



CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING AGENDA

Wednesday, September 02, 2026

Notice is hereby given that the Planning and Zoning Commission of the City of Rollingwood, Texas will hold a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on September 02, 2026, at 6:00 PM. Members of the public and the Planning and Zoning Commission may participate in the meeting virtually, as long as a quorum of the Planning and Zoning Commission and the presiding officer are physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. The public may watch this meeting live and have the opportunity to comment via audio devices at the link below. The public may also participate in this meeting by dialing one of the toll-free numbers below and entering the meeting ID and Passcode.

Link: <https://us02web.zoom.us/j/5307372193?pwd=QmNUbmZBQ1lwUjNjNmK5RnJrelRFUT09>

Toll-Free Numbers: (833) 548-0276 or (833) 548-0282

Meeting ID: 530 737 2193

Password: 9fryms

The public will be permitted to offer public comments via their audio devices when logged in to the meeting, or telephonically by calling in, as provided by the agenda and as permitted by the presiding officer during the meeting. If a member of the public is having difficulties accessing the public meeting, they can contact the city at citysecretary@rollingwoodtx.gov. Written questions or comments may be submitted up to two hours before the meeting. A video recording of the meeting will be made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

CALL ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER

1. Roll Call

PUBLIC COMMENTS

Citizens wishing to address the Planning and Zoning Commission for items not on the agenda will be received at this time. Please limit comments to 3 minutes. In accordance with the Open Meetings Act, the Planning and Zoning Commission is restricted from discussing or taking action on items not listed on the agenda.

Citizens who wish to address the Planning and Zoning Commission with regard to matters on the agenda will be received at the time the item is considered.

CONSENT AGENDA

All Consent Agenda items listed are considered to be routine by the Planning and Zoning Commission and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a Board Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

2. Discussion and possible action on the minutes from the August 5, 2026, Planning and Zoning Commission meeting

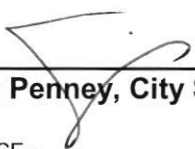
REGULAR AGENDA

3. Discussion and possible action on the dissolution of the Tree Protection Subcommittee
4. Discussion and possible action on a proposed ordinance amending Chapter 101 and Chapter 107 of the Rollingwood Code of Ordinances regarding tree protection standards and requirements during construction activities
5. Discussion and possible action to create a special exception within the Code of Ordinances to allow buildable area forgiveness for lots impacted by floodplain areas and drainage easements

ADJOURNMENT OF MEETING

CERTIFICATION OF POSTING

I hereby certify that the above Notice of Meeting was posted on the bulletin board at the Rollingwood Municipal Building, in Rollingwood, Texas and to the City website at www.rollingwoodtx.gov prior to 5:00 PM on August 26, 2026.


Erin Penney, City Secretary

NOTICE -

The City of Rollingwood is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact the City Secretary, at (512) 327-1838 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.

The Planning and Zoning Commission will announce that it will go into executive session, if necessary, to deliberate any matter listed on this agenda for which an exception to open meetings requirements permits such closed deliberation, including but not limited to consultation with the city's attorney(s) pursuant to Texas Government Code section 551.071, as announced at the time of the closed session.

Consultation with legal counsel pursuant to section 551.071 of the Texas Government Code;
discussion of personnel matters pursuant to section 551.074 of the Texas Government Code;
real estate acquisition pursuant to section 551.072 of the Texas Government Code;
prospective gifts pursuant to section 551.073 of the Texas Government Code;
security personnel and device pursuant to section 551.076 of the Texas Government Code;
and/or economic development pursuant to section 551.087 of the Texas Government Code.
Action, if any, will be taken in open session.



CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, August 05, 2026

The Planning and Zoning Commission of the City of Rollingwood, Texas held a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on August 5, 2026, at 6:00 PM. Members of the public and the Planning and Zoning Commission were able to participate in the meeting virtually, as long as a quorum of the Planning and Zoning Commission and the presiding officer are physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was made and is posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

CALL ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER

1. Roll Call

Chair Dave Bench called the meeting to order at 6:00 p.m.

Present Members: Genie Nyer, Jay van Bavel, Jerry Fleming, Tony Stein (joined the meeting at 6:02 p.m.), and Dave Bench

Also Present: City Administrator Alun Thomas, Director of Community Development Nikki Stautzenberger, Director of Communications and Public Affairs Mackenzie Akin, and City Attorney Stanley Springerley

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

2. Discussion and possible action on the minutes from the July 1, 2026 Planning and Zoning Commission meeting

Tony Stein joined the meeting at 6:02 p.m.

Genie Nyer moved to approve the consent agenda. Jay van Bavel seconded the motion. The motion carried with 5 in favor and 0 against.

REGULAR AGENDA

3. Discussion regarding procedures for the Planning and Zoning Commission's recommendation on amendments for changes in zoning regulations or boundaries, including the forms of motions to be used

Dave Bench introduced the draft Planning and Zoning process flowchart designed to clarify the ordinance development and review process. The document was described as an administrative guide intended to improve consistency and document tracking, and to ensure legal review before items are forwarded to City Council.

Commission members expressed support for the flowchart and the language for motions, noting that it provides greater clarity and transparency. Suggestions included including the document in future meeting packets and displaying a larger version in the meeting room for reference. City Administrator Alun Thomas also noted that standardized document version numbering and earlier legal review has been incorporated into the process.

4. Discussion and possible action on a proposed ordinance amending Chapter 107- Zoning, Article V.- Administration and enforcement, Division 4.- Changes in regulations or zoning district boundaries of the Rollingwood Code of Ordinances

Jay van Bavel moved to approve amendments to the proposed ordinance by revising line 198 to read, "hold a public hearing on the zoning change, at which parties in interest and citizens will have an...", replacing the term "application/petition" with "zoning change." The motion also included replacing "application/petition" with "zoning change" in lines 202 and 203. Jerry Fleming seconded the motion. The motion carried with 5 in favor and 0 against.

The Commission discussed the removal of language related to the current supermajority voting requirement for zoning recommendations under Section 107-520(c), noting that recent changes in state law eliminated the ability for City of Rollingwood to have the special procedure. Members also sought clarification on how City Council would handle Planning and Zoning recommendations for zoning changes. City Attorney Stanley Springerley explained that both approval and disapproval recommendations are forwarded to City Council, which acts by majority vote in accordance with state law. The Commission agreed to amend the language to clarify this process.

Jerry Fleming moved to amend Sec. 107-522(b) to read "If the commission recommends approval or disapproval of the zoning change" etcetera. Genie Nyer seconded the motion. The motion carried with 5 in favor and 0 against.

(City Secretary's note: Sec. 107-522(b) as referenced in the above motion reflects a proposed change in the section number from the current section number of 107-520(b))

The Commission then discussed what it needs to do to move the proposed ordinance forward to City Council.

Jay van Bavel moved that the Commission report this item and the proposed amendments made this evening be sent to the City Council with the recommendation that it be set for public hearing. Jerry Fleming seconded the motion. The motion carried with 5 in favor and 0 against.

Chairperson Dave Bench then took Item 6 out of order.

