

ORDINANCE NO. 2014-11-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING LANDSCAPE REQUIREMENTS, TREE PRESERVATION AND APPENDIX A (PLANTS APPROVED FOR LANDSCAPE REQUIREMENTS) OF CHAPTER 146, OF THE ZONING REGULATIONS; ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

WHEREAS, the City of McKinney adopted the Code of Ordinances for the protection of the public health and general welfare of the people of the City of McKinney; and

WHEREAS, the City Council and the Planning and Zoning Commission have recognized that certain provisions of the Code of Ordinances should be reviewed and updated; and

WHEREAS, amendments to these provisions have been proposed and the City Council and the Planning and Zoning Commission of the City of McKinney are of the opinion that these chapters should be amended.

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

Section 1. That the Code of Ordinances, City of McKinney, Texas, Chapter 146 of the Code of Ordinances: Landscape Requirements, is hereby amended and shall read as follows:

“Sec. 146-135. Landscape requirements.

- (a) *Purpose.* Landscaping is accepted as adding value to property and is in the interest of the general welfare of the city. Therefore, landscaping is hereafter required of new development.
- (b) *Scope and enforcement.*
 - (1) The provisions of this section shall be administered by the landscape administrator. The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new construction or any existing development, which is altered by increasing the floor area by 30 percent or more of the originally approved floor area, either by a single expansion or by the cumulative effect of a series of expansions.
 - (2) All existing structures, which are a conversion or change in use requiring the expansion of or significant improvements to meet parking standards shall upgrade landscaping on the site and meet these requirements to the extent practical. The director of planning or his designee shall have the ability to waive landscape requirements on a case-by-case basis if unique circumstances exist on the property that make application of these regulations unduly burdensome on the applicant. These regulations may be waived only if there will be no adverse impact on current or future development and will have no adverse impact on the public health, safety, and general welfare.

- (3) Uses within the MTC - McKinney Town Center zoning district shall be exempt from the landscape requirements set forth herein, unless it is determined by the landscape administrator () that compliance with any of these standards is achievable and would contribute to the purpose and intent of the MTC - McKinney Town Center zoning district. See appendix G of the city zoning regulations chapter 146 for any additional landscaping requirements that may be specifically applicable to the MTC - McKinney Town Center zoning district.
- (4) Airport uses shall comply with the requirements of this section, but the standards may be modified if it in keeping with the intent of a bird mitigation program for the city airport, in order to reduce conflicts between birds and aircraft.
- (5) If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria as approved on the landscape plan, the chief building official shall issue notice to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant, and/or agent shall make reasonable progress within 30 days from date of said notice and shall have 90 days to completely restore the landscaping as required. A 30-day extension may be granted by the chief building official if a hardship due to extreme seasonal conditions can be demonstrated by the owner, tenant, and/or agent. If the landscaping is not restored within the allotted time, such person shall be held in violation of this chapter.

(c) *Permits.*

- (1) No permits shall be issued for building, paving, grading, or construction until a detailed landscape plan is submitted and approved by the landscape administrator. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.
- (2) If a certificate of occupancy is sought at a season of the year (June, July, and August), or during a stage 3 or stage 4 drought situation, as determined in the sole discretion of the City, and the landscape administrator determines it would be impractical to plant trees, shrubs or grass, or to lay turf, a temporary certificate of occupancy may be issued. All landscaping required by the landscape plan shall be installed within 120 days of the latter of the date of issuance of the temporary certificate of occupancy or the lifting of the stage 3 drought restrictions. Failure to timely complete the installation and obtain the City's final acceptance of the landscaping required by the landscape plan shall be deemed to be a violation of this chapter and the temporary certificate of occupancy shall be revoked.

(d) *Landscape plan.*

- (1) A landscape plan shall be shown as part of the site plan as required in section 146-45. Prior to the issuance of a building permit, paving, grading, or construction permit for any new use, a landscape plan satisfying the criteria of these regulations any conditions of approval shall be approved by the landscape administrator . The landscape administrator shall review such plans and shall approve the same plans if they are in accordance with the criteria of these regulations and any conditions of approval. If the plans are not in accordance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

- (2) The landscape plans shall be prepared by a registered Landscape Architect, Architect or Engineer licensed by the State of Texas. For a project of one acre or less a Landscape Architect, Architect or Engineer shall not be required. The landscape administrator may approve a landscape plan prepared by a qualified professional if complete and accurate information is provided. The plan shall contain the minimum following information:
 - a. The minimum scale of one inch equals 40 feet or the same scale as the associated site plan;
 - b. The location, size, and species of all trees to be preserved, do not use tree stamps;
 - c. The location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), or other landscape features (except that location of plants and landscaping materials may be generalized on a conceptual landscape plan);
 - d. The species, size, spacing, and quantities of all plant material to be used in a tabular form (except that conceptual landscape plans may provide general plant types in-lieu-of species);
 - e. An affidavit on the plan stating that all required landscape areas shall be provided with an automatic underground irrigation system with rain and freeze sensors, and said irrigation system shall be designed by a qualified professional and installed by a licensed irrigator.
 - f. The name, Texas license number, signature and seal of the person responsible for the preparation of the landscape plan;
 - g. The mark indicating north;
 - h. The date of the landscape plan, including any revision dates;
 - i. The planting details percentage of total site in permanent landscaping;
 - j. The percentage of street yard in permanent landscaping;
 - k. The dimensions of all landscape areas;
 - l. The number of required trees and number of trees provided; and

- m. The location of all existing and planned overhead and underground utilities shall be shown on the landscape plan or on an accompanying utility plan drawn at the same scale, if necessary for clarity.
- n. Additional information as deemed necessary to adequately evaluate the landscape plan.

(e) *General standards.*

- (1) The following criteria and standards shall apply to landscape materials and installation. For the purposes of this section, the term "caliper" shall be defined as the diameter measurement of a tree trunk.
 - a. Required landscaped open areas shall be completely covered with living plant material.
 - b. Plant materials shall conform to the standards of the approved plant lists for the city (see Appendix A to this chapter). Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pest and insects.
 - c. To promote prudent use of the city's water resources and reduce the need for additional water system infrastructure, additional water resources and water purification systems, and to help ensure viability of required plantings during periods of drought, required landscaping shall comply, where feasible, with the following requirements designed to reduce water usage:
 - 1. Required plant materials shall be selected from those identified as drought tolerant plants on the approved plant list for the city (see appendix A Section A-2 to this chapter).
 - 2. Where specific conditions reduce the likelihood that any of these plant materials will survive, other plants on the list may be substituted.
 - 3. Other plants not on the list may be substituted at the discretion of the landscape administrator. The applicant may be required to provide substantiation as to the hardiness, adaptability, and water demands of the plant when used in this area.
 - 4. For maximum reduction in water usage, drought tolerant plants should not be interspersed in plant massings with plants requiring higher water usage.
 - 5. Applicants should design irrigation systems and watering schedules which supply the appropriate amount of water without over-watering.
 - d. Ornamental trees shall have a minimum spread of crown of greater than 15 feet at maturity. Ornamental trees having a minimum mature crown of less than 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet of crown width. Ornamental trees shall be a minimum of two inches in

caliper as measured six inches above the ground and eight feet in height at the time of planting.

