

Sec. 19I. Landscape and tree preservation.

ARTICLE I. DEFINITIONS

For the purposes of this section, the following terms shall have the special meanings ascribed to them below, which shall govern in case of any conflict with other definitions set forth in this Code:

Corporation includes any officer, employee or agent of a corporation.

Department means the department, division or personnel otherwise designated by the city manager to administer or enforce any or all of the provisions of this chapter.

Drip-line means a vertical line extending from the outermost portion of the tree canopy to the ground.

Governmental agency means any department, agent, or employee of the city, County of Comal, state, United States Government as well as any public utility, school district or other political subdivision of the state.

Heritage tree means any tree attaining a circumference of one-half of the state record for that tree species as defined by the Texas Forest Service or having a trunk circumference of 75 inches or more (about 24 inches in diameter) measured four and one-half feet above the ground.

Landscaped area means the area of a lot which is devoted to and consists of plant material adaptable to this region, including but not limited to trees, shrubs, grass, vines, ground cover, and other plant materials, along with planters, brick, stone walkways, natural forms, water forms, and other landscape features, but not including any paved area of smooth concrete or asphalt.

Oak wilt means a disease caused by the fungus *Ophiostoma fagacearum* (*Ceratocystis fagacearum*).

Owner is the person or entity having legal title to the property or a lessee, agent, employee or other person acting on behalf of the title holder with authorization to do so.

Parking lot means a paved surface designed and ordinarily used for parking of employee and customer passenger vehicles. The term does not include parking garages or any area used for the sale, display or storage of motor vehicles or areas where vehicle dealerships park their inventory.

Planning director means the director of planning and community development or his/her designee.

Protected tree is any tree, on the approved plant list (appendix A), having a trunk circumference of 25 inches or more (about eight inches in diameter) measured four and one-half feet above the ground. As used in the text of this chapter, the term "protected tree" includes all heritage trees.

Public property means all parks, esplanades, traffic islands, municipal and utility easements and rights-of-way, and miscellaneous property owned by the city.

Public trees mean all trees and shrubs having 50 percent or more of its diameter, measured at existing grade, resting on public property.

Removal as applied to trees means uprooting, severing the main trunk of the tree or any act which causes, or may reasonably be expected to cause the tree to die, including but not limited to, damage inflicted upon the root system by machinery, storage of materials, or soil compaction: substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.

Street yard is the area of a lot that lies between the street right-of-way line and the actual front wall line of a building, as such building wall line extends from the outward corners of the building, parallel to the street, until such imaginary extensions of such front building wall intersect the side property lines.

Tree is a woody plant having a well defined stem, trunk, or multi-trunk and a more or less definitely formed crown, usually attaining a mature height of at least eight feet. For purposes of this article, the following publications may be used as a reference in defining which plants may be classified as trees:

- (1) Texas Trees, A Friendly Guide, by Paul W. Cox and Patty Leslie, Corona Publishing.
- (2) A Field Guide to Texas Trees, by Benny J. Simpson, Texas Monthly Press.
- (3) Trees of Central Texas, by Robert A. Vines, University of Texas Press, Austin, 1984.
- (4) Landa Park Arboretum, Harry Landa Self-Guiding Tree Trail and Growing Guide, published by Landa Park, New Braunfels, Texas.

Tree canopy coverage includes the percentage of the parking lot area covered by the tree canopy. The area of the tree canopy is the sum of the drip-line areas of all trees within the lot plus the portion of the drip-line area that lies within the lot for trees on the perimeter of the lot.

Trunk circumference is the distance around the trunk of a tree measured six inches above the ground for trees to be planted and four and one half feet above the ground for existing trees. In the case of multi-trunk trees, the trunk circumference of the tree as a whole is the sum of the circumferences of the two largest individual trunks.

Xeriscape is a set of garden design and landscape maintenance principles that promote good horticultural practices, efficient use of water, and means water-conserving drought-tolerant landscaping.

ARTICLE II. JURISDICTION

The terms and provisions of these regulations shall apply to the city limits of the City of New Braunfels.

ARTICLE III. LANDSCAPING

19I.1. *Purpose.* Landscaping is accepted as adding value to property and is in the interest of the general welfare of the city. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area which, in turn, helps to reduce the amount of impervious surface area, storm water runoff, and consequent non-point pollution in local waterways. Therefore, landscaping is hereafter required of new development as provided in this section, except landscaping is not required for single-family and two-family, and agricultural uses.

19I.2. *Scope and enforcement.*

- A. The standards and criteria contained within this article are deemed to be minimum standards and shall apply, as of the effective date of this section (August 29, 2005), to all new construction requiring a building permit (including uses such as schools, day care centers, and churches) as well as city and county uses occurring within the city, except that single-family or two-family dwellings shall be exempt. Additionally, any special use permit or a PD zoning application for those uses that are not single-family or two-family dwellings, must comply with these landscape standards unless special landscaping standards are otherwise provided for in the ordinance establishing the SUP or PD district.
- B. The provisions of this article shall be administered by the planning director.
- C. For all landscaping installed as a requirement of this section, if at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be not in conformance with the standards and criteria of this article, the planning director shall issue notice to the owner, citing the violation and describing what action is required to comply with this article. The owner shall have 90 days from date of said notice to establish/restore the landscaping, as

required. If the landscaping is not established/restored within the allotted time, then such person shall be in violation of this section.

