ord. No. 51-22, § 9, 10-17-2022)

Sec. 94-23. Tree survey; development projects.

Tree surveys are required to accompany an application for a development plan, site plan, record plat, replat, oil and gas well drilling permit, oil and gas pipeline permit, tree removal permit, or tree transplanting permit. A tree survey may be required to accompany a zoning application or a master plan amendment if it is deemed necessary by the town's tree preservation and enforcement officer. Each tree survey shall contain, but not be limited to, the following information/parts:

- (1) The location of all specimen trees and historic trees on the subject site.
- (2) The location of the trunk and the extent of the canopy spread of each specimen tree and historic tree on the subject site.

-
- (3) A table containing the following information for each specimen tree and historic tree:
- a. Tree number;
 - b. Common and scientific name of each tree;
 - c. Diameter (DBH) of each tree measured in accordance with section 94-14 of this chapter;
 - d. General health/condition of each tree;
 - e. Average canopy spread;
 - f. Status (specimen or historic) of each tree;
 - g. Whether each identified tree will remain or be removed; and
 - h. Location coordinates (northings and eastings, State Plane - NAD 1983) for each tree.
- (4) Each specimen tree and historic tree shall be affixed with a permanent tag bearing the corresponding number on the tree survey. This tag shall be placed on the trunk of the tree, between five and six feet in height on the south face of the tree's trunk.
- (5) Each tree survey shall contain a count of all protected trees located on the property.
- (6) Each tree survey shall contain a count of all protected trees that will be removed from the buildable area on the property. The phrase "buildable area" is defined in section 94-32 of this chapter.
- (7) Protected trees designated for preservation shall be flagged in a distinguishing manner approved by the town for such purpose. In addition, those trees designated for removal shall be flagged in a different distinguishing manner as approved by the town.
- (8) The tree survey must be signed, and stamped or sealed, by a certified arborist, certified forester, or a registered landscape architect. Each tree survey submitted shall contain one sheet of the tree survey as described above, one sheet with the tree survey data overlain with the site information, and one sheet with the site information overlain on an aerial photo for the site. The tree survey shall be on drawings measuring 24 inches by 36 inches and shall be drawn to a scale of no less than 100 feet to one inch, unless otherwise approved by the tree preservation and enforcement officer. When necessary the tree survey shall be on several sheets accompanied by an index sheet, showing the entire area of the survey. Necessary site information includes:
- a. The location and dimensions of all existing or proposed public streets, alleys, rights-of-way, utility easements, drainage easements, fence easements, pedestrian access easements or other public rights-of-way or easements;
 - b. The location and dimensions of the designated parking area and designated stockpile area required in this subdivision and of any site proposed or anticipated to be proposed for a temporary batching plant permit; and,
 - c. The location of all existing or proposed property lines, lot lines, building lines, setback and yard requirements, any proposed building footprint or floor plan, and other special relationships or significant features of the proposed development plan, record plat or site plan of the development.
 - d. The location of designated upland, riparian habitat, and FEMA floodplain, if identified through an environmentally sensitive area survey and subsequent environmental protection plan, as defined in the town's SMARTGrowth Program and Analysis Manual.

(Ord. No. 63-08, § 3(94-7), 10-6-2008; Ord. No. 62-16, § 4, 11-21-2016)

Sec. 94-24. Tree survey; residential lots.

Tree surveys are required to accompany an application for a building permit for the construction of homes on undeveloped residential lots. For lots that are one acre in size or larger, the tree survey shall be completed as described in section 94-23 of this chapter. For lots that are less than one acre in size, the tree survey shall contain, but not be limited to, the following information/parts:

- (1) A site plan showing: The location and configuration of the proposed house/structure, all required setbacks, sidewalks, driveway locations, porches, etc.
- (2) Further, the site plan shall show the location of all specimen or historic trees located on the site.
- (3) The survey shall depict the location of the trunk and the extent of the canopy spread of each specimen or historic tree.
- (4) A table (spreadsheet) shall be supplied containing the common name, caliper width (DBH), and tree number of each specimen tree and historic tree shown on the site plan/tree survey. All measurements shall be in accordance with section 94-14 of this chapter.
- (5) A count of all protected trees on the site and all protected trees proposed for removal shall be included on the tree survey.

(Ord. No. 63-08, § 3(94-8), 10-6-2008)

Secs. 94-25—94-30. Reserved.

ARTICLE IV. PERMITS, MITIGATION, PENALTIES, AND INCENTIVES

Sec. 94-31. Generally.

No person, directly or indirectly, shall cut down, destroy, remove or effectively destroy through damaging any protected, specimen, or historic tree on any real property within the town without first obtaining a tree removal permit as required in the terms and provisions of this article. Further, the replanting of any protected, specimen, or historic tree requires a tree replanting permit in accordance with the terms and provisions of this article.

(Ord. No. 63-08, § 3(94-9), 10-6-2008)

Sec. 94-32. Trees located in a buildable area.

The phrase "buildable area" shall mean and include all of a commercial or residential building lot, oil and gas pad site, development site or other site, excluding the fully developed FEMA floodplain as defined in section 90-403 and required street/landscaping buffer areas. Trees located within TXDOT rights-of-way are exempt from the terms and provisions of this chapter.

(Ord. No. 63-08, § 3(94-10), 10-6-2008; Ord. No. 62-16, § 5, 11-21-2016)

Sec. 94-33. Tree transplanting permit.

An application for a tree transplanting permit for protected trees located on undeveloped property or developed nonresidential property within the town may be submitted at any time and need not be submitted in

conjunction with a development plan or record plat or a building permit. Tree transplanting permits shall be obtained by making application to the town's tree preservation and enforcement officer or authorized designee on forms prescribed by the town when a protected tree is proposed to be transplanted within the town. No fee shall be charged to make application for a tree transplanting permit. The application shall also be accompanied by a written document indicating the reasons for transplanting the protected tree and two copies of a legible tree survey. The tree survey should be prepared in accordance with section 94-24 of this chapter.

Upon receipt of a proper application for a tree transplanting permit, the town's tree preservation and enforcement officer or authorized designee shall review the application and may conduct field inspections of the site or development and/or refer the permit application to other departments for review and recommendations as deemed necessary and appropriate by the town manager or authorized designee. The application for a tree transplanting permit shall be approved unless the town's tree preservation and enforcement officer or authorized designee determines that the proposed transplanting will unnecessarily damage or jeopardize the health of the trees proposed to be transplanted. A denial of an application for a tree transplanting permit by the tree preservation and enforcement officer or authorized designee may be appealed to the environmental conservation commission. The decision of the environmental conservation commission regarding the appeal from the denial of such tree transplanting permit application shall be final.

(Ord. No. 63-08, § 3(94-11), 10-6-2008)

Sec. 94-34. Tree removal permit.

Tree removal permits are required for the removal of protected trees located outside the buildable area of a lot or site, and for any specimen trees and historic trees that are intended for removal from a lot or site in conjunction with the development, redevelopment, subdivision and/or re-subdivision of real property within the town.

An application for a tree removal permit, when required, shall be submitted at the earliest point in the application process where entitlements and/or buildable area are established. The following outlines the process associated with tree removal permit applications.