6. Discussion and possible action regarding a proposed ordinance amending the Rollingwood Code of Ordinances Chapter 107- Zoning, to correct inconsistencies identified by the subcommittee.

Chairperson Dave Bench introduced the item to the Commission. The Commission reviewed the proposed ordinance, which contains non-substantive amendments to Chapter 107 and is intended

to correct inconsistencies and improve clarity. The proposed housekeeping revisions included updated cross-references, clarified definitions, removal of redundant language, and organizational improvements. Mr. Bench said that formatting changes of italicizing and bolding definition terms in the definition section would be something that is handled administratively through Municode and is therefore not part of the proposed ordinance.

Commission members discussed the proposed revisions, reiterating that the amendments were intended as housekeeping changes only and were separate from any future substantive ordinance revisions, including those related to tree regulations.

Tony Stein moved to forward the proposed ordinance, as presented, to the City Council, with the recommendation that it be set for public hearing. Jerry Fleming seconded the motion. The motion carried with 5 in favor and 0 against.

Chairperson Dave Bench then returned to Item 5.

5. Discussion and possible action on proposed amendments regarding tree protection standards and requirements during construction activities

Jay van Bavel introduced this item to the Commission and stated that not enough is currently being done to protect trees before, during, and after construction. He led the Commission through the proposed changes to each section of the proposed code language in detail.

Jay van Bavel moved that the Commission request the proposed amendments be prepared in ordinance form, with the following revisions to the proposed amendments: Section 107-376(a)(1): Change the proposed threshold from "8 inches DBH" to "12 inches DBH", and revise Section 107-375(j) to read: "A heritage tree permitted to be removed within the buildable area of a residential property or a heritage tree within the City's right-of-way property..." by inserting "heritage tree" immediately before "within the City's right-of-way property." Jerry Fleming seconded the motion.

Dave Bench made a friendly amendment to have the ordinance redlined into language rather than in complete ordinance form.

Jay van Bavel declined the friendly amendment.

Following discussion, the original motion was put to a roll call vote:

The motion failed with 2 in favor (Nyer & Van Bavel) and 3 against (Bench, Fleming, & Stein).

The commissioners discussed the failure of the motion, and following a brief discussion, it was determined that the motion failed due to confusion over its wording.

Jay van Bavel moved to reconsider the original motion. Jerry Fleming seconded the motion. Upon a second roll call vote, the original motion carried with 3 in favor (Nyer, Van Bavel & Fleming) and 2 against (Bench & Stein).

ADJOURNMENT OF MEETING

The meeting was adjourned at 8:10 p.m.

Minutes were adopted on the 2nd day of September, 2026.

Dave Bench, Chair

ATTEST:

Erin Penney, City Secretary

AGENDA ITEM SUMMARY SHEET
City of Rollingwood
Meeting Date: September 2, 2026

Submitted By:

Staff on behalf of Chair Dave Bench

Agenda Item:

Discussion and possible action on the dissolution of the Tree Protection Subcommittee

Description:

The Tree Protection Subcommittee has reached the point where all changes have been presented to the Commission, and next steps will be workshopped wholly as a Commission.

Action Requested:

Take action to dissolve the Tree Protection Subcommittee

Fiscal Impacts:

No fiscal impacts

Attachments:

- N/A

AGENDA ITEM SUMMARY SHEET

Meeting Date: September 2, 2026

Submitted By:

Staff

Agenda Item:

Discussion and possible action on a proposed ordinance amending Chapter 101 and Chapter 107 of the Rollingwood Code of Ordinances regarding tree protection standards and requirements during construction activities

Description:

In April of 2026, the Planning and Zoning Commission identified the need for stronger tree protection guidelines during construction activities. Although the current code includes some restrictions, compliance has been inconsistent, prompting the Commission to explore ways to strengthen and better enforce existing standards.

To address this, the Commission formed a subcommittee to review the relevant code provisions governing tree protection during construction. While Chapter 101 of the Rollingwood Code of Ordinances addresses tree protection during construction and falls outside the Commission's direct scope, its close relationship with Chapter 107, which addresses Tree Canopy Management provisions, led the Commission to include it in its review. The subcommittee prepared the suggested edits to both chapters for consideration.

At the August 5, 2026 Planning and Zoning Commission meeting, redlined edits compiled by the subcommittee were presented and were approved **with 3 in favor (Nyer, Van Bavel & Fleming) and 2 against (Bench & Stein).**

The following revisions were made to the attached proposed ordinance and exhibit for your review: Section 107-376(a)(1): Change the proposed threshold from "8 inches DBH" to "12 inches DBH", and revise Section 107-375(j) to read: "A heritage tree permitted to be removed within the buildable area of a residential property or a heritage tree within the City's right-of-way property..." by inserting "heritage tree" immediately before "within the City's right-of-way property."

Action Requested:

Discuss and act on the attached proposed ordinance amending Chapter 101 and Chapter 107 of the Rollingwood Code of Ordinances regarding tree protection standards and requirements during construction activities.

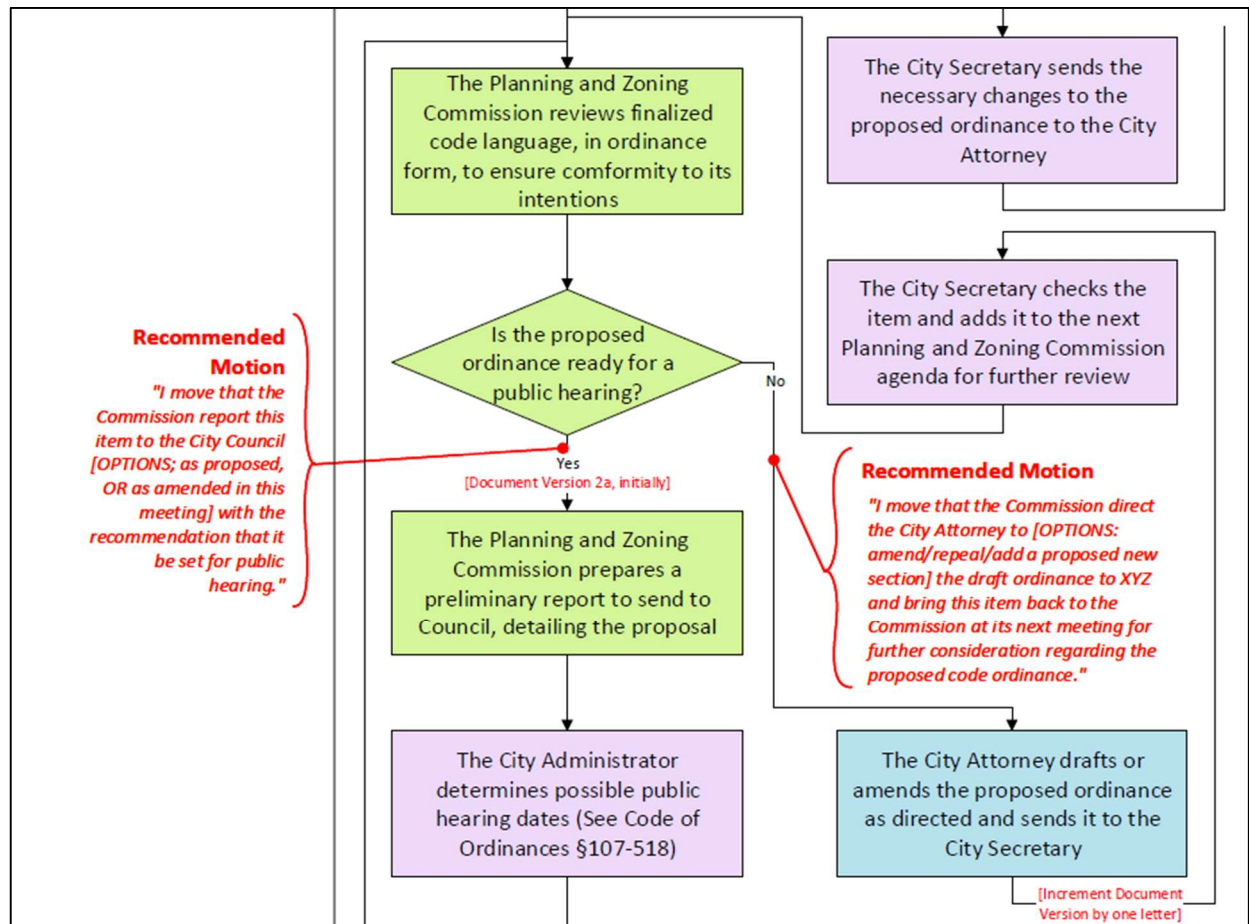
Motions:

