



## UDC Update Request Application

### Part 1. Applicant Information

Name: Kelly Hall Organization: Green Industry Alliance (GIA)

Address: P.O. Box 700528, San Antonio, TX 78270-0528

Phone: (210) 889-2748 Email: giaadvocacy@greenindustryalliance.org

Signature: Kelly Smith Hall Date: May 1, 2015

Title: Industry Advocacy and Special Projects Representative

### Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC (Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions).
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# AMENDMENT: TP - 1

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## PROPOSAL SUMMARY –

*The reason for this proposed UDC amendment is to create standards so as to elevate and create professionalism in the industry. San Antonio has a detailed Tree Protection Ordinance, but it still has weaknesses in regards to sizing, identification, and tree preservation. There is no current standards or requirement for a professional to create and document the required Tree Preservation and Tree Stand Delineation Plans. By requiring this registration, it will help to streamline plan review, and eliminate unnecessary errors and inaccurate reporting of tree data on tree plans to the City of San Antonio. It is as important to protect the existing landscape and natural features of a site as it is to plant new ones. As such, involving the registered landscape architect at the beginning of a project will help to identify and protect them.*

## FORMATTED PROPOSAL –

### Tree Preservation 35-523

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**(a) Applicability.**

\*\*\*

**(1) Generally.**

\*\*\*

- F. All Tree Preservation Plans or Tree Stand Delineation Plans shall be sealed by a landscape architect registered in the State of Texas.



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# AMENDMENT: TP - 2

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*PROPOSAL SUMMARY –*

*The reason for this proposed UDC amendment is to provide a provision allowing both ISA certified arborists and registered landscape architects the ability to document trees as diseased, overly- mature, dying, or dead.*

*FORMATTED PROPOSAL –*

**Tree Preservation 35-523**

\*\*\*

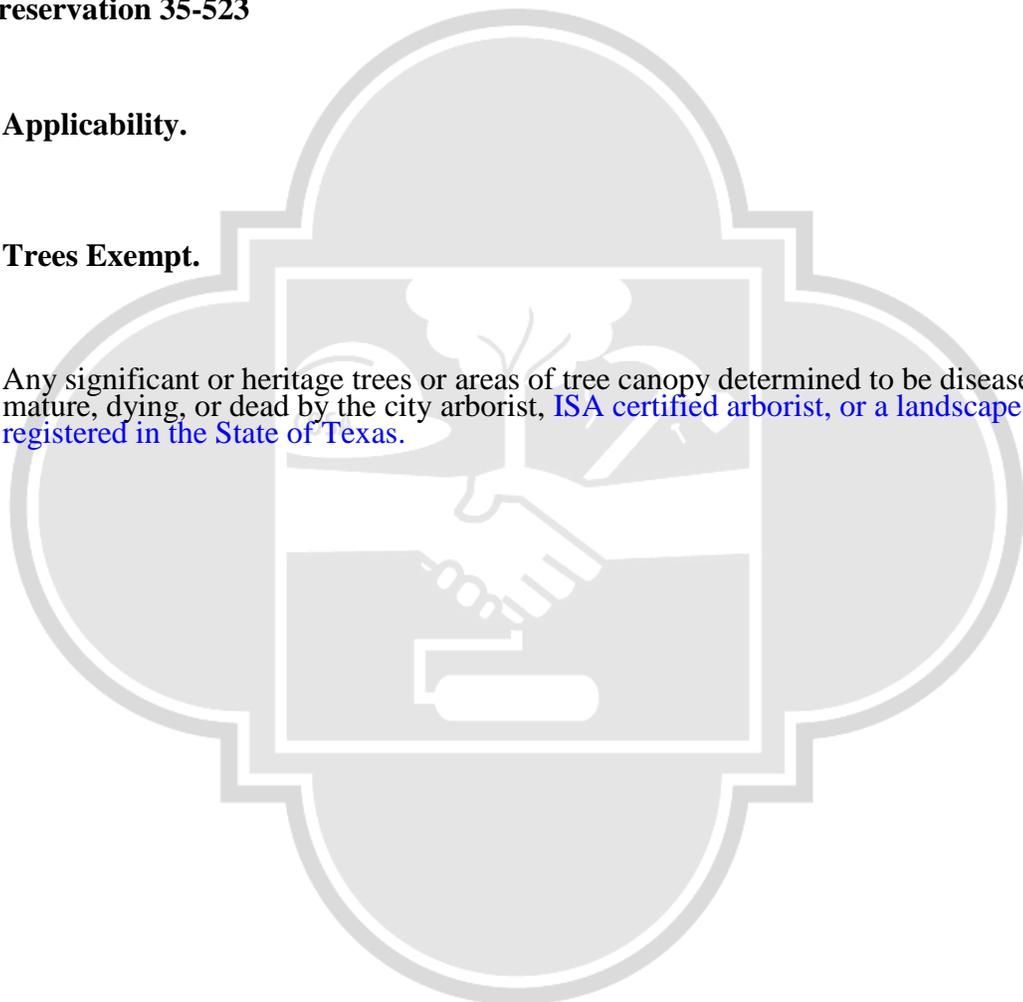
**(a) Applicability.**

\*\*\*

**(4) Trees Exempt.**

\*\*\*

**(A.)** Any significant or heritage trees or areas of tree canopy determined to be diseased, overly-mature, dying, or dead by the city arborist, [ISA certified arborist](#), or a [landscape architect registered in the State of Texas](#).