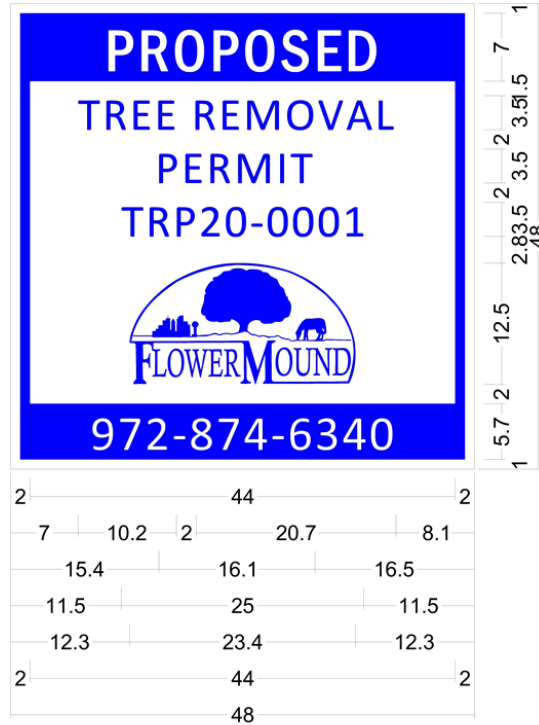
- (1) Tree removal permit applications, when required, shall be submitted in conjunction with a zoning planned development (ZPD) or a development plan and shall be considered by the environmental conservation commission prior to the project proceeding to the planning and zoning commission. The application shall be placed on the same town council agenda for action as the ZPD or development plan; or
- (2) Tree removal permit applications, when required, shall be submitted in conjunction with site plans or record plats for the development of subdivisions of four lots or less where the construction of necessary infrastructure necessitates a tree removal permit, and shall be considered by the environmental conservation commission and acted upon by the town council prior to the site plan or record plat proceeding to the planning and zoning commission for approval; or
- (3) Tree removal permit applications, when required, shall be submitted in conjunction with the development of individual residential or nonresidential platted lots and shall be considered by the environmental conservation commission and acted upon by the town council prior to the issuance of a building permit.

No protected trees located outside the buildable area, specimen trees, or historic trees approved for removal in accordance with this chapter shall be removed from any building lot or site until:

- (1) Proper mitigation or replacement requirements have been determined and approved for the lot or site; and

-
- (2) A preconstruction meeting has been held with proper town staff authorizing grading and construction activities to begin on the lot or site; and/or
 - (3) A building permit, where needed, has been issued for the lot or site.
- (a) *Tree removal permits for fewer than ten protected trees or four specimen trees.* A tree removal permit shall be obtained by making application to the town's tree preservation and enforcement officer or authorized designee on forms prescribed by the town. The application shall include the following:
- (1) A written document indicating the reasons for removal of the protected, specimen, or historic trees on the lot or site.
 - (2) Photographs of each tree requested for removal.
 - (3) Photographs of required signage on the site as described below.
 - (4) Two copies of a tree survey for the lot or site prepared as described in section 94 -23 of this chapter.
- (b) *Tree removal permits for greater than ten protected trees or four specimen trees.* Applicants requesting to remove greater than ten protected trees or greater than four specimen trees, shall have the option of requesting a comprehensive tree removal permit. The fee for this permit will be \$1,000.00. All other requirements and incentives remain unchanged.
- (c) A sign shall be placed on each separate lot or tract for which a tree removal permit is requested to inform the general public that an application for a tree removal permit has been filed relative to a protected, specimen, or historic tree.
- (1) The size of the sign shall be four feet by four feet.
 - (2) The sign shall be made out of aluminum or ten mm thick fluted polypropylene corrugated plastic material. If using plastic, the sheets shall be extruded comprising of two skins separated by vertical ribs.
 - (3) The sign shall be double-sided, mounted on two stakes/poles, and the bottom of the sign shall be at least one foot above grade.
 - (4) The sign shall be posted at least 15 days prior to a scheduled public hearing with the environmental conservation commission.
 - (5) The sign shall be visible from and placed perpendicular to the street.
 - (6) There shall be one sign for each 500 feet of street frontage.
 - (7) The sign shall have a white background, with letters and borders being blue in color. The sign shall include the following information: The type of request, the case number, the town's logo, and environmental services' contact number.

Example:



3.0" Radius, 1.0" Border, 1.0" Indent, Blue on, White;
 "TREE REMOVAL ", Calibri 150% spacing;
 "PERMIT ", Calibri 150% spacing;
 "TRP20-0001", Calibri 150% spacing; LOGO;

- (8) The owner/developer/applicant shall be required to remove informational signs from the lot or tract of land within ten days after the date of the final action on the tree removal permit. The owner/developer/applicant shall also be required to replace missing informational signs within two weeks of staff notifying them of the absence.

(Ord. No. 63-08, § 3(94-12), 10-6-2008; Ord. No. 22-20, § 3, 8-17-2020)

Sec. 94-35. Tree removal permit on property zoned agricultural district (A) uses.

No fee shall be charged to make application for a tree removal permit for the removal of protected trees located on real property having an agricultural zoning district classification. However, if within any 12-month period, tree removal permits for the removal of 20 or more protected trees are issued for the same agricultural property or tract, or any of its portions, the agricultural zoning district classification of such property cannot be changed, nor can an application for approval of a development plan, planned development or zoning amendment relative to such property be made, for a period of 60 months following the most recent 12-month period during which 20 or more protected trees were removed from such agricultural zoned property.

(Ord. No. 63-08, § 3(94-13), 10-6-2008)

Sec. 94-36. Special provisions for agricultural district (A) uses.

Notwithstanding anything contained in this chapter to the contrary, for tracts zoned agricultural district (A) uses, the tree survey requirements contained in this article shall be limited in their application to proposed rights-of-way, easements and an area equal to 20 feet on any side of such rights-of-way and easements, provided that

the applicant executes a development agreement with the town that all trees on the tract and outside of such areas, for the purposes of such agreement, are protected trees (regardless of their species or caliper width) and that the unauthorized removal of such trees shall result in the revocation of any previously approved development plan and record plat for a period of 60 months from the date of the most recent unauthorized removal of one or more trees from the subject property.

(Ord. No. 63-08, § 3(94-14), 10-6-2008)

Sec. 94-37. Review of application.

- (a) An application for a tree removal permit for a protected tree located outside of the buildable area shall be accompanied by an administrative fee per tree proposed for removal in the amount listed in appendix A of this Code, not to exceed a total per permit application in an amount listed in appendix A of this Code. An application for a tree removal permit for a specimen tree, or historic tree shall be accompanied by an administrative fee per tree proposed for removal in the amount listed in appendix A of this Code. Upon receipt of a properly completed application accompanied by the appropriate fee, the tree preservation and enforcement officer or his authorized designee shall review the application and may conduct field inspections of the development and/or refer the permit application to other departments for review and recommendations as deemed necessary and appropriate by the tree preservation and enforcement officer or his authorized designee.
- (b) The application for a tree removal permit, if required, shall be considered an integral part of the application for development plan or site plan approval, or the application for an oil and gas well permit. No development plan or site plan for any development, or oil and gas well permit, subject to the terms and provisions of this subdivision, shall be approved without approval of such tree removal permit. It is further provided that if a property owner or developer does not submit a tree removal permit application prior to town approval of a development plan covering a particular site, then if a tree removal permit application for the site is submitted later, approval of the development plan may be revoked. In this event, a revised development plan must be submitted for review by the town.
- (c) The tree preservation and enforcement officer may approve, approve with conditions, or deny a request for a tree removal permit for protected trees located outside the buildable area of a lot or site, provided that the requested tree removal permit is for the removal of trees in a development district other than the Cross Timbers Conservation Development District. An appeal of the decision of the tree preservation and enforcement officer may be made to the Environmental Conservation Commission.
- (d) An application for a tree removal permit for specimen, historic, or protected trees located outside the buildable area of a lot or site within the Cross Timbers Conservation Development District or an application for a tree removal permit for specimen, or historic trees within all other districts shall be submitted to the environmental conservation commission for review and recommendation to the town council that the permit application be approved, approved with conditions or denied. The environmental conservation commission shall not recommend an application for a tree removal permit be approved or approved with conditions, unless the commission finds that the subject development, redevelopment, subdivision or re-subdivision cannot reasonably be developed, based on economic and/or practical considerations, without removal of the trees included in the permit application.
- (e) The environmental conservation commission's recommendation concerning an application for tree removal permit shall be reviewed by the town council. The town council may then approve the application, approve it with conditions, or deny the application; however, the town council may overturn the denial of an application for tree removal permit by the environmental conservation commission only upon a finding that the subject development, redevelopment, subdivision or re-subdivision cannot reasonably be developed,

based on economic and/or practical considerations, without removal of the trees included in the permit application.