- e. Canopy trees shall have a minimum spread of crown of 25 feet at maturity. Canopy trees shall be a minimum of four inches in caliper as measured six inches above the ground and 12 feet in height at the time of planting.
- f. Shrubs acceptable for six-foot screening shall be a minimum of three feet in height when measured immediately after planting and shall be planted no further apart than three feet on center, unless otherwise approved by the director of planning, and maintained so as to form a continuous, unbroken, solid visual screen which will be six feet high within two years after time of planting.
- g. Shrubs not of the dwarf variety shall be a minimum of two feet in height when measured immediately after planting.
- h. Hedges, where installed for buffering purposes required by this section, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be three feet high within two years after time of planting.
- i. Landscaping, except required grass and low ground cover, shall not be located closer than three feet from the edge of any parking space.
- j. Evergreen vines not intended as ground cover shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening and/or buffering requirements, as set forth herein and as approved by the director of planning.
- k. Grass areas shall be sodded, plugged, sprigged, hydro-mulched, or seeded, except that solid sod shall be used in swales, or when necessary to prevent erosion. Grass areas shall be established with 100 percent coverage and 70 percent density with an approved perennial grass prior to the issuance of a certificate of occupancy.
- l. Ground covers used in-lieu-of grass shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one year of planting.

- (2) All required landscape areas shall be provided with an automatic underground irrigation system, except for required landscaping in single family or two-family developments. Any new irrigation system installed on or after September 1, 2007, must be equipped with rain and freeze sensors. Said irrigation system shall be designed by a qualified professional and installed by a licensed irrigator after receiving a permit, as may be required under the construction code. Irrigation systems shall comply with the city's water conservation ordinance as it exists or may be amended.

- (3) Earthen berms shall have side slopes not to exceed 3:1 (three feet of horizontal distance for each one foot of height). All berms shall contain necessary drainage provisions, as may be required by the city engineer.
 - (4) No tree shall be planted closer than four feet to a right-of-way line nor closer than eight feet to a public utility line (water or sewer), unless no other alternative is available. Further, a landscape area in which trees are to be provided shall not conflict with a utility easement, unless no alternative is available.
 - (5) No tree that has a mature height of 25 feet or greater shall be planted beneath an existing or proposed overhead utility line. Where canopy trees are required adjacent to or underneath overhead utility lines, ornamental trees (a minimum of two inches in caliper as measured six inches above the ground) shall be provided instead of the required canopy trees.
 - (6) All landscape areas shall be protected by a monolithic curb or wheel stops and remain free of trash, litter, and car bumper overhangs.
- (f) *Minimum landscaping requirements.*
- (1) For all non-residential and multiple family parcels, at least 15 percent of the street yard shall be permanent landscape area. The term "street yard" shall be defined as the area between the front property line and the minimum front set back line.
 - (2) For all non-residential and multiple family parcels located at the intersection of two dedicated public streets (rights-of-way), a 30-foot landscape buffer shall be provided parallel to the corner clip right-of-way dedication, which can be counted toward the 15 percent requirement. See appendix E, illustration 19, for intersection landscaping.
 - (3) For all non-residential and multiple family parcels, a minimum of 10 percent of the entire site shall be devoted to living landscape, which shall include grass, ground cover, plants, shrubs, or trees.
 - (4) Landscape setbacks on thoroughfares shall comply with the following provisions:
 - a. *Landscape setbacks on minor thoroughfares.* For all non-residential and multiple family parcels, a minimum ten-foot landscape buffer adjacent to the right-of-way of any minor thoroughfare is required. If the lot is a corner lot, all frontages shall be required to observe the ten-foot buffer.
 - b. *Landscape setbacks on major thoroughfares.* For non-residential and multiple family parcels, a minimum 20-foot landscape buffer adjacent to the

right-of-way of any major thoroughfare is required. If the lot is a corner lot, all frontages shall be required to observe the 20-foot buffer.

c. *Landscape setback variances.* If unique circumstances exist which prevent strict adherence with this requirement, the planning and zoning commission may consider a granting of a variance during the site plan approval process to reduce the minimum 20-foot landscape buffer to a minimum of ten feet; provided that site design considerations have been incorporated to mitigate the impact of the variance. Unusual circumstances include, but are not limited to: insufficient lot depth or size of the existing lot, existing structures and drives, and floodplain and existing trees to be preserved. A variance may be granted if:

1. Unique circumstances exist on the property that makes application of this section unduly burdensome on the applicant;
2. The variance will have no adverse impact on current or future development;
3. The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses; and
4. The variance will have no adverse impact on the public health, safety and general welfare.

A financial hardship shall not be considered a basis for the granting of a variance.

- (5) For all non-residential and multiple family parcels, developers shall be required to plant one canopy tree per 40 linear feet, or portion thereof, of street frontage. These required trees must be planted within the associated landscape setback along thoroughfares, unless otherwise approved by the director of planning. Trees may be grouped or clustered to facilitate site design.
- (6) Landscape areas within parking lots must be at least one parking space in size (162 square feet).
- (7) No landscape area counting toward minimum landscaping requirements shall be less than 25 square feet in area or less than five feet in width.
- (8) For all non-residential and multiple family parcels, internal landscape areas shall:
 - a. Have a landscaped area with at least one tree within 65 feet of every parking space; and
 - b. Have a minimum of one tree planted in the parking area for every 10 parking spaces within parking lots with more than 20 spaces.

- (9) Within parking lots, landscape areas with curbs and gutters must be provided to define parking areas and assist in clarifying appropriate circulation patterns.
- (10) A landscape island shall be located at the terminus of each parking row and shall include the following:
 - a. A minimum of one canopy tree at the terminus of each parking row;
 - b. A minimum of 50 percent of the island covered with living plant material; and
 - c. A maximum of 50 percent of the parking island covered with bark mulch or decomposed granite material.
- (11) All existing trees that are to be considered for credit shall be provided with a permeable surface (a surface that does not impede the absorption of water) within a minimum five-foot radius from the trunk of the tree. All new trees shall be provided with a permeable surface within a minimum 2½-foot radius from the trunk of the tree.
- (12) At least 75 percent of the frontage of parking lots, adjacent to a public right-of-way, within the street yard shall be screened from public streets with evergreen shrubs attaining a minimum height of three feet, an earthen berm of a minimum height of three feet, a low masonry wall of a minimum height of three feet, or a combination of the above with a minimum combined height of three feet. A wall used for parking lot screening should be accompanied with landscape planting in the form of low shrubs and groundcover to soften the appearance of the wall.
- (13) A minimum of 50 percent of the total trees required for the property shall be canopy trees as specified on the approved plant list (see appendix A to this chapter).
- (14) Necessary driveways from the public right-of-way shall be allowed through all required landscaping areas in accordance with city regulations. Shared drives shall be allowed through perimeter landscape areas.
- (15) For all non-residential and multiple family parcels, whenever an off-street parking area or vehicular use area abuts an adjacent property line, a perimeter landscape area of at least five feet shall be maintained between the edge of the parking area and the adjacent property line.
- (16) Whenever a non-residential use, mobile home use, or multiple family use is adjacent to a property used or zoned for single-family or duplex residential uses, the more intensive land use shall provide a landscaped area of at least ten feet in width along the common property line planted with one canopy tree for each 40 linear feet or portion thereof of adjacent exposure. These trees may not be clustered.

