

CITY OF WEST LAKE HILLS

AMENDMENT No. 345

AN AMENDMENT TO TREE PRESERVATION & VEGETATION REGULATIONS

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 22.03, CONSTRUCTION CODE, DIVISION 9: TREES AND VEGETATION OF THE WEST LAKE HILLS CODE OF ORDINANCES; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; AMENDMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

- WHEREAS,** the City Council of the City of West Lake Hills (“City Council”) seeks to provide for the public health, safety, and welfare of its citizens; and
- WHEREAS,** the City Council finds it necessary to review and amend its construction regulations from time to time, including trees and vegetation regulations; and
- WHEREAS,** the City Council has consulted experts regarding the size of trees that grow successfully when planted in the rocky, difficult conditions in the City of West Lake Hills; and
- WHEREAS,** the City Council seeks to allow smaller trees to be used as replacement inches; and
- WHEREAS,** the City Council seeks to remove double credit for replacement trees six inches or greater in diameter and instead shall count replacement trees on an inch-for-inch basis; and
- WHEREAS,** the City Council seeks to amend tree replacement regulations for trees fourteen inches or greater in diameter; and
- WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City has a general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and
- WHEREAS,** the City Council finds that the amendment proposed is reasonable and necessary for the good government of the City of West Lake Hills.

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Lake Hills, Texas:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

Chapter 22, Article 22.03, Division 9: Trees and Vegetation of Code of Ordinances, City of West Lake Hills, Texas, is hereby amended to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated in *Attachment A*.

3. REPEALER

All ordinances, resolutions, or parts thereof, that 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 regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the 10th day of May 2017, by a vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of West Lake Hills, Texas.

CITY OF WEST LAKE HILLS:

by: Linda Anthony
Linda Anthony, Mayor

ATTEST:

Lacie Hale
Lacie Hale, City Secretary



“Attachment A”

City of West Lake Hills

CODE OF ORDINANCES

CHAPTER 22 BUILDING REGULATIONS

ARTICLE 22.03 CONSTRUCTION CODE

DIVISION 9: Trees and Vegetation

Sec. 22.03.304 Tree and vegetation removal and replacement

(d) Calculating tree replacement requirements.

(1) Trees of any species with a trunk diameter of less than 6 inches do not require replacement.

(2) Conifer and Juniper trees (commonly referred to as “cedars”) with a trunk diameter of less than 12 inches that are removed to establish a fire safety buffer zone in accordance with section 22.03.303(b)(5) do not require replacement.

(Ordinance 171, att. A, adopted 2/10/10)

(3) Conifer and Juniper trees (commonly referred to as “cedars”) with a trunk diameter of 3 inches or less that are removed as a fire prevention measure in accordance with section 22.03.303(b)(6) do not require replacement. (Ordinance 223 adopted 9/14/11)

(4) To compensate for the removal of live trees that are not diseased, dying or dead (as defined in accordance with section 22.03.303(b)(6)) and that are removed in accordance with this section, the property owner must install replacement trees according to the following requirements:

(A) All trees with trunk diameters equal to or greater than six inches and less than 14 inches must be replaced on a 75% basis. In such cases, the replacement trees planted must have trunk diameters of at least 3 inches. For example, if a 12-inch tree is removed, then a total of 9 replacement inches must be planted using trees with a minimum trunk diameter of 3 inches.

(B) All trees with trunk diameters greater than or equal to 14 inches require a variance to section 22.03.304(a)(4) and must be replaced on a 150% basis. For example, if a 16-inch tree is removed, then a total of 24 replacement inches must be planted using single-trunk trees with a minimum trunk diameter of at least 3 inches.

Trunk diameter <6 inches: No replacement required.

From 6 inches to <14 inches: 75% replacement required: Must use replacement trees with trunk diameters of at least 3 inches.

14 inches and larger: Requires variance; 150% replacement required: Must use replacement single-trunk trees with trunk diameters of at least 3 inches.

(Ordinance 171, att. A, adopted 2/10/10)

trees planted must have trunk diameters of at least 3 inches. For example, if a 12-inch tree is removed, then a total of 9 replacement inches must be planted using trees with a minimum trunk diameter of 3 inches.

(B) All trees with trunk diameters greater than or equal to 14 inches require a variance to section 22.03.304(a)(4) and must be replaced on a 150% basis. ~~In such cases, the replacement trees planted must have trunk diameters of at least 6 inches.~~ For example, if a 16-inch tree is removed, then a total of 24 replacement inches must be planted using single-trunk trees with a minimum trunk diameter of at least 36 inches.

Trunk diameter < 6 inches": No replacement required.

From 6 inches " to < 14 inches": 75% replacement required: Must use replacement trees with trunk diameters of at least 3 inches".

14 inches" and larger: Requires variance; 150% replacement required: Must use replacement single-trunk trees with trunk diameters of at least 3 inches6".

(Ordinance 171, att. A, adopted 2/10/10)

(5) To compensate for the loss of diseased or dying trees removed in accordance with this section and with section 22.03.303(b)(7), the property owner must install replacement trees on a 50% basis. In such cases, the replacement trees planted must have trunk diameters of at [least] 1-1/2 inches. For example, if a 9-inch tree is removed, then a total of 4-1/2 replacement inches must be planted using trees with a minimum trunk diameter of 1-1/2 inches.

(6) In the case of dead trees removed in accordance with this section and with section 22.03.303(b)(7), no replacement is required.

(Ordinance 223 adopted 9/14/11)

(7) For purposes of calculating the replacement inches as required above, the trunk diameters of all replacement trees shall be measured at a point 12 inches above the ground.

(8) Replacement trees shall count on an inch-for-inch basis ~~unless the replacement tree trunk diameter is 6 inches or greater, in which case the replacement tree shall count double toward the replacement requirements.~~

(9) When using a species with multiple trunks (e.g., Texas Mountain-Laurel, Yaupon Holly, etc.) for replacement purposes, the following chart shall be used to convert the planting container measurement to the equivalent trunk diameter for the purposes of this section:

<u>Planting Container Size</u>	<u>Equivalent Trunk Diameter</u>
20 gallons	3 inches
30 gallons	4 inches
40 gallons	5 inches

(10) The planting of native grasses or ground cover is encouraged, but shall not satisfy any tree replacement requirement.