"I move that the Commission report the proposed draft ordinance amending Chapter 101 and Chapter 107 of the Rollingwood Code of Ordinances regarding tree protection standards and requirements during construction activities to the

City Council [OPTIONS; as proposed, OR as amended in this meeting] with the recommendation that it be set for public hearing."

"I move that the Commission direct the City Attorney to [OPTIONS: amend/repeal/add a proposed new section] the draft ordinance to [do what?] and bring this item back to the Commission at its next meeting for further consideration regarding the proposed code ordinance."

You are here ↓



Fiscal Impacts:

No Fiscal impacts

Attachments:

- Proposed Ordinance amending Ch.101 & Ch. 107 regarding tree protection standards
- Exhibit A to Proposed Ordinance amending Ch.101 & Ch. 107 regarding tree protection standards

ORDINANCE NO. 2026-XX-XX**AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING CHAPTER 101 ARTICLE I and ARTICLE VI; PROVIDING ENABLING AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Rollingwood is a General Law Type A City under the statutes of the State of Texas; and

WHEREAS, the City Council acts under the City's police powers and authority to regulate land development and protect public resources for the benefit of the community; and

WHEREAS, the City Council finds that the updated regulations protect neighborhood character by preserving significant trees, guide compatible development, and safeguard public and private infrastructure from damage attributable to altered grades, soil compaction, and other construction-related impacts within critical root zones; and

WHEREAS, the City Council further finds that clarifying and strengthening tree protection standards benefits residents, property owners, and builders by providing clear, objective requirements for compliance during development and construction activities; and

WHEREAS, the City Council finds that construction-related activities can significantly and permanently damage tree health and stability and therefore must be managed through enforceable standards for protection of the critical root zone, fencing, mulching, watering, and pruning; and

WHEREAS, the City Council determines that the amendments adopted by this ordinance are reasonable, necessary, and intended to promote the public health, safety, and welfare, to prevent and abate nuisances, to reduce wildfire and storm-related risks, and to safeguard public infrastructure and utility services; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS, THAT:

SECTION 1. All the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. The City of Rollingwood Code of Ordinances, Part II, Chapter 101 Article I Section 101-1 definitions and Article VI section 101-256 Tree Protection Requirements- are hereby amended as provided for in the attached Exhibit A with underlines being added to the code and ~~strikethroughs~~ being deletions from the Code.

SECTION 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8. This Ordinance shall be effective upon its adoption by City Council.

PASSED AND APPROVED this ____ day of _____, 2026.

Gavin Massingill, Mayor

ATTEST:

Erin Penney, City Secretary

EXHIBIT A TO ORDINANCE # 2026-XX-XX-XX

Sec. 101-1. Definitions.

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

Board of appeals means the board of adjustment of the city.

Critical root zone (CRZ) means the area around and under a tree having a radius of one foot per inch of DBH from the trunk of the tree outwards and 24 inches in depth. For example, the CRZ of a tree having twelve-inch DBH extends twelve feet out from the trunk and 24 inches deep.

1/2 CRZ means the area around and under a tree having a radius of 1/2 foot per inch of DBH from trunk outwards and 24 inches in depth. For a tree having a twelve-inch DBH, the 1/2 critical root zone (1/2 CRZ) extends six feet out from the trunk outwards and 24 inches depth

1/4 CRZ means the area around and under a tree having a radius of 1/4 foot per inch of DBH from trunk outwards and 24 inches depth. For a tree having a twelve-inch DBH, the 1/4 CRZ extends three feet out from the trunk and 24 inches depth.

"Diameter at breast height" or (DBH) means the diameter of a tree measured in inches at a height of 4-1/2 feet above natural grade.

Sec. 101-256. Tree protection requirements.

- (a) Tree ~~root~~ protection shall be installed for all trees shown on tree protection plans to be preserved, prior to the start of any site work, including demolition or site preparation, and be maintained continuously throughout the project. Tree protection shall be removed at the end of the project after all construction and final grading is complete, but before final inspection. For a construction project involving only or stopping after demolition or site preparation, the tree protection may be removed if the construction fencing is also removed but shall be reinstalled before any further construction activity resumes. Any premature removal or failure of tree protection can lead to root damage and require remedial tree care. Construction impacts, including but not limited to, digging, trenching, or excavating; soil compaction; grade changes; and chemical exposure and spills, are not allowed in the 1/4 CRZ. No litter, material, tool storage nor any cut or fill greater than 4 inches is allowed within the 1/2 CRZ. At least 50% of the full CRZ shall be preserved at natural grade, with natural grade cover and without any construction impact.
- (b) Fencing is the primary method of tree protection and is intended to prevent access to the Critical Root Zone (CRZ). Tree fencing shall have a minimum height of five feet. Fencing shall be chain link installed on steel t-posts with a maximum spacing of ten feet between posts. Fencing shall be installed around or beyond the CRZ of all preserved trees or any natural areas designated for preservation. For definitions of CRZ, 1/2 CRZ, and 1/4 CRZ refer to Ord. Sec 101-1.
- (c) Mulch is required for any section of the CRZ that is not protected by fencing or under existing hardscape and has not been approved for impacts (such as building footprint or driveway). Mulch used for tree protection shall be any natural wood type. Rough single grind mulch, which resists compaction better than double grind and is usually less expensive is preferred, but any natural wood type is acceptable. Dyed mulch or mulch made from non-biological material such as rubber or stone shall not be used as tree protection.
- (d) Whenever protected fencing is located closer than five feet to trunk or when fencing cannot be placed around a tree, tree wrapping shall be installed to protect the first 8 ft of tree height. Material for wrapping shall be dimensional lumber, such as 2x4's, which shall be oriented parallel to and continuously around trunk and secured in place by tightening wires run around the outside of the lumber. Wrapping shall never be secured directly to the tree by screws or other means. Wrapping shall be loosened and retightened every six

months to prevent tree from damage as it grows. Branch wrapping may be required whenever a major limb is over an access route or close to proposed structure.