- (17) Multiple family residential uses shall provide a landscaped buffer of at least 20 feet in width along all property lines planted with one canopy tree for each 30 linear feet or portion thereof of adjacent exposure. The trees along the street frontage may be clustered, while the trees along all other property lines may not.
 - (18) Evergreen shrubs (acceptable for six-foot screening) shall be provided around dumpster screening wall, and the plant materials must be a minimum of three feet in height at the time of planting, unless not visible from public right-of-way or a public use area.
 - (19) For all single family and duplex parcels, builders shall be required to plant two canopy trees per lot, prior to obtaining a certificate of occupancy. At least one of the trees shall be located in the front yard. If a required canopy tree is within 12 feet of a building foundation an alternate planting location on site shall be approved by the landscape administrator. An existing quality tree of at least eight-inch caliper size located on the lot may be counted towards the requirement for a four-inch caliper tree, if appropriate tree protection measures have been followed.
 - (20) For all commercial sites, developers shall install all required canopy trees per the approved landscape plan. If a required canopy tree is within 12 feet of a building foundation an alternate planting location on site shall be approved by the landscape administrator.
 - (21) For all townhome parcels a minimum of 20 square feet of useable open space shall be required per townhome unit. This additional open space shall not include the parkland dedication requirement as outlined in section 142-152 of the subdivision ordinance, any required landscape areas as outlined in section 146-135, or any required spacing between buildings. Open space pockets shall be designed to be located over the entire site in order to break up density and serve the entire development. Open space pockets shall be required to be a minimum of 1,000 square feet and a maximum of 2,000 square feet for townhome developments over 50 units. The applicant may request an increase in the maximum allowed useable open space requirement with site plan approval.
- (g) *Tree preservation.*
- (1) Any trees preserved on a site meeting the herein specifications may be credited toward meeting the tree requirement of any landscaping provision of this section for that area within which they are located, according to the following table:

Caliper of existing tree	Credit against tree requirement
6" to 8"	2 trees
9" to 15"	3 trees
16" to 30"	4 trees
31" to 46"	5 trees
47" or more	8 trees

For purposes of this section, caliper measurement shall be taken at a height of 4½ feet above the ground, and shall be rounded to the nearest whole number.

- (2) Existing trees may receive credit if they are not on the city's approved plant material list but are approved by the landscape administrator; however, trees must be located within the landscape area to which credit is applied.
 - (3) Any tree preservation proposed shall designate the species, size, and general location of all trees on the conceptual or general landscape plan. The species, size, and exact location shall be shown on the landscape plan.
 - (4) During any construction or land development, the developer shall clearly mark all trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of heavy equipment or the storage of equipment, materials, debris, or fill to be placed within the drip line of any trees. This is not intended to prohibit the normal construction required within parking lots.
 - (5) During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees to remain. Neither shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees to remain. No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.
- (h) *Sight distance and visibility.*
- (1) Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an intersection of two or more streets or driveways occur, a triangular visibility area, as described below, shall be created. Landscaping within the

triangular visibility area shall be designed to provide unobstructed cross visibility at a level between two feet and seven feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross visibility area. The triangular areas shall comply with the sight triangle illustrations in this chapter (see appendix E, illustration 10).

- (2) In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the landscape administrator, the requirements set forth herein may be modified to eliminate the conflict.

(i) *Maintenance.*

- (1) The owner, tenant, and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to:
 - a. Mowing (of grass of six inches or higher);
 - b. Edging;
 - c. Pruning;
 - d. Fertilizing;
 - e. Watering;
 - f. Weeding; and
 - g. Other such activities common to the maintenance of landscaping.
- (2) Landscape areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
- (3) Plant materials used to meet minimum required landscaping provisions which die or are removed for any reason shall be replaced with plant material of similar variety and size, within 90 days.
 - a. Trees with a trunk diameter in excess of six inches measured six inches above the ground may be replaced with trees of similar variety having a minimum trunk diameter of four inches measured six inches above the ground.
 - b. If any tree, which was preserved and used as a credit toward landscaping requirements is later removed for any reason, it shall be replaced by the number of trees for which it was originally credited. Replacement trees shall have a minimum trunk diameter of four inches measured six inches above the ground.
 - c. A time extension may be granted by the landscape administrator if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner, tenant, or his agent.

Failure to maintain any landscape area in compliance with this section is considered a violation of this section and may be subject to penalties of section 146-194. “

Section 2. That the Code of Ordinances, City of McKinney, Texas, Chapter 146-136 of the Code of Ordinances: Tree Preservation, is hereby amended and shall read as follows:

“Sec. 146-136. Tree preservation.

- (a) *Purpose.* The purpose of this section is to promote tree preservation through site design and by controlling indiscriminate removal of trees; and to contribute to the long-term viability of existing trees through their protection during construction or land disturbing activities; while balancing rights of property owners with the interests of the community. This section is specifically intended to:
- (1) Prohibit indiscriminate clear-cutting;
 - (2) Protect and increase the value of residential and commercial properties within the city;
 - (3) Maintain and enhance a positive image to attract new residences and business enterprises to the city; and
 - (4) Protect healthy quality trees and promote the natural ecological, environmental and aesthetic qualities of the city.
- (b) *Definitions.* For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words and terms used in this section, but not defined in this section, shall have the meanings contained in the zoning ordinance or other ordinances of the city.

100-year fully developed floodplain means the area of inundation from a storm event having a one percent chance of being equaled or exceeded in any given year, based upon fully developed watershed conditions.

Building pad means the actual base area of a building and an area not to exceed six feet around the foundation necessary for construction and grade transitions.

Caliper means the diameter measurement of a tree trunk. The caliper of the trunk shall be measured six inches above the ground for trees.

Clear-cutting means the removal of ten or more protected trees from a property within a 90-day period.

Critically alter, critical alteration means uprooting or severing the main trunk of a tree, or any act that causes or may reasonably be expected to cause a tree to die. This includes, but is not limited to: damage inflicted upon the root system of a tree by machinery, storage of materials, or the compaction of soil above the root system of a tree; a change in the

natural grade above the root system of a tree; an application of herbicidal chemical or the misapplication of beneficial chemicals; excessive pruning; placement of non-permeable pavement over the root system of a tree; or trenching within the primary root zone. Additionally, a tree may be considered critically altered if more than 25 percent of the primary root zone is altered or disturbed at natural grade, or more than 25 percent of the canopy is removed.

Cut/fill means areas where the natural ground level has been excavated (cut) or where fill material has been brought in.

Determination of exemption means a determination made by the landscape administrator or his designee that no tree permit or tree preservation is required for the site.

Diameter at breast height (DBH) means tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Drip line means whichever is greater:

- (1) A vertical line running through the outermost portion of the canopy of a tree and extending to the ground; or
- (2) If the tree is damaged or deformed, a circular area with a radius equal to two feet per inch of caliper.

Erosion hazard setback means the area along a drainage channel designated as an erosion setback under the city's stormwater ordinance.

Exemption area means an area that is clearly exempt from all tree replacement and tree protection requirements of this section, as approved by the landscape administrator.

FEMA 100-year flood plain means the area designated as being within the 100-year flood plain on the Federal Emergency Management Agency flood insurance rate map (FIRM) as of the effective date of the ordinance from which this section is derived. The boundary may be verified and established through field surveys based on elevation. Any changes made by FEMA to the 100-year flood plain boundary after the effective date of the ordinance from which this section is derived due to filling of the flood plain, channelization, or other drainage improvements shall not reduce the area in which tree preservation, replacement or protection requirements apply.

Grubbing means excavating or removing a significant part of the root system.

Landscape administrator means the person appointed by the city manager to administer city ordinances related to tree preservation, or the person's designated representative.

Municipal and public domain property means property in which title is held in the name of a governmental entity. Examples of this include city buildings, county property, public parks, U.S. Army Corps of Engineers property, state rights-of-way, libraries, fire stations, water tower sites or similar properties.

Non-disturbance area means an area in which no development activity or vehicular traffic associated with the construction or development of land occurs.

NRCS lake tree preservation zone means the area within an elevation two feet above the emergency spillway elevation of any Natural Resources Conservation Service lake.

Owner means any person with an interest in land, or a lessee, agent, employee, or other person acting on behalf of the owner.

Protected tree means a quality tree with a trunk six inches or greater in caliper at four feet six inches above the ground. The caliper of a multi-trunk protected tree shall be determined by adding the total caliper of the largest trunk to one-half the caliper of each additional trunk.