D. Existing development.

1. No additional landscaping shall be required when a building is enlarged on an existing tract or lot.
2. Where a parking lot is being enlarged, only the parking lot area being added shall be required to meet the standards of this section. For instance, if a parking lot is expanded in an area not adjacent to a street, no street yard landscaping is required, and only the area being added would be subject to the parking lot shade standards.

19I.3. *Permits and certificate of occupancy.*

- A. **Permits.** No building permit shall be issued until a landscape plan, as provided for in subsection 19I.4 is submitted and approved by the planning director. A landscape plan shall be required as part of the building permit application submission for all applicable properties.
- B. **Certificate of occupancy.** Prior to the issuance of a certificate of occupancy for any applicable building or structure, all landscaping shall be in place in accordance with the landscape plan, unless a temporary certificate of occupancy is issued in accordance with the provisions of this article.
- C. In any case in which a certificate of occupancy is sought in which the planning director determines that it would be impractical (too wet, too dry, too hot or too cold) to plant trees, shrubs or groundcover, or to successfully establish turf areas, a temporary certificate of occupancy may be issued provided there is agreement between the property owner and the planning director as to when installation will occur. All landscaping required by the approved landscape plan shall be installed within six months of the date of the issuance of the temporary certificate of occupancy.

19I.4. *Approval procedures.*

- A. **Approvals.** The planning director, or his designee, shall review and approve or disapprove such landscape plan within ten days of the receipt of an application for a building permit and landscape plan. If the landscape plans are in accordance with the criteria of these regulations, the planning director shall approve same. If the plans are not in conformance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

B. *Alternate landscape plan.* The planning director may approve an alternate landscape plan. The applicant shall demonstrate that the reasons for the reduction in landscaping or deviations from other provisions of this section are appropriate, why the alternative plan is appropriate, and why it is consistent with the purposes of this section. The planning director for any reason may forward the alternate landscape plan to the zoning board of adjustment for its consideration.

C. *Appeal.*

- 1) If the planning director disapproves the landscape plan or alternate landscape plan, appeal may be made in writing to the zoning board of adjustment. Such appeal must be made within 90 days of the planning director's denial. The zoning board of adjustment shall have the authority to approve the existing plan or to approve an alternate landscape plan. The applicant shall demonstrate reasons the reduction in landscaping or other site design features are appropriate. The zoning board of adjustment shall make decision on all appeals within 60 days of the date of appeal application. A simple majority vote of the members present is necessary to approve or approve with conditions an alternate landscape plan.
- 2) Other appeals concerning the interpretation of this section by any city official shall be processed and considered in accordance with the zoning ordinance.

D. *Alternate landscape plan criteria.* The planning director and the zoning board of adjustment shall use the following criteria and standards when considering an alternate landscape plan:

- 1) The landscape standards are not intended to be so specific as to inhibit creative development. Project conditions associated with individual sites may justify approval of alternative methods of compliance. Conditions may arise where normal compliance is impractical or where the aesthetic and environmental purposes of this section can be better achieved through alternative compliance.
- 2) Conditions which shall be considered when evaluating alternative compliance include:
 - a) Topography, soil, vegetation, drainage, and other site conditions are such that full compliance is impractical.
 - b) Improved environmental quality would result from the alternative plan.

- c) The land is unusually shaped.
- d) Public safety is a consideration.
- e) Conformity to and compatibility with the existing character of the surrounding or nearby area lend themselves to alternative compliance.

3) If proposed landscape plan calls for a reduction of the landscape requirements by more than 25 percent, the proposed plan shall not be considered an alternate plan but rather a variance. This will require application for a variance. An affirmative vote of four members of the zoning board of adjustment shall be required to approve a variance or a variance with conditions.

E. *Variances.* Variances to provisions of this section shall be processed and considered in accordance with the zoning ordinance.

19I.5. *Landscape plan.* Landscaping plans shall contain the following minimum information:

- A. Minimum scale of one inch equals 100 feet; show scale in both written and graphic form.
- B. Location, size and common name of existing trees that are greater than or equal to an eight inch diameter measured four and one-half feet above the ground, except those listed in appendix B. Any tree which is proposed to be saved as credit for the landscaping requirements in this article shall also be shown.
- C. Location, size (container size, planted height, etc.) and common name of all trees and shrubs to be planted as part of the landscape plan.
- D. Location and design of all landscaping materials to be used, including paving, screens, earthen berms and ponds.
- E. Spacing of plant material where appropriate.
- F. Layout and description of irrigation, hose bibs, or water systems including location of water sources.
- G. Description of maintenance provisions.
- H. Name and address of the person(s) responsible for the preparation of the landscape plan including the name and address of the project.

- I. North arrow/symbol.
- J. A legible location map showing where the property is located.
- K. Dumpster and outside trash receptacle areas.
- L. Fences by height and material and any other screening devices or vegetation.
- M. Date of the landscape plan.

The planning director may waive any of this information.

19I.6. *General standards.* The following criteria and standards shall apply to landscape materials and installation:

- A. Landscaping materials such as wood chips, mulch or gravel may be used under trees, shrubs and other plants.
- B. Plant materials shall conform to the standards of the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects. All landscaping shall be selected from the approved plant list in appendix A.
- C. Grass areas shall be sodded, plugged, sprigged, and hydro-mulched and/or seeded, except that solid sod or other erosion control devices shall be used in swales, earthen berms or other areas subject to erosion.
- D. Ground covers shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one year of planting.
- E. Preserved tree credit. Any trees preserved on a site meeting the herein specifications may be credited toward meeting the total tree requirement of this article, according to the following table:

TABLE INSET:

Diameter of Existing Tree measured 4.5' above ground	Credit Toward Tree Requirement
0" to 2 1/2"	No credit
2 1/2" to 8"	One inch credit for every inch of diameter of existing tree
8" to 24"	Two inches of credit for every inch of diameter of existing tree
24" or more	Three inches of credit for every inch of diameter

Every 2 1/2 inches of tree credit shall equal one required tree. However, in no case shall the number of required trees in the residential buffer be decreased below the minimum number as required in this article.