(e) Mulch inside fencing shall be installed to a minimum depth of eight inches and maximum of 12 inches. Mulch outside fencing shall be installed to a depth of four inches. Mulch shall be replenished as required and shall not be piled against the tree trunk.

(g) Landscaping installation within the 1/4 CRZ of preserved trees, including trenching for irrigations, soil and planting shall be prohibited.

(h) Any pruning of trees shall be in compliance with ANSI A300 Standard for tree care. Not more than twenty-five percent of the foliage shall be removed within an annual growing season.

(i) Preserved trees experiencing construction impacts within CRZ must receive a minimum of 10 gallons of water per inch of DBH per week during the growing season (March-December, and 5 gallons per inch of DBH per week during the winter (January-February), applied via drip irrigation, water truck or soaker hose, unless soil moisture meters indicate sufficient hydration.

(j) If the building official or the police department determines that there is a violation of this section, such building official or police officer may issue a ticket, citation or stop work order.

(k) Additionally, the building official in collaboration with city arborist consultant shall determine the proper tree remedial action. The building official may waive imposing daily fines for proper plant health care treatments including planting replacement trees.

(l) A violation of this section shall constitute a class C misdemeanor that, upon conviction, may result in a fine not exceeding \$2,000.00 per violation. Each day that such violation continues shall constitute a separate offense. Failure to install tree protection fencing before site work commences shall be a \$2,000 fine.

ORDINANCE NO. 2026-XX-XX**AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING CHAPTER 107-ZONING; PROVIDING ENABLING AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Rollingwood is a General Law Type A City under the statutes of the State of Texas; and

WHEREAS, the City Council acts under the City's police powers and authority to regulate land development and protect public resources for the benefit of the community; and

WHEREAS, the City Council finds that the updated regulations protect neighborhood character by preserving significant trees, guide compatible development, and safeguard public and private infrastructure from damage attributable to altered grades, soil compaction, and other construction-related impacts within critical root zones; and

WHEREAS, the City Council further finds that clarifying and strengthening tree protection standards benefits residents, property owners, and builders by providing clear, objective requirements for compliance during development and construction activities; and

WHEREAS, the City Council finds that construction-related activities can significantly and permanently damage tree health and stability and therefore must be managed through enforceable standards for protection of the critical root zone, fencing, mulching, watering, and pruning; and Ordinance

WHEREAS, the City Council determines that the amendments adopted by this ordinance are reasonable, necessary, and intended to promote the public health, safety, and welfare, to prevent and abate nuisances, to reduce wildfire and storm-related risks, and to safeguard public infrastructure and utility services; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS, THAT:

SECTION 1. All the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. The City of Rollingwood Code of Ordinances, Part II, Chapter 107 -Zoning, is hereby amended as provided for in the attached Exhibit A with underlines being added to the code and ~~strikethroughs~~ being deletions from the Code.

SECTION 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8. This Ordinance shall be effective upon its adoption by City Council.

PASSED AND APPROVED this ____ day of _____, 2026.

Gavin Massingill, Mayor

ATTEST:

Erin Penney, City Secretary

EXHIBIT A TO ORDINANCE # 2026-XX-XX-XX**Sec. 107-3. Definitions.**

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

Accessory building or structure means a building or structure which does not share a common roof or common wall, including, but not limited to, a toolhouse, home workshop, greenhouse, garage, carport, children's playhouse, or swimming pool house, which:

- (1) Is located on the same lot as a dwelling;
- (2) Is subordinate in area to the dwelling and is used for a purpose customarily incidental to the dwelling;
- (3) Is detached from the dwelling except that a connected foundation or walkway may exist with the dwelling;
- (4) Does not provide complete independent living facilities for one or more persons which include permanent provisions for living, sleeping, and sanitation facilities; and
- (5) Is not used for lease or rental, or for a commercial purpose other than a home occupation by a resident of the main dwelling.

Addition means a construction project that causes an existing structure to increase in total square footage.

Alley means a minor public or private right-of-way which:

- (1) Is used primarily for vehicular traffic to the rear or side of properties which abut a public street; and
- (2) Affords secondary means of access to abutting property.

Amenity means an indoor area or an outdoor area located anywhere on a lot, or the roof of a structure, or any other building including, but not limited to, pools, sport courts, patio areas, outdoor kitchens, grills, landscaped areas, and areas of decking, decorative paving or other similar surface, used for recreational purposes.

Block means a parcel or tract of land entirely surrounded by streets, and occupied by or intended for occupancy by buildings or structures.

Board means the board of adjustment of the city.

Building means any structure which is:

- (1) Permanently affixed to the land;
- (2) Has a roof supported by columns or walls; and
- (3) Is built for the enclosure, shelter or protection of persons, animals or property of any kind.

Building footprint means the horizontal surface area measured by taking the aggregate outside horizontal dimensions of the building and covered structures, including garages, carports, and covered porches and/or decks. Uncovered decks are not included in the measurement.

Building height, as used in chapter 107, division 2, Residential (R) Zoning District, means the vertical distance from the Original Native Ground Surface or finished grade, whichever is lower, to the highest point directly above.

Building height, nonresidential, means the vertical distance from the lowest finished floor elevation (including a garage floor) to the highest part of the following: the coping of a flat roof; the deck line of a mansard roof; or the gable of a pitched or hipped roof, where, due to topographical or other conditions, the lowest finished floor elevation of a building differs from one part to another, the maximum permissible height shall be computed separately for each portion of such building containing a differing lowest finished floor elevation. If the lowest finished floor elevation is more than four feet directly above the point where the foundation intersects the natural

grade, then the vertical distance must be measured from a point that is four feet directly above the point where the foundation intersects the natural grade to the highest point described above.

Certificate of occupancy means a document issued by the building official which:

- (1) Certifies that the construction of a building or structure or use of premises complies with the requirements of this article and other applicable city ordinances; and
- (2) Authorizes the occupancy or use of the premises for which the certificate is issued.

City arborist means an ISA certified arborist as designated by the city.

Commercial district means the commercial district (C).

Commission means the planning and zoning commission of the city.

Critical root zone (CRZ) means the area around and under a tree having a radius of one foot per inch of DBH from the trunk of the tree outwards and 24 inches in depth. For example, the CRZ of a tree having twelve-inch DBH extends twelve feet out from the trunk and 24 inches deep.