Protective fencing means and includes chain link fencing, orange vinyl construction fencing or other fencing at least four feet high and supported at a maximum of ten-foot intervals by approved methods sufficient to keep the fence upright and in place. The fencing shall be of a highly visible material.

Pruning means the removal of dead, injured or diseased limbs or roots to maintain plant health or the removal of limbs or roots to control or direct vegetative growth.

Quality tree means a tree species that typically has significant positive characteristics worthy of preservation, as listed in this section (see section A-2 of appendix A to this chapter.)

Root zone, primary, means the area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line (see section A-3 of appendix A to this chapter.)

Tree means any self-supporting woody plant, which will attain a trunk caliper of two inches or more when measured at a point 4½ feet above ground level and normally an overall height of at least 15 feet with a canopy of at least 15 feet in caliper at maturity. A tree may have one main stem or trunk or several stems or trunks.

Tree board means a board appointed by the city council to carry out the duties and responsibilities set forth in this section. The planning and zoning commission shall constitute the tree board unless the city council appoints a separate tree board.

Tree protection sign means a sign describing prohibited conduct detrimental to trees and meeting specifications of the city's building official to be posted on the site upon approval of a tree permit.

Tree survey means a plan drawing that identifies the location of trees and contains the information set forth in subsection (e)(1) of this section. The tree survey shall be prepared by an arborist, a licensed surveyor, a registered landscape architect licensed by the Texas Board of Architectural Examiners, or other qualified person approved by the landscape administrator. For projects of limited scope, the landscape administrator may approve a tree survey prepared by a non-professional if complete and accurate information is provided.

Tree topping means the severe cutting back of limbs to stubs larger than three inches in caliper within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Utility company, franchise utility, or public utility means a company or entity, or agent for a company or entity, that provides a utility service such as the provision of gas, electric, cable, or telephone service within the city.

(c) *Permits.*

(1) *Required.* A tree permit shall be obtained from the landscape administrator before critically altering any protected tree, except under any of the following circumstances:

- a. The protected tree endangers the public health, welfare or safety and immediate alteration is required;
- b. The tree has disrupted a public utility service due to a tornado, storm, flood or other act of God. Critical alteration shall be limited to the portion of the tree reasonably necessary to reestablish or maintain reliable utility service;
- c. The tree was planted to be for sale and is located on the property of a licensed plant or tree nursery, which has trees planted and growing on the premises for the sale or intended sale to the general public in the ordinary course of the nursery's business;
- d. The tree is located on a lot of record on which a single family or duplex residence legally exists as the primary use, except that areas of such lots within a FEMA 100-year flood plain, NRCS lake tree preservation zone, erosion hazard setback zone, or for protected trees 27-inch caliper or greater in size shall not be exempt; or

- e. The tree is dead, unless the tree was required under a landscape plan or was a required replacement tree under this section.

(2) *Tree permit.*

a. *Tree permit.*

1. Prior to any building, paving, grading, or construction of a subdivision or public improvements an application for a tree permit shall be submitted concurrent with a preliminary-final plat, and shall be approved prior to issuance of a development permit. A tree permit shall not be required prior to construction of a subdivision or public improvements if an application for a preliminary plat or preliminary-final plat has been filed prior to the effective date of the ordinance from which this section is derived.
2. Prior to any building, paving, grading, or construction of a building an application for a tree permit shall be submitted concurrent with a detailed site plan, and shall be approved prior to issuance of a building permit. A tree permit shall not be required prior to construction of such a building if an application for a site plan has been filed prior to the effective date of the ordinance from which this section is derived.
3. Authorization to critically alter trees on the site shall be limited to those trees identified and approved for critical alteration as shown on documentation submitted for the tree permit.
4. A tree permit shall be valid for the period of the site plan, development permit, or building permit's validity, or a maximum of two years, whichever is less.

(d) *Scope and administration.*

- (1) *Applicability.* Provisions of this section shall apply to all new and existing development as stated herein. The following shall be exempt from tree preservation and replacement requirements, but not from the tree permit requirements:
 - a. Hike/bike trails, if the alignment has been approved by the parks department;
 - b. City owned, parks and sports fields open for public use, such as soccer, baseball, football and the like;
 - c. Golf courses;
 - d. Critical alteration of any protected tree by a utility company in order to maintain appropriate existing utility service;
 - e. Construction of public utilities;
 - f. Stabilization measures to creeks and streams as required by the City Engineer; and

- g. Construction of thoroughfares as shown on the City thoroughfare plan.
 - (2) *Conflicts with other ordinances.* All applicable provisions of the comprehensive zoning ordinance, subdivision ordinance, storm water ordinance, building codes and other ordinances, as they exist or as amended, shall apply. Notwithstanding the foregoing, nothing herein shall confer any vested rights on any property subject to this chapter. Where the provisions of other ordinances conflict with this section, this section shall control.
 - (3) *Administrative official.* Provisions of this section shall be administered by the landscape administrator or designee.
- (e) *Tree preservation permit submittal and review.*
- (1) *Submittal requirements.* The landscape administrator shall establish administrative procedures necessary to implement and enforce this section.
 - a. An application for a tree permit shall include:
 - 1. The completed application form; and
 - 2. The tree survey at same scale as site plan or preliminary-final plat with building pad, pavement areas, and other construction features which will disturb the land indicated. The tree survey shall include the following information:
 - (i) The applicant's name, address, and phone number;
 - (ii) The name and phone number or arborist, licensed surveyor, or landscape architect that prepared the survey;
 - (iii) The location map;
 - (v) The property lines, with dimensions;
 - (vi) The engineering scale (not larger than one inch equals 200 feet, or the same scale as the site plan);
 - (vi) The location of all rights-of-way, and easements (existing and proposed);
 - (vii) The location of all buildings, structures, pools, parking and vehicular maneuvering area, utilities, sidewalks, and other improvements (existing and proposed);
 - (viii) The adjacent land uses, and zoning of adjacent properties;
 - (ix) The creeks, lakes, and other water features (existing and proposed);
 - (x) The location of FEMA 100-year floodplain, NRCS lake tree preservation zone, or erosion hazard setback easement;
 - (xi) Any proposed non-disturbance area; and

(xii) The caliper size of all trees six inches or greater.

b. In specific situations, tree survey requirements may be reduced as follows:

1. *Non-disturbance areas.* The landscape administrator may approve a non-disturbance area to be designated on the tree survey. The non-disturbance area is an area in which no construction will occur. Trees within the non-disturbance area are not required to be individually identified on the tree survey unless they will be used as credits.
2. *Aerial photograph.* For property containing large, heavily wooded areas, the landscape administrator may, in lieu of a tree survey, authorize the submittal of an aerial photograph accompanied by a transparent plan of the development at the same scale as the photograph, showing all non-disturbance areas and proposed exemption areas where no trees will be critically altered; provided that a tree survey of all other areas is submitted to the landscape administrator prior to any grading or construction. The landscape administrator may approve the submission of photographs in phases for a multi-phased project.
3. *No trees.* If a property contains no trees, the applicant may indicate on the application for a tree permit that there are no trees on the property and submit the application for a tree permit in lieu of a tree survey. Such an application shall act in lieu of a tree survey upon a determination by the landscape administrator that no trees exist on the site.

c. A tree preservation plan shall be submitted showing major site construction features, existing trees to remain, trees being removed, and replacement trees with type, location, number and size of replacement trees indicated. The tree preservation plan information may be included on the tree survey if all information can be clearly delineated. The tree preservation plan shall include the following information:

1. The major site construction features;
2. The proposed and existing contours;
3. Identification of the caliper, species, and location of trees that are to remain;
4. Identification of the caliper, species, and location of trees to be removed;
5. The tree protection measures; and
6. The letter of intent.