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# AMENDMENT: TP - 3

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*PROPOSAL SUMMARY –*

*The reason for this proposed UDC amendment is to simplify the Tree Preservation Ordinance to include the Street improvement standards. Referencing the Street improvement standards here will allow for greater clarity.*

*FORMATTED PROPOSAL –*

**Tree Preservation 35-523**

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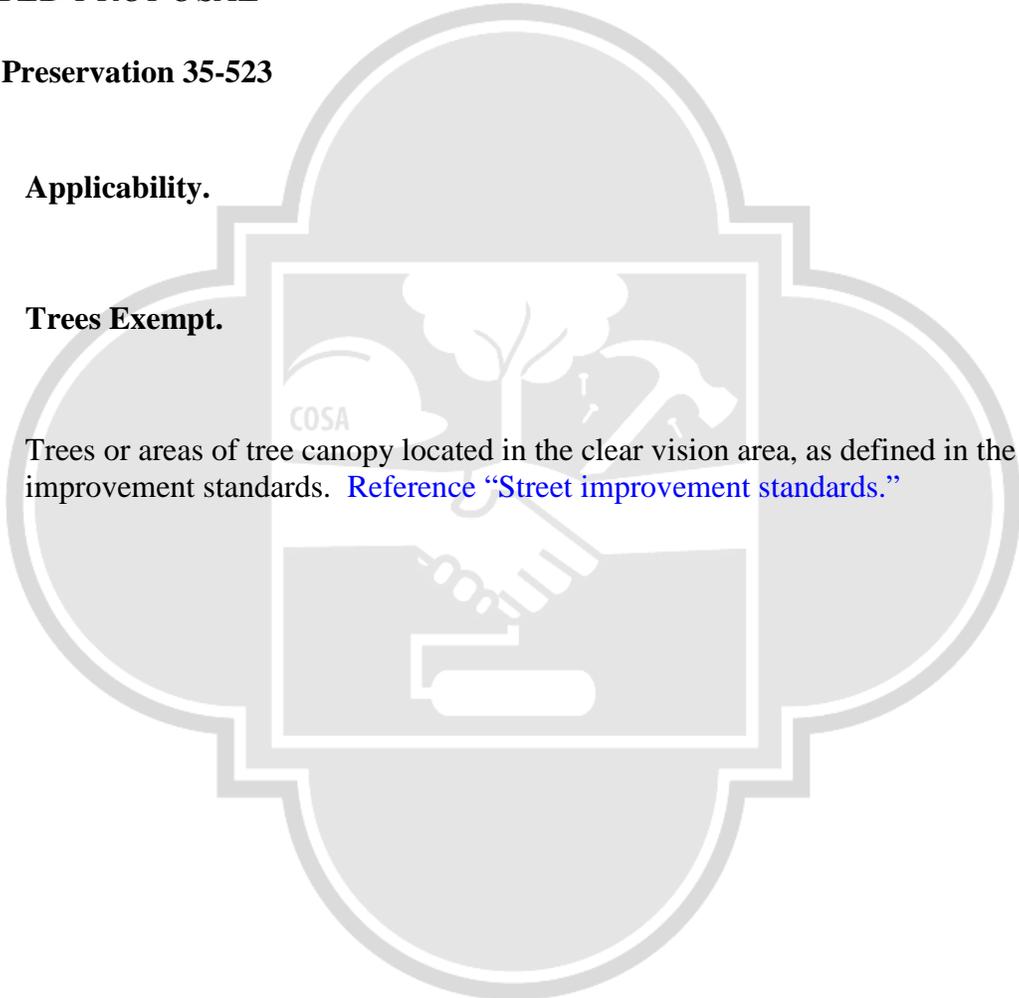
**(a) Applicability.**

\*\*\*

**(4) Trees Exempt.**

\*\*\*

**D.** Trees or areas of tree canopy located in the clear vision area, as defined in the street improvement standards. [Reference “Street improvement standards.”](#)





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# AMENDMENT: TP - 4

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## PROPOSAL SUMMARY –

*The reason for this proposed UDC amendment is to modify the ordinance grammatically.*

## FORMATTED PROPOSAL –

### Tree Preservation 35-523

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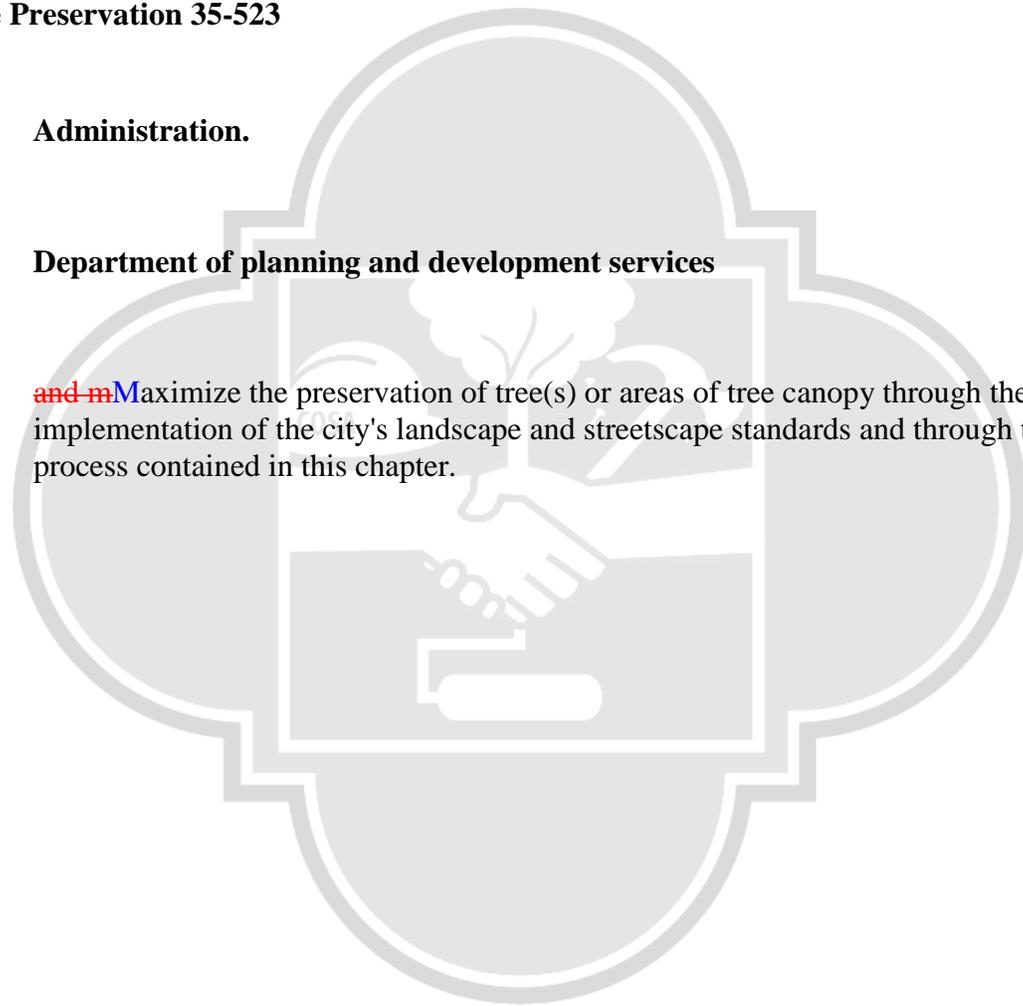
**(b) Administration.**