1/2 CRZ means the area around and under a tree having a radius of 1/2 foot per inch of DBH from trunk outwards and 24 inches in depth. For a tree having a twelve-inch DBH, the 1/2 critical root zone (1/2 CRZ) extends six feet out from the trunk outwards and 24 inches depth

1/4 CRZ means the area around and under a tree having a radius of 1/4 foot per inch of DBH from trunk outwards and 24 inches depth. For a tree having a twelve-inch DBH, 1/4 CRZ extends three feet out from the trunk and 24 inches depth.

Demolition means the taking down of a building while carefully preserving valuable elements for reuse. The term "demolition" may also include the total and complete deconstruction and removal of a building and its foundation to make room for the construction of a new building.

Diameter at breast height (DBH) means the diameter of a tree measured in inches at a height of 4-1/2 feet above natural grade.

District means a zoned section of the city for which regulations governing the area, height or use of buildings and premises are uniform for each type and class of structure.

Dwelling.

(1) The term "dwelling" means a building which:

- a. Is designed and constructed for occupancy as a residence;
- b. Includes bathroom facilities;
- c. Includes facilities for food preparation and sleeping; and
- d. Is not attached to any other building by any means.

(2) A dwelling's extent consists of all aspects of the structure that share:

- a. A common framed, decked, and sheathed roof; and
- b. A common concrete slab-on-grade or wood framed and decked floor.

Easement means a privilege, or right of use or enjoyment, granted on, above, under or across a particular tract of land by one party to another.

Fence means a fixed-in-place physical barrier, including a wall, that wholly or partially encloses, screens, separates, or establishes a border for a portion of real property (e.g., yard or field) and is commonly used to control access, to confine, or to mark a boundary. Unless otherwise specifically provided, the term "fence" does not include temporary barriers, including, but not limited to, silt fencing or other erosion controls, or temporary construction barriers.

Front-yard fence means that portion of a fence that extends beyond the front foundation line of the primary residential structure located on the property toward the front building setback line (or for unplatted property, toward the street from which the front building setback line would be measured). In the case of undeveloped property, a front-yard fence is:

- (1) The portion of a fence located closer to a street fronting the property than the front setback line of a platted lot; or
- (2) For an unplatted property, the portion of a fence located closer to a street than the front setback line that would be required by this Code if the property were being platted pursuant to the regulations of this Code at the time of installation of such fence.

Garage, detached means an accessory building, separated and independent of the main building on a lot, designed to shelter motor vehicles.

Gate means a movable door or obstruction that closes an opening in a wall, fence, or other barrier.

Grade means the elevation of the original or finished surface of the ground, paving or sidewalk within the area between setback lines of the lot.

Greenbelt means an open area not occupied by any structures or impervious surfaces which:

- (1) Is left undisturbed in its natural state; or
- (2) Is landscaped as required under the city's landscaping regulations; provided that the width of all greenbelts shall be maintained as required under this article, notwithstanding the provisions of the city's landscape ordinance.

Ground floor area means the floor area of a building or structure measured by taking the aggregate outside horizontal dimensions of the building or structure, at foundation level, excluding the floor area of garages, basements, or open or screened porches.

Heritage tree means a protected tree and has a DBH of 24 inches or more. To determine the DBH of a multi-trunk tree, measure all the trunks; add the total DBH of the largest trunk to ½ the DBH of each additional trunk. A multi-trunk tree having a total DBH of 24 inches or more is a heritage tree.

Home occupation means an activity or occupation, including, but not limited to, an accountant, engineer, architect, music teacher, tailor, artist, or activity associated with management of property or assets, which is performed in a dwelling for gain, whether or not paid or provided by a third party, and which:

- (1) Is conducted by a members of the family residing in the dwelling;
- (2) Is conducted as a use that is clearly incidental and secondary to the use of the dwelling for ordinary residential purposes;
- (3) Does not require structural alterations in the dwelling or the installation of machinery or equipment other than that customary to ordinary household activities;
- (4) Does not involve the display of a sign to advertise the occupation;
- (5) Is not detrimental or injurious to adjoining property by reason of the creation of noise or other obnoxious conditions, such as the emission of odor or generation of light, smoke or other objectionable conditions;
- (6) Does not generate a substantial increase in motor vehicle traffic; and
- (7) Is conducted in the single-family residence where the operator of the home occupation resides.

Impervious cover means any area where the natural absorption of runoff water by the land is prevented by site development.

Job trailer means an enclosed building or structure, including a mobile or relocatable office unit, the use of which is incidental to construction work being done under a valid building permit on the premises, which:

- (1) Is erected on a temporary foundation, such as skids or plywood;
- (2) Is located on the same lot as an existing main building or a main building under construction;
- (3) Does not contain plumbing or sanitation facilities;
- (4) Is not connected to any city water, wastewater or gas utility service; and
- (5) Is removed upon completion or cessation of the activity for which the structure was erected.

Lot means a portion of a subdivision or other parcel of land designated as a unit for transfer of ownership or for development.

Lot, area of, means the total area encompassed within the lines of a lot, excluding any street or alley rights-of-way.

Lot, corner, means a lot located at the angle of two intersecting streets.

Lot line means the boundary of a lot.

Lot line, front, means the front line of a lot, which is also the right-of-way line of the street abutting such lot.

Lot line, rear, means the lot line most nearly opposite and most distant from the front lot line.

Lot line, side, means any lot line other than a front or rear lot line.

Main building means a building (not including an accessory building) within which is conducted the principal use of the site upon which the building is located. In a residential district, all dwellings are deemed to be main buildings.

Masonry means clay brick, concrete, hollow clay tile, natural stone, stucco, marble, or any combination of these materials, on the exterior surface of a building.

Mayor means the mayor of the city.

Mechanical equipment means heating and air conditioning units, pool equipment, and household generators.

Mirrored glass means glass with a reflectivity factor of 20 percent or greater.

Motor vehicle means a vehicle, motor home, trailer, boat, mobile home, camper, travel trailer, bus, tractor, commercial vehicle, truck, recreational vehicle or other vehicle that either has its own motive power, including a sailboat, or is mounted on or towed by another vehicle.

New construction means a construction project that begins on a vacant lot or on a lot in which the walls and foundation of a preexisting building and any related structures have been demolished completely and removed from the lot.

Nonconforming building or structure means a building or structure, the size, dimensions or location of which were lawful prior to the date of adoption of the ordinance from which this article is derived or amendments thereto, but which fails by reason of such adoption or amendments to conform to the regulations of the district in which they are located.

Nonconforming lot means a lot, the area, dimensions or location of which were lawful prior to the date of adoption of the ordinance from which this article is derived or amendments thereto, but which fails by reason of such adoption or amendments to conform to the regulations of the district in which it is located.

Nonconforming use means a use or activity which was lawful prior to the date of adoption of the ordinance from which this article is derived or amendments thereto, but which fails by reason of such adoption or amendments to conform to the regulations of the district in which it is located.

Original native ground surface, as used in chapter 107, division 2, Residential (R) Zoning District, means the existing grade on a lot prior to development of the new residential building, as may be shown on a certified topographic survey of the property.

Parallel plane, as used in chapter 107, division 2, Residential (R) Zoning District, is an imaginary plane that is 35 feet above and parallel to the original native ground surface.