(2) *Review of application.*

- a. *Tree permit applications.* The landscape administrator shall grant a tree permit, provided the requirements of this section are met.
 - b. *Grievances.* An applicant aggrieved by a decision of the landscape administrator may appeal the decision to the board of adjustment for an interpretation as provided for in section 146-165(2).
 - c. *Waivers.* An application for a waiver to the terms of the tree preservation section may be made. The application for a waiver shall be reviewed by the tree board, and a recommendation for approval or denial shall be forwarded to the city council. The decision of the city council shall be final. A public hearing shall be required. The tree board and city council shall consider the following factors in determining whether a waiver should be granted:
 - 1. The literal enforcement cannot be accomplished;
 - 2. The extent to which the application meets other standards of this section;
 - 3. The positive or negative impact of the proposed project on surrounding properties; and
 - 4. The extent to which the waiver would be mitigated by other proposed or existing landscaping.
 - d. *Non-substantive changes.* The landscape administrator shall be authorized to work with owners, developers, and builders to make non-substantive changes, within the scope of this section, to plans, permits and other requirements after approval by staff, city council or the tree board, as appropriate. These changes are intended to provide the greatest reasonable protection toward achieving the purposes of this section.
 - e. *Posting tree protection sign.* After the tree permit is issued, the permit holder shall post a tree protection sign at each entrance to the property upon which one or more trees is situated, and at any other location designated by the landscape administrator.
- (f) *Standards.*
- (1) *Clear-cutting.* Clear-cutting is prohibited unless specifically authorized by a tree permit.
 - (2) *Developments with an existing single family or duplex residential structure.* All protected trees 27 inches in caliper or greater shall be subject to tree preservation requirements regardless of location.
 - (3) *All other developments.*
 - a. *Perimeter tree zone.* If a quality tree six inches or greater exists within 15 feet of the boundary line between an existing platted single family residential

development and a proposed development, a perimeter tree zone shall be provided. The perimeter tree zone shall extend 15 feet out from each quality tree six inches or greater onto the proposed development for a maximum 30-foot wide perimeter tree zone. No tree within the perimeter tree zone may be critically altered.

- b. *Floodplain.* Within the 100-year fully developed floodplain, 70 percent of quality trees that are six inches DBH or greater may not be critically altered. However, if the floodplain lies within the interior of property that is zoned for commercial uses, and construction of buildings or parking is to occur on both sides of the creek, there is no limitation on the number of trees that may be removed. Additionally, construction of roads that are required by the city to provide cross access to adjacent properties or to provide for a second point of access shall not count against the percentage that can be removed.
- c. *Specimen trees.* Trees greater than 42 inch DBH may not be removed, nor may the critical root zone be altered. As part of a tree permit application the city arborist with the input of the director of planning and city engineer may approve the removal of specimen trees based on the type of tree, health of the tree, location of the tree on site, elevation of the tree, impact of the tree on the proposed site or development plan. If the city arborist denies the request to remove a specimen tree, the owner/applicant may appeal the decision to the city council.
- d. *Other trees.* Notwithstanding the above provisions, all other quality trees greater than six inches DBH are subject to tree replacement and protection except where protected trees must be critically altered to:
 - 1. Install and maintain any utility lines;
 - 2. Dedicate public rights-of-way;
 - 3. Construct any public or private streets or alleys at the minimum required width only;
 - 4. Provide any required easement up to the minimum width needed to accommodate the required service;
 - 5. Construct any fire lanes at the minimum required width only;
 - 6. Construct any sidewalks;
 - 7. Construct any driveways;
 - 8. Construct fences and screening walls;
 - 9. Construct patios;
 - 10. Construct swimming pools and associated deck areas;
 - 11. Construct required parking;
 - 12. Install a building pad site;

13. Construct any hike/bike trails; or
 14. Achieve cut and fill drainage as designed in master drainage construction plan, including required detention or retention ponds. Transitional slopes to the original grade, which are less steep than the maximum allowed slope shall not be exempt.
- (4) *Demolition.* The landscape administrator may issue a limited purpose tree permit to allow critical alteration of a protected tree if such critical alteration is necessary to allow demolition of a structure. The protected tree covered by the permit shall be exempt from the tree replacement and tree protection requirements of this section.
- (5) *Selective thinning.* The landscape administrator may issue a limited purpose tree permit for selective thinning of certain protected trees from a densely forested area. The landscape administrator will, as part of the tree permit review process, determine whether the selective thinning proposed will be performed in a professionally accepted manner that will enhance the likelihood of survival for the remaining trees. If the landscape administrator issues a permit for selective thinning, the protected trees covered by the permit shall be exempt from the tree replacement and tree protection requirements of this section.
- (6) *Diseased trees.* Upon issuance of a limited purpose tree permit, a diseased protected tree may be critically altered to reduce the chances of spreading the disease to adjacent healthy trees. If the landscape administrator issues a limited purpose tree permit for such purpose, the protected trees covered by the permit shall be exempt from the tree replacement and protection requirements of this section.
- (7) *Ground level cuts.* Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree. Stump grinding in such situations is allowed with the approval of the landscape administrator.
- (8) *Removal of underbrush.* Removal of underbrush, not including grubbing under drip lines, shall not require a tree permit.
- (9) *Grubbing under drip lines.* The landscape administrator shall issue a limited purpose tree permit allowing the clearing and grubbing of brush located within or under the drip lines of protected trees.
- (g) *Tree replacement.*
- (1) Unless specifically exempted, the following tree replacement procedures shall apply to any person who critically alters a protected tree for which a permit is required. Replacement trees shall be in addition to trees required under the landscape section of the zoning ordinance.

a. *Generally.* The protected tree shall be replaced with a quality tree or trees as approved on the tree preservation plan.

1. *Size and number.* A sufficient number of trees shall be planted to equal or exceed, in caliper, the caliper of each tree critically altered, measured at four feet six inches above ground level. Each replacement tree shall be a minimum of four-inch caliper at six inches above ground level and 12 feet in height when planted. The following formula shall be used to calculate the number of trees to be replaced:

	Caliper of critically altered tree	Replacement ratio (in inches of caliper)	Minimum caliper of replacement tree
Existing single family and duplex residential development	>27"	1:1	4"
All other development	6" - 16"	1:1	4"
	>16"	1:2	6"

2. *Credits.* When any quality tree of four inches (4") or more in caliper is preserved that would otherwise have been exempt, credits toward the total inches of caliper of replacement trees required for the development site will be given as per the following formula. Credits shall not reduce the minimum size of any replacement tree planted.

3. *Location.* Each replacement tree shall be planted on the same property as the tree that was critically altered. However, if the landscape administrator deems that the replacement tree cannot be planted on the same property in accordance with accepted arborists' standards, the landscape administrator may, as part of the city's reforestation plan, allow the following:

- (i) Replacement on public property;
- (ii) Replacement on private property if also approved by the chief building official; or
- (iii) Require payment to the reforestation fund in accordance with subsection (g)(1)c of this section.