\*\*\*

**(1) Department of planning and development services**

\*\*\*

- B.** ~~and m~~ Maximize the preservation of tree(s) or areas of tree canopy through the implementation of the city's landscape and streetscape standards and through the approval process contained in this chapter.





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# AMENDMENT: TP - 5

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## PROPOSAL SUMMARY –

*The reason for this proposed UDC amendment is to modify the ordinance grammatically to update the new legal name of Eastpoint and Real Estate.*

## FORMATTED PROPOSAL –

### Tree Preservation 35-523

\*\*\*

**(b) Administration.**

\*\*\*

- (2) Public works and ~~Eastpoint and Real Estate capital improvement management services- (CIMS)~~ departments shall maximize the preservation of trees or areas of tree canopy during public works and ~~CIMS~~ projects for public improvements such as, but not limited to, utility installation, street construction and maintenance, drainage construction and maintenance, grading, filling, placement of soil, etc. and coordinate any projects that modify natural drainage areas in a way that negatively affects trees on private property or public property.



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# AMENDMENT: TP - 6

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## PROPOSAL SUMMARY –

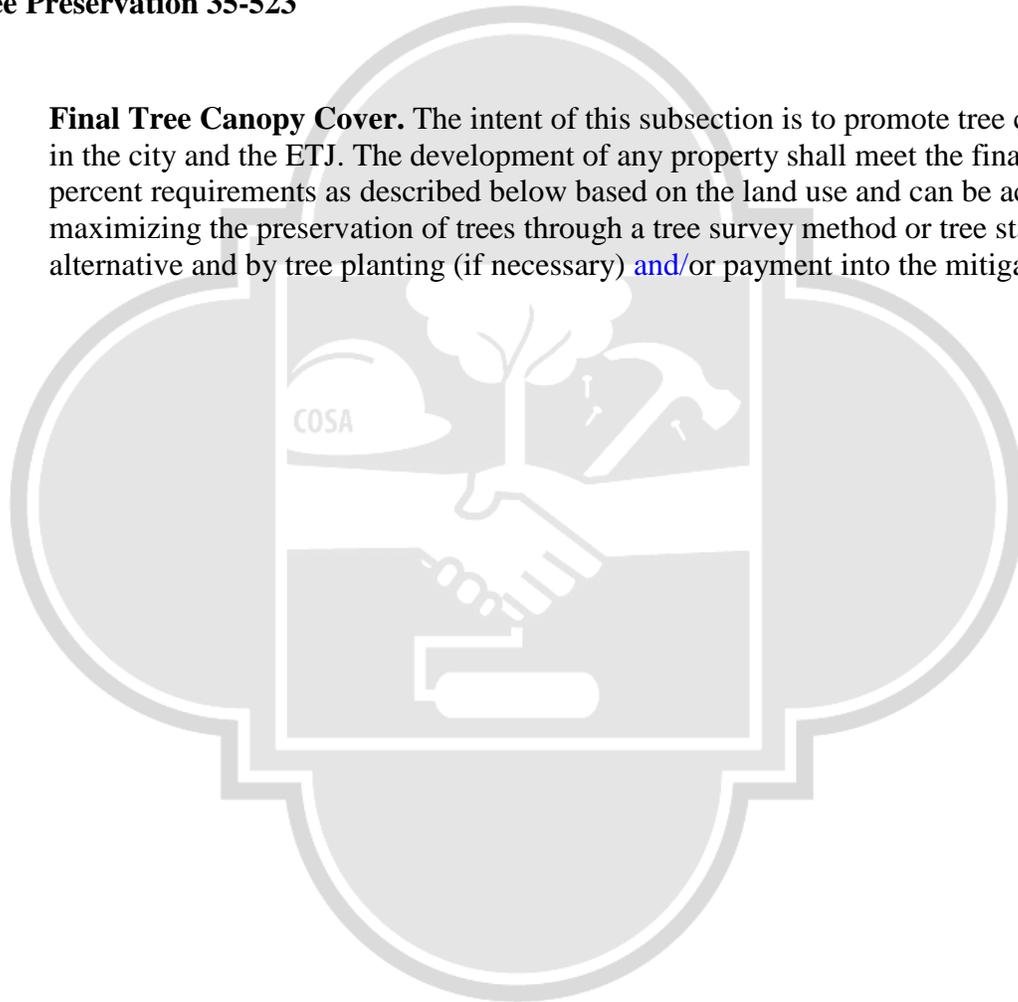
*The reason for this proposed UDC amendment is to grammatically alter the ordinance to allow for both planting and payment into the mitigation fund on the same project.*

## FORMATTED PROPOSAL –

### Tree Preservation 35-523

\*\*\*

- (e) **Final Tree Canopy Cover.** The intent of this subsection is to promote tree canopy coverage in the city and the ETJ. The development of any property shall meet the final canopy percent requirements as described below based on the land use and can be accomplished by maximizing the preservation of trees through a tree survey method or tree stand delineation alternative and by tree planting (if necessary) **and/or** payment into the mitigation fund.