- (f) Approval for removal of a historic tree shall require a three-fourths majority vote of the environmental conservation commission and the town council, respectively.

(Ord. No. 63-08, § 3(94-15), 10-6-2008)

Sec. 94-38. Per-caliper-inch cash value; replacement trees; mitigation fee credit.

- (a) A per-caliper-inch cash value for replacement trees shall be set, and updated as necessary by the town council after review and recommendation by the environmental conservation commission. The per-caliper-inch cash value shall be used to calculate mitigation costs for authorized and unauthorized removals of protected, specimen, and historic trees. The tree preservation and enforcement officer or his authorized designee shall maintain a record of the current per-caliper-inch cash value of replacement trees.
- (b) Whenever a mitigation fee is imposed in accordance with this chapter, a mitigation fee credit will be given for replacement tree(s), that are at least two inches in diameter at the point on the trunk four and one-half feet above ground, planted on the property for which the tree mitigation fee was assessed or property mutually agreed upon by the town and the person. The calculation for the credit will be done in the same manner as the tree mitigation fee assessed against the person and be:
- (1) Fifty percent of the amount of the tree mitigation fee assessed against the person if:
- The property is a residential structure or pertains to the development, construction, or renovation of a residential structure; and
 - The person is developing, constructing, or renovating the property not for use as the person's residence; or
- (2) Forty percent of the amount of the tree mitigation fee assessed against the person if:
- The property is not a residential structure; or
 - The person is constructing or intends to construct a structure on the property that is not a residential structure.
- (c) An application for a mitigation fee credit under subsection (b) must be done in conjunction with an application for a tree removal permit as prescribed within this chapter.

(Ord. No. 63-08, § 3(94-16), 10-6-2008; Ord. No. 43-17, § 1, 11-20-2017)

Sec. 94-39. Mitigation requirements for authorized tree removal.

- (a) *Replacement trees required for the removal of protected trees located within the buildable area on a lot or site.* It shall be the responsibility of any person removing a protected tree located within the buildable area of a lot or site to replace each protected tree removed with one, two and one-half to three-inch caliper tree measured in accordance with section 94-13 of this chapter. Replacement trees shall be of a species listed on the town's approved mitigation and replacement tree planting list. Replacement trees shall have a minimum height of at least six feet, and shall be planted in locations approved by the tree preservation and enforcement officer or authorized designee. Acceptable locations shall include reforestation sites designated by the town. At the discretion of the tree preservation and enforcement officer or authorized designee, money in an amount equal to the per-caliper-inch cash value of the removed tree(s) may be paid to the town instead of providing the replacement trees required by this article. Any such payments shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in

Created: 2024-09-25 08:53:51 [EST]

(Supp. No. 36)

public areas of the town and/or to support the administration and enforcement of the town's tree preservation regulations. A per-caliper-inch cash value for replacement trees shall be set by the town council in accordance with section 94-38 of this article.

- (b) *Mitigation of loss of habitat.* When any person seeks to develop property, rezone property, or amend the master plan regarding property, so that an application for a development plan, site plan, record plat, re-plat, oil and gas well drilling permit, oil and gas pipeline permit, tree removal permit, or tree transplanting permit is required by this chapter, and such person wishes to remove protected trees from an environmentally sensitive area (ESA), such as upland habitat and/or riparian habitat as defined in the town's SMARTGrowth Program and Analysis Manual, it shall be the responsibility of such person to mitigate the acreage of habitat lost or negatively impacted through either the payment to the town of mitigation fees or the planting of replacement trees included in the required environmental protection plan (EPP) for the development project, or a combination thereof that results in the required mitigation. This required habitat mitigation only applies to impacts to designated upland or riparian habitats. The mitigation for the removal of protected trees located outside of the designated habitats as established in an approved EPP is addressed in section 94-39(a). The monetary value of upland habitat and riparian habitat is set at \$15,000.00 per acre. Preservation incentives for upland and/or riparian habitat preserved within a project are established in section 94-40. At the discretion of the tree preservation and enforcement officer or authorized designee, money in an amount equal to the value of the removed habitat may be paid to the town instead of providing the replacement trees. Any such payments shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town and/or to support the administration and enforcement of the town's tree preservation regulations.
- (c) *Replacement trees required for the removal of protected trees located outside the buildable area on a lot or site.* It shall be the responsibility of any person obtaining a tree removal permit for a protected tree located outside of the buildable area on a lot or site to provide replacement with trees having a total caliper width equivalent to one and one-half times that of the tree(s) to be removed. Total caliper width for replacement trees shall be calculated using measurements taken in accordance with section 94-14 of this chapter. For example, if a ten-inch protected tree is removed, then that tree must be replaced by trees having a total caliper width of 15 inches. This total caliper width could be satisfied by an approved combination of replacement trees to meet the required caliper width replacement. Replacement trees shall be of a species listed on the town's approved mitigation and replacement tree planting list. Such replacement trees shall be container-grown and each replacement tree shall have a minimum caliper width of two and one-half inches to three inches, measured in accordance with section 94-13 of this chapter. Replacement trees shall have a minimum height of at least six feet, and shall be planted in locations approved by the tree preservation and enforcement officer or his authorized designee. Acceptable locations shall include reforestation sites designated by the town. At the discretion of the tree preservation and enforcement officer or authorized designee, money in an amount equal to the per-caliper-inch cash value of the removed tree(s) may be paid to the town instead of providing the replacement trees required by this article. Any such payments shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town and/or to support the administration and enforcement of the town's tree preservation regulations. A per-caliper-inch cash value for replacement trees shall be set by the town council in accordance to section 94-38 of this chapter.
- (d) *Replacement trees required for the authorized removal of specimen trees.* It shall be the responsibility of any person obtaining a tree removal permit for a specimen tree to provide replacement trees having a total caliper width equivalent to two times that of the tree(s) to be removed. Total caliper width for replacement trees shall be calculated using measurements taken in accordance with section 94-14 of this chapter. Replacement trees shall be of a species listed on the town's approved mitigation and replacement tree planting list. Such replacement trees shall be container-grown and have a minimum caliper width of two and one-half inches to three inches, measured in accordance with section 94-13 of this chapter. Replacement trees shall have a minimum height of at least six feet, and shall be planted in a location approved by the tree

preservation and enforcement officer or authorized designee. Acceptable locations shall include reforestation sites designated by the town. At the discretion of the tree preservation and enforcement officer or authorized designee, money in an amount equal to the per-caliper-inch cash value of the removed tree(s) may be paid to the town instead of providing the replacement trees required by this article. Any such payments shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town and/or to support the administration and enforcement of the town's tree preservation regulations. A per-caliper-inch cash value for replacement trees shall be set by the town council in accordance to section 94-38 of this chapter.