Should any required tree designated for preservation in the landscape plan die, the owner shall replace the tree with a one and one-half-inch minimum diameter tree measured six inches above the ground.

- F. Earthen berms shall have side slopes not to exceed 33 percent (three feet of horizontal distance for each one foot of vertical height). All berms shall contain necessary drainage provisions as may be required by the city's engineer.
- G. Utilities. No trees or other landscaping may be planted on public or private property that will mature within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, electric line or other utility except for street frontage trees in accordance with subsection 19I-7.A.2.

19I.7. *Minimum landscaping requirements.*

- A. *Parking lot screening and landscaping.* See figures 1 and 2. Subject to the provisions of subsection 19I-6 G., the following landscaping is required for parking lots:
 - 1) *Street frontage landscape buffer area.* Where a parking lot is adjacent to and within 50 feet of public street right-of-way, a minimum five-foot landscape buffer (adjacent to the right-of-way of any street is required. Lots adjacent to two streets or more shall be required to observe the five-foot buffer on all frontages. Trees within street rights-of-way shall not count toward the number of trees required for a development site, unless approved by the planning director.
 - 2) *Street frontage trees and shrubs.* Where a parking lot is adjacent to and within 50 feet of public street right-of-way, a minimum of one tree and four shrubs for every 40 feet (or portion thereof) of street frontage shall be installed using trees from the approved plant list (appendix A). Trees shall be planted no closer than 20 feet apart. In no event may tree other than ornamental trees listed in appendix A be planted under overhead power lines. All new trees shall be provided with a permeable surface of 60 square feet per tree under the drip line. All planting areas shall be a minimum of five feet in width.
 - 3) *Parking lot shading.* A minimum of one tree per eight 14 parking spaces shall be planted in or adjacent to a parking lot. All trees shall

be planted in a minimum permeable area of 100 square feet per tree. These trees may be clustered and are in addition to the required street frontage trees. This paragraph does not apply to a parking lot that is located further than 300 feet from public street right-of-way or otherwise obstructed from view from a public street.

- 4) *Turf.* No more than 30 percent of the parking lot landscaped area, not including detention ponds, shall be turf grasses, except buffalo and prairie grasses may be planted. Xeriscaping is preferred.
- 5) *Residential buffer.* Where a multifamily or non-residential development is adjacent to land used or zoned only for single-family or two family development, a six-foot (minimum) to eight-foot (maximum) wood or masonry wall plus one tree for 25 linear feet, or part thereof, of property shall be built and planted along the common property line of the single-family or two-family property, except near utilities as prohibited in subsection 19I-6 G. All new trees shall be provided with a permeable surface of 60 square feet per tree under the drip line. All planting areas shall be a minimum of five feet in width.

B. *Trash and dumpster screening.* All trash receptacle or dumpster areas visible from a public street, or single-family or two-family dwellings, or from land zoned for only single-family or two-family dwellings, shall be completely screened by wood, masonry or solid vegetation so that the trash receptacle(s) or dumpster cannot be seen from a public or private street or a single-family or two-family dwelling.

GRAPHIC LINK: Figure 1--Landscaping Requirements

GRAPHIC LINK: Figure 2--Landscaping Requirements

19I.8. *Sight distance and visibility.* To ensure that landscape materials do not constitute a driving and pedestrian hazard, a "sight triangle" will be observed at all street intersections, street and alley intersections, and intersections of driveways with streets. Within the "sight triangle", no landscape material, wall, or other obstruction shall be permitted between the height of two and one-half feet and seven feet above the street, alley or driveway elevation. The sight triangle shall consist of the following; or other dimensions having similar effect when intersections are not 90 degrees.

TABLE INSET:

Street	Length of triangle side along the curb on outer edge of the shoulder
Uncontrolled * street with two or fewer through	25 feet

lanes in one direction	
Controlled street with two or fewer through lanes in one direction, driveways and alleys	15 feet
Uncontrolled street with more than three lanes in one direction	40 feet

- * Uncontrolled street means a street without a yield, stop, or traffic signal at the intersection.

See the following diagrams:

GRAPHIC LINK: Figures 3 and 4--Sight Distance and Visibility

19I.9. *Maintenance.*

- A. The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not being limited to, mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety, within 120 days. Trees having a trunk diameter of no less than one and one-half inches measured six inches above the ground may be used to replace dead trees. A time extension of six months may be granted by the planning director, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner.

- B. All landscaped areas shall be irrigated, unless waived by the planning director for xeriscaped landscaping or where preserved landscaping is established. An underground automatic drip or bubbler system is preferred. If spray type irrigation heads are used, irrigation spray outside of the landscaped area is prohibited. Landscaped areas located more than 100 feet from an outside hose bib (faucet) are required to have an underground automatic irrigation system.

- C. Clearance.
 - 1) *Over sidewalks and rights-of-way.* It shall be unlawful for any tree, shrub, vine, palm or any similar plant of any description or kind to be grown, maintained or cultivated in such a manner that any portion of such tree, shrub, vine, palm, or other plant may overhang or obtrude upon or over any sidewalk and/or the city right-of-way between the

curb line and the property line of any business, commercial or residential property, unless there is a full seven-foot clearance between the surface of all portions of such sidewalk or right-of-way and the overhanging tree, limb, shrub, vine, palm or plant of any description or kind.