4. *Responsibility to replace trees.* The requirement to replace trees shall apply to both the person altering a protected tree and the owner of the property.
 5. *Replacement of dead trees.* A replacement tree planted on the same property as the critically altered tree must be replaced if it dies. This requirement applies to the owner of the property.
- b. *Scheduling of replacement trees.* Replacement trees shall normally be planted within 90 days of critical alteration. If replacement trees cannot be planted within 90 days of critical alteration, the landscape administrator may approve a delay in replacement of up to six months after the date of critical alteration. The applicant shall provide the landscape administrator with an affidavit that all replacement trees will be planted within six months. The landscape administrator may require the applicant to furnish the city a cash deposit or surety bond in the approximate amount of the cost to replace the trees.
- c. *Reforestation fund.* If an applicant cannot replace trees on the same property, and if the landscape administrator does not approve replanting on an alternate site, the applicant shall make a payment into the reforestation fund.
1. The amount of payment required for each replacement tree shall be calculated based on a schedule published and reviewed annually by the landscape administrator which sets forth the average cost of a quality tree added to the average cost of planting a tree.
 2. It shall be the responsibility of the landscape administrator to develop and administer a written plan for the planting, growing, replanting, and appropriate irrigation of trees on all municipal and public domain property. The tree board shall present the plan to the council and, when adopted by the council, the plan shall represent the reforestation plan for the city.
 3. Reforestation funds shall be expended only for purchasing, planting, growing and/or irrigating trees as per the city's reforestation plan. Reforestation funds shall not be used for routine maintenance.
 4. Funds paid into the reforestation fund shall be spent within three years of payment or shall be returned to the payer.
 5. The landscape administrator shall submit periodic reports to the city council of the deposits and disbursements from the reforestation fund.

(h) *Tree protection.*

- (1) The following procedures shall apply to any protected tree for which a permit is required, unless specifically exempted.
 - a. *Construction plan requirements.* All construction plans shall indicate tree protection measures.
 - b. *Prohibited activities in primary root zone.* The following activities are prohibited within the limits of the primary root zone of any protected tree subject to the requirements of this section.
 1. *Material storage.* No materials intended for use in construction or waste materials shall be placed within the limits of the primary root zone of any protected tree.
 2. *Equipment cleaning/liquid disposal.* No cleaning or other liquids shall be deposited or allowed to flow over land within the limits of the primary root zone of a protected tree. This includes, but is not limited to paint, oil, solvents, asphalt, concrete, mortar or similar materials.
 3. *Tree attachments.* No signs, wires or other attachments, other than those of a protective nature, shall be attached to any protected tree.
 4. *Construction equipment/vehicular traffic.* Unless otherwise approved by the landscape administrator, no vehicular and/or construction equipment traffic or parking shall take place within the limits of the primary root zone of any protected tree other than on existing street pavement. This restriction does not apply to single incident access within the primary root zone for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance, emergency restoration of utility service, or routine mowing operations. No heavy equipment, including, but not limited to, trucks, tractors, trailers, bulldozers, and bobcat tractors, shall be allowed inside the drip-line of any protected tree on any construction site without the specific approval of the landscape administrator.
 5. *Grade changes.* Unless specifically allowed by this section, no grade changes shall be allowed within the limits of the primary root zone of any protected tree unless the landscape administrator and/or the city engineer approves adequate construction methods.
 6. *Impervious paving near nonexempt trees.* Unless a health, safety and welfare issue arises due to access and circulation requirements, no paving with asphalt, concrete or other impervious materials may be placed within 75 percent of the limits of the primary root zone of a protected tree except as otherwise allowed in this section.

7. *Impervious paving near exempt, preserved trees.* For any exempt tree that is being preserved the following shall apply:
 - (i) No paving with asphalt, concrete or other impervious materials may be placed within a five-foot radius of the trunk; and
 - (ii) A total of 400 square feet of area on the primary root zone shall be kept free of impervious materials. This pervious area may be in the shape of a circle, rectangle, or other shape, and shall include and be contiguous with the area within a five-foot radius of the trunk.
- c. *Protective measures required prior to construction.* Prior to construction, the contractor or subcontractor shall construct and maintain, for each protected tree on a construction site, a protective fence and where necessary, bark protection (see section A-3 of appendix A to this chapter). All protective measures shall be in place prior to commencement of any site work and remain in place until all exterior work has been completed.
- d. *Construction methods.*
 1. *Boring.* Boring of utilities under protected trees shall be required in those circumstances where it is not possible to trench around the primary root zone of the protected tree. When required, the length of the bore shall be the width of the primary root zone at a minimum and shall be a minimum depth of 48 inches.
 2. *Grade change.* The landscape administrator may approve a grade change within the primary root zone of a protected tree as per this section and/or the city engineer.
 3. *Trenching.* All trenching shall be designed to avoid trenching across the primary root zone of any protected tree, unless otherwise approved by the landscape administrator. Mechanical trenching within the primary root zone shall not be allowed. Trenching by hand shall not critically alter the root system. The placement of irrigation systems and underground utility lines such as electric, phone, gas, etc., shall be located outside of the primary root zone of protected trees. The minimum required single head supply line for irrigation systems is allowed to extend into the primary root zone perpendicular to the tree trunk and in the manner that has the least possible encroachment into the primary root zone.
 4. *Root pruning.* All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.

(i) *Tree planting.*

- (1) In addition to the tree preservation and tree replacement provisions of this section, all applicable tree planting requirements of the landscape section of the city zoning ordinance shall apply.
- (2) Selection and planting of all replacement trees shall comply with section 146-135.

(j) *Enforcement.*

(1) *Development agreement.* The city shall not approve a development agreement unless it provides that all construction activities shall meet the requirements of this section.

(2) *Building permit or development permit.*

a. No building permit or development permit shall be issued unless:

1. A construction tree permit has been approved;
2. An affidavit of no trees has been submitted and approved; or
3. A determination of exemption has been made by the landscape administrator or designee.

b. No building permit or development permit shall be issued unless the applicant signs an application or permit request which says that all construction activities shall meet the requirements of this section. The building official shall make available to the applicant:

1. A copy of the tree preservation ordinance or a condensed summary of the relevant aspects pertaining to the type of permit requested; and
2. Specifications for tree protection signs.

(3) *Acceptance of improvements.* The city may refuse to accept any public improvements until the person pays all penalties for violations of this section; provided, however, that acceptance of public improvements shall be authorized before all trees shall be replaced if, with the landscape administrator's approval, the person furnishes the city with a cash deposit or surety bond in the approximate amount of the cost to replace the tree.

(4) *Certificate of occupancy.* No certificate of occupancy (CO) shall be issued until any and all penalties for violations of this section have been paid to the city. No CO shall be issued until all required replacement trees have been planted or appropriate payments have been made to the reforestation fund; provided, however, that a CO may be granted before all trees have been replaced if, with the landscape administrator's approval, the person furnishes the city with a cash deposit or surety bond in the approximate amount of the cost to replace the tree.

(k) *Violations.*

- (1) A person commits an offense if the person critically alters a protected tree not meeting an exception listed in this section without first obtaining a tree permit from the city.
- (2) A person commits an offense if the person critically alters a tree in violation of a tree permit.
- (3) Any person who violates subsection (k)(1) of this section by critically altering a protected tree without first obtaining a tree permit from the city, or subsection (k)(2) of this section by critically altering a tree in violation of the permit, or subsection (g) of this section by failing to follow the tree replacement procedures, shall be guilty of a misdemeanor and upon conviction shall be fined \$100.00 per caliper inch of the tree critically altered, not to exceed \$500.00 per incident. The unlawful critical alteration of each protected tree shall be considered a separate incident and each incident shall subject the violator to the maximum penalty set forth herein for each tree.
- (4) Any person, firm, corporation, agent or employee thereof who violates any provisions of this section other than those listed in above, shall be guilty of a misdemeanor and upon conviction hereof shall be fined not to exceed \$500.00 for each incident. The unlawful critical alteration of each protected tree shall be considered a separate incident and each incident subjects the violator to the maximum penalty set forth herein for each tree.
- (5) Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this section. “

Section 3. That the Code of Ordinances, City of McKinney, Texas, Chapter 146, Appendix A of the Code of Ordinances: Plants Approved For Landscape Requirements, is hereby amended and shall read as follows:

“Section A-1. Approved plant list.