- (e) *Replacement trees required for the authorized removal of historic trees.* It shall be the responsibility of any person obtaining a tree removal permit for a historic tree to provide replacement trees having a total caliper width equivalent to two and one-half times that of the tree(s) to be removed. Total caliper width for replacement trees shall be calculated using measurements taken in accordance with section 94-14 of this chapter. Replacement trees shall be of a species listed on the town's approved mitigation and replacement tree planting list. Such replacement trees shall be container-grown and have a minimum caliper width of two and one-half inches to three inches, measured in accordance with section 94-13 of this chapter. Replacement trees shall have a minimum height of at least six feet, and shall be planted in locations as approved by the tree preservation and enforcement officer or authorized designee. Acceptable locations shall include reforestation sites designated by the town. At the discretion of the tree preservation and enforcement officer or authorized designee, money in an amount equal to the per-caliper-inch cash value of the removed tree(s) may be paid to the town instead of providing the replacement trees required by this article. Any such payments shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town and/or to support the administration and enforcement of the town's tree preservation regulations. A per-caliper-inch cash value for replacement trees shall be set by the town council in accordance to section 94-38 of this chapter.

Any fees or payments made to the town to satisfy the mitigation or replacement requirements of this article shall be paid at the time of a preconstruction meeting authorizing grading or construction activities to occur on the lot or site. In cases where a preconstruction meeting is not required, all fees or payments shall be made prior to the issuance of a building permit for the lot or site.

(Ord. No. 63-08, § 3(94-17), 10-6-2008; Ord. No. 62-16, § 6, 11-21-2016)

Sec. 94-40. Incentives for preservation of protected, specimen, and historic trees.

If any protected, specimen, or historic tree is preserved within an area that would otherwise be considered a buildable area, credit for preservation shall be given that will be counted toward the mitigation requirements for the removal of protected trees within the buildable area on a site or project. Such mitigation credits shall be given only for those trees whose critical root zones are left predominately in their natural state. No cutting, filling, or other construction related activities are allowed within the critical root zones of trees eligible for mitigation credit unless otherwise approved in writing and in advance by the town. Existing trees that are preserved within required street yard landscaping areas shall be counted for credit toward the requirements of section 82-241 of this Code, street yard landscaping, provided that they are located within the street yard and/or parking area. Following is a list of credits available for the preservation of protected and specimen trees on a site or project, and a separate credit schedule for the preservation of protected and specimen post oak trees on a site or project.

- (1) One mitigation tree credit will be given for each protected tree preserved within a buildable area on a site or project.
- (2) The following schedule outlines tree credits that will be given for each specimen tree preserved within a buildable area on a site or project.

*Buildable Area Mitigation Specimen
Tree Credit Schedule*

Caliper Size (Diameter)	Tree Credits
13—18 inches	3
19—24 inches	4
25—30 inches	5
Greater than 30 inches	6

- (3) The following schedule outlines tree credits that will be given for each protected or specimen post oak tree preserved on a site or project and located outside of an ESA.

Post Oak Tree Credit Schedule

Post Oak Caliper Size (Diameter)	Tree Credits
6—12 inches	2
13—21 inches	4
22 inches and greater	6

- (4) Mitigation credits for preservation of protected trees within designated upland and/or riparian habitat will be given for each acre of habitat protected on a site or project.
- (5) For purposes of this section, one mitigation tree credit shall be the equivalent of the person developing the property providing one container-grown tree as provided in section 94-39 of a variety selected from the replacement tree list having a minimum caliper width of two and one-half inches to three inches, measured in accordance with section 94-13 of this chapter. In the event the tree preservation and enforcement officer or authorized designee approves the payment of money in an amount equal to the per-caliper-inch cash value of the removed tree(s) instead of providing the replacement trees required by this article, one mitigation tree credit shall be the equivalent of the per-caliper-inch cash value for a replacement tree having a minimum caliper width of two and one-half inches to three inches. However, no tree credits shall be allowed or permitted for trees that are dead, dying, diseased or infested with harmful insects (as determined by the tree preservation and enforcement officer or authorized designee), or for trees which have not been adequately protected using required tree protection measures, as defined in article V of this chapter, or which are otherwise likely to die (as determined by the tree preservation and enforcement officer or authorized designee); or trees that are not included on the protected tree list.

(Ord. No. 63-08, § 3(94-18), 10-6-2008; Ord. No. 62-16, § 7, 11-21-2016)

Sec. 94-41. Penalties for unauthorized removal of protected, specimen, and historic trees.

If any protected, specimen, or historic trees are removed from any real property without a tree removal permit, or if a protected, specimen, or historic tree is injured because of failure to follow required tree protection measures such that the tree dies or may reasonably be expected to die, the town shall have the authority to impose one or more of the following administrative and civil penalties on the developer and/or owner of the property:

- (1) A monetary penalty of \$250.00 per-caliper-inch of width of the protected tree(s) removed or damaged, payable to the town. A monetary penalty of \$500.00 per-caliper-inch of width of the specimen tree(s)

Created: 2024-09-25 08:53:51 [EST]

(Supp. No. 36)

removed or damaged, payable to the town. A monetary penalty of \$750.00 per-caliper-inch of width of the historic tree(s) removed or damaged, payable to the town. Funds paid to the town as tree removal penalties shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town, and/or to support the administration and enforcement of the town's tree preservation regulations.

- (2) For each protected tree that is removed or damaged, replacement with new trees having a total tree caliper width equivalent to five times that of the removed or damaged tree(s). For each specimen tree that is removed or damaged, replacement with new trees having a total tree caliper width equivalent to ten times that of the removed or damaged tree(s). For each historic tree that is removed or damaged, replacement with new trees having a total tree caliper width equivalent to 15 times that of the removed or damaged tree(s). Replacement trees shall be of a species listed on the town's approved mitigation and replacement tree planting list. Such replacement trees shall be container-grown and have a minimum caliper width of two and one-half inches to three inches, measured in accordance with section 94-13 of this chapter. Replacement trees shall have a minimum height of at least six feet, and shall be planted in locations as approved by the tree preservation and enforcement officer or authorized designee. Acceptable locations shall include reforestation sites designated by the town. At the discretion of the tree preservation and enforcement officer or authorized designee, money in an amount equal to the per-caliper-inch cash value of the removed or damaged tree(s) may be paid to the town instead of providing replacement trees required by this article. Any such payments shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town and/or to support the administration and enforcement of the town's tree preservation regulations. A per-caliper-inch cash value for replacement trees shall be set by the town council in accordance with section 94-38 of this article.

(Ord. No. 63-08, § 3(94-19), 10-6-2008)

Secs. 94-42—94-50. Reserved.

ARTICLE V. TREE PROTECTION

Sec. 94-51. Enumeration.

The following tree protection measures shall be required:

- (1) Prior to any and all construction or land development activity, the developer or property owner shall install four-foot-high plastic (or equivalent) safety fencing around the drip line of protected trees and six-foot-high chain-link fencing around the drip line of specimen and historic trees.
- (2) Prior to any and all construction or land development activity, the developer or property owner shall establish designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment and related items, designated stockpile areas for the storage of construction supplies and materials during construction of the subdivision and designated drive areas for vehicles and equipment. The location and dimensions of such designated areas shall be clearly identified on both subdivision construction and site plans and shall be approved by the tree preservation and enforcement officer or authorized designee prior to any construction or land development activity in, on or about the subdivision. Such designated areas shall be completely fenced with chain-link fencing and gates for safety purposes and to separate protected, specimen, or historic trees from the construction area and related construction activity. With the approval of the tree preservation and enforcement officer or authorized designee, the designated parking and stockpile areas may be

combined into one fenced area, provided that the preservation of protected trees is not adversely affected or jeopardized. Supplies and pipe and other items that are customarily unloaded where installed shall not be required to be stored within the designated stockpile areas. Sites approved for temporary batching plant permits shall be fenced and gated in the same manner as designated parking and stockpile areas. Temporary batching plant permits shall also be required for the operation of all batching plants, pursuant to the regulations of this chapter.

