

- 39 d. Upon a determination by the forestry manager that the tree is alive, the property owner
40 shall comply with the requirements of the protected tree removal permit process set forth in
41 this section.
- 42 (b) *Protected tree removal permit process.*
- 43 (1) *Protected tree removal permit.* This process is reserved for those situations provided for in
44 section 43-26 and where the subdivision process, or site plan process does not apply. Unless
45 the removal is part of the subdivision process or the site plan process, a protected tree shall not
46 be removed without a permit. In all other cases, a permit is required to remove a protected tree.
47 By way of clarification, a permit is required to remove a protected tree as part of the application
48 for a building permit for lots zoned SF-1, SF-2, MH and TF. Applications for protected tree
49 removal permits are reviewed by the forestry manager or his designee.
- 50 (2) *Tree removal permit application.* The application for a protected tree removal permit shall be
51 made by the owner of the property on which the protected tree is located, and shall be
52 accompanied by documentation showing:
- 53 a. The approximate location of the tree;
54 b. The diameter of the tree;
55 c. The approximate dripline of the tree;
56 d. The species and/or common name of the tree;
57 e. The approximate size of the lot, tract or parcel on which the tree is located;
58 f. Reason for the proposed removal;
59 g. Such other information as required by chapter 46, zoning, or as otherwise may be
60 reasonably required by the forestry manager; and
61 h. A tree replacement plan, as provided for in section 43-25
- 62 (3) *Application review.* Upon receipt of the application, the forestry manager shall inspect the
63 subject tree and approve or deny the application in accordance with the provisions of this
64 article.
- 65 (4) *Processing of application.* An application for a protected tree removal permit shall be processed
66 within 15 working days from the date the application is received.
- 67 (5) *Tree protection removal and replacement.*
- 68 a. Except as specifically provided in section 43-26, replacement trees shall be required if any
69 protected tree is removed. See section 43-25 for tree replacement requirements.
- 70 b. A tree replacement plan shall accompany any tree removal permit application. The tree
71 replacement plan will be reviewed in conjunction with the protected tree removal permit
72 application and will be approved or denied by the forestry manager.
- 73 (c) *Protected tree removal through the subdivision process.* Tree removal requests, tree surveys and
74 tree replacement plans for all projects requiring plat approval shall be submitted in conjunction with
75 the subdivision approval process.

76 (1) *Tree survey.*

- 77 a. A tree survey, a tree protection plan, and a tree replacement plan will be reviewed by the
- 78 zoning administrator as part of the plat approval and subdivision construction improvement
- 79 acceptance process.
- 80 b. A tree survey will not be required if a land surveyor certifies that there are no protected
- 81 trees on the proposed subdivision.
- 82 c. A partial tree survey may be permitted if the zoning administrator determines that the
- 83 replacement and protection requirements of this article have been met.
- 84 d. A tree inventory in lieu of a tree survey may be accepted by the zoning administrator to
- 85 document trees outside of the limits of construction shown on the subdivision improvement
- 86 construction plans.
- 87 e. A request to use a tree inventory or a partial tree survey shall be made in writing to the
- 88 zoning administrator in conjunction with the concept plan submittal. The zoning
- 89 administrator shall provide written notification approving or disapproving the request within
- 90 the concept plan review cycle.

91 (2) *Tree removal.*

- 92 a. A subdivider who removes one or more protected trees as part of the subdivision process is
- 93 entitled to a credit towards the tree replacement requirements of section 43-25. The
- 94 foregoing credit is expressed in credit inches and is equal to 30 percent of the total
- 95 diameter inches of protected trees identified in the above tree survey. The credit inches
- 96 shall be applied first to the smallest diameter tree and then to the remainder of the trees in
- 97 ascending order according to their diameters. After all credit inches are applied, the
- 98 subdivider shall comply with the requirements of section 43-25
- 99 b. The tree replacement plan pursuant to section 43-25 will be reviewed in conjunction with
- 100 the preliminary plat review process.

101 (cd) *Protected tree removal through the site plan process.* Tree removal requests, tree surveys, tree

102 protection plans and tree replacement plans for all projects requiring site plan approval, shall be

103 submitted to the zoning administrator, as part of the site plan application approval process.