- 2) *Over streets.* It shall be unlawful for any tree, shrub, vine, palm or any similar plant of any description or kind to be grown, maintained or cultivated in such a manner that any portion of such tree, shrub, vine, palm, or other plant may overhang or obtrude upon or over any street or highway in the city, unless there is a full 12-foot clearance between the surface of all portions of such street or highway and the overhanging tree, limb, shrub, vine, palm or plant.
- 3) *Near fire plugs.* It shall be unlawful for any tree, shrub, vine, palm, hedge or any similar plant of any description or kind to be planted, cultivated, grown or permitted to be planted, cultivated or grown between the sidewalk and/or the city's right-of-way and the curb or ditch line on any street or highway at a lesser distance than 10 feet from any fire plug in the city; provided, however, that all shade trees growing prior to March 10, 1975, between the sidewalk and/or the city's right-of-way and the curb on any public street or highway in the city less than ten feet from any such fire plug shall not be affected by the terms of this section.

- D. Failure to maintain any landscape area in compliance with this article is considered a violation of this article and may be subject to penalties of this section.
- E. The provisions of this article are subject to the provisions of article IV, division 5 of chapter 130 of the City Code. However, trees or other landscaping which die or which may be permanently damaged for lack of water during periods of required water conservation must nevertheless be replaced in accordance with the provisions of this chapter.

19I.10, 19I.11. *Reserved.*

ARTICLE IV. TREE PROTECTION AND TREE REMOVAL

19I.12. *Purpose.* The purpose of this article is to protect existing protected and heritage trees.

19I.13. *General provisions.*

- A. It shall be unlawful for any person or corporation to recklessly remove, or cause the removal of any protected or heritage tree without first submitting the

appropriate application for a permit and securing approval in the form and manner specified by this chapter.

B. A tree removal permit is not needed if:

- 1) The protected or heritage tree(s) to be removed is located on property zoned or used for agricultural or single-family or two-family dwellings.
- 2) The protected or heritage tree(s) to be removed is located on property where the addition of or renovation of an existing nonresidential or multifamily residential building does not exceed 2,500 square feet.
- 3) The protected or heritage tree(s) is diseased or sustained damage, which was not recklessly inflicted by the owner, his agents or employees, in the form of a broken trunk, broken limbs or uprooting, which creates a hazard to life or property.
- 4) The tree(s) to be removed is one of those listed in appendix B.
- 5) The protected or heritage tree(s) to be removed is removed by a governmental agency in the scope of its authority.

19I.14. *Tree removal permits approval authority and appeal.*

- A. The planning director shall have the authority to approve a tree removal permit.
- B. If a request to remove a protected or heritage tree(s) is denied by the planning director, the applicant may appeal the denial to the zoning board of adjustment by filing written notice of such appeal, along with a nonrefundable fee of \$75.00, with the city, within 90 days of the notice of denial. The hearing shall be conducted in compliance with the Texas Open Meeting Act.
- C. The zoning board of adjustment may seek the testimony of a qualified arborist. If such expert testimony is requested by the board, it shall be provided by the city.
- D. The decision of the zoning board of adjustment shall be final.

19I.15. *Application for tree removal permits.*

- A. An application for tree removal permit must provide the following information:
 - 1) The location of the tree.
 - 2) The trunk circumference of the tree.

- 3) The approximate drip-line area of the tree.
 - 4) The species/common name of the tree.
 - 5) The reason for removal.
 - 6) The planning director may require a professional arborist's report that defines the impact of the development upon existing trees affected by proposed construction. This report shall further define methods of tree protection during construction, impervious cover limitations adjacent to protected trees, proposal for tree replacement, and maintenance requirements for new planting.
 - 7) Such other information as may be required by the planning director.
- B. Where practical, an application for protected or heritage tree removal shall be combined with any other applications and site plans required for development projects.
- C. Failure to provide any of the above and foregoing information may constitute the sole grounds for denial of the permit.

19I.16. *Action on application for tree removal permits.*

- A. The following actions shall occur upon receipt of an application:
- 1) Upon receipt of an application to remove a protected or heritage tree, the planning director or his designee shall promptly inspect the tree to be removed and shall approve or deny the application in accordance with the provisions of this article. Approval is automatically granted within 30 days if the application is not otherwise formally denied during the 30-day review period.
 - 2) The planning director shall approve an application for the removal of a protected or heritage tree when a valid application is received and a determination is made that:
 - a. The tree is so located as to prevent reasonable access to the property or as to preclude reasonable and lawful use of the property;
 - b. The tree is dead, dying or diseased such that recovery is not practicable, or that an infestation is likely; or
 - c. The tree constitutes a hazard to life or property which cannot be mitigated without its removal.

19I.17. *Protection measures.*

- A. Prior to construction or land development, four-foot high safety fencing shall be installed around the root protection zone of a protected or heritage tree that is to be preserved.

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

- B. During construction, 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 tree shall be prohibited.
- C. No attachments or wires of any kind, other than those of a protective nature, shall be attached to any protected tree.
- D. Grading or fill in an area under the drip line of a protected tree shall be prohibited unless approved by the planning director and city engineer. If grading or filling were to occur within five feet of the protected or heritage tree to be preserved, 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 protected tree. The top of the retaining wall or tree well shall be constructed at the new grade.

19I.18. *Tree replacement.*

- A. The planning director may require as a condition for approval that replacement trees be planted. Replacement trees must be of the species placed on the approved plant list (appendix A). Standards for planting shall conform with current Texas Forest Service standards. Planting requirements shall conform to the following:
 - 1) Replacement trees shall have a diameter of at least one and one-half inches.

- 2) Tree replacement must occur within 12 months of the removal of a protected or heritage tree.
 - 3) Replacement trees that do not survive for a period of at least 12 months shall be replaced by the original applicant for removal until they survive a 12-month period.
 - 4) If ten or more replacement trees are required, no more than 25 percent of the trees shall be of the same species. The replacement trees shall be of any of the species described in appendix A.
 - 5) No artificial plant materials may be used to satisfy the requirements of this article.
- B. Determination of the number of replacement trees shall be calculated in accordance with the following procedure:
- 1) The trunk circumference, in inches shall be recorded for each healthy protected or heritage tree to be removed.
 - 2) Where more than one healthy protected or heritage tree is to be removed, the respective trunk circumferences shall be added together to produce a total aggregate value expressed in circumference inches.
 - 3) Replacement trees of sufficient number and trunk circumference shall be provided to produce a total aggregate value of 50 percent of the total aggregate value of the healthy protected or heritage tree(s) to be removed.
 - 4) Replacement trees that have a trunk circumference of 15 inches or larger (about five inches in diameter) shall count double.
- C. If the planning director determines that it is not practical to plant the number of replacement trees required at the removal property, then the planning director may require only the amount of trees that are practical at the removal property.

ARTICLE V. PENALTIES

19I.19. *Penalties.* The violation of any provision of this section shall be a misdemeanor and shall be punishable, upon conviction, by a fine of not more than \$2,000.00.

APPENDIX A

APPROVED PLANT LIST

* denotes recommended species.

TREES

SHADE

TABLE INSET:

Scientific Name	Common Name
* <i>Carya illinoensis</i>	Pecan
* <i>Catalpa bignoniodes</i>	Catalpa
* <i>Ehretia anacua</i>	Anaqua
<i>Fraxinus Pennsylvania</i>	Green Ash
* <i>Fraxinus texansis</i>	Texas Ash
* <i>Juglans major</i>	Arizona Walnut
<i>Juglans microcarda</i>	Nogalillo, River Walnut
* <i>Juglans nigra</i>	Black Walnut
* <i>Maclura pomifera</i>	Osage Orange, Bois d'Arc,
* <i>Magnolia grandiflora</i>	Magnolia
* <i>Platanus mexicana</i>	Mexican Sycamore
<i>Platanus occidentalis</i>	Texas Sycamore
* <i>Quercus buckleyi (texana)</i>	Texas Red Oak
* <i>Quercus canbyi</i>	Canby's Oak
* <i>Quercus durandii</i>	Durand Oak
* <i>Quercus fusiformis</i>	Escarpment Live Oak
<i>Quercus glaucoides</i>	Lacey Oak
* <i>Quercus gravesii</i>	Chisos Red, Graves
* <i>Quercus laceyi (glaucoides)</i>	Lacey's Oak
* <i>Quercus macrocarpa</i>	Bur Oak
<i>Quercus mohriana</i>	Shin Oak
* <i>Quercus muhlenbergii</i>	Chinkapin or Chinquapin Oak
* <i>Quercus polymorpha</i>	Mexican Live or Monterrey Oak
<i>Quercus pungens var. vaseyana</i>	Vasey Oak
* <i>Quercus virginiana</i>	Southern live Oak
<i>Quercus texana</i>	Red Oak
* <i>Sapindus drummondii</i>	Soapberry
* <i>Taxodium distichum</i>	Bald Cypress
* <i>Taxodium mucronatum</i>	Montezuma Cypress

<i>Tilia caroliniana</i>	Carolina Basswood
* <i>Ulmus Americana</i>	American Elm
* <i>Ulmus crassifolia</i>	Cedar Elm

ORNAMENTAL

TABLE INSET:

Scientific Name	Common Name
* <i>Acacia roemeriana</i>	Roemer's Acacia
* <i>Acer grandidentatum</i>	Bigtooth Maple
<i>Arbutus xalapensis</i>	Texas Madrone
* <i>Bauhinia congesta</i>	Anacacho Orchid tree
* <i>Cercis canadensis var. texensis</i>	Texas or Oklahoma Redbud
* <i>Cercis reniformis</i>	Mexican Redbud
* <i>Chilopsis linearis</i>	Desert Willow
* <i>Condalia hookeri</i>	Condalia, Brazil
<i>Cordia boissieri</i>	Wild Olive, Mexican Wild Olive
* <i>Cotinus obovatus</i>	American Smoketree
* <i>Diospyrus texana</i>	Texas Persimmon
* <i>Eriobotrya japonica</i>	Loquat (exotic)
* <i>Fraxinus cuspidate</i>	Fragrant Ash
<i>Hamamelis virginiana</i>	Witch Hazel
* <i>Ilex deciduas</i>	Possum-Haw Holly
<i>Ilex vomitoria</i>	Yaupon Holly
* <i>Juglans microcarpa</i>	Little, Texas Walnut
* <i>Koelreuteria bipinnata</i>	Goldenrain tree (exotic)
* <i>Lagerstroemia indica, fauriei, & X's</i>	Crepe Myrtle, etc. (exotic)
* <i>Leucaena retusa</i>	Goldenball Readtree
<i>Malus sp.</i>	Blanco Crabapple
* <i>Myrospermum sousanum</i>	Arroyo Sweetwood
<i>Parkinsonia aculeate</i>	Retama, Jerusalem Thorn
* <i>Pistacia texensis</i>	Texas Pistache
<i>Prunus barbonia</i>	Redbay
* <i>Prunus caroliniana</i>	Cherry Laurel
* <i>Prunus mexicana</i>	Mexican Plum
* <i>Prunus virginiana</i>	Chokeberry
* <i>Pyrus calleryana</i>	Callery Pear (exotic)

<i>Pyrus ioensis</i>	Blanco Crabapple
* <i>Rhamnus caroliniana</i>	Carolina Buckthorn
* <i>Rhus lanceolata</i>	Flameleaf Sumac
<i>Rhus virens</i>	Evergreen Sumac
* <i>Sophora affinis</i>	Texas Sophora or Eve's
* <i>Sophora secundiflora</i>	Mountain Laurel or Mescal Bean
* <i>Ungnadia speciosa</i>	Mexican Buckeye
* <i>Viburnum rufidulum</i>	Rusty Blackhaw
<i>Vitex agnus-castus</i>	Lavender tree
<i>Zizyphus jujuba</i>	Chinese Date, Jujube

EVERGREEN

TABLE INSET:

Scientific Name	Common Name
* <i>Cupressus arizonica</i>	Arizona Cypress
* <i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Pinus cembroides</i>	Mexican Pinyon Pine, Remote Pine
<i>Pinus eldarica</i>	Afghan Pine
* <i>Pinus halepensis</i>	Aleppo Pine (exotic)
* <i>Pinus pinea</i>	Italian Stone Pine (exotic)

PALMS

TABLE INSET:

Scientific Name	Common Name
* <i>Chamaerops humilis</i>	Mediterranean Fan Palm (exotic)
* <i>Phoenix canariensis</i>	Canary Island or False Date (exotic)
* <i>Sabal mexicana</i>	Mexican or Texas Sabal
* <i>Sabal texana</i>	Palm, Sabal and Dwarf Sabal
* <i>Washingtonia filifera</i>	California Fan (exotic)

SHRUBS, VINES, AND HERBACEOUS PERENNIALS

TABLE INSET:

Scientific Name	Common Name
-----------------	-------------

<i>Achillea millefolium</i>	Yarrow
<i>Agave americans</i>	Century Plant
<i>Amorphia fruticosa</i>	Amorpha, Indigobush
<i>Anisacanthus spp.</i>	Hummingbird Bush
<i>Antigonon leptopus</i>	Coral Vine, Rosa-De-Montana, Queens Wreath
<i>Aquilegia spp.</i>	Columbine
<i>Aster spp.</i>	Aster
<i>Bamboo spp.</i>	Bamboo, non-invasive/clumping
<i>Berberis (Mahonia) trifoliata</i>	Agarita, Agarito
<i>Berberis spp.</i>	Agarita, Tx. Barberry
<i>Bignonia capreolata</i>	Crossvine
<i>Bougainvillea</i>	Bougainvilla
<i>Buddleia spp.</i>	Butterfly Bush
<i>Caesalpinia gilliesi</i>	Bird of Paradise
<i>Caesalpinia mexicana</i>	Mexican Bird of Paradise
<i>Caesalpinia pulcherrima</i>	Price of Barbados
<i>Callicarpu americana</i>	American Beauty
<i>Callistemon spp</i>	Bottlebrush
<i>Campsis radicans</i> × " <i>Madame Galen</i> "	Trumpet Vine, Trumpet Creeper
<i>Capsicum annuum</i>	Chilipiquin
<i>Cassia alata</i>	Candlestick tree
<i>Cassia spp.</i>	Cassia
<i>Cassia lindheimeriana</i>	Lindheimer Senna
<i>Callirhoe involuerata</i>	Winecup
<i>Calylophus spp.</i>	Calylophus
<i>Cephalanthus occidentialis</i>	Buttonbush
<i>Chrysactinia mexicana</i>	Damianita
<i>Clematis pitcheri</i> Purple	Leatherflower
<i>Clematis texanis</i> Texas	Clematis
<i>Clematis texensis</i> Scarlet	Leatherflower
<i>Cooperia drummondii</i>	Rain Lily
<i>Cornus drummondii</i>	Rough-Leaf Dogwood
<i>Coursetia axillaris</i>	Baby Bonnets
<i>Crataegus spp.</i>	Hawthorn
<i>Crinum spp.</i>	Crinum Lily
<i>Cuphea spp.</i>	Cigar Plants
<i>Dasyilirion spp.</i>	Sotol, Desert Spoon

<i>Dasyilirion texanum</i>	Sotol
<i>Desmanthus illinoensis Illinois</i>	Bundleflower
<i>Duranta repens</i>	Brazilian Sky Flower
<i>Echinacea purpurea</i>	Purple Coneflower
<i>Elaeagnus pungens vars.</i>	Silverberry
<i>Eriobotrya</i> × " <i>Coppertone</i> "	Coppertone Loquat
<i>Erythina crista-galli</i>	Fireman's Cap, Coral tree
<i>Erythina herbacea</i>	Coral Bean
<i>Eupatroium spp.</i>	Mist Flower
<i>Euryops pecinatus</i>	Golden Shrub Daisy
<i>Euryops pactinatus</i>	Grayleaf Euryops
<i>Eysenhardtia texana</i>	Kidneywood
<i>Foresteriera pubesebs</i>	Texas Elbow bush
<i>Gamolepis chrysanthemoides</i>	Golden Shrub Daisy
<i>Garrya ovata lindheimer</i> Mx.	Silk Tassel
<i>Gaura spp</i>	Guara
<i>Gelsemium sempervirens</i>	Caroline Jessamine
<i>Gymnosperma gutinosum</i>	Tataleneho
<i>Hamamelis virginiana</i>	Witchhazel
<i>Heimia salicifolia</i>	Willow-leaf Heimia
<i>Hesperaloe parviflora</i>	Red Yucca
<i>Hibiscus coccineus</i>	Hibiscus, Texas Star
<i>Hibiscus cardiophyllus</i>	Heartleaf Hibiscus
<i>Hibiscus syriacus</i>	Althea, Rose-of-Sharon
<i>Hymenoxys scaposa</i>	Four-Nerve Daisy
<i>Hypericum spp</i>	St. John's Wort
<i>Ilex cornuta</i>	Dwarf Chinese Holly
<i>Ilex decidua</i>	Possumhaw
<i>Ilex vomitoria</i>	Yaupon
<i>Ilex vomitoria nana</i>	Dwarf Yaupon
<i>Ipomea fitulosa bush</i>	Morning-Glory
<i>Ipomoea quamoclit</i>	Cypress (Cardinal) vine
<i>Ipomoea sinuata</i>	Alamo vine
<i>Iris spp</i>	Iris
<i>Jasminium floridum</i>	Italian Jasmine
<i>Jasminum mesnyi</i>	Primrose Jasmine
<i>Jatropha spp</i>	Jatropha

<i>Juniper spp</i>	Juniper
<i>Justicia brandegeana</i>	Shrimp plant
<i>Justicia spp.</i>	Shrimp plant
<i>Justicia suberecta</i>	Mexican Shrimp Plant
<i>Lantana spp.</i>	Lantana
<i>Leucophyllum frutescens</i>	Texas Silverleaf, Sage, Cenizo
<i>Liatris spp.</i>	Gayfeather
<i>Lindera benzoin</i>	Spicebush
<i>Lonicera albiflora</i>	White Bush Honeysuckle
<i>Lonicera sempervirens</i>	Coral Honeysuckle
<i>Malpighia glabra</i>	Barbados Cherry
<i>Malvaviscus drummondii</i>	Truk's Cap
<i>Manfreda spp</i>	Manfreda
<i>Mascagnia spp.</i>	Butterfly vine
<i>Mimosa bluncifera</i>	Cat Claw Mimosa
<i>Fragrant</i>	Mimosa
<i>Moraea spp.</i>	African Iris
<i>Myrica cerifera</i>	Wax Myrtle - Dwarf, Standard
<i>Nandina domestics spp.</i>	Nandina
<i>Nandina domestics "nana" etc.</i>	Dwarf Nandina
<i>Parthenocissus heptaphylla</i>	Seven Leaf Creeper
<i>Parthenocissus quinquefolia</i>	Virginia Creeper
<i>Passiflora allatoaerrulea (P. pfordtii)</i>	Passion vine
<i>Passiflora incarnate</i>	Passionflower
<i>Pavonia lasiopetala</i>	Rock Rose
<i>Penstemon spp.</i>	Penstemon
<i>Philadelphus spp.</i>	Mock Orange
<i>Phlox spp.</i>	Prairie Phlox
<i>Physostegia spp.</i>	Obedient Plant
<i>Poliomentha longiflora</i>	Mexican Oregano
<i>Pistache texana</i>	Texas Pistache
<i>Plumbago auriculata (P. capensis)</i>	Blue Plumbago
<i>Podocarpus macrophyllus</i>	Yew
<i>Poliomentha longiflora</i>	Mexican Oregano
<i>Primrose spp.</i>	Primrose
<i>Ptelea trifoliolata</i>	Hop tree
<i>Puncia granatum</i>	Pomegranate (Regular & Dwarf)

<i>Phyracantha spp.</i>	Firethorn, Phyracantha
<i>Rosa Banksiae</i>	Lady Banksia Rose
<i>Rosemarinus spp.</i>	Rosemary
<i>Ruellia spp.</i> Mexican	Petunias
<i>Russelia equisetiformis</i>	Firecracker Plant
<i>Sabal minor</i>	Palmetto Palm
<i>Salvia spp.</i>	Salvia
<i>Salvia farenaceae</i>	Blue Sage, Mealy Sage
<i>Salvia greggii</i>	Autumn Sage
<i>Salvia regla</i>	Mountain Sage
<i>Salvia ballotaeflora</i>	Blue Shrub Sage
<i>Sambucus Canadensis</i>	Elderberry
<i>Santolina spp.</i>	Santolina
<i>Scutelleria spp.</i>	Pink Skullcap
<i>Senecio confuses</i>	Mexican Flame Vine/Love Vine
<i>Solidago spp.</i>	Goldenrod
<i>Stigmaphyllon littorale</i>	Butterfly Vine
<i>Tagetes Ilucida</i>	Mexican Marigold
<i>Tecoma stans</i>	Yellowbells, Esperanza
<i>Tecoma capensis</i>	Cape Honeysuckle
<i>Teuerium laciniatum</i>	Dwarf Germander
<i>Thyrallis glauca</i>	Yellow Plumbago
<i>Trachelospermum jasminoides</i>	Confederate Jasmine
<i>Vauquelinia angustiflora</i>	Chisos Rosewood
<i>Vibernum rufidulum</i>	Viburnum Rusty Blackhaw
<i>Viguiera stenoloba</i>	Skelton-Leaf Goldeneye
<i>Wisteria macrostachya</i>	Texas Wisteria
<i>Wisteria millettia veticulata</i>	Wisteria, Evergreen
<i>Yucca spp.</i>	Yuccas
<i>Yucca agustifolia</i>	Narrow-Leaf Yucca
<i>Yucca constricta</i>	Buckley Yucca
<i>Yucca rupicola</i>	Twisted-Leaf Yucca
<i>Yucca pendula</i>	Softleaf Yucca
<i>Yucca thompsonia</i>	Thompson Yucca
<i>Yucca treculeana</i>	Spanish Dagger
<i>Zexmenia hispidia</i>	Zexmenia

GROUND COVER

TABLE INSET:

Scientific Name	Common Name
<i>Aptinia condifolia</i>	Heart Leaf Ice plant
<i>Asparagus sprengeri</i>	Asparagus fern
<i>Aspidistra elatior</i>	Aspidistra, Cast Iron plant
<i>Hedera canariensis</i>	Algerian Ivy
<i>Juniper spp.</i>	Juniper
<i>Lantana spp</i>	Lantana
<i>Liriope gigantea</i>	Giant Liriope
<i>Liriope muscari vars</i>	Lily Turf, Liriope (Std., "Big Blue")
<i>Ophiopogon japonica</i>	Mondo grass, Monkey grass
<i>Rosemarinus officinales vars.</i>	Prostrate Rosemary
<i>Setcreasea purpurea</i>	Purple Heart
<i>Trachelospermum asiaticum</i>	Asian Jasmine
<i>Trachelospermum jasminoides</i>	Confederate Jasmine, Star Jasmine
<i>Verbena spp.</i>	Verbena
<i>Vinca major</i>	Large Vinca
<i>Vinca minor</i>	Small Vinca
<i>Wedelia trilobata</i>	Wedelia
<i>Acacia hirta</i>	Fern Acacia
<i>Artemesia spp.</i>	Artemesia
<i>Dalea spp</i>	Dalea
<i>Dyschorista linearis</i>	Snake Herb
<i>Marsilea macropoda</i>	Water Clover
<i>Oenothera speciosa</i>	Evening Primrose
<i>Phyla humilis</i>	Frogfruit
<i>Rivina humilis</i>	Pigeonberry
<i>Sedurn acre</i>	Stonecrop
<i>Stachys coccinea</i>	Texas Betony
<i>Symphoricapus orbiculatus</i>	Coralberry
<i>Thryallis augustifolia</i>	Thyallis

ORNAMENTAL GRASSES AND GRASS-LIKE PLANTS

TABLE INSET:

Scientific Name	Common Name
<i>Agropyron smithii</i>	Western Wheatgrass
<i>Andropogon gerardii</i>	Big Bluestern
<i>Bouteloua curtipendula</i>	Sideoats grama
<i>Chasmanthium latifolium</i>	Inland Sea Oats
<i>Erianthus giganteus</i>	Sugarcane Plume grass
<i>Muhlenbergia capillaris</i>	Gulf Muhly
<i>Muhlenbergia dubia</i>	Pine Muhly
<i>Muhlenbergia dubioides</i>	Weeping Muhly
<i>Muhlenbergia dumosa</i>	Bamboo Muhly
<i>Muhlenbergia lindheimer</i>	Lindheimer Muhly
<i>Muhlenbergia rigens</i>	Deer Muhly
<i>Muhlenbergia reverchonii</i>	Seep Muhly
<i>Nolina spp.</i>	Beargrass
<i>Panicum virgatum</i>	Switch grass
<i>Schizaachyrium scoparium</i>	Little Bluestem
<i>Schoenocaulon texanum</i>	Green Lily
<i>Sorghastrum natums</i>	Indian grass
<i>Stipa tenuissima Mexican</i>	Feathergrass
<i>Tripsacum dactyloides</i>	Eastern Gama grass
<i>Cyperus alternifolius</i>	Umbrella grass

APPENDIX B

UNDESIRABLE TREES

TABLE INSET:

Scientific Name	Common Name
<i>Acacia farnesiana</i>	Huisache or Sweet Acacia
<i>Acer negundo</i>	Box Elder
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Albizia julibrissin</i>	Mimosa
<i>Broussonetia papyrifera (L.) L=Her. ex. Vent.)</i>	Paper Mulberry
<i>Celtis laevigata</i>	Sugarberry or Hackberry
<i>Eriobotrya japonica</i>	Chinese Loquat or Loquat
<i>Firmiana simplex</i>	Chinese Parasol/Varnish tree
<i>Fraxinus velut</i>	Arizona Ash

<i>Koelreuteria paniculata</i>	Golden-Rain tree
<i>Juniperus ashei</i>	Ashe-Juniper or Mountain Cedar
<i>Ligustrum japonicum</i>	Ligustrum or Privet
<i>Melia azedarach L.</i>	Chinaberry tree
<i>Populus nigra "italica"</i>	Lombardy Poplar
<i>Prosopis glandulosa</i>	Mesquite
<i>Prunus salicina</i>	Japanese Plum
<i>Pyrus calleryana</i>	Bradford Pear
<i>Sapium sebiferum</i>	Chinese Tallow
<i>Tamarix ramosissima Ledeb.</i>	Saltcedar

(Ord. No. 2005-56, § 1(Exh. 1), 8-8-05)