- (3) During construction, the developer or property owner shall prohibit the cleaning of equipment or materials and/or the disposal of any waste material, including, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy or drip line of any protected, specimen, or historic tree or group of such trees.
- (4) No attachments or wires of any kind, other than those of a protective nature, shall be attached to any protected tree(s).
- (5) With major grade changes of six inches or greater, a retaining wall or tree well of rock, brick, landscape timbers or other approved materials shall be constructed around the tree no closer than the drip line of the tree. The top of the retaining wall or tree well shall be constructed at the new grade.
- (6) Unless otherwise approved by the town, no construction or construction-related activity shall occur under the canopy or drip line of any protected, specimen, or historic tree or group of such trees.
- (7) Any tree(s) removed during land development, construction or construction-related activities shall be chipped or hauled off site. Burning of removed trees is prohibited unless prior approval is given by the town's fire marshal.
- (8) The tree preservation and enforcement officer or authorized designee may require additional protection measures or best management practices as needed on a case by case basis to adequately protect protected, specimen, historic trees, or trees required as part of an approved landscape plan.

(Ord. No. 63-08, § 3(94-20), 10-6-2008; Ord. No. 62-16, § 8, 11-21-2016)

Secs. 94-52—94-60. Reserved.

ARTICLE VI. TREE PLANTING REQUIREMENTS AND PLANTING LISTS

Sec. 94-61. Street yard trees.

Trees shall be planted or existing trees preserved within the street yard of a nonresidential lot or building tract according to the following provisions:

- (1) For street yards less than 10,000 square feet in area, one tree shall be provided for each 1,000 square feet, or fraction of such amount, of street yard.
- (2) For street yards between 10,000 and 110,000 square feet in area, ten trees shall be required for the first 10,000 square feet plus one additional tree shall be required for each 2,500 square feet, or fraction of such amount, of street yard area in excess of 10,000 square feet.
- (3) For street yards over 110,000 square feet in area, 50 trees shall be required for the first 110,000 square feet plus one additional tree shall be required for each 5,000 square feet, or fraction of such amount, of street yard area in excess of 110,000 square feet.
- (4) Street yard trees shall be a minimum of three-inch caliper.

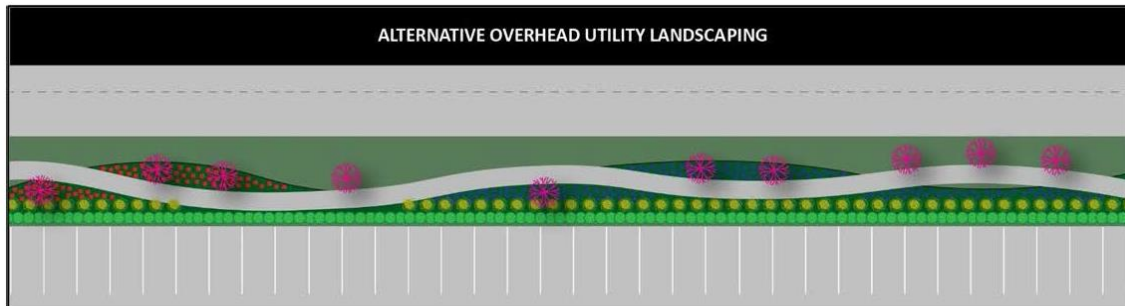
-
- (5) Trees required to satisfy other provisions of this article and lying within the street yard may be used to satisfy the requirements of this section.
 - (6) When calculating the number of required street yard trees results in fractions, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall be rounded upward to the next highest full number.

(Ord. No. 63-08, § 3(94-21), 10-6-2008; Ord. No. 51-22, § 10, 10-17-2022)

Sec. 94-62. Street buffer trees.

Trees shall be planted or existing trees preserved within the street buffer landscaping area required by section 82-242 of this Code, "Street buffer landscaping," according to the following provisions:

- (1) *Generally.* Street buffer trees shall be provided at a ratio of one tree for every 30 feet of linear frontage excluding any necessary driveways, unless otherwise provided.
- (2) *Cross Timbers Conservation Development District (CTCDD).*
 - a. *Cross Timbers Road (FM 1171).* Street buffer trees shall be provided at a ratio of one tree for every 25 feet of linear frontage and contain native species only.
 - i. *Groves or drifts.* Random groves, which are a grouping of trees comprised of the same species, or drifts, which are a grouping of trees consisting of several species of not less than three trees, should be spaced every 100 to 350 feet.
 - ii. *Ornamental trees.* Trees from subsection 94-68(2) may make up 30 percent of the required trees and be incorporated within the groves or drifts.
 - b. *Rural collectors.* Street buffer trees shall be provided at a ratio of one tree for every 30 feet of linear frontage and must contain native species only. Trees are to be randomly spaced in odd numbered groves or drifts of no less than three trees every 100 to 150 feet.
- (3) All street buffer trees shall be a minimum of three-inch caliper at the time of installation.
- (4) All street buffer trees shall have a minimum spacing of 20 feet on center.
- (5) *Utility easements and overhead utilities.*
 - a. *Generally.* Trees planted in utility easements, where required, must use trees from section 94-68(4) and be planted at a ratio of three ornamental trees for each tree required.
 - b. *Alternative.* Trees planted in utility easements may use trees from section 94-68(4) and be planted at a ratio of one ornamental tree for each tree otherwise required within the easement with one additional tree from section 94-68(1) planted elsewhere on the site. A landscaped area with a mixture of groundcover, native grasses, and shrubs incorporated into a curvilinear design must be included. The landscaped area must span the length of the utility easement within the street buffer, and be at least five feet in width. In no instance shall parking area screening count toward meeting the required minimum width. However, parking area screening and sidewalks are encouraged to be incorporated into the design.
- (6) When calculating the number of required street buffer trees results in fractions, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall be rounded upward to the next highest full number.
- (7) *Illustration.*