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# AMENDMENT: TP - 7

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## PROPOSAL SUMMARY –

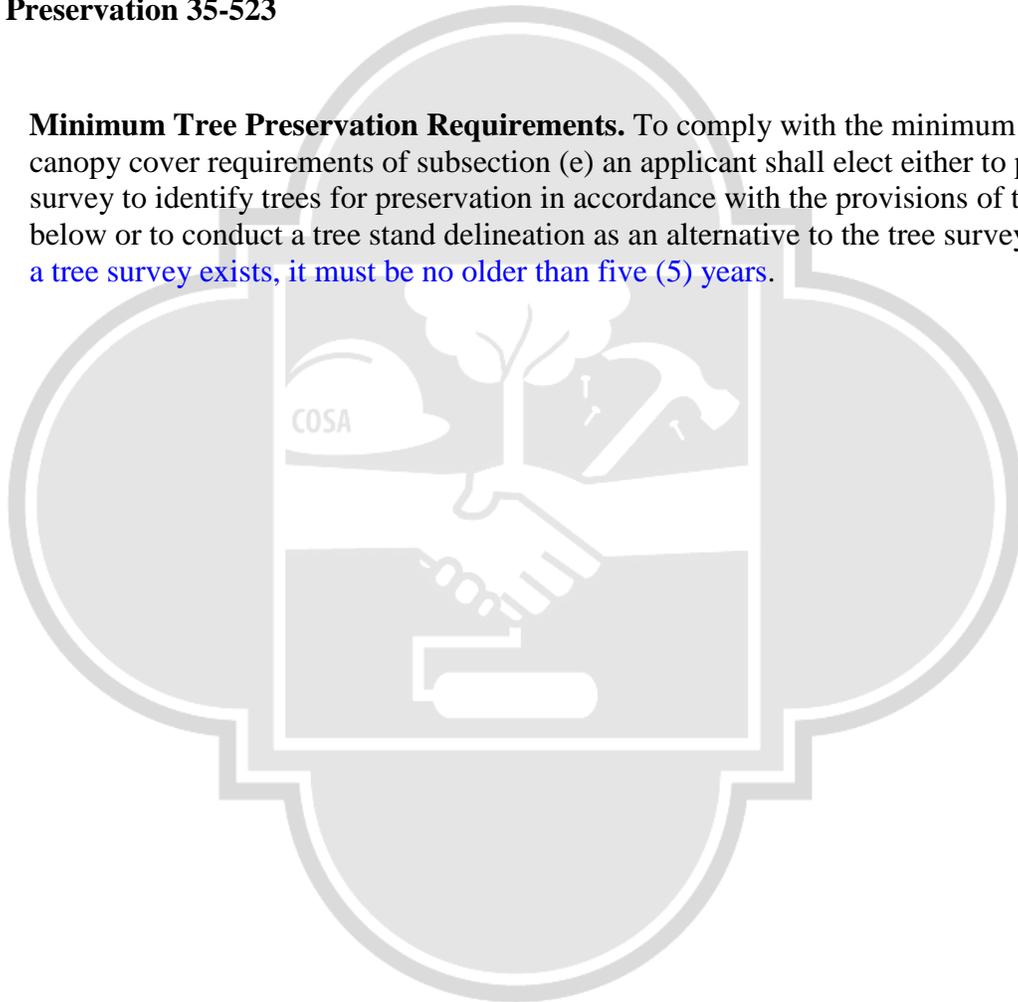
*The reason for this proposed UDC amendment is to create a provision mandating the use of current surveys. Different tree species begin to grow divergently at significantly varied rates around the fifth year, causing the average growth adjustment to no longer be accurate for estimating current tree sizes. As such, the new requirement will encourage the use of current, more accurate surveys.*

## FORMATTED PROPOSAL –

### Tree Preservation 35-523

\*\*\*

- (f) **Minimum Tree Preservation Requirements.** To comply with the minimum final tree canopy cover requirements of subsection (e) an applicant shall elect either to perform a tree survey to identify trees for preservation in accordance with the provisions of this subsection below or to conduct a tree stand delineation as an alternative to the tree survey technique. [If a tree survey exists, it must be no older than five \(5\) years.](#)





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# AMENDMENT: TP - 8

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## PROPOSAL SUMMARY –

*The reason for this proposed UDC amendment is to provide clarity within the ordinance. Currently the accepted standard for measuring multi-trunk trees is unwritten.*

## FORMATTED PROPOSAL –

### Tree Preservation 35-523

\*\*\*

#### (f) Minimum Tree Preservation Requirements.

\*\*\*

- (1) **Protected Tree Designations.** The significant or heritage tree designations establish a threshold trunk size, measured in diameter at breast height (DBH), for various tree species for purposes of applying the requirements of this chapter. A significant or heritage tree is defined by DBH as set forth below. Multi-trunk trees are to be measured with the largest trunk counting for full DBH inches plus 50% of the DBH sum of the additional trunks, if the tree is classified as significant. (Tree species listed below shall have at least one (1) trunk greater than five (5”) for small tree species and at least one (1) trunk greater than ten (10”) for large tree species to be considered significant). The value of the largest trunk is the value given to the small tree species listed below.