Parking space means a paved area of at least 180 square feet (measuring not less than nine feet wide and not less than 18 feet in length), enclosed or unenclosed, having a paved driveway which connects the parking space with a street or alley and which permits ingress or egress of motor vehicles. The term "parking space" does not include a driveway, aisle or any area on a public street.

Personal wireless telephone service facility means a tower and related fixtures and equipment for the provision of wireless cellular telephone signals by one or more commercial operators of wireless telephone services.

Planned unit development means a tract of land developed as a single entity, pursuant to a unified site design which makes provisions for common open spaces and variegated building types and land uses, and which provides for the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.

Premises means land, together with any buildings or structures occupying it.

Protected tree means a tree of a "protected species" as defined in Section 107-371 and has a DBH of 12 inches or more.

Public view means the view as seen from any private property in a residential district or public street within the city.

Reconstruction means a construction project that constitutes the rebuilding, using the original building footprint, of a building, or structure, whether a dwelling or other that is damaged or destroyed by fire or other accidental or natural means.

Remodel means any addition or alteration to an existing building or its foundation or any component thereof, including, but not limited to, the addition or alteration of any porch, deck, or garage.

Residence, resident or reside means to have residence in, to be a resident of, or to reside in a dwelling, the dwelling must be the place where the person primarily lives, sleeps, bathes, and maintains personal possessions such as clothing.

Residential plot plan or residential site plan means a site plan drawn to a scale of one inch to 50 feet depicting existing and proposed contours in two-foot elevations on the property, the existing and proposed drainage patterns and the 50- and 100-year floodplains if they exist on the property.

Resubdivision means the division of an existing subdivision, together with any change of lot sizes therein, or with the relocation of any street lines.

Retaining wall means any fence or wall built or designed to retain or restrain lateral forces of soil or other materials, said materials being similar in height to the height of the soil or other materials being retained.

Setback means the minimum horizontal distance between a lot line and the closest wall or face of a building or foundation or projection thereof, excluding uncovered steps or unenclosed balconies or porches, or cantilevered roof cornices, eaves, or facias, located on the lot.

Setback line means a line within a lot, which is parallel to and is measured from a corresponding lot line, which governs the placement of structures and uses on the lot.

Special exception means a use that is not permitted in a particular district under this article, but which is permitted in such district following approval by the board of adjustment, upon a showing that the use will comply with all of the conditions prescribed by the board for such use.

Special use means a use that may be authorized by the city council in the district in which it is allowed.

Sport court means an installed hardscape surface or other compacted ground material utilized in connection with a flat game court structure for play. This definition is to specifically include, but not be limited to basketball courts, tennis courts, hockey rinks, batting cages, racquetball/handball/pickleball courts, and other similar

facilities. These game court areas may or may not include a combination of fencing, netting, or boards for the purposes of their use.

Square feet of floor space means the square footage of a building computed from the exterior perimeter footprint of each story of such building, or portion thereof. Provided, that when the term "square feet of floor" is used with reference to a dwelling, the computation of square footage shall not include attached garages, attics, basements or porches. Provided further, that when the term "square feet of floor" is used with reference to a building that is not a dwelling, the computation shall include, but not be limited to, atriums, vents, elevator shafts, exterior balconies and porches, mechanical and storage rooms, elevator lobbies, halls and corridors, but shall exclude courtyards.

Story means that portion of a building, other than a basement, open or screened porch, attached garage or attic, which is included between the surface of one floor and the surface of the floor next above it, or, if there is only one floor, the term "story" means the space between such floor and the ceiling above it.

Street means a public thoroughfare, other than an alley, which has been improved and dedicated for use as a roadway and provides principal vehicular and pedestrian access to adjacent properties.

Structure means anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including, but not limited to, signs, and excepting utility poles, berms, fences, mailboxes and retaining walls.

Subdivision means a division of any tract of land situated within the city limits, or within one-half mile of such limits, in two or more parts for the purpose of laying out any subdivision of any tract of land, or for laying out suburban lots or building lots, or any lots, streets, alleys or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. The term "subdivision" includes resubdivision. The term "subdivision" includes those parcels being platted in accordance with section 105-23(b).

Subdivision sales office means a temporary building or structure, including a mobile or relocatable office unit, used as an office to sell property in a new or developing subdivision tract.

Temporary building means an enclosed building or structure which is erected on a temporary foundation, such as skids; is located on the same lot as an existing main building or a main building under construction; does not contain plumbing or sanitation facilities; and is not connected to any electrical, water, wastewater or gas utility service.

Use of property means the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, principal, means the main use of land or buildings as distinguished from the subordinate or accessory use of such land or buildings.

Variance means an authorization by the board of adjustment granting specific relief from the literal enforcement of the provisions of this chapter.

Veterinary services means an establishment which provides care for small domestic animals for treatment; but excluding overnight convalescence boarding, pet grooming facilities, animal training centers and clubs, and facilities where animals are boarded during the day or overnight.

Wall means a masonry structure enclosing real property (e.g., a yard or field).

Yard means an unoccupied space on a lot which:

- (1) Is open and unobstructed from the ground upward to the sky except for fencing, walls, and those encroachments expressly allowed by this chapter;
- (2) Extends between a main building and the lines of the lot upon which the main building is located; and
- (3) Has a depth between the front, side or rear lot lines and the main buildings as required for the district in which the lot is located.

255 *Yard, front*, means a yard which abuts the addressed street of the lot, is located between the main building
 256 on a lot and the street easement or front line of the lot, and extends across the front of a lot between the side lot
 257 lines.

258 *Yard, rear*, means a yard which is located between the main building on a lot and the rear line of the lot, and
 259 extends across the rear of the lot between the side lot lines.

260 *Yard, side*, means a yard which is located between the main building on a lot and the side lines of the lot, and
 261 extends across the side of a lot between the front yard and the rear yard.

Sec. 107-370. Applicability.

This subdivision applies to property in the residential zoning district ~~and to any other property to which section 107-341 of this Code does not apply.~~

Sec. 107-371. Definitions.

In this subdivision:

(a) *Protected species* means:

- (1) Ash, Texas
- (2) Cypress, Bald
- (3) Elm, American
- (4) Elm, Cedar
- (5) Madrone, Texas
- (6) Maple, Bigtooth
- (7) All Oaks
- (8) Pecan
- (9) Walnut, Arizona
- (10) Walnut, Eastern Black

(b) *Protected tree* ~~Refer to Sec. 107- 3. Definitions means a tree that has a trunk with a diameter of 12 inches or more, measured four and one half feet above ground, and is one of the protected species;~~

(c) *Replacement species* means:

- (1) For trees planted within 20 feet of an above-ground power, cable, or telephone line:
 - a. Anacacho Orchid Tree
 - b. Common Tree Senna
 - c. Crape Myrtle (dwarf)
 - d. Desert Willow
 - e. Evergreen Sumac
 - f. Eve's Necklace
 - g. Flameleaf Sumac
 - h. Goldenball Leadtree
 - i. Mexican Buckeye

- j. Mexican Plum
- k. Possumhaw Holly
- l. Rough Leaf Dogwood
- m. Texas Mountain Laurel
- n. Texas Persimmon
- o. Texas Pistache
- p. Texas Redbud
- q. Wax Myrtle
- r. Yaupon Holly
- s. Cherry Laurel

(2) For all other trees planted within a property, a protected species.