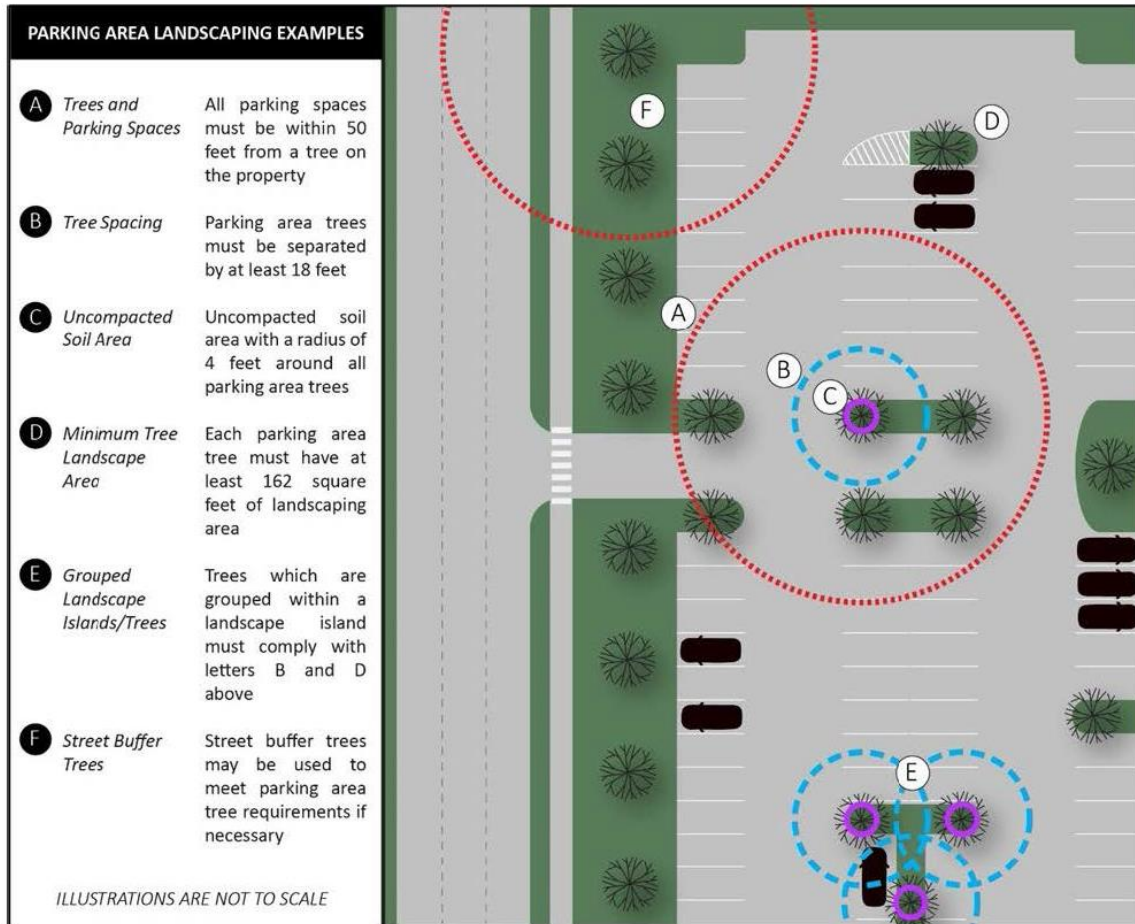


(Ord. No. 63-08, § 3(94-22), 10-6-2008; Ord. No. 51-22, § 10, 10-17-2022)

Sec. 94-63. Parking area trees.

Trees must be planted, or existing trees preserved, within off-street parking areas according to the following provisions:

- (1) One tree shall be provided for each ten parking spaces on the site; provided, however, that religious institutions and schools shall be required to provide one tree for each 20 parking spaces on the site, at a minimum.
- (2) Parking area trees must be a minimum of three-inch caliper, except as provided in subsection (4), when planted.
- (3) All parking spaces must be located within 50 feet of a tree on the site, measured from the trunk of the tree; provided, however, all parking spaces for religious institutions and schools must be located within 100 feet of a tree on the site, measured from the trunk of the tree.
 - a. *Exception.* An exception to this requirement may be approved by the town council for any redevelopment or restriping of parking lots located within the campus commercial, campus industrial, industrial district-1, or industrial district-2 zoning district. Requests for an exception must be mitigated by increasing landscaping comparable to the new parking area tree requirement.
 - i. *Fees in lieu.* In the event an applicant can demonstrate there is inadequate space to allow for planting of a comparable number of trees, fees in lieu of planting must be paid to the town's tree preservation fund.
- (4) A maximum of 30 percent of the trees used to satisfy the requirements of this section may come from subsection 94-66(2), "Approved median and right-of-way planting list.
- (5) A landscaped area not less than 162 square feet must be provided for each parking area tree and be surrounded by uncompacted soil with a radius not less than four feet on center, measured from the trunk of the tree. In instances where a contiguous landscape island is used, trees shall be spaced 18 feet on center.
- (6) *Illustration.*

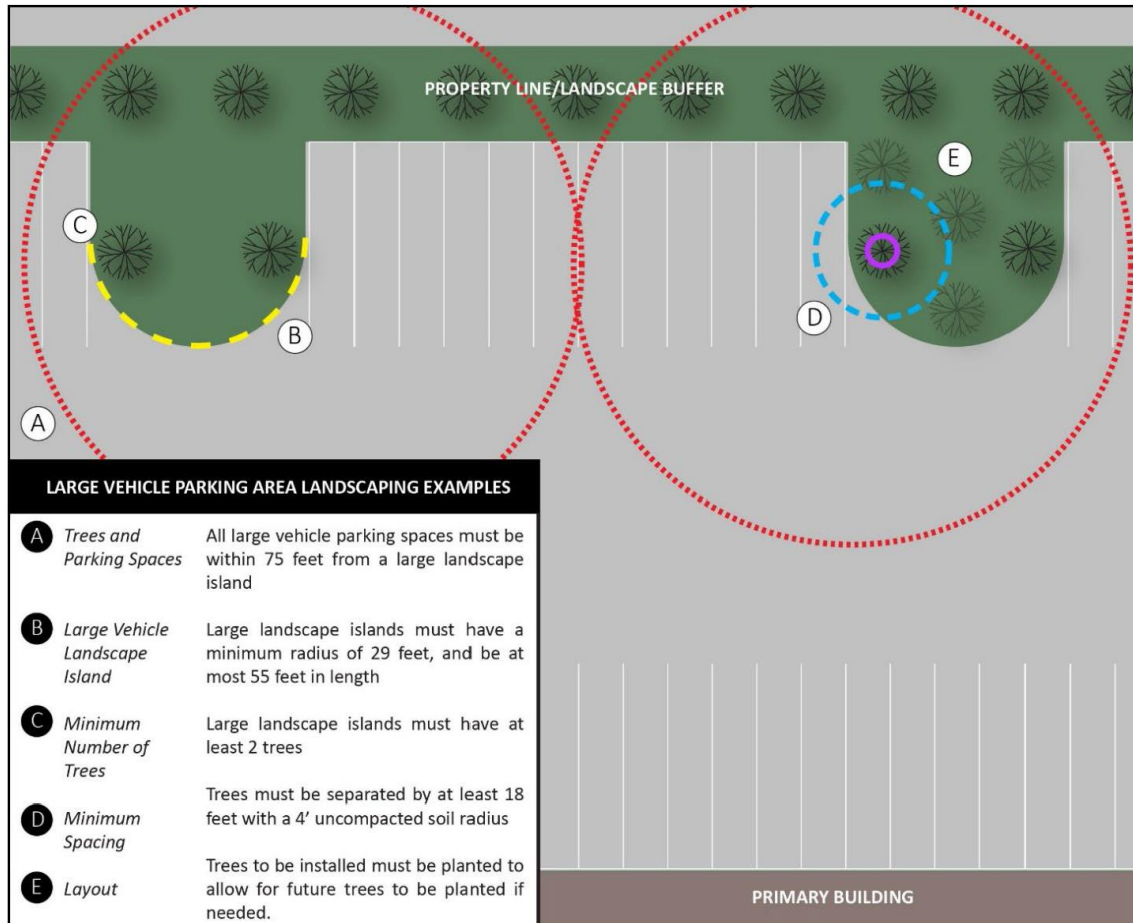


(Ord. No. 63-08, § 3(94-23), 10-6-2008; Ord. No. 51-22, § 10, 10-17-2022)

Sec. 94-64. Large vehicle parking area trees.

Trees must be planted or existing trees preserved according to the following provisions:

- (1) *Trees.* Two trees must be provided within the landscape island from section 94-68. Trees must have an uncompacted soil radius of four feet and be spaced 18 feet on center from other trees.
- (2) *Layout.* New trees must be installed in such a way to allow for future trees to be planted within the landscape island if desired.
- (3) *Illustration.*



(Ord. No. 51-22, § 10, 10-17-2022)

Editor's note(s)—Ord. No. 51-22, § 10, adopted October 17, 2022, renumbered the former §§ 94-64—94-67 as §§ 94-66—94-69 and enacted a new § 94-64 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 94-65. Detention, retention, and water impoundment areas.

All detention, retention, and water impoundment areas must comply with the following landscaping requirements.

- (1) **Purpose.** The purpose of this section is to beautify detention ponds, retention ponds, and water impoundments. Required landscaping is intended to amenitize ponds, and is not intended to screen from public view.
- (2) **Placement.** Trees should be placed to provide a natural design and provide access for necessary maintenance equipment.
- (3) **Perimeter trees.** Perimeter trees must be provided based on the following surface areas:
 - a. **Surface area.** For the purpose of this section, "surface area" shall be defined as the 100-year flood event capacity of the retention pond, detention pond, or water impoundment.