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# AMENDMENT: TP - 9

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## PROPOSAL SUMMARY –

*The reason for this proposed UDC amendment is to combine existing documents to simplify the ordinance. The list of non-native trees for the region is currently incomplete. A number of the following trees are listed on the invasive species list as defined by the City of San Antonio.*

## FORMATTED PROPOSAL –

### Tree Preservation 35-523

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**(f) Minimum Tree Preservation Requirements.**

\*\*\*

**(1) Protected Tree Designations.**

\*\*\*

**C. Non-native Trees.**

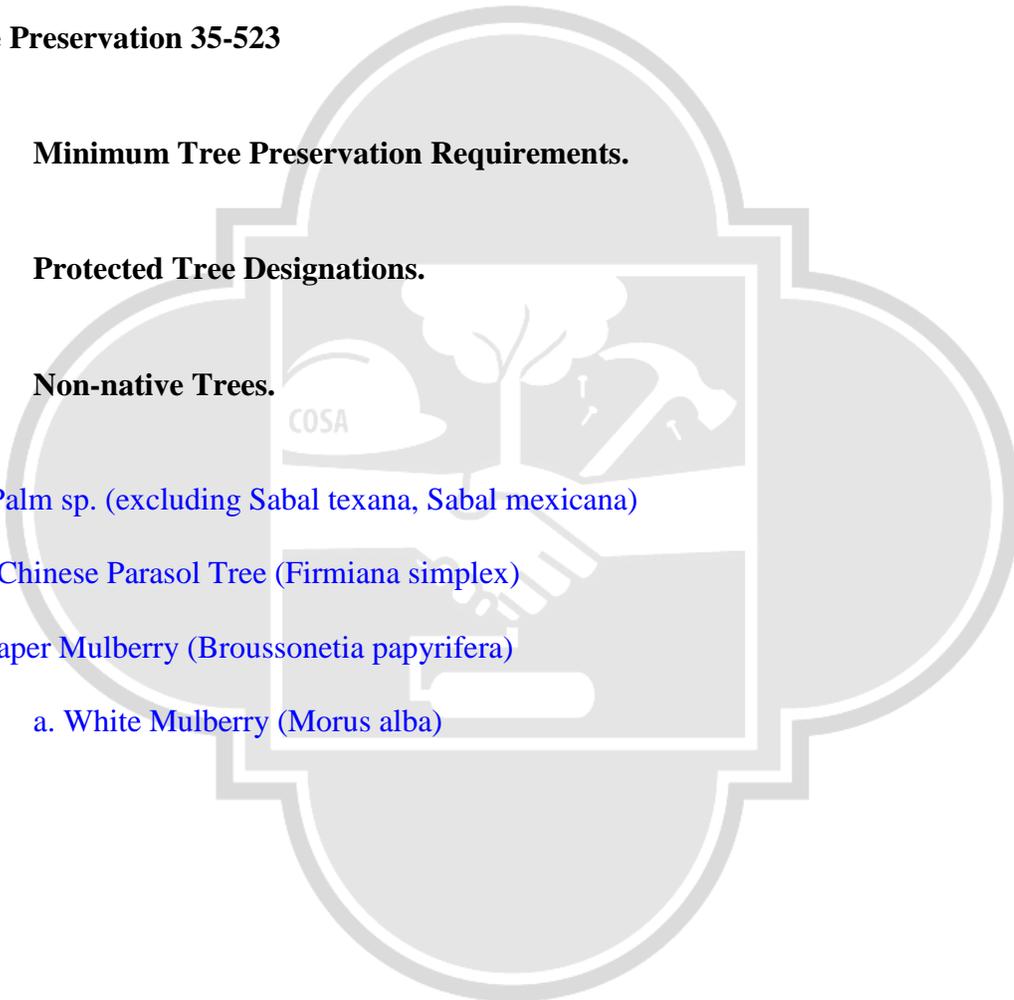
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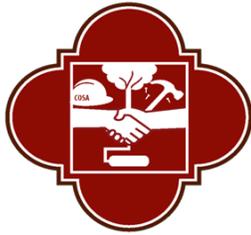
vii. Palm sp. (excluding *Sabal texana*, *Sabal mexicana*)

viii. Chinese Parasol Tree (*Firmiana simplex*)

ix. Paper Mulberry (*Broussonetia papyrifera*)

a. White Mulberry (*Morus alba*)





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# AMENDMENT: TP - 10

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## PROPOSAL SUMMARY –

*The reason for this proposed UDC amendment is to grammatically modify the existing ordinance.*

## FORMATTED PROPOSAL –

### Tree Preservation 35-523

\*\*\*

**(f) Minimum Tree Preservation Requirements.**

\*\*\*

- (10) Historic Trees.** In order to protect historic trees, as defined, the city arborist shall defer the approval of tree preservation plans to review by the historic preservation officer who shall seek the advice of the ~~h~~Historic and ~~d~~Design and ~~r~~Review ~~e~~Commission in instances where a historic tree is proposed to be removed. The commission may recommend additional replacement standards, recommend a cash payment to be deposited to the tree mitigation fund to offset the cost of future tree planting on public property, or recommend that the application for permit and tree preservation plan be denied. Provided, however that no later than thirty (30) days after the final application for removal of the historic tree was received, the historic preservation officer shall advise the applicant by certified mail, return requested, or hand delivery of his decision. The final application will be deemed approved if not acted upon by the historic preservation officer before the expiration of the thirty-day time period herein established. Such action may be appealed pursuant to [section 35-481](#) of this chapter.