The following lists of plant materials only apply to materials planted or preserved to satisfy the landscape requirements (Section 146-135) and tree preservation ordinance (Section 146-136) of this ordinance. Drought tolerant plants are encouraged and listed below in **bold**. Other species may be utilized with approval from the landscape administrator. Artificial plants or turf are expressly prohibited.

CANOPY TREES

Size Standard: 4" caliper and 12' height

COMMON NAME

Bigtooth Maple

Trident Maple

Caddo Maple

Texas Buckeye

Pecan

Shagbark Hickory

BOTANICAL NAME

Acer grandidentatum

Acer buergerianum

Acer saccharum ‘Caddo’

Aesculus glabra

Carya illinoensis

Carya ovate

Texas Hickory (Black Hickory)

Deodar Cedar
 Leylandii Cypress
 White Ash
 Texas Ash
 Autumn Gold Ginkgo

Black Walnut**Chinese Pistache**

Sawtooth Oak
 Lacey Oak

Bur Oak**Chinquapin Oak
Oak****Texas Red Oak****Durand Oak**

Bigelow Oak

Live Oak

Cypress
 Bald Cypress

American Elm**Cedar Elm****Lacebark Elm*****Carya texana***

Cedrus deodara
Cupressocyparis 'Leylandii'
Fraxinus americana
Fraxinus texensis
Ginkgo biloba "Autumn Gold"

Juglans nigra***Pistachia chinensis***

Quercus acutissima
Quercus laceyi (*Q. glaucooides*)

Quercus macrocarpa***Quercus muhlenbergii* Shumard*****Quercus shumardi******Quercus shumardi* 'Texana'*****Quercus sinuate***

Quercus sinuate var. *breviloba*

***Quercus virginiana* Pond**

Taxodium ascendens

Taxodium disichum

Ulmus americana***Ulmus carassifolia******Ulmus parvifolia*****ORNAMENTAL TREES**

Size Standard: 2" caliper and 8' height

COMMON NAME

Japanese Maple
 Shantung Maple
Texas Madrone
 River Birch
Redbud
Desert Willow
 Chinese Fringe Tree
Roughleaf Dogwood
Native Hawthorn
 Washington Hawthorn
 Arizona Cypress
Texas Persimmon
 Common Persimmon
Possumhaw Holly
Nellie R. Stevens
 Foster Holly
Savannah Holly

Yaupon Holly
Mountain Cedar
Eastern Red Cedar
Golden Raintree
 Crape Myrtle (Tree Form)
 Goldenball Leadtree
Magnolia stellate
 Saucer magnolia
 Little Gem Magnolia

BOTANICAL NAME

Acer palmatum
Acer truncatum
Arbutus texana
Betula nigra
Cercis spp.
Chilopsis linearis
Chionanthus virginica
Cornus drummondii
Crataegus mollis
Crataegus phaenopyrm
Cupressus arizonica
Diospros texana
Diospyros virginiana
Ilex decua
Ilex x 'NRS'
Ilex opaca 'Foster'
Ilex opaca (x attenuate)
'Savannah'
Ilex vomitoria
Juniperus ashei
Juniperus virginiana
Koelreuteria paniculata
Lagerstroemia indica
Leucaena retusa Star Magnolia
Magnolia soulangiana
Magnolia grandiflora 'Little Gem'

Wax Myrtle (Tree form)

Eldarica Pine

Mesquite

Cherry Laurel

Mexican Plum

Lacey Oak

Carolinia Buckthorn

Aromatic Sumac**Smooth Sumac****Prairie Flameleaf Sumac****Eve's Necklace****Texas Mountain Laurel****Mexican Buckeye****Rusty Blackhaw****Vitex*****Myrica cerifera****Pinus eldarica****Prosopis glandulosa****Prunus caroliniana****Prunus mexicana****Quercus laceyi or glaucooides**Rhamnus caroliniana****Rhus aromatic******Rhus glabra******Rhus lanceolata******Sophora affinis******Sophora secundiflora******Ungnadia speciosa******Viburnum rufidulum******Vitex agnus-castus*****TREES APPROVED UNDER OVERHEAD UTILITIES****Size Standard: 2" caliper and 8' height**

Note: These species were selected due to their relatively small mature size and growth characteristics. Trees planted in these areas shall be planted at a ratio of 3 trees for every 1 tree required.

COMMON NAME

Shantung Maple

Redbuds/Whitebuds**Desert Willow****Wax Myrtle****Mexican Plum****Texas Mountain Laurel****Vitex****BOTANICAL NAME***Acer truncatum****Cercis spp.******Chilopsis linearis******Myrica cerifera******Prunus mexicana******Sophora secundiflora******Vitex agnus-castus*****EVERGREEN SHRUBS**

Acceptable screening 5' or less

Planting size: 24" height

COMMON NAME**Dwarf Glossy Abelia****Elaeagnus or Silverberry**

Dwarf Burford Holly

Texas Sage**Dwarf Wax Myrtle****BOTANICAL NAME*****Abelia grandiflora***Dwarf***Elaeagnus pungens****Ilex cornuta 'Dwarf Burfordii'****Leucolphyllum frutescens******Myrica pusilla*****EVERGREEN SHRUBS**

Acceptable screening 6' or greater

Planting size: 36" height

COMMON NAME

Foster Holly

Nellie R. Stevens Holly

Eastern Red Cedar

Wayleaf Ligustrum

Little Gem Magnolia

Wax Myrtle (Tree form)**BOTANICAL NAME***Ilex x attenuate 'Foster'**Ilex x 'Nellie R. Stevens'****Juniperus virginiana****Ligustrum japonicum**Magnolia 'Little Gem'****Myrica cerifera***

Holly Podocarpus
Cherry Laurel
Cleyera
Sweet Viburnum

Podocarpus macrophyllus
Prunus caroliniana
Ternstroemia japonica
Viburnum ordoatissimu

SHRUBS

COMMON NAME

Glossy Abelia
Barberry
Horizontal Cotoneaster
Dwarf Elaeagnus or Silverberry
Aralia
Red Yucca
St. John's Wort
Holly
Juniper
Dwarf Crape Myrtle
Texas Sage
Chinese Fringe Flower
Leatherleaf Mahonia
Agarito
Dwarf Wax Myrtle
Nandina
Prickly Pear
Indian Hawthorn
Rose
Autumn sage
Spirea
Coralberry

BOTANICAL NAME

Abelia grandiflora
***Berberis thunbergii* spp.**
Cotoneaster horizontalis
Eleagnus pungens
Fatsia japonica
Hesperaloe parviflora
Hypericum spp.
Illex spp.
***Juniper* spp.**
***Lagerstroemia indica* 'Dwarf'**
Leucophyllum frutescens
Loropetalum chinensis
Mahonia bealei
Mahonia trifoliata
Myrica pusilla
Nandina spp.
***Opuntia* spp.**
Raphiolepis indica
Rosa spp.
Salvia greggii
***Spirea* spp.**
Symphoricarpos orbiculatus

GROUNDCOVER / VINES

COMMON NAME

Ajuga
Crossvine
Trumpet Vine
Purple Wintercreeper
Carolina Jessamine
Liriope
Winter Honeysuckle
Honeysuckle
Coral Honeysuckle
Monkey Grass
Boston Ivy

Climbing Rose
Sedum
Asian Jasmine
Wysteria

BOTANICAL NAME

Ajuga reptans
Bignonia capreolata
Campsis radicans
Euonymus fortunei 'Coloratus'
Gelesmium sempervirens
Liriope muscari
Lonicera albiflora
Lonicera japonica
Lonicera sempervirens
Ophiopogon japonicus
Parthenocissus tricuspidata
'Lowii'
Rosa
***Sedum* spp.**
Trachelospermum asiaticum
Wisteria sinensis