-
- b. For retention or detention surface areas less than 10,000 square feet, one tree shall be provided for each 500 square feet of surface area, or fraction thereof, with a minimum of one tree.
 - c. For retention or detention surface areas between 10,000 and less than 20,000 square feet, 20 trees must be provided for the first 10,000 square feet, plus one additional tree for each 700 square feet of remaining retention or detention surface area, or fraction thereof.
 - d. For retention or detention surface areas between 20,000 and less than 35,000 square feet, 34 trees must be provided for the first 20,000 square feet, plus one additional tree for each 1,000 square feet of remaining retention or detention surface area, or fraction thereof.
 - e. For retention or detention surface areas greater than 35,000 square feet, 49 trees must be provided for the first 35,000 square feet, plus one additional tree for each 1,400 square feet of remaining retention or detention surface area, or fraction thereof.
- (4) *Alternative trees.* Trees from section 94-66(4) may be used and must not account for more than 15 percent of the required trees.
 - (5) *Location.* All required perimeter trees must be located within 50 feet of the detention or retention pond surface area.
 - (6) Trees required to satisfy other provisions of this article and lying within 50 feet of the detention or retention pond's surface area may be used to satisfy the requirements of this section.
 - (7) When calculating the number of required street buffer trees results in fractions, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall be rounded upward to the next highest full number.

(Ord. No. 51-22, § 10, 10-17-2022)

Editor's note(s)—Ord. No. 51-22, § 10, adopted October 17, 2022, renumbered the former §§ 94-64—94-67 as §§ 94-66—94-69 and enacted a new § 94-65 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 94-66. Median and right-of-way trees.

Trees may be planted in medians and rights-of-way only with the approval of the town, provided that such trees are selected from subsection 94-68(2), "Approved median and right-of-way planting list."

(Ord. No. 63-08, § 3(94-24), 10-6-2008; Ord. No. 51-22, § 10, 10-17-2022)

Editor's note(s)—Ord. No. 51-22, § 10, adopted October 17, 2022, renumbered the former § 94-64 as § 94-66 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 94-67. Residential lots.

The following tree planting requirements shall be satisfied prior to the issuance of a certificate of occupancy for a single-family, duplex, or multi-family use:

- (1) A minimum of three trees, with a minimum caliper width of two and one-half inches to three inches, and at least eight feet in height, shall be provided on each 10,000 square foot and greater single-family and duplex lot prior to the issuance of a certificate of occupancy. A minimum of two trees, with a minimum caliper width of two and one-half inches to three inches, and at least eight feet in height, shall be provided on each single-family and duplex lot between 5,000 and 10,000 square feet prior to

the issuance of a certificate of occupancy. At least one of the required trees shall be located within the front yard area of the lot.

- (2) A minimum of one tree, with a minimum caliper width of two and one-half inches to three inches, shall be provided for each 3,000 square feet of gross lot area on each multi-family lot prior to the issuance of a certificate of occupancy. At least 50 percent of the required trees shall be located within either the front or side yard area of the lot.
- (3) From July 1 until September 1 of each year, only container grown trees shall be used to satisfy the requirements of this section; and, the builder/developer shall certify that any such trees are container grown.
- (4) Homeowners desiring to plant trees of a caliper width in excess of two times the requirements of this article may, from July 1 until September 1 of each year, file a town-approved affidavit with the town manager to this effect. Such trees shall be planted by March 1 of the following year in which the affidavit was filed. Failure to comply with the requirements of this article shall be considered a misdemeanor, punishable as such by a fine in accordance with section 1-13 of this Code.
- (5) There shall be no more than 50 percent of any tree species, and no more than 75 percent of any tree genus permitted to satisfy the planting requirements.

(Ord. No. 63-08, § 3(94-25), 10-6-2008; Ord. No. 62-16, § 9, 11-21-2016; Ord. No. 51-22, § 10, 10-17-2022)

Editor's note(s)—Ord. No. 51-22, § 10, adopted October 17, 2022, renumbered the former § 94-65 as § 94-67 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 94-68. Approved tree planting lists.

Unless otherwise specified in this chapter, only those tree species included in this section shall satisfy the tree planting requirements of this article.

- (1) *Generally.* The tree species lists contained in this section has been developed and will be periodically updated by the town's environmental conservation commission and shall be maintained and distributed to the public by the tree preservation and enforcement officer or authorized designee as a guide for the identification and selection of tree species that meet the various standards and requirements of this article. Trees included on these tree species lists were selected on the basis of one or more of the following criteria or factors: hardiness, resistance to disease, suitability relative to local climate and soil conditions, adaptability for transplantation, longevity, adaptability to various landscape conditions, resistance to drought, aesthetic qualities, shade provision, windbreak provision, and screening qualities. To promote biodiversity, there shall be no more than 20 percent of a tree species, and no more than 50 percent of any tree genus permitted to satisfy the planting requirements on all new developments.
- (2) *Approved tree planting list.* Only those tree species found on the following approved tree planting list shall satisfy the tree planting standards and requirements of this article.

*Denotes trees not appropriate within the CTCDD.

Approved Tree Planting List

Common Name	Scientific Name
Southern live oak	(<i>Quercus virginiana</i>)
Escarpment live oak	(<i>Quercus fusiformis</i>)
Shumard oak	(<i>Quercus shumardi</i>)

Created: 2024-09-25 08:53:52 [EST]

Chinkapin oak	(Quercus muehlenbergii)
Monterrey oak	(Quercus polymorpha)
Bur oak	(Quercus macrocarpa)
Texas red oak	(Quercus texana)
Water oak	(Quercus nigra)
American elm	(Ulmus americana)
Cedar elm	(Ulmus crassifolia)
Winged elm	(Ulmus alata)
Lacebark elm*	(Ulmus parvifolia)
Bald cypress	(Taxodium distichum)
Pecans and hickories	(Carya species)
Juniper tree	(Juniperus species)
White ash*	(Fraxinus americana)
Green ash*	(Fraxinus pennsylvanica)
Texas ash*	(Fraxinus texensis)
Western soapberry	(Sapindus drummondii)
Sweet gum	(Liquidambar styraciflua)
Eastern red cedar	(Juniperus virginiana)
Pines	(Pinus species)
Leyland cypress	(Cypressocyparis leylandi)
Black walnut	(Juglans nigra)
Magnolia*	(Magnolia grandiflora)

- (3) *Approved median and right-of-way tree planting list.* The following tree species shall be allowed to be planted in medians and rights-of-way when approved by the town. Additional tree species with nonaggressive root systems/deep root systems may be authorized for planting in such areas by the town manager or their designee.

*Denotes trees appropriate within the CTCDD.

Approved Median and ROW Tree
Planting List

Common Name	Scientific Name
Sweet gum	(Liquidambar styraciflua)
Crepe myrtle	(Lagerstroemia indica)
Wax myrtle	(Myrica cerifera)
Plum*	(Prunus species)
Holly	(Ilex species)
Possum haw*	(Ilex decidua)
Native pecan	(Carya species)
Redbuds/whitebuds*	(Cercis species)
Fruitless crabapples	(Malus species)
Southern live oak	(Quercus virginiana)
Escarpment live oak	(Quercus fusiformis)

Texas red oak	(Quercus texana)
Shumard oak	(Quercus shumardi)
Chinkapin oak	(Quercus muehlenbergii)
Bur oak	(Quercus macrocarpa)
Water oak	(Quercus nigra)
Winged elm	(Ulmus alata)
Cedar elm	(Ulmus crassifolia)
Lacebark elm	(Ulmus parvifolia)
Slippery elm	(Ulmus rubra)
Bald cypress	(Taxodium distichum)
Hickories	(Carya species)
Pines	(Pinus species)
Juniper tree	(Juniperus species)
Texas buckeye	(Aesculus glabra variety arguta)
Common persimmon	(Diospyros virginiana)
Texas ash	(Fraxinus texensis)
White ash	(Fraxinus Americana)
Green ash	(Fraxinus pennsylvanica)
Western soapberry	(Sapindus drummondii)
Black walnut	(Juglans nigra)
Magnolia	(Magnolia grandiflora)
Yaupon holly*	(Ilex vomitoria)
Carolina buckthorn*	(Rhamnus caroliniana)
Thornless honey locust	(Gleditsia triacanthos variety inermis)
Eve's Necklace*	(Styphnolobium affine)

- (4) *Approved mitigation and replacement tree planting list.* The following list of tree species shall be allowed to be planted to satisfy mitigation and replacement standards for trees removed from the buildable area on sites, trees removed with approved tree removal permits, and/or trees removed without authorization.