104 (1) *Tree survey.*

- 105 a. A tree survey, tree protection plan, and tree replacement plan shall accompany all site
- 106 plans submitted in accordance with chapter 46 of this Code and will be reviewed by the
- 107 zoning administrator.
- 108 b. A tree survey will not be required if a land surveyor certifies that there are no protected
- 109 trees on the proposed site.
- 110 c. A partial tree survey may be permitted if the zoning administrator determines that the
- 111 replacement and protection requirements of this article have been met.
- 112 d. A tree inventory in lieu of a tree survey may be accepted by the zoning administrator to
- 113 document trees outside the limits of construction.
- 114 e. A request to use a tree inventory or a partial tree survey shall be made in writing to the
- 115 zoning administrator in conjunction with the preliminary site plan submittal. The zoning

116 administrator shall provide written notification approving or disapproving the request within
117 the preliminary site plan review cycle.

118 (2) *Tree removal.*

- 119 a. The developer of the project who removes one or more protected trees as part of the site
120 plan development process is entitled to a credit towards the tree replacement requirements
121 of section 43-25. The foregoing credit is expressed in credit inches and is equal to 30
122 percent of the total diameter inches of protected trees identified in the above tree survey.
123 The credit inches shall be applied first to the smallest diameter tree and then to the
124 remainder of the trees in ascending order according to their diameters. After all credit
125 inches are applied, the developer shall comply with the requirements of section 43-25
- 126 b. A tree replacement plan and tree protection plan shall accompany the site development
127 permit application to the zoning administrator. The tree replacement plan and tree
128 protection plan will be reviewed in conjunction with the site development permit application
129 and will be approved or denied by the zoning administrator.
- 130 c. When replacement trees are required, replacement shall be in accordance with section 43-
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132 (3) *Reduced parking space requirement for preserving larger protected trees.* A property owner
133 who preserves a protected tree having a diameter of 15 inches or more and who does not
134 disturb more than 25 percent of the said tree's critical root zone shall qualify for a parking space
135 credit as set forth herein. The property owner shall be entitled to reduce his/her parking
136 requirement by one parking space for each 162 square feet of area, or fraction thereof, left
137 undeveloped in order to preserve the protected tree. However, in no case shall the owner
138 receive a reduction in parking spaces in excess of ten percent of the total required parking
139 spaces.
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142 **II.**

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144 That Chapter 43, Sections 43-26, Code of Ordinances (2010 Edition), City of

145 Round Rock, Texas, is hereby amended to read as follows:

146 **Sec. 43-26. Tree removal without replacement.**

147 Sec. 43-26. - Tree removal without replacement.

- 148 (a) A protected tree may be removed without replacement, provided approval is granted under section
149 43-24, and one of the following conditions exists:
- 150 (1) The protected tree is damaged by natural causes or is diseased beyond the point of recovery;
151 (2) The protected tree should be removed as a safety measure because it is in danger of falling;
152 (3) The protected tree threatens to damage property;
153 (4) The location of the protected tree prevents reasonable access to the property; or

154 (5) The location of the protected tree precludes all reasonable and lawful use of the property on
155 which it is located.

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157 (b) Transplanting a protected tree to a suitable location on the same property or off-site, as approved
158 under section 43-25, shall not require replacement, provided that the owner complies with the
159 generally accepted transplanting methods described in the tree technical manual and posts either a
160 cash deposit or a letter of credit. The letter of credit shall be in a form acceptable to the city attorney,
161 in the amount of 100 percent of the tree replacement fee required by section 43-25. The city may
162 draw on the letter of credit if, within two years of the date of the above-described transplanting, the
163 forestry manager reasonably determines that the tree is dead or is in such a state of decline that it is
164 likely to die. In that event, the cash deposit or the amount drawn on the letter of credit shall be
165 deposited in the tree fund.

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167 **V.**

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169 **A.** All ordinances, parts of ordinances, or resolutions in conflict herewith are
170 expressly repealed.

171 **B.** The invalidity of any section or provision of this ordinance shall not
172 invalidate other sections or provisions thereof.

173 **C.** The City Council hereby finds and declares that written notice of the date,
174 hour, place and subject of the meeting at which this ordinance was adopted was posted
175 and that such meeting was open to the public as required by law at all times during
176 which this ordinance and the subject matter hereof were discussed, considered and
177 formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas
178 Government Code, as amended.

179 Alternative 1.

180 By motion duly made, seconded and passed with an affirmative vote of all the
181 Council members present, the requirement for reading this ordinance on two separate
182 days was dispensed with.

183 **READ, PASSED, and ADOPTED** on first reading this ____ day of
184 _____, 2015.

185 Alternative 2.

186 **READ** and **APPROVED** on first reading this the ____ day of
187 _____, 2015.

188 **READ, APPROVED and ADOPTED** on second reading this the ____ day of
189 _____, 2015.

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ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk