

EXHIBIT A

Tree Preservation and Landscape Standards
General Amendment No. 20-03

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Chapter 3 - APPLICATIONS AND PERMITS

SECTION 3.16. - ADMINISTRATIVE EXCEPTION

Sec. 3.16.020. - Authority.

- C. The Director or Building Official shall have authority to consider alternative design plan(s) or other uses or requirements for the following situations:
1. Courthouse view overlay height exception (per Section 4.12.040).
 2. Alternative residential boundary wall (per Section 8.07.060).
 3. Alternative building design plan (per Section 7.04.070).
 4. Alternative landscape standards (per Section 8.05.050).
 5. Alternative parking plan (per Section 9.02.050).
 6. Alternative sign plan (per Section 10.01.090).
 7. Alternative fences (per Section 8.07.080).
 8. Change of use (per Section 14.02.030).
 9. Expansion of nonconforming uses (per Section 14.02.050).
 10. Postponement of required improvements (per Section 14.05.070).

[11. Heritage Tree or Protected Tree Preservation Priority \(per Section 8.02.050\)](#)

Sec. 3.16.030. - Approval Criteria.

To approve an application for an Administrative Exception, the Director or Building Official must determine that the following criteria are met:

- A. That granting the Administrative Exception serves an obvious and needed purpose.
- B. That granting the Administrative Exception will ensure an equal or better level of design or land use compatibility as the otherwise applicable standards.
- C. That granting the Administrative Exception will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development.
- D. That granting the Administrative Exception will be consistent with the purposes and intent of this Unified Development Code.

Sec. 3.16.040. - Expiration of Administrative Exception.

The Administrative Exception shall expire if the companion application expires, according to the specified expiration in this chapter. If the Administrative Exception is a stand alone application the approval will expire in 24 months, if the exception is not utilized in a manner consistent with the approval.

SECTION 3.23. - ~~HERITAGE~~ TREE REMOVAL PERMIT

Sec. 3.23.010. - Purpose.

The purpose of a ~~Heritage~~-Tree Removal Permit is to determine whether such a tree should be removed based on its species, size, location, health, viability and its impact on the overall site design. Protected and Heritage trees shall not be removed without first securing approval from the City.

Sec. 3.23.020. - Applicability.

- A. The provisions of this section shall apply to all property located within the corporate limits and in the extra territorial jurisdiction (ETJ) of the City.
- B. The provisions of this section apply to all development subject to this Code, except as noted below, whether or not there is an active permit for the project.

Single-family or two-family residential lots approved and platted prior to February 13, 2007, are exempt from the requirement of a ~~heritage~~-tree removal permit. However, single-family and two-family lots platted after February 13, 2007 are subject to the heritage tree protection provisions in Section 8.02, which shall apply to the developer, home builder and homeowner. Notwithstanding the preceding exemption, if a future change of use from a single-family or

two-family home to any other use triggers a permit under this Code then the provisions of the **Heritage** Removal Permit will be required.

Sec. 3.23.030. – ~~Pre-Application Conference~~Reserved.

~~Pursuant to Section 3.02.010, a Pre-Application Conference is required prior to the submission of a permit application, unless the application is part of another project where a pre-application meeting has already been held or the Urban Forester waives the requirement.~~

Sec. 3.23.040. – Review Process.

Review of a **Heritage** Tree Removal Permit shall follow the administrative review procedures set forth in Section 3.03.040, subject to the criteria for approval set forth below.

Sec. 3.23.050. – Criteria for Approval.

No **Heritage** Tree Removal Permit shall be approved unless it is determined by the Urban Forester or their designee, that the proposed removal is justified, based on the tree species and site conditions of the tree. In making this determination the following will be evaluated:

- A. Tree species;
- B. Tree size/number of trunks;
- C. Tree health and viability;
- D. Tree location;
- E. Protected and heritage trees to remain on site; and
- F. Whether the project can be developed without tree removal.

Sec. 3.23.060. – Submission Requirements.

- A. Statement of justification for tree removal.
- B. Copy of companion plat, Site Development Plan or concept plan for the permit or authorization that required compliance with this section.
- C. Copy of tree survey, if applicable. If no tree survey exists, location of tree identified, tree type, size, condition, etc.

- D. A photo of the tree's canopy and trunk, labeled with the corresponding tree number on the companion tree survey, shall be submitted with the application for a heritage tree removal permit.

Sec. 3.23.070. – Responsibility for Final Action.