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# AMENDMENT: TP - 11

## PROPOSAL SUMMARY –

*The reason for this proposed UDC amendment is to amend the ordinance to allow for greater flexibility in design and species arrangement. In certain instances it is impractical to follow the 25% rule. The new modification will cut down on the need for variances, special exceptions, and can allow for seamless design. Larger caliper tree species have a greater survivability and typically have a better overall growth habit as they have been structurally pruned at the nursery prior to planting.*

## FORMATTED PROPOSAL –

### Tree Preservation 35-523

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#### (g) Mitigation/Alternative Mitigation Methods.

**Table 523-2 Mitigation**

(A) Method	(B) Description	(C) Restrictions
Establishment and maintenance of new trees at the required ratio on-site	Significant 1:1 Heritage 3:1 All tree species of Ash (all Fraxinus species) Hackberry (all Celtis species) Huisache, Ashe Juniper and Mesquite will be mitigated at 1:1.	<del>No more than twenty five (25) percent of the replacement trees shall be of the same species</del> Provide a reasonable diversity of tree species for the purposes of mitigation. Replacement trees must be at least <del>one and one-half three (4.5 3) inches</del> DBH.
Payment to the tree mitigation fund	In lieu of meeting the minimum preservation or final canopy standards of this section, a payment to the tree mitigation fund may be provided in accordance with <a href="#">35-C110</a>	See subsection (o) tree mitigation fund for the authorized collection and disbursement of these funds.
Protection and maintenance of smaller trees within surveyed area	Protection and maintenance of existing trees within the surveyed area that are smaller than the size requirements for a protected tree.	Such trees must be at least two and one-half (2½) inches DBH. See column B ratios for diameter-inches required.
Protection and maintenance of natural areas within the surveyed area	Protection and maintenance of existing natural areas, i.e., prairie, etc.	Area(s) must contain desirable plants as determined by the city arborist and/or by Texas Parks and Wildlife Dept.



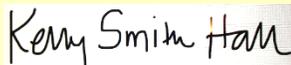
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### ***Part 4. Summary of Proposed Update with Suggested Text (see application instructions)***

Reference attached document on Page #2.

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# AMENDMENT: TP - 12

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## PROPOSAL SUMMARY –

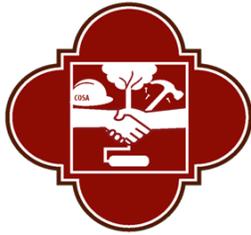
*The reason for this proposed UDC amendment is to simplify the ordinance. By incorporating the existing separate subsection in this location it will help to create ease of use of the ordinance.*

## FORMATTED PROPOSAL –

### Tree Preservation 35-523

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- (h) **100-Year Floodplain(s) and Environmentally Sensitive Areas.** Significant trees shall be preserved at eighty (80) percent preservation within both the 100-year floodplains and environmentally sensitive areas. Heritage trees shall be preserved at one hundred (100) percent preservation within both the 100-year floodplains and environmentally sensitive areas. The 100-year floodplain shall be determined by the floodplain administrator. Mitigation shall be prohibited in floodplains and environmentally sensitive areas except when a variance is granted by the planning commission. If trees are required to be removed by a governmental entity due to existing off-site conditions, then mitigation shall not be required by the applicant. The city arborist, the director of public works, the director of development services, the Bexar County flood control division manager and one (1) representative from the Cibolo Creek Watershed, the Leon Creek Coalition, the Salado Creek Foundation, the San Antonio River Oversight Committee, and the Land Heritage Institute (for the Medina River) shall recommend a standard for treatment of drainageways, which standard shall be approved by the city council. Subsection (h) titled "100-year Floodplain(s) and Environmentally Sensitive Areas" shall not apply to properties located entirely within the boundaries of the RIO-2 and RIO-3 overlay zoning districts, provided however all other subsections of [35-523](#) shall apply in the RIO-2 and RIO-3 districts. [Incorporate subsection \(h\) titled "100-year Floodplain\(s\) and Environmentally Sensitive Areas."](#)



## *UDC Update Request Application*

### ***Part 1. Applicant Information***

Name: Kelly Hall Organization: Green Industry Alliance (GIA)

Address: P.O. Box 700528, San Antonio, TX 78270-0528

Phone: (210) 889-2748 Email: giaadvocacy@greenindustryalliance.org

Signature: Kelly Smith Hall Date: May 1, 2015

Title: Industry Advocacy and Special Projects Representative

### ***Part 2. Basis for Update (check only one)***

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC (Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions).
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
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- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (*if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4*)

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Reference attached document on Page #2.

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# AMENDMENT: TP - 13

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## PROPOSAL SUMMARY –

*The reason for this proposed UDC amendment is to clarify the ordinance and reduce long term development costs. The ordinance requires 25% canopy coverage to be provided per site. By increasing this preservation from 20% to 25% it will reduce any future required canopy fees.*