(d) *Replacement tree* means:

- (1) For the replacement species listed in subsection (c)(1), a tree at least eight feet high when planted, which shall be maintained in a healthy condition after planting;
- (2) For the replacement species listed in subsection (c)(2), a tree with a DBH diameter equal to not less than one-fourth the diameter of the protected tree it replaces up to a maximum DBH diameter of five inches, which shall be maintained in a healthy condition after planting. The diameter of protected and replacement trees shall be measured four and one-half feet above the ground when planted.

(e) *Heritage tree* ~~Refer to Sec. 107- 3. Definitions means a protected tree of a protected species, having a diameter of 24 inches or more, measured 4½ feet above natural grade. To determine the diameter of a multi-trunk tree, measure all the trunks; add the total diameter of the largest trunk to ½ the diameter of each additional trunk. A multi-trunk tree having a total diameter of 24 inches is a heritage tree.~~

(f) *Critical root zone ("CRZ")* ~~Refer to Sec. 107- 3. Definitions means the area around and under a tree having a radius of one foot per inch of diameter from the trunk of the tree outwards and 24 inches in depth. For example, for a tree having a ten-inch diameter, the critical root zone is ten feet out from the trunk and 24 inches deep.~~

(g) *Removal* means an intentional act that causes or may be reasonably expected to cause a tree to die, including:

- (1) Uprooting;
- (2) Severing the main trunk;
- (3) Damaging the root system, including, but not limited to:
 - a. Adjusting the grading of a lot to cover or uncover a tree trunk or root system to the extent that the adjusted grading causes or may be reasonably expected to cause the tree to die; or
 - b. Placing fixtures over the root system to the extent that the placement of the fixtures causes or may be reasonable expected to cause the tree to die.
- (4) ~~Construction or disturbance that occurs within an area that constitutes more than 50 percent of the total Critical root zone ("CRZ") and ½ the radial distance of the CRZ for each tree being preserved, including protected trees and heritage trees. impacts in violation of Section 101-256 which will require mitigation in accordance~~

~~with the terms of this subdivision.~~ However, flatwork, decking, or similar construction above ground and not disturbing roots is permitted within the CRZ, and such work shall be approved and shall not be classified as removal.

- (5) ~~Pruning not in accordance with ANSI A300 and as determined by the city arborist. Not more than twenty-five percent of the foliage shall be removed within an annual growing season. If the proposed or actual protection of the CRZ before construction, during construction, and following construction does not meet the requirements of sec 101-256, then the tree shall be considered removed and require mitigation in accordance with the terms of this subdivision.~~
- ~~(6) Excessive pruning, including, but not limited to, pruning that exceeds 25 percent of the canopy of the tree.~~
- (h) City arborist ~~Refer to Sec. 107- 3. Definitions means an ISA certified arborist as designated by the city.~~
- (i) Mitigation means such remedies as are approved by the city development officer in consultation with the city arborist.
- (j) "Building official" for the purposes of this subdivision means the city development officer.

Sec. 107-375. Conditions for approval.

- (a) If a protected tree is removed from a required yard, the protected tree shall be replaced with a total of three replacement trees that must include a selection of replacement trees under subsection 107-371(a).
- (b) Each protected tree removed from an area not within a required yard shall be replaced by one replacement tree under subsection 107-371(d)(2).
- (c) For protected trees removed from within 20 feet of an above-ground power, cable, or telephone line the species selected from section 107-371 (c) (1) shall be used for replacement.
- (d) If a protected or heritage tree straddles the boundary between the yard and buildable area, it shall be considered to be within the required yard if 25 percent or more of the trunk diameter is in the required yard.
- (e) If the building official determines under subsection 107-373(b)(3) that an emergency existed at the time of removal that necessitated expedited removal or an applicant provides documentation from a certified arborist that a protected tree is diseased, dead, or poses an imminent or immediate threat to persons or property due to natural causes only and the protected tree falls under subsection 107-375(a), the city arborist may reduce the replacement tree requirement to one replacement tree under either subsection 107-371(d)(1) or subsection 107-371(d)(2).
- (f) If a protected tree is required to be removed under section 18-209, the building official may reduce or waive the replacement tree requirement for the protected tree and reduce or waive the tree replacement application fee.
- (g) The mayor may act to waive the replacement tree requirement under this subsection 107-375 for a storm event, wildfire or other calamity that causes widespread or costly damage to multiple protected trees throughout the city.
- (h) For a permit filed with an application for development of any improvements or structures, if the density of protected trees in an area described in subsection 107-375(b) is greater than seven protected trees, the number of replacement trees required under subsection 107-375(b) for a removal from such area is capped at seven replacement trees, at least three of which shall meet the requirements of subsection 107-371(d)(2).
- (i) If a protected tree has a trunk on a first property and its CRZ and/or canopy extend into a second property, the owner of the second property is required to obtain a tree removal permit for removal of the protected tree prior to performing any actions that constitute removal under subsection 107-371(g) on the second property. For purposes of determining removal under this subsection for 107-371(g), damage to the root system is assessed within the area that is a number of feet in diameter from the outer edge of the tree trunk

at four and one-half feet from the ground based on a ratio of one foot for each inch of diameter of the tree trunk. If the actions by the owner of the second property as to the protected tree trigger a requirement for the owner of the first property to apply for a tree removal permit for the protected tree, the application review fee as to the protected tree on the first property is waived.

- (j) A heritage tree permitted to be removed, of a residential property or a heritage tree within the City's right-of-way property including a heritage tree within the buildable area, must be replaced with one tree five inches in DBH diameter, or more, for every 12 inches in DBH diameter of the removed tree. For example: 24 inches = two five-inch diameter trees, 36 inches = three trees, etc. to be replaced. The replacement trees must be of a species listed in subsection 107-371(a). A special exception to these mitigation requirements may be granted by the zoning board of adjustment, if the applicant demonstrates: (1) the existing tree canopy would prohibit the growth of these replacement tree(s); or (2) the required replacement trees to be installed would have to be planted under the canopy of an existing tree.

Sec. 107-376. Development application requirements.

- (a) An application for a building permit must:

- (1) Include a tree survey and protection plan of all existing trees on the property and 10 ft beyond the property line that are at least 12 inches in DBH diameter measured four and one-half feet above the ground. The plan must also identify the type, diameter, and species of each tree, indicate whether the tree is designated as a heritage tree, and show the full CRZ, 1/2 CRZ and 1/4 CRZ CRZ for each protected tree.
- (2) Include a grading and tree protection plan for protecting all protected trees that are not approved for removal. The tree protection plan submitted for these trees must include actions necessary for the best chance of survival of these protected trees, including adequate watering before, during, and after construction per Ord 101-256 until a certificate of occupancy is granted. A spot elevation at each protected tree trunk and the 1/4 CRZ of protected trees shall be included on the grading plan.
- (3) Include on the tree survey /protection plan the following plan notes.