ORNAMENTAL GRASSES

COMMON NAME

Bluestem
Grama Grass
 Feather Reed Grass, Karl Foerster

Pampas Grass
Dwarf Pampas Grass
 Lovegrass
 Spangletop
 Dwarf Maiden Grass
 Maiden Grass

Morning Light Maiden Grass

Variegated Japanese Silver Grass

Zebra Grass
 Muhly Grass
Fountain Grass
Hamel's Fountain Grass
 Indian Grass
Mexican Feathergrass

BOTANICAL NAME

Andropogon spp.
Bouteloua spp.
Calamagrostis acutiflora 'Karl Foerster'
Cortaderia selloana
Cortaderia selloana pumila
Eragrostis spp.
Leptochloa spp.
Miscanthus sinensis 'Adagio'
Miscanthus sinensis
'Gracellimus'
Miscanthus sinensis 'Morning Light'
Miscanthus sinensis
'Variegatus'
Miscanthus sinensis 'Zebrinus'
Muhlenbergia spp.
Pennisetum alopecuroides
Pennisetum a. 'Hameln'
Sorghasun nutans
Stipa tenuissima

GRASSES**COMMON NAME**

Blue Grama
Buffalograss
Bermuda grass
 St. Augustine

BOTANICAL NAME

Bouteloua gracilis
Buchloe dactyloides
Cynodon dactylon
Stenotaphrum secundatum

Section A-2. Quality tree list.**COMMON NAME**

Caddo Maple
 Red Maple
 Shantung Maple
 Texas Buckeye
 Chittamwood
 Hickory
 Pecan
 Redbud
 Dogwood
 Smoketree
 Hawthorn
 Arizona Cypress
 Leyland Cypress
 Texas Persimmon
 Texas Ash
 Ginkgo
 Possumhaw Holly
 Yaupon Holly

BOTANICAL NAME

Acer sacharum 'Caddo'
Acer rubrum
Acer truncatum
Aesculus argute
Bumelia lanuginose
Carya spp.
Carya illioinensis
Cercis spp.
Cornus drummondii
Cotinus coggygria
Crataegus
Cupressus arizonica
Cupressocyparis leylandii
Diospyros texana
Fraxinus texensis
Ginkgo biloba
Ilex decidua
Ilex vomitoria

Alligator Juniper	<i>Juniperus deppeana</i>
Walnut	<i>Juglans nigra</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Golden Raintree	<i>Koelreuteria paniculata</i>
Crape Myrtle	<i>Lagerstroemia indica</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Saucer Magnolia	<i>Magnolia soulangiana</i>
Star Magnolia	<i>Magnolia stellate</i>
Crabapple	<i>Mallus spp.</i>
Dawn Redwood	<i>Metasequoia glyptostroboides</i>
Eldarica Pine	<i>Pinus eldarica</i>
Austrian Pine	<i>Pinus nigra</i>
Chinese Pistache	<i>Pistachia chinensis</i>
Sycamore	<i>Platanus occidentalis</i>
Cherry Laurel	<i>Prunus caroliniana</i>
Mexican Plum	<i>Prunus mexicana</i>
Sawtooth Oak	<i>Quercus acutissima</i>
Lacey Oak	<i>Quercus laceyi (Q. glaucooides)</i>
Bur Oak	<i>Quercus macrocarpa</i>
Black Jack Oak	<i>Quercus marilandica</i>
Chinquapin Oak	<i>Quercus muhlenbergii</i>
Water Oak	<i>Quercus nigra</i>
Willow Oak	<i>Quercus phellos</i>
Shumard Oak	<i>Quercus shumardi</i>
Texas Red Oak	<i>Quercus shumardi 'Texana'</i>
Durand Oak	<i>Quercus sinuate</i>
Bigelow Oak	<i>Quercus sinuate var. breviloba</i>
Post Oak	<i>Quercus stellata</i>
Live Oak	<i>Quercus virginiana</i>
Carolina Buckthorn	<i>Rhamnus caroliniana</i>
Western Soapberry	<i>Sapindus drummondii</i>
Eve's Necklace	<i>Sophora affinis</i>
Pond Cypress	<i>Taxodium ascendens</i>
Bald Cypress	<i>Taxodium disichum</i>
Cedar Elm	<i>Ulmus carassifolia</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Rusty Blackhaw	<i>Viburnum rufidulum</i>

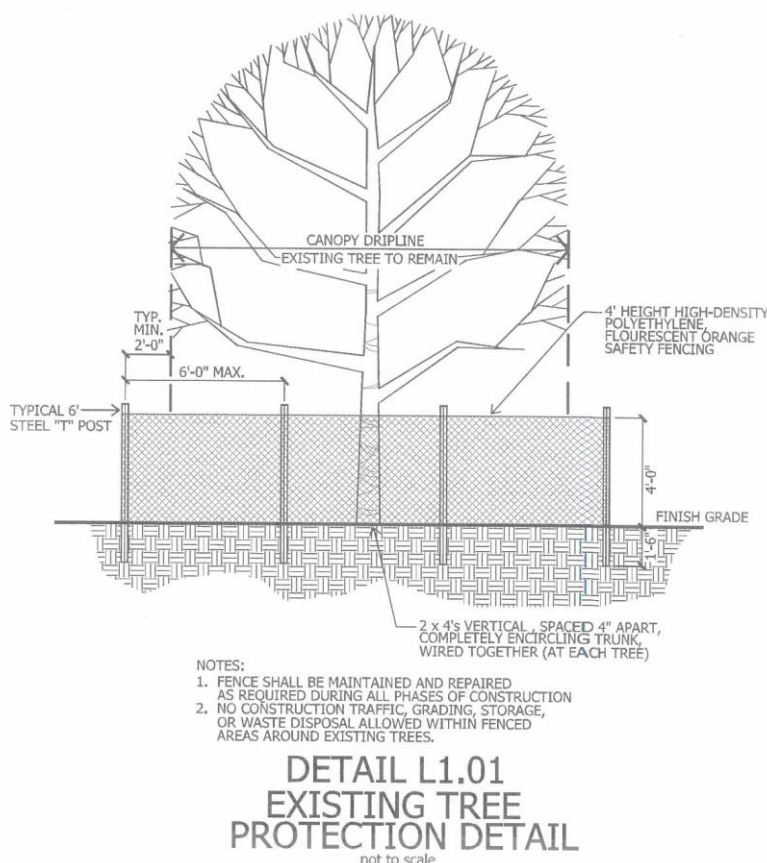
Section A-3. Prohibited tree list.

COMMON NAME	BOTANICAL NAME
Mimosa	<i>Albizia julibissin</i>
Aristocrat Pear	<i>Pyrus calleryana 'Aristocrat'</i>
Bradford Pear	<i>Pyrus calleryana 'Bradford'</i>
Bois d' Arc	<i>Maclura pomifera</i>
Catalpa	<i>Catalpa bignonioides</i>
Cottonwood	<i>Populus deltoids</i>
Hackberry	<i>Celtis occidentalis</i>
Lombardy Poplar	<i>Populus nigra italic</i>
Silver Poplar	<i>Populus deltoids</i>
Mulberry	<i>Morus alba</i>
Siberian Elm	<i>Ulmus pumila</i>

Silver Maple

Acer saccharinum

Section A-4. Illustrations for tree protection standards.”



Section 4. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

Section 5. That this Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 6. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 18TH DAY OF NOVEMBER, 2014.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney