



**JUSTIN PARKS & RECREATION ADVISORY BOARD &
KEEP JUSTIN BEAUTIFUL COMMITTEE**

TUESDAY, SEPTEMBER 6, 2022 at 6:00 PM

415 NORTH COLLEGE ST
JUSTIN, TEXAS 76247

COMMITTEE MEMBERS:

Alyssa Linenkugel - Chair
Jacqueline Steinbacher – Vice Chair
Juli Cuthbertson
Katie Fry
Robin Amerine
Andrea Pasnewski

STAFF / COUNCIL LIAISON:

Kira Sedivy – Public Works
John Mounce – City Council

CALL TO ORDER

Invocation and Pledge of Allegiance

CONSENT ITEMS:

1. Consider and take appropriate action to approve minutes dated June 21, 2022

Pages 3-5

PUBLIC COMMENT: To expedite the flow of business and to provide all the citizens the opportunity to speak, the Parks and Recreation Committee Chair may impose a three-minute limitation on any person addressing the board.

STAFF UPDATE

- A. Arbor Day 2022 Event

Pages 6-11

- B. Veterans Memorial update

Pages 12-20

DISCUSSION / ACTION ITEMS

1. Discuss, consider and recommending amendments to the Landscape ordinance for distance of canopy trees
2. Discuss QR code and next steps
3. Discuss and recommend relocation ideas for monument signs
4. Discuss, consider and take appropriate action to recommend Park Board applicant for appointment to City Council
5. Discuss a recommendation to City Council to amend the Board Commission Committee Policy Manual to include 2 alternates to City Boards

Pages 21-51

Pages 52-53

Pages 54-56

Pages 57-59

FUTURE AGENDA ITEMS

ADJOURN

NEXT MEETING: TUESDAY OCTOBER 4, 2022

I, the undersigned authority, do hereby certify that the above notice of the meeting of the Justin Parks and Recreation Committee is a true and correct copy of the said notice that I posted on the official bulletin board at Justin City Hall, 415 North College Ave, Justin, Texas, a place of convenience and readily accessible to the general public at all times, and said notice posted this **1st day of September, 2022 by 5:00 p.m.**, at least 72 hours preceding the scheduled meeting time.

Kira Sedivy

Public Works Administrative Coordinator

Parks and Recreation Advisory Board

September 6, 2022

Justin City Hall, 415 North College Street

Cover Sheet

Agenda Item: #1

Title: Consent Minutes

Department: Administration

Contact: Public Works Administrative Coordinator, Kira Sedivy

Recommendation: Approve board minutes as presented

Background: Minutes from the June 21, 2022 meeting are included in the packet.

City Attorney Review: N/A

MINUTES

**State of Texas
County of Denton
City of Justin**

Justin Parks and Recreation Committee – June 21, 2022

The Justin Parks and Recreation Committee convened into a regular meeting the same being open to the public the 21st day of June at 6:00 p.m. at the Justin Municipal Complex, and notice of said meeting giving the time, place, date, and subject thereof having been posted as prescribed by Article 5 of the Texas Government Code, with the following members present and in attendance to wit: Public Works Admin, Kira Sedivy, City Secretary, Brittany Andrews, Councilmember James Clark, and Councilmember John Mounce.

Justin Parks and Recreation Committee Members: Linenkugel, Pasnewski, Gonzales and Cuthbertson in attendance.

CALL TO ORDER

Invocation and Pledge of Allegiance

Member Linenkugel called the meeting to order at 6:05 pm

CONSENT ITEMS

NONE

PUBLIC COMMENT

To expedite the flow of business and to provide all the citizens the opportunity to speak, the Parks and Recreation Committee Chair may impose a three-minute limitation on any person addressing the board.

No comment from the Public

STAFF UPDATE

NONE

DISCUSSION / ACTION ITEMS

1. Discuss, consider, and take appropriate action regarding the Veterans Memorial.

Reviewed quotes from vendors and contractors.

The board came to a consensus to not change the name of Bishop Park.

Discussed having a car show as a fundraising idea for the memorial

Decided to reveal the Veterans Memorial project during the Arbor Day event on November 4th, 2022

FUTURE AGENDA ITEMS

Elect a new committee chair

ADJOURN

Motion to adjourn at 7:17 PM

Passed and approved on the 21st day of June 2022.

SEAL:

Kira Sedivy

Public Works Administrative Coordinator

Texas Arbor Day November 4, 2022



This year marks the 150th Anniversary of the tree planter's holiday



ARBOR DAY DATES ACROSS AMERICA
National Arbor Day is always celebrated on the last Friday in April, but many states observe Arbor Day on different dates based on the best tree planting times in their area.

Arbor Day Event Details

- Event Held at Bishop Park
- Announce the Veterans Memorial and display the design
- Invite Justin Elementary students to attend
- Mayor reads an Arbor Day proclamation
- Plant a tree ceremony
- Offer free seedlings to the citizens
- Reveal Memorial Tree planting locations



City of Justin Tree Canopy Program

Fall 2022 Application

Thank you for considering the Tree Canopy Program! This program helps our community by providing shade, cleaner air, reduced energy demands, improved health, wildlife habitat and so much more! Your new tree will not just make your property a more beautiful place, it will improve the lives of your neighbors and community members.

The City has 50 trees for this season. Trees only cost the land/homeowners \$50. This includes the tree and planting. All you need to do is maintain the tree which includes watering it at least once per week during the first 2 or 3 summers of its life. For information on tree care check out www.treesaregood.org/treeowner

Trees will be planted in November. The City's Parks department will evaluate your tree site before planting.

Applications with payment must be submitted by September 30, 2022. Payment can be in the form of cash, check or credit card. Payments can be made at City Hall or by phone at 940-648-2541. On the following page you will find the list of available trees. Due to limited quantity of each type your first choice may not be available at the time of your application submission. Therefore please select a second choice.

The Tree Canopy Program is only for front yards and the Public Right of Way (see diagram below).

Please note that for Public Right of Way trees there are some restrictions on which species can be planted. For example some Public Right of Ways are under high voltage powerlines. For those locations large and medium trees are not permitted. On the other hand for large Public Right of Ways with no overhead high voltage lines only large trees are permitted for planting. Each species on the following page contains information on Public Right of Way requirements.

Complete all lines below:

Must be submitted with payment by September 30, 2022

Submit to: City of Justin, Tree Canopy Program, 415 N College Ave, Justin, TX 76247

Name of Land/Homeowner: _____

Tree Planting Address: _____

Owner's Mailing Address: _____

Owner's Email Address: _____ Phone Number: _____

Tree Species Choice #1: _____

Tree Species Choice #2: _____

How did you hear about this program? _____

Location for Tree (see below): ☐ Front Yard ☐ Public Right of Way



Land/Homeowner Signature: _____ Date: _____

Tree Species Available

Numbers available are the initial amount ordered for the program and may be less at time of applying.

Make sure to select a 2nd choice in case we run out of a certain species.

Public Right of Way Requirement: 4-6' wide planter strip (distance between curb and sidewalk) and no overhead high-voltage powerlines.



Flowering Dogwood (*Cornus Florida*)

Medium growing tree with flowers emerging before the leaves from the round gray winter buds. Flowers are white or pink and show their beauty in the spring and foliage turns vibrant red/purple in the fall and glossy red fruit seeds attract wildlife in the winter. It is an excellent landscape choice for all 4 seasons and is a favorite in many yards.

Height: 25-40 ft

Canopy Width: 20-25 ft

Sun Preference: Full Sun, Partial Sun/Shade



Crape Myrtle (*Lagerstroemia Indica*)

Fast growing tree often referred to as the "Lilac of the South" and is a favorite for landscapes. There are a variety of colors and species. It can be grown as either a shrub or a small tree. Produces striking flowers, handsome bark and attractive fall foliage and is drought tolerant once established.

Height: 15-25 ft

Canopy Width: 6-15 ft

Sun Preference: Full Sun



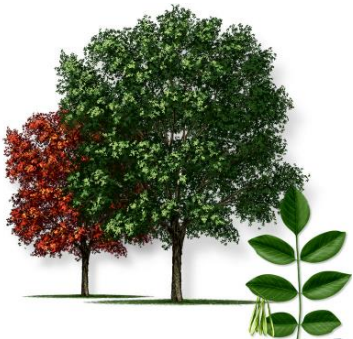
Lacebark Elm (*Ulmus Parvifolia*)

Medium to Fast growing tree with a vase shaped crown and graceful drooping branchlets which makes this tree widely planted for shade. Leaves are dark green that change to yellow and reddish purple in the fall. With distinctive bark which is mottled and often creates colorful patterns in its trunks. The tree is drought resistance and has some flood tolerance.

Height: 40-50 ft

Canopy Width: 35-40 ft

Sun Preference: Full Sun, Partial Sun/Shade



Texas Ash (*Fraxinus Texensis*)

Fast growing tree that is native to Texas. Good and long-lived shade tree with fall colors in yellow, orange and maroon. Once established it is drought tolerant and low maintenance with sprawling and dense canopies. Fairly resistant to pests and diseases

Height: 30-45 ft

Canopy Width: 25-35 ft

Sun Preference: Full Sun



Shumard Oak (*Quercus Shumardii*)

Medium growing tree that is an excellent landscape tree with a wide spreading symmetrical crown. An outstanding Texas shade tree with highly recognized sharp-edged leaves. In the fall the leaves turn brilliant red to red/orange. The small acorns from this tree are a favorite for wildlife.

Height: 40-60 ft

Canopy Width: 40-60 ft

Sun Preference: Full Sun



City of Justin Memorial Tree Program Application



The goal of the City of Justin Parks and Recreation Board is to revitalize the City Parks by planting trees that are donated to honor individuals, organizations or causes.

The City of Justin offers high quality trees. The price of the trees is \$100. Each tree is guaranteed for two years and will be replaced by the City at no extra charge should it die within two years of planting. It is understood that once planted the tree is exclusive property of the City who will be responsible for watering, fertilizing, pruning and mulching as it deems necessary.

Applications submitted for Memorial Trees will be planted in November during our Arbor Day celebrations. All donors will be notified of their tree's location after the tree is planted. Donors will be invited to the Arbor Day Celebration that is scheduled.

For more information contact the Public Works Department at 940-648-2541

Donor Information

Name: _____ Phone #: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Email Address: _____ Phone Number: _____

Date Submitted: _____ Donation: ☐ \$100 (1 Tree) ☐ \$200 (2 Trees) ☐ \$300 (3 Trees)

Please make checks payable to the City of Justin with the notation "Memorial Tree"
Mail to: City of Justin, Memorial Tree Program, 415 N College Ave, Justin, TX 76247

Tree Information

In ☐ Memory/ ☐ Honor: _____
Name of Person, organization or cause

The tree is for a: ☐ Person ☐ Organization ☐ Cause

Tree Species 1st Choice: _____

2nd Choice: _____

Desired Park: _____

Optional Desired Location in Park: _____

Send Arbor Day Celebration Invitation to the following person

Name: _____ Phone #: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Tree Species Available

Numbers available are the initial amount ordered for the program and may be less at time of applying. Make sure to select a 2nd choice in case we run out of a certain species.



Flowering Dogwood (*Cornus Florida*)

Medium growing tree with flowers emerging before the leaves from the round gray winter buds. Flowers are white or pink and show their beauty in the spring and foliage turns vibrant red/purple in the fall and glossy red fruit seeds attract wildlife in the winter. It is an excellent landscape choice for all 4 seasons and is a favorite in many yards.

Height: 25-40 ft

Canopy Width: 20-25 ft

Sun Preference: Full Sun, Partial Sun/Shade



Crape Myrtle (*Lagerstroemia Indica*)

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Height: 15-25 ft

Canopy Width: 6-15 ft

Sun Preference: Full Sun



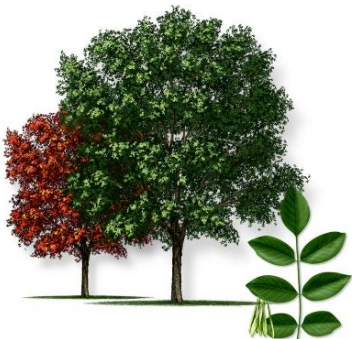
Lacebark Elm (*Ulmus Parvifolia*)

Medium to Fast growing tree with a vase shaped crown and graceful drooping branchlets which makes this tree widely planted for shade. Leaves are dark green that change to yellow and reddish purple in the fall. With distinctive bark which is mottled and often creates colorful patterns in its trunks. The tree is drought resistance and has some flood tolerance.

Height: 40-50 ft

Canopy Width: 35-40 ft

Sun Preference: Full Sun, Partial Sun/Shade



Texas Ash (*Fraxinus Texensis*)

Fast growing tree that is native to Texas. Good and long-lived shade tree with fall colors in yellow, orange and maroon. Once established it is drought tolerant and low maintenance with sprawling and dense canopies. Fairly resistant to pests and diseases

Height: 30-45 ft

Canopy Width: 25-35 ft

Sun Preference: Full Sun

Parks and Recreation Advisory Board

September 6, 2022

Justin City Hall, 415 North College Street

Cover Sheet

Agenda Item: #B

Title: Discussion regarding a Veterans Memorial

Department: Administration

Contact: Public Works Administrative Coordinator, Kira Sedivy

Recommendation: Discuss the Veterans Memorial budget

Background: Park Board members made a presentation to City Council with the details of the Veterans Memorial.

Board members need to create phases for the project and focus on potential grants and other areas for funding.

The Lions Club donated \$15,000 towards the memorial. It must begin construction within the next 2 years from when the agreement was signed which was March 2022. There is the potential to seek additional funding from other sources; City Council, EDC/CDC and Rotary.

City Attorney Review: N/A



4451 Dale Earnhardt Way
Suite D12
Northlake, TX 76262
(214) 214-7446

Graphics & Signage That Change The World
www.image212.com

ESTIMATE

E22-2833

Payment Terms: Cash Customer

Created Date: 8/25/2022

DESCRIPTION: Freestanding Signs - Bishop Park

Bill To: City of Justin, TX
217 E. 4th Street
Justin, TX 76247
US

Installed: City of Justin, TX
Bishop Park
FM 156
Justin, TX 76247
US

Requested By: Kira Sedivy
Email: ksedivy@cityofjustin.com
Work Phone: (940) 648-2541 x 117
Cell Phone: (940) 279-5681

Salesperson: Sales Image 212

NO.	Product Summary	QTY	UNIT PRICE	AMOUNT
1	Entrance Sign (per Customer Mock-Up)	1	\$24,920.00	\$24,920.00
1.1	Miscellaneous - Fabrication			
1.2	Miscellaneous - Engineering Drawings			
1.3	Miscellaneous - Survey & Permit Procurement			
1.4	Miscellaneous - Installation			
2	Marquee Sign (per Customer Mock-Up)	1	\$8,495.00	\$8,495.00
2.1	Miscellaneous - Fabrication			
2.2	Miscellaneous - Engineering Drawings			
2.3	Miscellaneous - Survey & Permit Procurement			
2.4	Miscellaneous - Installation (Removal of Existing by Customer)			
			Subtotal:	\$33,415.00
			Taxes:	\$0.00
			Grand Total:	\$33,415.00
			Deposit Required:	\$16,707.50

Signature: _____ **Date:** _____



Proposed

SPECIFICATIONS:
New Entance Monument Structure
Stone: Austin - TBD
Faces: Routed CorTen
Engineering Required for foundation and posts
Qty: 1

Z:\PSG\PSG_2014\City of Justin

	Client: City of Justin	Sales: Janice Horak	Revisions:	Initials/Date:	TSCL# 18741 THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN. © COPYRIGHT 2014, BY PRIORITY SIGNS AND GRAPHICS. ALL DESIGNS PRESENTED ARE THE SOLE PROPERTY OF PRIORITY SIGNS AND GRAPHICS AND MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT WRITTEN PERMISSION FROM PRIORITY SIGNS AND GRAPHICS. PHOTO ELEVATION DEPICTION INTENDED FOR GENERAL CONCEPT ILLUSTRATION. ACTUAL SIZING AND PERSPECTIVE WILL VARY SLIGHTLY FROM IMAGE.
	Location: 217 E 4th St, Justin, TX 76247	Designer: Michael	1 -	-	
	Contact: Kira Sedivy Contact #:	Date: 07/19/2022	2 -	-	
	Email:	Approval Signature:	3 -	-	
			4 -	-	
			 INTERNATIONAL SIGN ASSOCIATION	 MEMBER	

SIGN DETAILS/SPECIFICATIONS



Proposed

SPECIFICATIONS:

New Post and Panel

Single or Double Sided - TBD

Faces: Changeable Message Board

Letters: Routed or .125" d Aluminum Letters

Backer: Aluminum

Mounting: 4" Tube Frame

Sq. Ft: 117.7

Qty: 1

Colors:

Paint

 Match "CorTen" finish

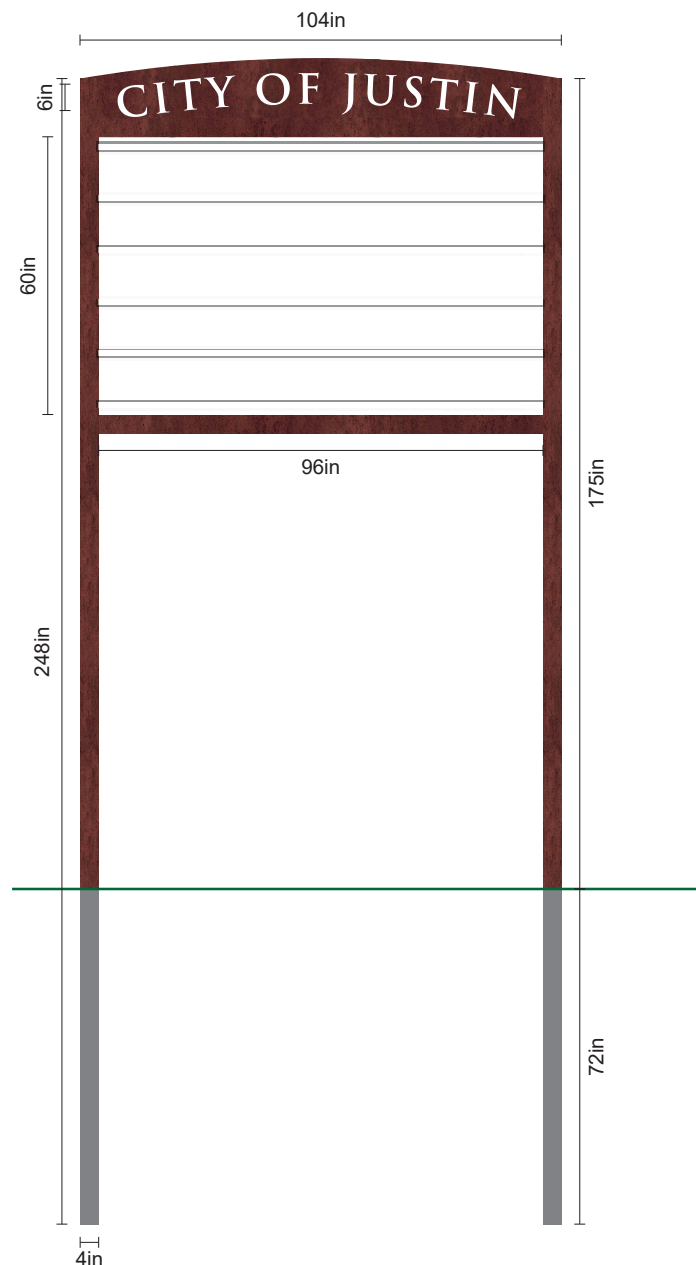
 White Semigloss

Existing Sign measurements

108" tall

107" wide

Increase of 5' 7" in height
from existing sign



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	Location: 217 E 4th St, Justin, TX 76247	Designer: Michael	1 -	-	
	Contact: Kira Sedivy	Date: 07/25/2022	2 -	-	
	Contact #:		3 -	-	
	Email:	Approval Signature:	4 -	-	
			 INTERNATIONAL SIGN ASSOCIATION		 MEMBER

PROJECT OUTLINE

FIRST STEPS

- Council Approval
- Finalize details with contractors to begin construction and receive all final estimates

ELECTRICAL

- 100 amp single phase service with N3R panel installed
- Public works to complete excavation and underground trench work
- Once slab is poured, final electrical to be ran and completed for memorial and flag poles

SIGNAGE

- Park entrance sign and marquee sign installed
- Flag poles to be set by entrance sign
- Bronze medallion (Memorial park plaque) installed on entrance sign

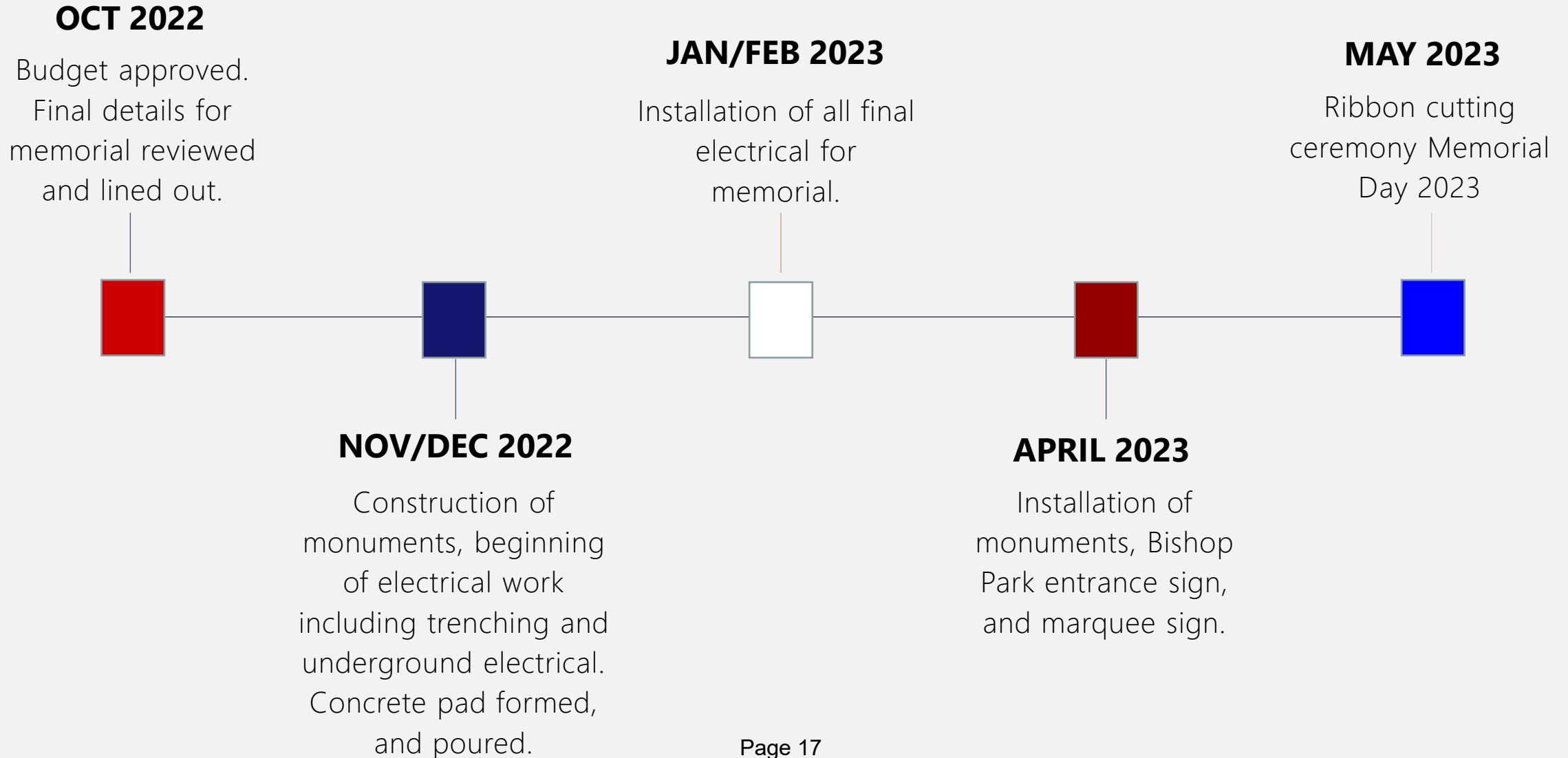
MONUMENTS

- Monuments to be installed
- Granite benches will be set
- Donated bench/benches placed throughout the park

GRAND REVEAL

- Project completion
- Hold reveal ceremony

PROJECT TIMELINE



Total cost for Veterans Memorial

Item	Amount
Monuments <i>(6-9 month lead time, no deposit required at contract signing)</i>	\$31,464
Granite Benches <i>(6-9 month lead time, no deposit required at contract signing)</i>	\$1,800
(2) Flag Poles <i>(8-10 weeks lead time, 50% deposit required at contract signing)</i>	\$5,900.46
Lighting <i>(4-6 week lead time)</i>	\$24,182
Park Entrance & Marquee Sign <i>(8-10 week lead time, 50% deposit required at contract signing)</i>	\$45,802.36
Concrete Pad for monument <i>(6-8 week lead time)</i>	\$4,800
Bronze Medallion for Entrance Sign	\$2,000
Bronze Plaque for Veterans names 10x10 (fits up to 10 names each)	\$200
Upgraded water fountain (single with bottle filler)	\$3,596.15
(3) 6 foot Benches	\$2,181.43
(3) 8 foot ADA compliant Picnic Tables	\$3,582.87
Total	\$125,509.27
Donated funds & Parks CO reallocated funds. \$2,000 Rotary, \$15,000 Lions Club, \$25,000 CO fund	(\$42,000)
Total after using Rotary, Lions Club and Parks 2009 CO fund	\$83,509.27
10% Contingency	\$8,350.93
FINAL TOTAL Page 18	\$91,860.20

Adjusted Total cost for Veterans Memorial

Item	Amount
Monuments <i>(6-9 month lead time, no deposit required at contract signing)</i>	\$31,464
Granite Benches <i>(6-9 month lead time, no deposit required at contract signing)</i>	\$1,800
(2) Flag Poles <i>(8-10 weeks lead time, 50% deposit required at contract signing)</i>	\$5,900.46
Lighting <i>(4-6 week lead time)</i>	\$24,182
Park Entrance & Marquee Sign <i>(8-10 week lead time, 50% deposit required at contract signing)</i> <i>Marquee sign only – installation cost estimated not exact.</i>	\$45,802.36 \$5,900
Concrete Pad for monument <i>(6-8 week lead time)</i>	\$4,800
Bronze Medallion for Entrance Sign	\$2,000
Bronze Plaque for Veterans names 10x10 (fits up to 10 names each)	\$200
Upgraded water fountain (single with bottle filler)	\$3,596.15
(3) 6 foot Benches	\$2,181.43
(3) 8 foot ADA compliant Picnic Tables	\$3,582.87
Total	\$76,246.46
Donated funds & Parks CO reallocated funds. \$2,000 Rotary, \$15,000 Lions Club, \$25,000 CO fund	(\$42,000)
Total after using Rotary, Lions Club and Parks 2009 CO fund	\$34,246.46
10% Contingency	\$3,424.65
ADJUSTED FINAL TOTAL	\$37,671.11

VETERAN MEMORIAL QUOTES

1. Some people live an entire lifetime and wonder if they have ever made a difference in the world. A veteran does not have that problem

Doug Crowe

Phil Sedivy

Howard Vold

Peter Stamatakos

Del Francis

Kira Sedivy

2. The willingness of America's veterans to sacrifice for our country has earned them our lasting gratitude

Bob Lynch

3. To those in uniform serving today and to those who have served in the past, we honor you today and everyday

Del Francis

4. Our debt to the heroic men and valiant women in the service of our country can never be repaid. They have earned our undying gratitude America will never forget their sacrifices

John Mounce

Juli Cuthbertson

Alyssa Linenkugel

Jacqueline Steinbacher

James Clark

5. Veterans are a symbol of what makes our nation great, and we must never forget all they have done to ensure our freedom

Peter Stamatakos

Bob Lynch

6. Dedicated to the Veterans from our community who left their families, friends and neighborhoods to serve in the defense of freedom

Phil Sedivy

Kira Sedivy

****Names in red are veterans****

Parks and Recreation Advisory Board

September 6, 2022

Justin City Hall, 415 North College Street

Cover Sheet

Agenda Item: #1

Title: Landscape Ordinance

Department: Administration

Contact: Public Works Administrative Coordinator, Kira Sedivy

Recommendation: Discuss, consider and recommend amendments to the Landscape ordinance for distance of canopy trees.

Background: City Council requested the Parks Board discuss and research appropriate distances for canopy trees. Would like us to work with the Master Gardeners or an Arborist to determine which canopy trees are more sustainable in the area.

This will coincide with selecting the appropriate trees to offer for our Tree Canopy and Memorial Tree applications.

City Attorney Review: N/A

CITY OF JUSTIN
CODE OF ORDINANCES
Chapter 52 - ZONING
ARTICLE III. - DESIGN AND CONSTRUCTION
DIVISION 5. LANDSCAPING AND BUFFER REQUIREMENTS

DIVISION 5. LANDSCAPING AND BUFFER REQUIREMENTS¹

Sec. 52-201. Purpose.

- (a) *Purpose and intent.* The purpose of this section is to provide minimum requirements for landscape and maintenance in newly developed and redeveloped properties, in accord with the goals and objectives of the city comprehensive plan. The intent of these requirements is to accomplish the following:
- (1) Protect and promote the value and positive image of property, and enhance the general welfare and physical appearance of the city;
 - (2) Promote the healthy growth and maintenance of native and adapted trees and vegetation to aid in environmental and ecological protections, including air purification, temperature moderation, oxygen regeneration, groundwater recharge, storm water runoff management, and erosion control;
 - (3) Provide for landscape elements that are well-integrated into both public and private properties, serving to harmonize the appearance of streets, parking areas, buildings, and open space;
 - (4) Provide buffering of properties from adjacent roadways, particularly where low-density residential development is adjacent to non-residential development, or where any development or open space is adjacent to a thoroughfare or heavily trafficked perimeter street;
 - (5) Provide for the separation, screening, or buffering of incongruous or incompatible land-uses and intensity of activities, particularly between low-density residential and non-residential development, roadways, thoroughfares, or heavily trafficked perimeter streets;
 - (6) Reduce the negative effects of noise, dust, and reflected glare from paved surfaces; and
 - (7) Reduce light pollution and spillover to adjacent properties, the public right-of-way, and the night sky.
- (b) *Applicability.* The requirements of this section shall apply to all new construction and all redevelopment that results in the replacement or expansion of more than 30 percent of the principal permitted use or structure. Buildings in existence on the effective date of the ordinance from which this division is derived shall be considered legally nonconforming. Pad-site developments or ground-lease developments shall meet the landscape and buffer requirements of subsections (d) and (e).

Additionally, any use requiring a PD zoning designation must comply with these landscape standards unless special provisions are included in the ordinance establishing the PD district.

The city code enforcement office or its designee shall administer and enforce the provisions of this section.

- (c) *Definitions.* Refer to section 52-1 (Definitions) for all definitions applicable to this section.

¹Editor's note(s)—Ord. No. 639-18A , § 2(Exh. A), adopted Feb. 26, 2018, amended div. 5 in its entirety to read as herein set out. Former div. 5, §§ 52-201—52-212, pertained to landscaping and buffers, and derived from Code 1994, §§ 12.1050(A), 12.1050(B), 12.1050(C)(1)—(5), 12.1050(D), 12.1050(E), 12.1050(F)(1)—(3), 12.1050(G); Ord. No. 246-A, adopted Mar. 24, 1997; Ord. No. 338, § 1, adopted Jan. 14, 2002; and Ord. No. 578-14, § 1, adopted Nov. 10, 2014.

-
- (d) *Landscape buffers.* A landscape buffer yard shall provide visual separation of differing land uses, or between a land use and a public road, to reduce or eliminate the potential nuisance effects of noise, glare, signs, dust, litter, and unsightly areas or functions. Buffer yards without established grass or ground cover shall be seeded with grass or planted with ground cover, to ensure coverage within three years. The standards of this section provide for increases in the width and the opacity of the landscape buffer required per subsection (b).

(1) *Activities exempt from buffer yard requirements.*

- a. Residential uses adjoining residential uses within any residential zoning district;
- b. Non-residential uses adjoining non-residential uses of the same zoning classification;
- c. Agricultural uses;
- d. Any use, building, or structure for which only a change of use is requested, and which does not increase the existing building area.

(2) *Buffer yard location.*

- a. A buffer yard shall be located within and along the outer perimeter of a lot or boundary line.
- b. Buffer yard canopy trees shall not be planted within a water or sanitary sewer easement.
- c. A buffer yard may overlap a drainage easement if plantings do not impede the flow of water within the easement.
- d. A buffer yard shall not be located within any portion of an existing or dedicated public street or right-of-way.

(3) *Buffer yard requirements.*

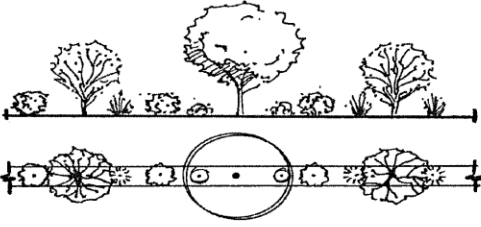
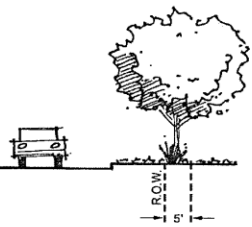
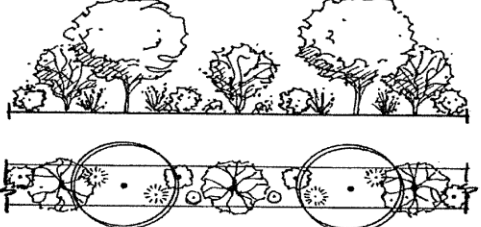
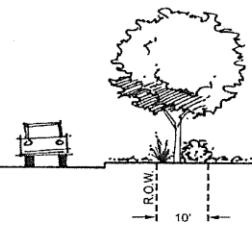
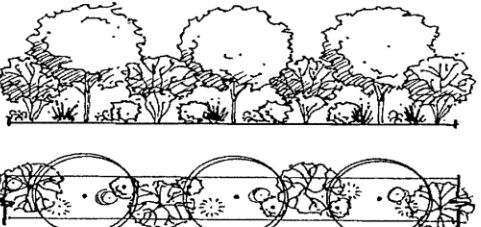
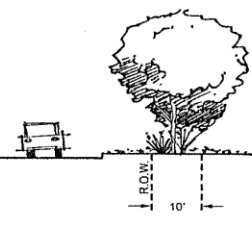
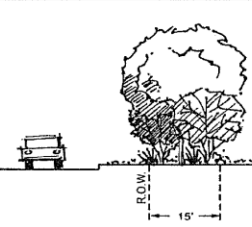
- a. Existing tree credit. An existing, mature canopy tree located within 20 feet of the property line, with a minimum of 25 percent of its radial drip line falling within a required buffer yard area, shall be granted credit toward reducing the required tree plantings as shown in Table 52-1. Tree diameter shall be measured as DBH ("diameter at breast-height") at approximately four and one-half feet above the natural ground level. Existing tree credit candidates shall be healthy and listed on the Recommended Canopy Tree List in Table 52-10.

Table 52-1: EXISTING TREE CREDITS

Tree Diameter (DBH)	Planting Requirement Reduction
From 2" to 6"	One canopy tree OR two understory trees
Up to 12"	Two canopy trees OR three understory trees
Up to 24"	Three canopy trees OR four understory trees
Greater than 24"	Four canopy trees OR four understory trees

- b. Table 52-2 defines the buffer yard requirements. Required plant materials shall apply to a single buffer yard (i.e. corner lots shall provide two buffer yards, and may not apply plantings for one buffer yard toward the requirements for the second yard).
- c. Tables 52-3 and 52-4 determine the type of buffer yard required between two adjacent parcels, or between a parcel and a roadway. Proposed buffer yard may require city approval.

Table 52-2: BUFFER YARD REQUIREMENTS (PER 100 LINEAR FEET)

Buffer Yard 'A' • 5-foot min. width • Min. 1 canopy tree • Min. 2 understory trees • Min. 8 screening shrubs • No fence or berm required		
Buffer Yard 'B' • 10-foot min. width • Min. 2 canopy trees • Min. 3 understory trees • Min. 10 screening shrubs • No fence or berm required		
Buffer Yard 'C' • 10-foot min. width • Min. 3 canopy trees • Min. 4 understory trees • Min. 12 screening shrubs • No fence or berm required		
Buffer Yard 'D' • 15-foot min. width • Min. 3 canopy trees • Min. 4 understory trees • Min. 18 screening shrubs • No fence or berm required		

Buffer Yard 'E' • 20-foot min. width • Min. 4 canopy trees • Min. 4 understory trees • Min. 10 screening shrubs • Min. 3-ft high berm required, with max. slope of 3:1		
Buffer Yard 'F1' • 15-foot min. width • Min. 3 canopy trees • Min. 6 understory trees • Min. 10 screening shrubs • 6-ft high fence required, see Item 3 for required structures, this section.		
Buffer Yard 'F2' • 15-foot min. width • Min. 4 canopy trees • Min. 4 understory trees • Min. 12 screening shrubs • 6-ft high fence required, see Item 3 for required structures, this section.		

Table 52-3: BUFFER YARD REQUIREMENT MATRIX

Zoning of Developing Tract	Existing Adjacent Zoning				
	SF-LL, SF-1, SF-1A, SF2, 2F	MF	LR, GB	LI	MH
SF-OT	*	F1	F1	F2	F1
SF-LL, SF-1, SF-1A, SF-2, 2F	*	F2	F2	F2	F2
MF	F2	A	F2	F2	F2
LR, GB	F2	F2	A	B	F2
LI	F2	F2	F2	A	F1
MH	F2	D	A	F1	A

* No buffer yard required

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Table 52-4: BUFFER YARD ROADWAY FRONTAGE MATRIX

Zoning of Developing Tract	Frontage Along Thoroughfares or Collector Roads	Frontage Along Residential Street
SF-LL, SF-1, SF-1A, SF-2	E, F1, or F2 (Incl. lots backing or siding to roadway)	*
SF-OT	E, F1, or F2	*
2F	E, F1, or F2	*
MF	D	D
LR, GB	E	E
LI	E	E
MH	C	D

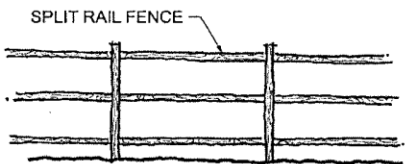
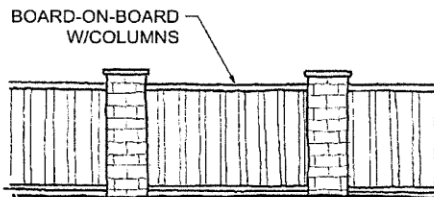
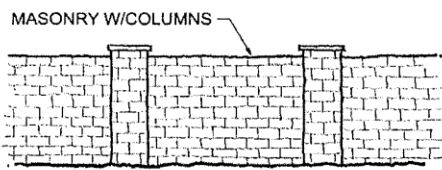
* No buffer yard required

(Ord. No. 639-18A , § 2(Exh. A), 2-26-2018)

Sec. 52-202. Required structures.

- (a) Whenever a berm is required in a buffer yard, it shall be a minimum of three feet in height and constructed in accordance with the specifications set forth in the city's design standards. Berms shall have side slopes no steeper than 3:1. Wherever possible, berms shall be curvilinear rather than straight. Berms are not required to be continuous and are preferred to be broken periodically, but must cover a minimum of 75 percent of the length of the property line to be buffered.
- (b) A hedge of evergreen shrubs obtaining a mature height greater than three feet may be approved to substitute for a berm. Any approved hedge shrubs must be a minimum of two feet in height at the time of planting, and spaced on minimum 24-inch centers.
- (c) Unless otherwise noted or approved, whenever a fence or wall is required within a buffer yard, it shall be constructed in accordance with specifications set forth in the city's design standards and summarized in Table 52-5. An "F1" fence shall be a wooden fence, and may be of a split-rail, picket, board-on-board, shadow-box, or stockade style. An "F2" wall shall be of masonry construction. Both F1 and F2 structures may incorporate decorative capped columns. If there is a difference in finish level between the two sides of the fence or wall, the less finished side shall face the more intensive land use.
- (d) A screening wall and a buffer yard is required when the rear or side yards of a residential subdivision abut a thoroughfare, collector, or local street. The screening wall and landscaping shall be located in an easement equal to the buffer yard prescribed in Table 52-2 with the wall located between the landscaping and the residential lots.

Figure 52-5: REQUIRED STRUCTURES

Structure Type	Typical Examples	Notes
E (Berm)		Berms shall be a min. three (3) feet in height, curvilinear in plan and non-continuous in profile (no more than 75% of the buffer yard length), with a maximum side-slope of 3:1.
F1 (Fence)		Split-rail fences shall be four (4) feet in height, all other types shall be six (6) feet in height. If completed finish differs from side-to-side, the less-finished side shall face the more intensive land-use.
F1 (Fence)		
F2 (Wall)		

(Ord. No. 639-18A , § 2(Exh. A), 2-26-2018)

Sec. 52-203. Reserved.

Sec. 52-204. Optional buffer yards.

The applicant may seek city approval of an optional buffer yard than is otherwise required, as shown in Table 52-6:

Table 52-6: OPTIONAL BUFFER YARDS

Buffer Yard Required	Optional Buffer Yard
A	B, C, D, E
B	C, D, F1

C	D, F1
D	F1
E	B, C, D
F1	F2
F2	None

(Ord. No. 639-18A , § 2(Exh. A), 2-26-2018)

Sec. 52.205. Uses of buffer yards.

A buffer yard may be used for passive recreation, such as pedestrian, bike or equestrian trails, provided that (a) no plant material is eliminated, (b) the total width of the buffer yard is maintained, and all other requirements of this section are met. Buffer yards may not be used for play fields, stables, swimming pools, tennis courts, accessory buildings, parking facilities or trash dumpster locations.

(Ord. No. 639-18A , § 2(Exh. A), 2-26-2018)

Sec. 52-206. Non-residential interior landscaping requirements.

- (a) Screening elements, either plantings or structures, shall be provided with the intent to promote safety, to enhance or protect the visual character of residential, commercial, and industrial areas; and to help maintain the value of land, buildings, and neighborhoods.
- (b) Construction and maintenance of screening elements shall be conducted in compliance with all relevant sections of the zoning and subdivision ordinances.
- (c) Subdivision screening designs must be approved by the city before construction or installation begins.
- (d) Interior landscaping requirements. The landscape area required on the interior of all lots (excluding buffer yards) for MH, LR, GB and LI zoning districts shall be ten percent of the lot area.
 - (1) *Planting requirements.* The following plants shall be required within the interior landscape area:
 - a. One canopy tree per 600 square feet, planted a minimum of 12 feet on-center.
 - b. One understory tree per 300 square feet, planted a minimum of eight feet on-center.
 - c. One shrub per 60 square feet of landscape area, spacing per Table 52-11.
 - d. Ground cover. To provide continuous cover for a maximum of 25 percent of total required landscape area.
 - (2) *Location requirements.* A minimum of 75 percent of all required plant materials within the interior landscape area shall be in the front or along either side of the building between the building and the interior edge of the buffer yards.
 - (3) *Enhanced pavement credits.* For every one square foot of enhanced pavement area, the required interior landscape area may be reduced by one-half square foot. The maximum credit given for enhanced pavement area shall be ten percent of the required interior landscape area.
 - (4) *Right-of-way landscaping credits.* The required interior landscape area may be reduced by a maximum of ten percent when the applicant chooses to establish, irrigate, and maintain turf grass within the parkway along the front of their property. The percent credit given will be prorated based on the portion of the parkway irrigated (i.e. 50 percent parkway irrigated provides five percent credit).

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Sec. 52-207. Residential landscaping requirements.

(a) Minimum landscaping requirements within new single-family and two-family (2F), developments:

- (1) Planting requirements. Trees and shrubs shall be planted to meet the total quantities in Table 52-7 below. Required canopy (shade) trees shall be a minimum three caliper inches in diameter. Required understory (ornamental) trees shall be a minimum two caliper inches in diameter. A minimum of one canopy and one ornamental tree shall be located in the front yard of all residential lots. The remaining required trees may be placed in the front or rear of the residential lot.

Table 52-7: RESIDENTIAL PLANT QUANTITIES

Lot Area (SF)	Total Caliper Inches	Total Number of Shrubs
Up to 6,999	5	12
7,000-8,999	8	15
9,000-19,999	11	20
20,000+	14	25

(2) Location of trees.

- a. No trees are to be planted within the parkway, the area between the back of curb and the right-of-way/property line.
- b. No tree shall be placed in a location that interferes with, or will grow to interfere with, overhead and/or underground utility easements.
- c. Trees shall be spaced so that at mature growth the canopies do not substantially overlap.

(3) Measurement.

- a. Tree diameter shall be measured as DBH ("diameter at breast-height") at approximately four and one-half feet above the natural ground level.
- b. If the trunk splits into multiple trunks below the six-inch level, then the multiple trunk trees are measured by the following formula.
 1. Measure largest trunk circumference at 12 inches above the natural ground level.
 2. Remaining trunks, measure circumference at 12 inches above the natural ground level and divided by two.
 3. Add subsections 1. and 2. for total circumference, divide total by 3.14 to get caliper.

(4) Additional vegetation requirements.

- a. Required shrubs shall be a minimum of three gallons in size when planted and shall be planted in the front yard of all residential lots. Shrubs may be substituted with small trees when planted in the front yard.
- b. Solid vegetative ground cover or lawn for the entirety of the lot that is not otherwise covered by mulched planter beds, building(s) and/or driveway area(s).

(5) All landscaping required above shall be planted prior to issuance of the certificate of occupancy on the dwelling(s).

Sec. 52-208. Parking lot landscaping requirements.

Planter islands shall be provided in parking areas based on 20 square feet of landscape area for each parking stall provided (approximately one island per eight stalls). Each row of parking stalls shall provide the required landscape area, however it shall be the applicant's right to place the islands near the building, throughout the parking or at the end of the rows away from the building. The city manager or designee may modify the island requirement for each row in situations where it would be beneficial to combine islands into a larger island. Planter islands shall have a minimum width of eight feet back to back, if curbed, or nine feet edge to edge, if no curb is provided. Parking lot landscaping does not count toward the total required interior landscape area.

- (a) *Existing trees.* The city manager or designee may approve variations to the planter island requirements to preserve existing trees in interior parking areas. For existing trees, the minimum width of the planter island shall be as shown in Table 52-8:

Table 52-8: PLANTER ISLAND SIZING

6" caliper (DBH) or less	8' minimum width
6" to 12" caliper (DBH)	12' minimum width
more than 12" caliper (DBH)	18' minimum width

- (b) *Planting requirements.* A minimum of 50 percent of all planter islands in parking areas shall contain a minimum of one canopy tree with the remaining area in shrubs, ground cover, grasses, or seasonal color. Planter islands that have light poles may substitute two understory/accent trees for the required canopy tree.

(Ord. No. 639-18A , § 2(Exh. A), 2-26-2018)

Sec. 52-209. Plant materials.

- (a) The city reserves the right to approve proposed planting plans through an appointed horticulturist, landscape architect, or other persons so qualified. Table 12-5 indicates plant species that are prohibited, due to their invasive or noxious characteristics.
- (b) All non-paved surfaces shall be completely covered with living plant material. Landscape materials such as wood chips and gravel may be approved for use under trees, shrubs and other plants, but shall not comprise a significant portion of the total landscaped area. This requirement shall not apply to public or private playgrounds built in association with any non-residential or park use.
- (c) All plant material shall be of No. 1 grade, free from plant disease, of typical growth for the species, have a healthy, normal root system, rounded branching pattern, and shall conform to the code of standards set forth in the current edition of the American Standard for Nursery Stock. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- (d) Recommended plants. Approved recommended plants are listed in Tables 52-9 to 52-12. Prohibited plants are listed in Table 52-13. Any non-prohibited plants proposed other than those on the approved lists will require city approval. Plant materials shall be appropriate for the region and local site climatic and soil conditions, including drought-tolerance. Plant materials shall be installed in accordance with established horticultural standards of practice.

- (e) Size requirements when planted. All plants shall equal or exceed the following measurements when planted. Plants larger than specified may be used, but use of such plants shall not decrease the size requirements of other proposed plants.

(1) Tree measurement. Canopy and understory trees with single trunks shall be measured by caliper size one foot above the ground line. Multi-trunk trees shall be measured by the height of the tree.

(2) Minimum sizes. The minimum plant size when planted shall be as follows:

Plant Material Type	Minimum Size
Single-trunk shade tree	3" caliper, 10'-12' height, ball-and-burlap
Single-trunk understory tree	2" caliper, 6'-8' height
Multi-trunk understory tree	2" caliper (largest stem), 6'-8' height
Shrub	3-gallon container, 12-inch height
Ornamental grasses	3-gallon container, 18-inch height
Groundcover	4-inch (SP4) containers

Table 52-9: RECOMMENDED PLANT LIST "A"

CANOPY (SHADE) TREES—HARDINESS ZONE 8								
Common Name	Botanical Name	TX Native	Mature Height	Mature Spread	Light Req.	Water	Foliage	Util. Appr.
Ash, Texas	<i>Fraxinus texensis</i>	Y	30'	40-50'	Sun	VL	Decid.	
Cedar, Eastern Red	<i>Juniperus virginiana</i>	Y	20-50"	15-25'	Sun	M	Everg.	
Cherry, Escarpment Black	<i>Prunus serotina var. eximia</i>	Y	25-50'	25-35'	Sun/part shade	L	Decid.	
Cypress, Arizona	<i>Cupressus arizonica</i>	Y	20-50'	15-25'	Sun	L	Everg.	
Elm, American	<i>Ulmus americana</i>		70-90'	50-90'	Sun/part shade	M	Decid.	
Elm, Cedar	<i>Ulmus crassifolia</i>	Y	25-60'	25-35'	Sun/part shade	L	Decid.	
Elm, Lacebark	<i>Ulmus parvifolia</i>		40-60'	30-40'	Sun	M	Decid.	
Locust, Honey (thornless)	<i>Gleditsia triacanthos inermis</i>	Y	30-50'	25-35'	Sun/part shade		Decid.	
Maple, Big Tooth	<i>Acer grandidentatum</i>	Y	40-50'	20-30'	Sun/part shade	VL	Decid.	

Mesquite, Honey	<i>Prosopis glandulosa</i>	Y	Y	25-30'	Sun	VL	Decid.	Yes
Oak, Bur	<i>Quercus macrocarpa</i>	Y	50-75'	50'+	Sun	VL	Decid.	
Oak, Chinquapin	<i>Quercus muhlenbergii</i>	Y	30-60'	30-40'	Sun	M	Decid.	
Oak, Lacey	<i>Quercus laceyi</i>	Y	20-35'	25'	Sun	VL	Decid.	
Oak, Monterey (Mexican White)	<i>Quercus polymorpha</i>	Y	40-60'	30-40'	Sun	VL	Everg.	
Oak, Escarpment Live*	<i>Quercus fusiformis</i>	Y	20-40'	50'+	Sun	L-VL	Everg.	
Oak, Shumard Red*	<i>Quercus shumardii</i>	Y	30-50'	30'-50'	Sun	L	Decid.	
Oak, Southern Live*	<i>Quercus virginiana</i>	Y	30-50'	50'+	Sun	L-VL	Everg.	
Oak, Texas Red*	<i>Quercus texana</i>	Y	15-30'	15-30'	Sun	L	Decid.	
Oak, Post	<i>Quercus stellata</i>		30-50'	60-80'	Sun/part shade	M	Decid.	
Pecan	<i>Carya illinoensis</i>	Y	60-90'	60-75'	Sun	M	Decid.	
Pine, Italian Stone	<i>Pinus pinea</i>		35-60'	20-40'	Sun	L	Everg.	
Sycamore, Mexican	<i>Platanus mexicana</i>		30-50'	40'	Sun/part shade	M-L	Decid.	
Walnut, Texas Little	<i>Juglans microcarpa</i>	Y	18-20'	20'	Sun/part shade	M	Decid.	

* May not be used in Oak Wilt prone area.

Table 52-10: RECOMMENDED PLANT LIST "B"

UNDERSTORY (ORNAMENTAL) TREES—HARDINESS ZONE 8								
Common Name	Botanical Name	TX Native	Typ. Height	Typ. Spread	Light Req.	Water	Foliage	Util. Appr.
Buckeye, Mexican	<i>Ungnadia speciosa</i>	Y	8-15'	12-20'	Sun/part shade	L	Decid.	Yes

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Cherry Laurel	<i>Prunus caroliniana</i>	Y	15-20'	12-15'	Sun/part shade	M	Everg.	
Chitalpa	<i>Chitalpa tashkentensis</i>		25-30'	15-20'	Sun/part shade	L	Decid.	
Crapemyrtle	<i>Lagerstroemia indica</i>		4-30'	10-20'	Sun	L-M	Decid.	Yes
Desert Willow	<i>Chilopsis linearis</i>	Y	10-25'	15-20'	Sun/part shade	VL	Decid.	Yes
Dogwood, Rough-leaf	<i>Comus drummondii</i>	Y	8-15'	10-15'	Sun/shade	M	Decid.	
Eve's Necklace	<i>Sophora affinis</i>	Y	10-20'	15-20'	Sun/part shade	L	Decid.	Yes
Possumhaw	<i>Ilex decidua</i>	Y	12-15'	12'	Sun/part shade	L-M	Decid.	Yes
Holly, Yaupon	<i>Ilex vomitoria</i>	Y	15-25'	10-15'	Sun/part shade	L-M	Everg.	Yes
Mountain-laurel, Texas	<i>Sophora secundiflora</i>	Y	10-20'	8-12'	Sun/part shade	L	Everg.	Yes
Persimmon, Texas	<i>Diospyros texana</i>	Y	8-15'	8-12'	Sun/part shade	VL	Decid.	Yes
Pistache, Texas	<i>Pistacia texana</i>	Y	10-30'	30-45'	Sun/part shade	VL	Everg.	
Plum, Mexican	<i>Prunus mexicana</i>	Y	15-25'	15-20'	Sun/part shade	L	Decid.	Yes
Redbud, Mexican	<i>Cercis canadensis</i> var. <i>mexicana</i>	Y	15-30'	12-15'	Sun/part shade	VL	Decid.	Yes
Redbud, Texas	<i>Cercis canadensis</i> var. <i>texensis</i>	Y	15-30'	12-15'	Sun/part shade	L	Decid.	Yes
Retama Palo Verde	<i>Parkinsonia aculeata</i>	Y	12-20'	12-20'	Part shade/sun	VL	Decid.	
Sumac, Flameleaf	<i>Rhus lanceolata</i>	Y	10-30'	15-20'	Sun/part shade	L	Decid.	
Viburnum, Rusty Blackhaw	<i>Viburnum rufidulum</i>	Y	10-30'	10-15'	Sun/shade	L	Decid.	
Wax Myrtle	<i>Myrica cerifera</i>	Y	10-15'	6-15'	Sun/part shade	M	Everg.	Yes

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Table 52-11: RECOMMENDED PLANT LIST "C"

Common Name	Scientific Name	TX Native	Mature Height	Mature Spread	Light Req.	Water	Evergreen/Deciduous
LARGE (SCREENING)							
Abelia Glossy	<i>Abelia grandiflora</i>		6'	6'	Sun/part shade	L-M	E
Acuba	<i>Acuba japonica</i>		3-5'	3-5'	Part shade	M	E
Cotoneaster	<i>Cotoneaster sp.</i>		3-5'	4-7'	Sun/Part shade	M	E
Hawthorne, Indian	<i>Rhaphiolepis indica</i>		4-6'	4-6'	Sun/part shade	M	E
Holly, Burford	<i>Ilex comuta 'Burfordii'</i>		8-12'	8-10'	Sun/part shade	L	E
Holly, Dwarf Burford	<i>Ilex comuta 'Burfordii Nana'</i>		4-6'	3-4'	Sun/Part shade	L	E
Holly, Dwarf Chinese	<i>Ilex comuta 'Rotunda nana'</i>		3-4'	3-6'	Sun/Part shade	L	E
Holly, Nellie R. Stevens	<i>Ilex comuta 'Nellie R. Stevers'</i>		8-10	5-6'	Sun	L-M	E
Holly, Dwarf Yaupon	<i>Ilex vomitoria 'Nana'</i>	Y	2-4'	2-4'	Sun/shade	L	E
Rosemary, Upright	<i>Rosmarinus officinalis</i>		4'	4-6'	Sun	M	E
Sage, Texas	<i>Leucophyllum frutescens</i>	Y	4-5'	4-5'	Sun	L	E
Wax Myrtle, Dwarf	<i>Myrica pusilla; Morella cerifera var. pumila</i>		3-5'	3-6'	Part shade/sun	M	E
Wax Myrtle, Southern	<i>Myrica cerifera</i>	Y	Shrub to 12'	6-15'	Sun/part shade	M	E
Yucca, Spanish Dagger	<i>Yucca rostrata</i>	Y	5-15'	4'	Sun/part shade	VL	E
MEDIUM							
Agave, Blue	<i>Agave tequilana</i>		6'	6'	Sun	VL	E

Agave, Century Plant	<i>Agave americana</i>	Y	6'	8-10'	Sun/part shade	VL	E
American Beautyberry	<i>Callicarpa americana</i>	Y	4-6'	6'	Part shade/shade	L-M	D
Cactus, Prickly Pear	<i>Opuntia spp.</i>	Y	3-4'	3-4'	Sun	L	E
Esperanza/ Yellow Bells	<i>Tecoma stans</i>	Y	4'-8'	4-6'	Sun	L-M	D
Flame Acanthus	<i>Anisacanthus quadrifidus var. wrightii</i>	Y	3-4'	3-4'	Sun/part shade	VL	D
Indigo Spires	<i>Salvia 'Indigo Spires'</i>	Y	3-4'	5-7'	Sun/part shade	L-M	D
Lantana, Texas	<i>Lantana horrida</i>	Y	2-6'	4-5'	Sun	VL	D
Palmetto, Texas Dwarf	<i>Sabal minor</i>	Y	3-5'	4-6'	Sun/shade	M	E
Rose, 'Knock Out'	<i>Rosa 'Knock Out'</i>		3'	3'	Sun	M	SE
Sage, Cherry (Autumn Sage)	<i>Salvia greggii</i>	Y	2-3'	2-3'	Sun	L	E
Sage, Henry Duelberg (Blue Sage)	<i>Salvia farinacea 'Henry Duelberg'</i>	Y	3'	3'	Sun	L	D
Sage, Majestic	<i>Salvia guaranitica</i>		3-5'	4-5'	Sun/shade	L	D
Sage, Mexican Bush	<i>Salvia leucantha</i>		4-5'	4-5'	Sun	L	D
Sage, Russian	<i>Perovskia atricplifolia</i>		3'	3'	Sun	L	D
Sotol, Texas	<i>Dasyllirion texanum</i>	Y	3-4'	3-4'	Sun/part shade	L	E
Sumac, Fragrant	<i>Rhus aromatica</i>	Y	6-9'	4-6'	Sun/part shade	L	D
Turk's Cap	<i>Malvaviscus arboreus</i>	Y	2-6'	3-5'	Sun or shade	L	E

Yucca, Red	<i>Hesperaloe parviflora</i>		6'	4'	Sun	VL	E
Yucca, Softleaf	<i>Yucca recurvifolia</i>	Y	4-6'	3'	Sun/part shade	VL	E
SMALL							
Agave, Parry's	<i>Agave parryi</i>	Y	1-1.5'	1.5'	Sun/part shade	VL	E
Agave, Queen Victoria	<i>Agave victoriae-reginae</i>	Y	1.5'	1.5'	Sun/part shade	VL	E
Artemisia	<i>Artemisia 'Powis Castle'</i>		1-2'	3-6'	Sun	VL	E
Coralberry	<i>Symphoricarpos orbiculatus</i>	Y	2-3'	2-3'	Sun/ part shade	L	D
Sage, Scarlet or 'Tropical'	<i>Salvia coccinea</i>	Y	1.5-3'	1-1.5'	Sun/Shade	L	D
Skullcap, Pink	<i>Scutellaria suffrutescens</i>		1'	3'	Sun/part shade	L	E
Yucca, Red	<i>Hesperaloe parviflora</i>	Y	2-4'	4'	Sun/part shade	VL	E

Table 52-12: RECOMMENDED PLANT LIST "D"

ORNAMENTAL GRASSES—HARDINESS ZONE 8							
Common Name	Scientific Name	TX Native	Mature Height	Mature Spread	Light Req.	Water	Evergreen/ Deciduous
Bluestem, Big	<i>Andropogon gerardii</i>	Y	4-8'	2-3'	Sun/part shade	L	D
Bluestem, Little	<i>Schizachyrium scoparium</i>	Y	2-3'	1-1.5'	Sun/part shade	L	D
Feathergrass, Mexican; Mexican Wiregrass	<i>Nassella tenuissima</i>	Y	1-2'	1-2.5"	Sun/part shade	L	SE
Fountain Grass, Dwarf	<i>Pennisetum alopecuroides</i>		2.5-3'	2.5-3'	Sun	M	D
Indiangrass, Yellow Indian Grass	<i>Sorghastrum nutans</i>	Y	3-5'	1-1.5'	Sun/part shade/shade	L	D

Inland Sea oats	<i>Chasmanthium latifolium</i>	Y	1-3'	3-6'	Part sun/shade	L-M	D
Muhly, Bamboo	<i>Muhlenbergia dumosa</i>		4-5'	4-5'	Sun/part shade	L	E
Muhly, Big; Lindheimer Muhly	<i>Muhlenbergia lindheimeri</i>	Y	3-5'	3-4'	Sun/part shade	M-L	D
Muhly, Deer	<i>Muhlenbergia rigens</i>	T	1-1.5'	1-1.5'	Sun/part shade	L	D
Muhly, Gulf	<i>Muhlenbergia capillaris</i>	Y	2-2.5'	2-3'	Sun/part shade	L-M	D
Muhly, Pine	<i>Muhlenbergia dubia</i>	T	1-3'	1-3'	Sun/part shade	VL	E
Muhly, Seep	<i>Muhlenbergia reverchonii</i>	T	2-3'	1.5-2'	Sun	VL	D
Nolina; Ribbon Grass, Devil's Shoestring	<i>Nolina lindheimeriana</i>	E	1-3'	4-5'	Sun/part shade	L	E
Rye, Canada Wild	<i>Elymus canadensis</i>	T	2-4'	2-3'	Sun/part shade	M	D
Sideoats Grama	<i>Bouteloua curtipendula</i>	Y	1-3'	2-3'	Sun/part shade	L	D
Switchgrass	<i>Panicum virgatum</i>	Y	3-6'	1-3'	Sun/part shade	M	D
Wheatgrass, Western	<i>Pascopyrum smithii</i>		1-3'	1-1.5'	Sun/part shade	M	D

Table 52-13: PROHIBITED PLANTS

PROHIBITED PLANT SPECIES*	
Common Name	Scientific Name
Bamboo	<i>Phyllostachys aurea; Bambusa spp.</i>
Cat's Claw Vine	<i>Macfadyena unguis-cati</i>
Cattail	<i>Typha spp.</i>
Chinaberry	<i>Melia azedarach</i>
Chinese Parasol Tree	<i>Firmiana simplex</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Chinese Tallow	<i>Sapium sebiferum</i>
English Ivy	<i>Hedera helix</i>
Giant Cane; Giant Reed	<i>Arundo donax</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Jimsonweed	<i>Datura stramonium</i>

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Jujube	<i>Ziziphus zizyphus</i>
Kudzu	<i>Pueraria lobata</i>
Ligustrum, Japanese	<i>Ligustrum, lucidum</i>
Ligustrum, Wax Leaf	<i>Ligustrum japonicum</i>
Mimosa (non-native)	<i>Albizia julibrissin</i>
Mulberry, Paper	<i>Broussonetia papyrifera</i>
Mulberry, White	<i>Morus alba</i>
Nandina (fruiting varieties)	<i>Nandina spp.</i>
Oleander	<i>Nerium oleander</i>
Pampas Grass	<i>Cortadenia selloana</i>
Princess Tree; Empress Tree	<i>Paulownia tomentosa</i>
Pines, non-native	<i>Pinus elliotii</i> ; <i>P. eldarica</i> , <i>P. virginiana</i>
Photinia, Chinese	<i>Photinia spp.</i>
Privet, Common	<i>Ligustrum sinense</i> , <i>Ligustrum vulgare</i> (and others)
Pyracantha	<i>Pyracantha spp.</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Tamarsik, Salt Cedar	<i>Tamarix spp.</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Vinca, Periwinkle	<i>Vinca major</i> & <i>V. minor</i>
Vitex, Lilac Tree; Chaste Tree	<i>Vitex agnus-castus</i>
Wisteria, Chinese	<i>Wisteria sinensis</i> (and others)

(Ord. No. 639-18A , § 2(Exh. A), 2-26-2018)

Sec. 52-210. Median landscaping.

Landscaping improvements shall be installed within the medians of all proposed, planned, or divided roadways within the city limits as shown on the city master thoroughfare plan. Frontage is wherever a property abuts the right-of-way of the divided thoroughfare, and separate frontages exist on each side of the thoroughfare.

- (1) *Applicability.* Only developments or subdivisions abutting or adjacent to a divided roadway, as defined in the master thoroughfare plan, shall be subject to this section.
- (2) *Developer obligation.* The subdivider or developer shall be fully responsible for the construction and installation of the required landscaping and maintenance of the improvements for a period of one year. During the first year following installation, the subdivider or developer shall replace any tree, shrub, sod, groundcover or hardscape in substandard condition. Following the first year, the director of engineering and public works shall inspect the installation and determine what, if any, plant materials and/or hardscape must be replaced prior to the city taking over maintenance.
- (3) *Installation or deferment.* In the event that the director of engineering and public works, in his sole discretion, determines that the installation of improvements at any given time period is impractical due to further road construction or other factors, the subdivider or developer shall pay a fee-in-lieu into an escrow account for future median landscaping and/or maintenance. This fee-in-lieu of installation is collected once from each frontage and described more fully in subsection (7)j.
- (4) *City participation.* At the discretion of the director of engineering and public works, the subdivider may install landscaping across the full width of the median, and be reimbursed by the city for the

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landscaping provided for the second frontage at the per linear foot of frontage rate or the actual cost of the improvements, whichever is less, if funds are available.

- (5) *Plan design burden/escrowed cost.* In the case where undeveloped land exists on both sides of a divided public street, the first to develop shall carry the burden of submitting plans for landscaping, hardscape and irrigation of the median, along with escrowing the fee-in-lieu, as described in subsection (7)j. At the discretion of the director of engineering and public works, the city or county may contribute to this escrow account in order to facilitate the implementation of the landscape plan.
- (6) *Installation burden.* Should the city decline to assume responsibility of planting the median in question, the second to develop will utilize the approved plans (or modify the approved plans with city approval) and shall be responsible for the purchase and installation of the median improvements, using the escrowed account from the first developer and shall contribute an equal amount to the overall cost of the median landscaping. In the event that the original escrow amount has fallen short of current material and/or installation costs, the city will make up the difference in cost or the plans shall be modified to be installed within the cost allotted. Any surplus funds shall be placed in the city's landscape maintenance account.
- (7) *Minimum requirements for median landscaping.*
 - a. All trees and plant materials shall be chosen from the city's approved plant list.
 - b. One ornamental tree per 30 linear feet of median. Ornamental trees shall be a minimum two-inch caliper and eight feet in height at time of planting and shall be used primarily as accent trees near the median nose and dispersed within the canopy trees.
 - c. One canopy tree per 30 linear feet of median, with a minimum of four-inch caliper trunk, and a well-formed canopy that is typical of the species. Canopy trees shall be planted no closer than 30 feet from streetlights located in the median, no closer than 20 feet to an intersection, and no closer than 15 feet from any overhead electrical line.
 - d. Ornamental and canopy trees need not be evenly spaced and may be clustered for a more pleasing aesthetic effect.
 - e. When the nose of a median is tapered to five feet or less, that portion of the median shall be paved with bricks placed to align with the top of curb.
 - f. A minimum of 20 percent of the landscaped area shall be planted in evergreen shrubs, ground cover and/or native grasses.
 - g. Planting beds shall be separated from turf grass using 14-gauge steel edging to define ground cover beds and reduce weed incursion.
 - h. Irrigation installation shall include bubblers or drip irrigation for all canopy and ornamental trees and irrigation to uniformly water the planting beds and shall be equipped with rain-freeze sensors.
 - i. Landscape and installation plans shall be subject to review and approval by the director of planning and development services and the director of engineering/public works. The location and placement of landscaping shall conform to the city street design standards and shall be placed to accommodate the ultimate number of traffic lanes, although shrubs, native grasses and ornamental trees may be placed in future traffic lanes if it is determined that these lanes will likely not be constructed in less than ten years.
 - j. Fee-in-lieu. Should the director of engineering and public works, at his sole discretion, determine that the immediate installation of median landscaping is impractical, a fee-in-lieu of construction shall be collected and placed in escrow at a rate of \$25.00 per linear foot of median length for

one-side frontage and \$50.00 per linear foot of median length if the development is adjacent to both sides of the roadway. The fee-in-lieu shall be collected prior to plat filing. Said fees-in-lieu of installation shall be applied to construction, reconstruction, upgrading, and installation of median landscaping of divided roadways within the adjacent median landscape areas. Any fees not expended within ten years of collection shall be returned to the developer or subdivider who deposited the fees with the city.