- A. The Urban Forester is responsible for final action on ~~Heritage~~ Tree Removal Permits.
- B. Upon receipt of the application, the Urban Forester shall inspect the subject tree and approve or deny the application in accordance with the provisions of this section within ten working days of the date of the application. Upon written request from the owner or the owner(s)'s representative, said date for the Urban Forester's final decision may be extended for a period of up to 15 additional days. If a decision by the Urban Forester would delay construction that is already properly permitted, commenced and in-progress, the Urban Forester or their designee shall approve or deny the application within two working days.
- C. An applicant may appeal a denial of a ~~Heritage~~ Tree Removal Permit to the City Council. Such appeal must be made in writing and received by the Director within 30 days of the date of the decision on the application by the Urban Forester. The Director shall set the matter for Public Hearing before the City Council at the earliest possible regularly scheduled meeting of the City Council. The City Council shall review the request and render a decision affirming, affirming in part, conditionally affirming or reversing the determination of the Urban Forester. If a ~~Heritage~~ Tree Removal Permit is issued after appeal, pursuant to the provisions of this Code, the applicant must comply with all applicable provisions of this Code, including mitigation.
- D. If the Urban Forester approves an application for a permit to remove a Protected or heritage ~~Heritage~~ tree, then the applicant shall, no later than 30 days from the date of approval of the application, submit a mitigation or payment of fees-in-lieu calculation and a mitigation plan, pursuant to Section 8.05 showing the proposed species, location and irrigation plan for the proposed mitigation trees.
- E. If the required mitigation plan is not submitted within 30 days of the application approval, and the ~~heritage-subject~~ tree has not been totally removed, the tree removal permit will be declared inactive and tree removal shall not commence. If the tree removal has taken place within that 30-day period and the mitigation tree planting plan has not been submitted, then no additional permits shall be issued for the project associated with the tree removal until the planting plan is submitted.

Sec. 3.23.080. – Expiration.

- A ~~Heritage~~ Tree Removal Permit shall remain valid for the longer of:

- A. The period of validity of the permit or authorization that required compliance with this section; or
- B. One hundred eighty days from the issuance of the tree removal permit.

SECTION 3.24. - HERITAGE TREE PRUNING PERMIT

Sec. 3.24.010. - Purpose.

The purpose of a Heritage Tree Pruning Permit is to determine whether such a tree should be pruned and how the pruning shall be performed. Heritage trees shall not be pruned without first securing approval from the City.

Sec. 3.24.020. – Applicability.

- A. The provisions of this section shall apply to all property located within the corporate limits and in the extra territorial jurisdiction (ETJ) of the City.
- B. A Heritage Tree Pruning Permit shall be required for any pruning of a heritage tree located on all properties, including single-family and two-family lots platted after February 13, 2007; however, a tree pruning permit shall only be required during the original home construction. Notwithstanding the preceding exemption, if a future change of use from a single-family or two-family home to any other use triggers a permit under this Code then the provisions of the Heritage Pruning Permit will be required.

Sec. 3.24.030. – Review Process.

Review of a Heritage Tree Pruning Permit shall follow the administrative review procedures set forth in Section 3.03.040, subject to the criteria for approval set forth below.

Sec. 3.24.040. - Criteria for Approval.

No Heritage Tree Pruning Permit will be approved unless it is determined by the Urban Forester or their designee, that the proposed pruning is justified based on the health or viability of the tree and that the proposed pruning will not negatively impact the health and appearance of the tree. In making this determination the following will be evaluated:

- A. Reason for pruning request;
- B. Tree location;
- C. Percent of canopy to be removed;

- D. Tree health; and
- E. Whether an ISA Certified Arborist is going to perform the pruning.

Sec. 3.24.050. – Submission Requirements.

- A. Statement of justification for tree pruning.
- B. Copy of companion plat, Site Development Plan or concept plan for the permit or authorization that required compliance with this section.
- C. A photo (digital or hardcopy) of the tree, labeled with the tree number on the tree survey, DBH, species, and contractor's ISA certification number, shall be submitted with the application for a Heritage Tree Pruning Permit.

Sec. 3.24.060. – Responsibility for Final Action.

- A. The Urban Forester is responsible for final action on Heritage Tree Pruning Permits.
- B. Upon receipt of the application, the Urban Forester shall inspect the subject tree and approve or deny the application in accordance with the provisions of this section within ten working days of the date of the application.
- C. An applicant may appeal the denial of a Heritage Tree Pruning Permit to the Director. Such appeal must be made in writing and received by the Director within 30 days of the date of the decision on the application by the Urban Forester. The request for appeal shall set forth the specific reasons for the appeal and state the specific reasons for disagreement with the decision of the Urban Forester, including the basis for the applicant's position that the application should have been granted. The Director shall review the request and render a decision affirming, affirming in part, conditionally affirming or reversing the determination of the Urban Forester.

Sec. 3.24.070. – Expiration.

The Heritage Tree Pruning Permit shall remain valid for 180 days from date of issuance.