Before Construction Notes:

1. All trees shown on plan to be preserved shall be protected per Ord 101-256.
2. Tree protection shall be installed prior to start of any site work, including demolition or site preparation. Refer to Ord 101-256. Failure to provide tree protection before site work may result in a \$2,000 per day fine. A pre-construction meeting before site work to verify that tree protection complies with drawings and ordinances is recommended.
3. Fencing for tree protection shall be chain-link mesh with minimum height of 5 feet and shall be installed around or beyond the 1/2 Critical Root Zone except as allowed by Ord. 101-256
4. Unfenced sections of the Critical Root Zone shall be covered with mulch at a minimum depth of 8 inches and a maximum depth of 12 inches per Ord. 101-256.
5. Where fencing is located 5 feet or less from trunk of a preserved tree, trunk wrapping shall be installed per Ord. 101-256.
6. Erosion and sedimentation controls shall be installed and maintained so as not to cause silt discharge off property per Ord. 101-250.

During Construction Notes:

1. Trees approved for removal shall be removed in a manner that maintains preservation criteria for trees that remain. Refer to Ord. 107-376.

2. Fencing may not be temporarily moved or removed during development without prior authorization. The fenced 1/2 or beyond Critical Root Zone shall not be used for temporary fill including tool or material storage of any kind and shall be kept free of litter. Refer to Ord. 101-256.
3. Pruning shall be in compliance with current ANSI A300 standard for tree care per Ord. 101-256. No more than twenty-five percent of the foliage shall be removed within an annual growing season.
4. If the building official or the police department determines that there is a violation of this section, such building official or police officer may issue a ticket, citation or stop work order. Additionally, the building official in consultation with city arborist shall determine the proper tree mitigation.
5. A violation of this section shall constitute a class C misdemeanor that, upon conviction, may result in a fine not exceeding \$2,000.00 per violation. Each day that such violation continues shall constitute a separate offense.

After construction Notes:

1. Tree protection, including the mulch outside the fencing, shall be removed at the end of the project after all construction and final grading is complete, but before final inspection. Refer to Ord. 101-256.
 2. Landscape installation within the 1/4 CRZ of preserved trees, including irrigation, soil and plantings, shall comply with Ord. 101-256.
- (43) Demonstrate that the design will preserve the existing natural character of the landscape as to any protected trees not approved for removal; and
- (54) Include a tree removal permit application with required fees for review of each proposed removal of a protected tree.
- (6) Include the planting of any replacement trees as determined by Sec 107-375, if development under a proposed site plan will remove a protected tree, as a condition of site plan approval.
- (b) The building official may not release or renew a building permit until a tree removal permit for each protected tree proposed to be removed has been submitted. While the tree removal permit and the building permit may be processed concurrently, the tree removal permit shall not be approved prior to approval of the building permit.

Conversation with Bruce Fender with Holt Carson, Inc. Surveyor, August 10, 2026

Since the City of Austin requires that the CRZ of a protected tree that enters the site be measured as well as the CRZ of a protected tree that exits the site, it is standard practice for surveyors to survey beyond the property line.

Before entering an adjacent property, the surveyor will talk to the neighbor for permission. After explaining that their mission is to measure any owner's tree CRZ for coordination with proposed development, permission is usually granted around 75% of the time. For the other times, a laser rangefinder, laser telemeter or laser distance meter can be used to determine distance to a tree and its approximate diameter.

Given the DBH and location of a tree on site, it is possible that the CRZ could extend 10 ft beyond the property line. In which case the proposed ordinance might be better to state that the CRZ of a protected tree that enters or exits the site be measured.

Mr. Fender also stated that since local municipalities have different requirements, a code check is performed for each project. For example, City of Westlake Hills requires every tree with a 3" or larger DBH be surveyed which will take considerably more time than others. City of Austin will have arborists review the tree survey plan included with permit plan submittal and after visiting the site may have plan review comments that will require further surveying.

Suggested verbiage for 107-376

(a) An application for a building permit must:

- (1) Include a tree survey and protection plan of all existing trees on the property that are at least 12" DBH as well as the entering CRZ of an off-site protected tree. The plan must also identify the type, diameter, and species of each tree, identify whether the tree is designated a heritage tree and show the full CRZ, 1/2 CRZ and 1/4 CRZ for each tree even if the CRZ goes off site.

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: September 2, 2026

Submitted By:

Staff on behalf of Chair Dave Bench

Agenda Item:

Discussion and possible action to create a special exception within the Code of Ordinances to allow buildable area forgiveness for lots impacted by floodplain areas and drainage easements

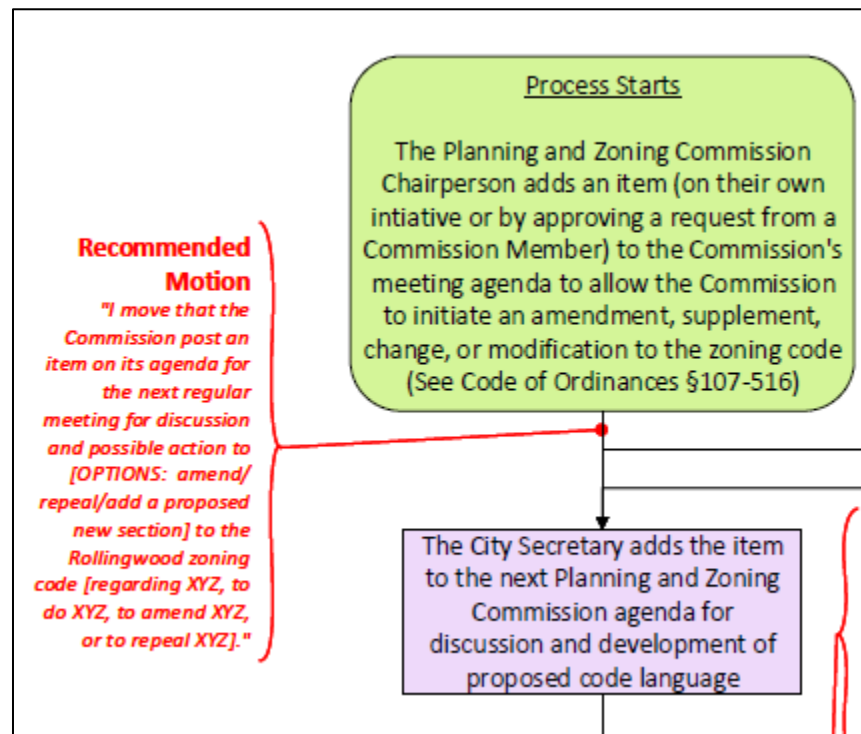
Description:

There are some properties within the city that are impacted by floodplain areas and drainage easements, and a special exception could provide some relief to the current zoning requirements.

Action Requested:

Discuss and take possible action to create a special exception within the Code of Ordinances to allow buildable area forgiveness for lots impacted by floodplain areas and drainage easements

You are here ↓



Fiscal Impacts:

No fiscal impacts

Attachments:

- N/A