- k. Notwithstanding the provisions of subsection (7)j., hereinabove, the city shall not be required to return fees that have not been expended if roadway medians have not been constructed on divided roadways within the adjacent roadway benefit area thus preventing the purchasing, planting, growing and/or irrigation of the required standard median landscaping. The time period for the expenditure of fees escrowed with the city for the construction of median landscaping shall not begin to run until such time as the roadway medians have been constructed on such divided roadways, the roadway medians have been accepted by the city, and the roadway medians are ready for standard median landscaping.

(Ord. No. 639-18A , § 2(Exh. A), 2-26-2018)

Sec. 52-211. Landscape/irrigation plan requirements.

- (a) *Qualification to prepare plans.* Landscape plans shall be prepared by a registered landscape architect, a landscape designer, or landscape contractor, knowledgeable in plant materials and landscape design. Irrigation plans shall be prepared by a licensed irrigator or landscape architect.
- (b) *Landscape plan requirements.* The following items shall be provided on the required landscape plan:
- (1) Sheet size 24 inches by 36 inches, or as approved;
 - (2) Acceptable scale: One inch equals ten feet, one inch equals 20 feet, one inch equals 40 feet, or as approved;
 - (3) North arrow, graphic and written scale;
 - (4) Appropriate title (i.e. "Landscape Plan");
 - (5) Title block, including street address, legal description, and date of preparation;
 - (6) Name and address of owner;
 - (7) Name, address, and telephone number of person preparing plan;
 - (8) Property line shown with dimensions;
 - (9) Existing utilities (water, sewer, storm drain, gas, electric, cable TV, etc.);
 - (10) Width and type of buffer yards labeled on all sides;
 - (11) Location, caliper size and species of all existing trees six-inch caliper or greater which are to be preserved;
 - (12) Location, quantity, size and species of all proposed plant materials;
 - (13) Maintenance note;
 - (14) Label type of any enhanced pavement proposed;
 - (15) Visibility triangles shown;
 - (16) Seal and dated signature of landscape architect (if applicable);

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- (17) Plant list; and
 - (18) Any berms delineated with one-foot contours.
- (c) *Irrigation plan requirements.* The following items shall be provided on the required irrigation plan:
- (1) Sheet size 24 inches by 36 inches, or as approved;
 - (2) Acceptable scale: one inch equals 10 feet, one inch equals 20 feet, one inch equals 40 feet, or as approved (must be at same scale as landscape plan);
 - (3) North arrow, graphic and written scale;
 - (4) Appropriate title (i.e. "Irrigation Plan");
 - (5) Title block including street address, legal description, and date of preparation;
 - (6) Name and address of owner;
 - (7) Name, address, and telephone number of person preparing plan;
 - (8) Property line with dimensions;
 - (9) Location of all existing trees six-inch caliper or larger which are to be saved;
 - (10) All pipes labeled as to size;
 - (11) All sprinkler heads labeled as to type (key is acceptable);
 - (12) Backflow prevention device labeled with type and size;
 - (13) Location of water meter and connection to water service;
 - (14) Any existing utilities (water, sewer, storm drain, gas, electric, cable TV, etc.);
 - (15) Note indicating that installation must be inspected by the city;
 - (16) Maintenance note indicated;
 - (17) Seal and dated signature of professional who prepared plan.
- (d) *Maintenance.*
- (1) General. The owner, tenant, and the agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping and irrigation. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include 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 approved landscape plan, and all plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
 - (2) Any broken or non-performing irrigation components shall be replaced or repaired to functioning condition by a licensed irrigator.
 - (3) Plant replacement. For one year after the date of issuance of the certificate of occupancy, the owner shall be responsible for replacing all plant materials that have died after installation, or that do not exhibit healthy foliage during the growing season of at one-third percent of the normal branching extent or pattern. Plant materials that die shall be replaced with plant material of similar variety and similar initial size. The owner shall make such necessary replacements within 30 days of notification by the city.

(Ord. No. 639-18A , § 2(Exh. A), 2-26-2018)

Secs. 52-212—52-232. Reserved.

Chapter 50 VEGETATION

ARTICLE I. IN GENERAL

Secs. 50-1—50-18. Reserved.

ARTICLE II. CITY TREES

Sec. 50-19. Purpose and intent.

The purpose of this article is:

- (1) To establish regulations addressing the protection of healthy and significant trees and to provide for the replacement and replanting of trees that are necessarily removed during construction, development or redevelopment.
- (2) To limit the removal of protected trees six inches in diameter without a permit from the city, to promote the orderly development of the city and to protect the public health, safety and general welfare of the citizens of the city. It is not the intent of these regulations to deny development rights protected by law.
- (3) To address the removal of mature and protected trees and replacement and replanting of trees that are necessarily removed during construction, development or redevelopment in an expeditious manner and with due regard for the legal rights or property owners in city.

(Code 1994, § 3.701; Ord. No. 470, § 1, 6-8-2009)

Sec. 50-20. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City engineer means the person designated to provide administrative review of tree site plans and issue tree removal permits.

Diameter of a tree means the measurement of the size/diameter of a tree as determined by measuring at 4.5 feet above ground. For a multi-trunk tree, the diameter shall be the total diameter of the largest trunk plus one-half the diameter of each additional trunk.

Developer or applicant means any individual, corporation, partnership, association or other entity seeking a tree removal permit under this article.

Protected tree means a tree that the city has determined has significant positive characteristics worthy of preservation as listed in section 50-21 that has a diameter of six inches or greater.

Tree inventory site plan means a plan showing the location of all protected trees by size and species that are six inches or greater on the site, location of all easements, location of all existing and

proposed buildings, a grading plan, if applicable; the protected trees desired to be removed, if any, the protected trees that shall remain on the site, and an accompanying document indicating valid reason for the proposed removal of any protected trees, and if applicable, a description on how existing healthy protected trees proposed to be retained will be protected from damage from construction.

Tree removal means the cutting, destroying, removing, moving, poisoning, banding, marking or effectively destroying through damaging, any protected tree situated on property in the city without first obtaining a tree removal permit from the city engineer.

Tree removal permit means a permit required to be issued by the city engineer prior to the removal of any protected tree greater than six inches in diameter.

(Code 1994, § 3.702; Ord. No. 470, § 1, 6-8-2009)

Sec. 50-21. Permit review and approval.

- (a) Except as otherwise provided herein, on and after the effective date of the ordinance from which this article is derived, no person shall remove any protected tree equal to or greater than six inches in diameter without a tree removal permit from the city.
- (b) Land in which a valid building permit has been issued or executed prior to the effective date of the ordinance from which this article is derived is not subject to these regulations.
- (c) Permits for removal or replacement of trees covered in this article shall be obtained by making application on a form provided by the city. The application shall be accompanied by a tree inventory site plan as defined herein.
- (d) The city engineer shall determine whether the permit is subject to these regulations. Acceptance of a tree removal permit for the limited purpose of such review shall not constitute acceptance of the permit. In the event the city engineer determines that an application is subject to the regulations of this article, the city engineer shall be responsible for the review and approval or disapproval of all requests for tree removal permits. The city engineer shall review the permit application, perform an on-site analysis of the site and trees, and make a determination if any trees can be removed using the following criteria:
 - (1) The protected tree is located in a public utility easement, public access easement or public street right-of-way as recorded on a plat and accepted by city council, and removal would be in compliance with current city codes.
 - (2) The protected tree is in an unsafe condition, or is injurious to the common good, or to sewer pipes, pavements or improvements, or is infested and dangerous to other trees.
- (e) The city engineer may approve a tree replacement plan that provides a one-diameter inch per one-diameter inch tree replacement when mature or protected trees are removed outside the building requirements listed in subsections (d)(1) and (2) of this section. The tree replacement plan will set a minimum of three-inch diameter tree as a replacement tree, and such replacement trees shall be from the list of approved replacement trees as listed below. All preserved trees will count toward the project's landscape requirement without regard to location or limitation to substitution of trees for shrubs.

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- (f) In order to encourage the preservation of existing trees six caliper inches in size or over, if the area within the drip line of trees is protected by fencing during grading and construction and the tree caliper inches preserved shall receive double credit toward the required landscape area.

(Code 1994, § 3.703; Ord. No. 470, § 1, 6-8-2009)

Sec. 50-22. Protected trees and replacement trees.

The following are protected trees under this article and also constitutes the list of approved replacement trees:

Redbud	Texas red oak
Mexican plum	Post oak
Cherry laurel	Blackjack oak
Eve's necklace	Water oak
Crab apple	Pecan
Bradford pear	Lacebark elm
Golden raintree	Cedar elm
Caddo maple	American elm
Red maple	Bald cypress
Bigtooth maple	Black walnut
Bur oak	Green ash
Chinquapin oak	Texas ash
Live oak	Southern magnolia
Shumard red oak	

(Code 1994, § 3.704; Ord. No. 470, § 1, 6-8-2009)

Sec. 50-23. Appeals.

- (a) If the city engineer refuses to approve or issue a tree removal permit, or the applicant disagrees with the decision of the city engineer, the applicant may appeal the decision to the city council. The appeal shall be in writing and shall be transmitted to the city secretary within ten days after receipt of notification that the city engineer will not accept the tree removal permit.
- (b) The appeal shall be considered by the city council within 30 days after the appeal is received by the city secretary, unless the applicant requests a later hearing. The city council shall not release the applicant from the requirements of this article, unless the applicant first presents credible evidence from which the city council can reasonably conclude application of this article to the applicant would be likely to deprive the applicant of rights protected by law.
- (c) The city council may take the following actions on an appeal:
- (1) Deny the appeal, in which case the tree removal permit shall not be accepted or granted;
 - (2) Grant the appeal, and direct the city engineer to accept and approve the tree application permit; or

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- (3) Grant the appeal subject to such provisions, conditions, or limitations as deemed appropriate by the city council.

(Code 1994, § 3.705; Ord. No. 470, § 1, 6-8-2009)

Sec. 50-24. Applicability and exceptions.

This article does not apply to a protected tree:

- (1) Located on a developed single-family residential lot contained within a plat of record on which an owner occupied residential structure is located.
- (2) Which creates unsafe vision clearance or is determined to be in a hazardous or dangerous condition, such as due to storm damage, so as to endanger the public health, safety or welfare.
- (3) Within existing city streets, rights-of-way or easements, including, but not limited to, roadways, drainage, water, sanitary sewer, electric, pedestrian and park facilities, but does apply to protected trees within a proposed subdivision that has been or will be dedicated for streets, rights-of-way, or other public easements.
- (4) Which is not living, or is so diseased or damaged as to be in danger of falling.

(Code 1994, § 3.706; Ord. No. 470, § 1, 6-8-2009)

Sec. 50-25. Required clearance for public rights-of-way.

The owner of all trees adjacent to public rights-of-way shall be required to maintain the following minimum overhead and lateral clearances for all public rights-of-way:

- (1) Overhead vertical clearance of public sidewalks and other public pathways of eight feet.
- (2) Lateral clearance of public sidewalks and other public sidewalks and other public pathways of three feet.
- (3) Overhead clearance of public roadways of 13 feet, six inches.

(Ord. No. 657-18, § 3, 10-29-2018; Ord. No. 664-19, § 4, 4-8-2019)

SAMPLE MUNICIPAL TREE ORDINANCE—ANNOTATED

[with 'RECOMMENDED' and 'OPTIONAL' clauses]

Be it ordained by the City Council of the City of:

(City) _____

(State) _____

[RECOMMENDED—Section 1 offers the rationale for creating the ordinance and summarizes the major provisions contained in the ordinance. Municipal governments should review their charter under state law and add (or subtract) clauses that begin this section.]