## FORMATTED PROPOSAL –

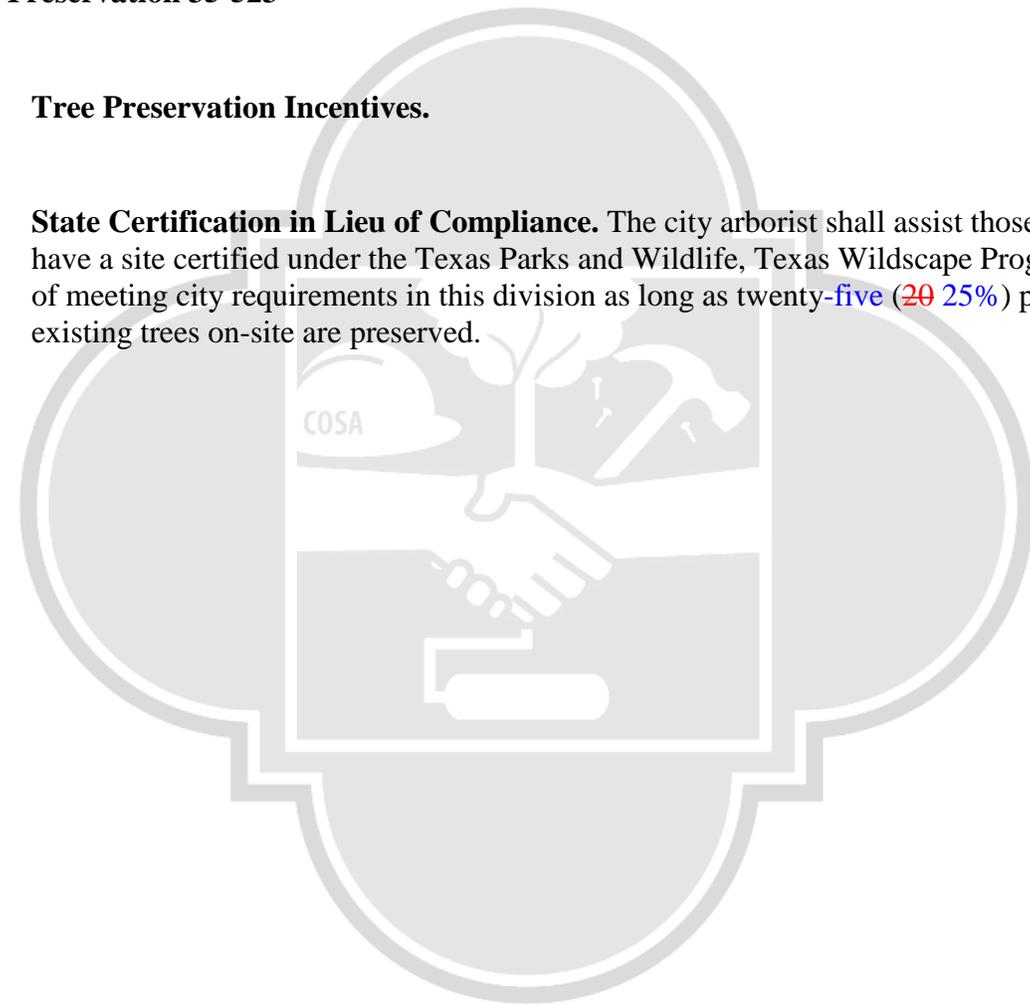
### Tree Preservation 35-523

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(i) **Tree Preservation Incentives.**

\*\*\*

- (7) **State Certification in Lieu of Compliance.** The city arborist shall assist those who wish to have a site certified under the Texas Parks and Wildlife, Texas Wildscape Program in lieu of meeting city requirements in this division as long as twenty-five (~~20~~ 25%) percent of existing trees on-site are preserved.





## *UDC Update Request Application*

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Address: P.O. Box 700528, San Antonio, TX 78270-0528

Phone: (210) 889-2748 Email: giaadvocacy@greenindustryalliance.org

Signature: Kerry Smith Ham Date: May 1, 2015

Title: Industry Advocacy and Special Projects Representative

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Reference attached document on Page #2.

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# AMENDMENT: TP - 14

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## PROPOSAL SUMMARY –

*The reason for this proposed UDC amendment is to amend the ordinance to allow for greater flexibility in design and species arrangement. In certain instances it is impractical to follow the 25% rule. The new modification will cut down on the need for variances, special exceptions, and can allow for seamless design.*