*Approved Mitigation and Replacement
Tree Planting List*

Common Name	Scientific Name
Native pecan	(Carya species)
Texas red oak	(Quercus texana)
Shumard oak	(Quercus shumardi)
Bur oak	(Quercus macrocarpa)
Water oak	(Quercus nigra)
Winged elm	(Ulmus alata)
Slippery elm	(Ulmus rubra)
Post oak	(Quercus stellata)
Cedar elm	(Ulmus crassifolia)

-
- (5) *Approved overhead utility easement tree planting list.* The following list of tree species shall be allowed to be planted in overhead utility easements where required. These species were selected due to their relatively small mature size and growth characteristics.

*Approved Overhead Utility Easement
Tree Planting List*

Common Name	Scientific Name
Yaupon holly	(Ilex vomitoria)
Carolina buckthorn	(Rhamnus caroliniana)
Possum haw	(Ilex decidua)
Plum	(Prunus species)
Redbuds/whitebuds	(Cercis species)
Wax myrtle	(Myrica cerifera)
Crepe myrtle	(Lagerstroemia indica)

(Ord. No. 63-08, § 3(94-26), 10-6-2008; Ord. No. 62-16, § 10, 11-21-2016; Ord. No. 51-22, § 10, 10-17-2022)

Editor's note(s)—Ord. No. 51-22, § 10, adopted October 17, 2022, renumbered the former § 94-66 as § 94-68 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 94-69. Limits on credit for preservation of existing or established trees.

Existing protected trees, which are not being applied toward compliance with landscaping requirements, may be applied as a credit against required buildable area mitigation. Similarly, existing specimen trees, which are not being applied toward compliance with landscaping requirements, may be applied as credit toward required buildable area mitigation. In order for trees to qualify for credit, all standards described in article V of this chapter, shall be met completely. Further, all requirements set forth in section 94-40 shall also be met for credit to apply toward required buildable area mitigation for such trees. If the trees are compromised in any way, credit will not be given. Eligibility for credit will be determined by the tree preservation and enforcement officer or authorized designee. In no event shall any tree be counted for credit against both the landscaping requirements and the buildable area mitigation requirements.

(Ord. No. 63-08, § 3(94-28), 10-6-2008; Ord. No. 62-16, § 11, 11-21-2016; Ord. No. 51-22, § 10, 10-17-2022)

Editor's note(s)—Ord. No. 51-22, § 10, adopted October 17, 2022, renumbered the former § 94-67 as § 94-69 as set out herein. Previously, Ord. No. 62-16, § 11, adopted Nov. 21, 2016, had renumbered former § 94-68 as § 94-67. The former § 94-67 pertained to landscape credit for large trees and derived from Ord. No. 63-08, § 3(94-27), 10-6-2008.

Secs. 94-70—94-80. Reserved.

ARTICLE VII. MISCELLANEOUS

Sec. 94-81. Exceptions.

The following exceptions from the terms and provisions of this chapter are hereby authorized and granted:

- (1) If any protected, specimen, or historic tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and require immediate removal without delay, authorization for removal may be given by the town manager, upon recommendation of the tree preservation and enforcement officer or authorized designee, and such protected, specimen, or historic tree may then be removed without obtaining a written permit as required in this article.
- (2) During the period of an emergency, such as a tornado, storm, flood or other act of God, the requirements of this article may be waived as may be deemed necessary by the town council.
- (3) All licensed plant or tree nurseries shall be exempt from the terms and provisions of this article only in relation to those trees planted and growing on the premises of such licensee that are so planted and growing for the sale or intended sale to the general public in the ordinary course of such licensed business.
- (4) Utility companies, franchised or otherwise, that are authorized to provide utility service within the town may remove protected, specimen, or historic trees that endanger public safety and welfare by interfering with utility service, except that where such trees are on owner-occupied properties developed for single-family or duplex use, removal of such trees shall be at the option of the property owners and require the property owners' consent and approval.
- (5) For recreational property or uses, such as golf courses and baseball, soccer, football or similar athletic facilities, and public works projects such as water or wastewater treatment plants, pump stations, storage tanks, and public streets and drainage improvements, the buildable area of the property shall include that portion of the property necessary for the construction of such recreational and public works improvements, including sufficient adjacent area, to allow the normal operation of construction equipment.
- (6) The terms and provisions of this article shall not apply to any development, subdivision or re-subdivision for which a record plat has been approved by the town council and filed in the plat records of the county prior to October 6, 2008.
- (7) All easements and rights-of-way included on a record plat approved by the town and filed in the plat records of the county.

(Ord. No. 63-08, § 3(94-29), 10-6-2008; Ord. No. 43-15, § 2, 7-20-2015; Ord. No. 62-16, § 12, 11-21-2016)

Sec. 94-82. Penalty upon failure to comply with chapter provisions.

- (a) Any person violating or failing to comply with any provision or requirement of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall, without exception, be fined the maximum amount provided in section 1-13 of this Code. A separate offense shall be deemed committed upon each day or portion of a day during or on which each separate violation or failure to comply occurs or continues to occur and shall be punishable as such.
- (b) Notwithstanding the foregoing, any violation by any person of any provision of this chapter that constitutes an immediate danger or threat to any protected, specimen, or historic tree shall be subject to the administrative penalties set forth in this chapter.

-
- (c) Notwithstanding the foregoing, any violation by any person of any provision of this chapter that constitutes an immediate danger or threat to the health, safety and welfare of the public may be enjoined in a suit brought by the town for such purpose.
 - (d) In addition to any other remedies or penalties contained in this section, the town may enforce the provisions of this chapter pursuant to the applicable provisions of V.T.C.A., Local Government Code ch. 54, which chapter provides for the enforcement of municipal ordinances.
 - (e) Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this chapter.

(Ord. No. 63-08, § 3(94-30), 10-6-2008)

Sec. 94-83. Informational assistance.

- (a) In furtherance of the purposes and provisions of this article, the town's tree preservation and enforcement officer or authorized designee shall develop and distribute to persons making application for either tree removal permits or tree replanting permits and make available to the general public an informational pamphlet identifying appropriate and useful facts, guidelines and how-to information relative to the preservation, protection and replanting of trees.
- (b) The tree preservation and enforcement officer or authorized designee shall also develop, maintain and make available to applicants for tree removal permits or tree replanting permits and to the general public a tree species reference book to provide more detailed information concerning tree care in general and the characteristics, soil and growth requirements and other traits of specific tree species identified on the town's protected tree list and approved tree planting and replacement list.
- (c) A current edition of the American Standard for Nursery Stock for Type 1 and Type 2 trees, as applicable to the tree species on the town's protected tree list and approved tree planting and replacement list, shall be maintained by the town manager or their designee and made available to applicants for building permits, tree removal permits, or tree replanting permits and to the general public, as only those trees meeting and planted or replanted in accordance with the applicable American Standard for Nursery Stock for Type 1 and Type 2 trees shall satisfy the tree planting, replanting, and/or replacement standards and requirements contained in this chapter.

(Ord. No. 63-08, § 3(94-31), 10-6-2008; Ord. No. 51-22, § 11, 10-17-2022)