Section 1. Purpose.

To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the City Council herein delegates the authority and responsibility for managing public trees, creates a Tree Advisory Board, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

[RECOMMENDED—Section 2 provides definitions for words or phrases used in the ordinance to clarify how a particular section or sentence shall be interpreted.]

Section 2. Definitions.

As used in this Article, the following words and phrases shall have the meanings indicated:

Damage – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

Nuisance – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

Parkway – the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

Public property – all grounds and rights-of-way (ROWS) owned or maintained by the City.

Public tree – any tree or woody vegetation on city-owned or city-maintained property or rights-of-way.

Top or Topping – the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

*[RECOMMENDED—Section 3, clause (a) is essential for enacting a municipal forestry program. To enroll in the **Tree City USA** program, a public tree care ordinance **MUST** contain a "delegation of authority" by city leadership—either to a named Director, department, or tree advisory board (see Section 4). The most effective ordinances delegate responsibility for operational management of public trees to a department Director and establish a volunteer tree advisory board to provide input and community representation.]*

Section 3. Authority and power.

- (a) **Delegation of authority and responsibility.** The Director of the (**insert Managing Department**) and/or their designee, hereinafter referred to as the "Director", shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, city parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- (b) **Coordination among city departments.** All city departments will coordinate as necessary with the Director and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties not under direct jurisdiction of the Director.
- (c) **Interference.** No person shall hinder, prevent, delay, or interfere with the Director or his agents while engaged in carrying out the execution or enforcement of this Ordinance.

[RECOMMENDED—Volunteers in the community provide a link between the city tree manager and the residents who receive the benefits of those tree management services. Section 4 creates a tree advisory board to support and advise the Director in the execution of the municipal tree management program. Clauses below for board governance should conform to existing city rules for volunteer advisory boards.]

Section 4. Tree advisory board.

The City Council hereby creates a "Tree Advisory Board," hereinafter referred to as the "Board."

- (a) **Duties.** The Board shall act in an advisory capacity to the Director and shall:
 - (1) Coordinate and promote Arbor Day activities;
 - (2) Review and update a five-year plan to plant and maintain trees on city property;
 - (3) Support public awareness and education programs relating to trees;
 - (4) Review city department concerns relating to tree care;
 - (5) Submit an annual report of its activities to the city council;
 - (6) Assist with the annual application to renew the Tree City USA designation;
 - (7) Recommend a list of tree species for planting on city property, and a list of prohibited species; and
 - (8) Other duties that may be assigned by City Council.
- (b) **Membership.** The Board shall consist of seven members approved by City Council. Members of the Board will serve without compensation.
- (c) **Term of office.** Board members shall be appointed for three-year staggered terms¹. If a vacancy shall occur during the term of any member, a successor shall be appointed by City Council.
- (d) **Officers.** The Board shall annually select one of the members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.

¹ At the first appointment of Tree Advisory Board members, Council will appoint all members at once. A staggered board can be arranged by giving the initial members different term lengths. For a seven-member board, two members can be given one-year terms, two members can be given two-year terms, and the remaining three members given three-year terms. After the initial members' terms expire, all future members would be given three-year terms.

- (e) **Meetings.** The Board shall meet a minimum of four times each year. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.

[OPTIONAL—Section 5 identifies industry standards and best practices for tree care in the United States. By including them in the ordinance, the city may enforce proper tree care standards with the force of law. Specific “planting distances” in clause (d) should be developed by the Director (and/or the Tree Advisory Board) in consultation with other city departments.]

Section 5. Tree planting and care standards.

- (a) **Standards.** All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) [A-300 "Standards for Tree Care Operations"](#) and shall follow all tree care [Best Management Practices \(BMPs\)](#) published by the International Society of Arboriculture.
- (b) **Requirements of franchise utility companies.** The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.
- (c) **Preferred species list.** The Director shall maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission; other species may be planted with written approval from the Director.
- (d) **Planting distances.** The Director shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.
- (e) **Planting trees under electric utility lines.** Only trees listed as Ornamental trees on the official city tree species list may be planted under or within 15 lateral feet of any overhead utility wire.

[RECOMMENDED—Besides the “delegation of authority” declared in Section 3, Section 6 is critical for declaring the specific set of protections given to public trees, under penalty of law.]

Section 6. Prohibition against harming public trees.

- (a) It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Director.
- (b) It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.
- (c) It shall be unlawful for any person, firm, or corporation to “top” any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Director.
- (d) Any person, firm, corporation, or city department performing construction near any public tree(s) shall consult with the Director and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management Practices (BMPs) for [“Managing Trees During Construction”](#) published by the International Society of Arboriculture.
- (e) Each violation of this section as determined and notified by the Director shall constitute a separate violation, punishable by fines and penalties under Section 10, in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section.

[OPTIONAL—Section 7 describes the responsibility of adjacent landowners and may not be applicable in every situation. Some city governments will retain all rights for planting and maintaining trees in the public right-of-way, and for addressing hazards.]

Section 7. Adjacent owner responsibility.

- (a) The owner of land adjacent to any city street or highway, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent parkway area.
- (b) No property owner shall allow a tree, or other plant growing on his or her property to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Director shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the City may undertake the necessary work and charge the cost to the property owner.

[OPTIONAL—Section 8 provides the circumstances under which the Director may declare a "nuisance" and act or require action to mitigate the risk to residents.]

Section 8. Certain trees declared a nuisance.

- (a) Any tree, or limb thereof, on private property determined by the Director to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the City may require its treatment or removal.
- (b) Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The City may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the Director within the written notification period.

[OPTIONAL—Section 9 describes how a violation shall be enforced, but there may be other enforcement mechanisms that a municipal authority may use.]

Section 9. Violations and penalty.

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense.

[OPTIONAL—Section 10 provides a mechanism for an individual or firm that has been penalized under this ordinance to take their case to a higher authority. This situation and clause should conform to the specific requirements of state and local law.]

Section 10. Appeals.

Appeals to decisions by the Director or the Tree Advisory Board, or to penalties imposed after violations of this ordinance, shall be heard by City Council.

[OPTIONAL—Section 11 may be standard procedure in your municipality. It solves potential conflicts between this public tree care ordinance and existing ordinances.]

Section 11. Savings and repeal.

All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

*[**OPTIONAL**—Section 12 may be required under municipal or state law. If, on some future date, any clause, section, or provision of the ordinance is ruled to be unconstitutional at the state or federal level, all other clauses, sections, or provisions will remain in effect.]*

Section 12. Severability.

Should any word, sentence, clause, paragraph, or provision of this Ordinance be held to be invalid or unconstitutional the remaining provisions of this Ordinance shall remain in full force and effect.

Parks and Recreation Advisory Board

September 6, 2022

Justin City Hall, 415 North College Street

Cover Sheet

Agenda Item: #2

Title: QR Code

Department: Administration

Contact: Public Works Administrative Coordinator, Kira Sedivy

Recommendation: Discuss next steps for QR code

Background: How will we utilize the QR code in City of Justin parks? What type of scavenger hunts or forms would we like to see?

City Attorney Review: N/A

JOTFORM.COM Nonprofit Account Pricing

Annually \$288	Annually \$348	Annually \$948
Bronze	Silver	Gold
\$24 /month Billed annually	\$29 /month Billed annually	\$79 /month Billed annually
25 Forms Form Limit	50 Forms Form Limit	100 Forms Form Limit
1,000 Monthly Submissions	2,500 Monthly Submissions	10,000 Monthly Submissions
1 GB Available Space	10 GB Available Space	100 GB Available Space
10,000 Monthly Form Views	100,000 Monthly Form Views	1,000,000 Monthly Form Views
10,000 Total Submission Storage	25,000 Total Submission Storage	100,000 Total Submission Storage
250 Fields per form	500 Fields per form	1,000 Fields per form
100 Monthly Payment Submissions	250 Monthly Payment Submissions	1,000 Monthly Payment Submissions

Parks and Recreation Advisory Board

September 6, 2022

Justin City Hall, 415 North College Street

Cover Sheet

Agenda Item: #3

Title: Monument Sign Relocation

Department: Administration

Contact: Public Works Administrative Coordinator, Kira Sedivy

Recommendation: Discuss, consider and recommend locations the city monument entrance signs can be relocated to.

Background: City Staff asked that Park Board discuss and recommend some locations that our city monument entrance signs can be relocated to. Locations need to be City property.

City Attorney Review: N/A

From: [Abbey Reece](#)
To: [Kira Sedivy](#)
Cc: [Brittany Andrews](#); [Josh Little](#)
Subject: Parks Board Agenda
Date: Tuesday, August 23, 2022 10:27:39 AM

Hey Kira,

We are starting to look into locations along FM 156 for monument signage. Currently there is the old monument sign off of FM 156 south of 12th street that needs to be removed. Josh mentioned the guys can remove and relocate the sign to a park. When I mentioned the removal of this sign before folks were leaning towards relocation rather than it being trashed.

Josh also has the matching sign over y'all's building. Both of these can be relocated to a park.

Can you add this to your next agenda and have the parks board decide on the location?

Thanks!

Abbey Reece, MPA

Director of Strategic Services
City of Justin
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Justin, TX 76247
Office: (940) 648-2541



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WELCOME TO

Justin, Texas

*A Proud and Progressive
Hometown Community*

Parks and Recreation Advisory Board

September 6, 2022

Justin City Hall, 415 North College Street

Cover Sheet

Agenda Item: #4

Title: Park Board committee applicant

Department: Administration

Contact: Public Works Administrative Coordinator, Kira Sedivy

Recommendation: Discuss and consider current applicant to City Council for appointment.

Background: Mrs. Megan Doughty has submitted her application to join the Parks Board/Keep Justin Beautiful Committees. Staff have reached out to Mrs. Doughty and invited her to the meeting. Should she not attend, her application is attached for your review.

City Attorney Review: N/A

Board, Commission & Committee Application

First Name	Megan
Last Name	Doughty
Address	280 Hilltop Drive
City	Justin
State	Texas
Zip Code	76247
Phone Number	9405945932
Email Address	Megdoughty87@gmail.com
Are you over the age of 18?	Yes
Are you a registered voter?	Yes
Are you a Justin resident, property, business owner, or City Staff?	Yes
Current Occupation/Employer	Recreation Supervisor- City of Denton
Education, Licenses, or Certifications	University of North Texas- Bachelors of Science- Major: recreation and leisure studies
Are you a current or past member of a Council-appointed Board, Commission, or Corporation?	No
On which Board, Commission, or Committee are you interested in serving? (First Choice)	Parks and Recreation Board
If you have a second choice for a Board, Commission, or Committee on which you would like to serve, please also select that.	<i>Field not completed.</i>
What work experience, educational experience, community involvement,	I am currently a parks and recreation professional as an employee for the City of Denton. I have over a decade of experience in the field with a passion all things parks and Rec.

and/or other skills do you have that would qualify you for a Council-appointed Board, Commission, or Committee?	I graduated with a recreation degree from UNT. Not necessary experience but I've always grown up in parks as my dad is a parks and Rec professional of nearly 30 years. It is definitely a passion of mine.
List any additional information which you believe would be of value for the City Council to know about you.	I understand the importance of parks and recreation and the positive impact it makes on communities and would love to be a part of this board and serve in the community I live in.
Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or organization, or have a contract with or any obligation to any person or entity which might constitute a conflict of interest?	No
Have you ever been convicted of a felony, violation of law, or misdemeanor involving moral turpitude (any offense involving lying, stealing, or cheating?)	No
Are there any criminal charges or proceedings pending against you?	No
By typing your full name in the box, you acknowledge that the information provided is correct to the best of your ability.	Megan Doughty
Date of Submission	7/1/2022