## FORMATTED PROPOSAL –

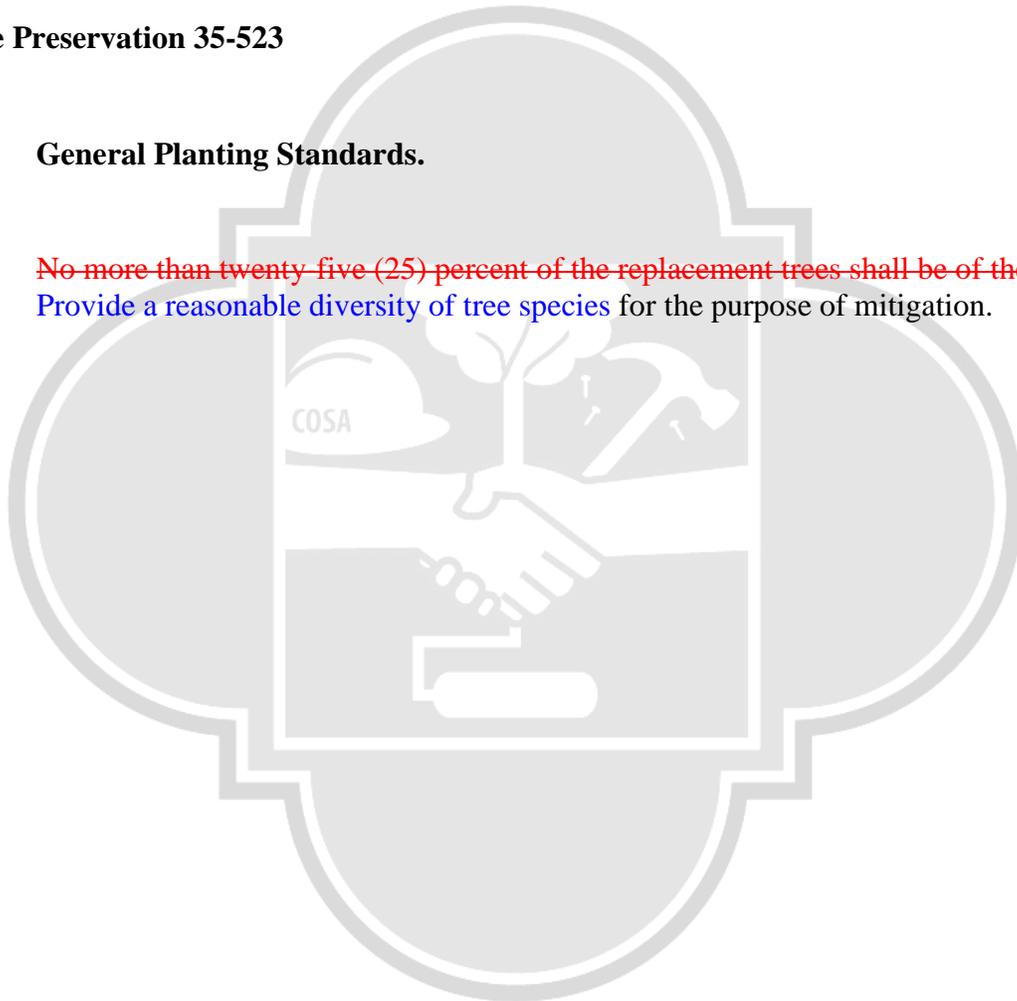
### Tree Preservation 35-523

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**(m) General Planting Standards.**

\*\*\*

- (6)** ~~No more than twenty five (25) percent of the replacement trees shall be of the same species-~~  
Provide a reasonable diversity of tree species for the purpose of mitigation.





## *UDC Update Request Application*

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Phone: (210) 889-2748 Email: giaadvocacy@greenindustryalliance.org

Signature: Kelly Smith Hall Date: May 1, 2015

Title: Industry Advocacy and Special Projects Representative

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### ***Part 4. Summary of Proposed Update with Suggested Text (see application instructions)***

Reference attached document on Page #2.

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# AMENDMENT: TP - 15

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## PROPOSAL SUMMARY –

*The reason for this proposed UDC amendment is to create standards so as to elevate and create professionalism in the industry. San Antonio has a detailed Tree Protection Ordinance, but it still has weaknesses in regards to sizing, identification, and tree preservation. There is no current standards or requirement for a professional to create and document the required Tree Preservation and Tree Stand Delineation Plans. By requiring this registration, it will help to streamline plan review, and eliminate unnecessary errors and inaccurate reporting of tree data on tree plans to the City of San Antonio. It is as important to protect the existing landscape and natural features of a site as it is to plant new ones. As such, involving the registered landscape architect at the beginning of a project will help to identify and protect them.*

## FORMATTED PROPOSAL –

### Sec. 35-477. Tree Permits.

\*\*\*

**(b) Initiation.**

\*\*\*

- (1) Application to City Arborist.** A valid application for permit [and a Tree Preservation Plan or Tree Stand Delineation Plan signed and sealed by a landscape architect registered in the State of Texas](#) must be filed and approved with the city arborist before:



## *UDC Update Request Application*

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Reference attached document on Page #2.

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# AMENDMENT: TP - 16

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## PROPOSAL SUMMARY –

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## FORMATTED PROPOSAL –

### **Sec. 35-B123. Tree Permit—Tree Preservation Plan Option.**

\*\*\*

- (a) **Number of Copies.** The applicant shall submit a tree preservation/affidavit application with three (3) sets of tree preservation plans [that shall be sealed by a landscape architect registered in the State of Texas](#), a survey showing the location of all significant, heritage, or mitigation trees, including clusters, an inventory with calculations, and tree protection notes as provided herein. The applicant shall also provide a Habitat Compliance Form consistent with [section 35-B133](#), as applicable.



## *UDC Update Request Application*

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# AMENDMENT: TP - 17

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## PROPOSAL SUMMARY –

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## FORMATTED PROPOSAL –

### **Sec. 35-B125. Tree Permit—Tree Stand Delineation Plan Option.**

As an alternative option to the tree preservation plan, a tree stand delineation plan may be submitted **and shall be sealed by a landscape architect registered in the State of Texas**. The tree stand delineation plan shall include at a minimum a current aerial, satellite, photographic, or digital imagery and stored and analyzed by computer generated software such as but not limited to ArcView or AutoCAD with a minimum resolution of six-inch pixels with a scale of one inch equals four hundred feet (1" = 400'), and additional information contained herein. The applicant shall also provide a habitat compliance form consistent with [section 35-B133](#), as applicable.



## *UDC Update Request Application*

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# AMENDMENT: TP - 18

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## PROPOSAL SUMMARY –

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## FORMATTED PROPOSAL –

### **Sec. 35-B127. Tree Permit—Public Project Preservation Plan.**

\*\*\*

- (a) **Number of Copies.** A tree preservation plan shall [be sealed by a landscape architect registered in the State of Texas](#) and consist of an aerial photograph (where applicable) and one (1) set of construction documents with the contents prescribed herein. The applicant shall also provide a habitat compliance form consistent with [section 35-B133](#), as applicable.



## *UDC Update Request Application*

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Reference attached document on Page #2.

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# AMENDMENT: TP - 19

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## PROPOSAL SUMMARY –

*The reason for this proposed UDC amendment is to eliminate duplicate charges and remove unnecessary development costs from the ordinance. As a project is platted and re-platted, the owner need not be charged multiple canopy fees on the same acreage.*

## FORMATTED PROPOSAL –

### **Tree Preservation 35-523**

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#### **(q) Tree Canopy Investment Fund.**

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#### **(2) Tree Canopy Investment Fund Fees.**

\*\*\*

**(i)** A fee of fifteen dollars (\$15.00) per lot shall be assessed for each residentially platted lot or for each residential building permit issued.

**(ii)** A fee of twenty-five dollars (\$25.00) per acre or portion thereof shall be assessed for each commercially platted lot or a fee of twenty-five dollars (\$25.00) per acre for each lot for which a commercial building permit is issued by the department of planning and development services. **For parcels over 5 acres, the fee may be assessed as phases of the property are platted. In no case shall a property platted in stages be charged multiple canopy fees totaling more than the fee of \$25 times the total site acreage of the entire property.**