



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

<b>File #:</b>	16-297M	<b>Name:</b>	Amendment Landscape and Tree Preservation Ordinance
<b>Type:</b>	Agenda Item	<b>Status:</b>	Approved
		<b>In control:</b>	Planning & Zoning Commission
<b>On agenda:</b>	10/25/2016	<b>Final action:</b>	10/25/2016
<b>Title:</b>	Conduct a Public Hearing to Consider/Discuss/Act on an Amendment to Chapter 146-135 (Landscape Requirements) and Chapter 146-136 (Tree Preservation) of the Code of Ordinances		
<b>Indexes:</b>			
<b>Attachments:</b>	1. Landscape Ordinance Redline, 2. Tree Preservation Ordinance Redline, 3. Powerpoint		

Date	Ver.	Action By	Action	Result
10/25/2016	4	Planning & Zoning Commission	Approved	Pass

Conduct a Public Hearing to Consider/Discuss/Act on an Amendment to Chapter 146-135 (Landscape Requirements) and Chapter 146-136 (Tree Preservation) of the Code of Ordinances

**COUNCIL GOAL:** Operational Excellence

**MEETING DATE:** October 25, 2016

**DEPARTMENT:** Engineering

**CONTACT:** Emily Braht, RLA, Landscape Architect

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the November 15, 2016 meeting.

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed amendments to Section 146-135 (Landscape Requirements) and Section 146-136 (Tree Preservation) of the Zoning Ordinance.

**ITEM SUMMARY:** Staff is proposing the attached amendments to the Landscape Requirements and Tree Preservation sections to address concerns related to the following:

- Relating the number of trees required for a single family lot to the lot size;
- Concerns regarding the 15' tree preservation zone requirements with respect to the type of trees on the developing property to be saved;
- Mitigation tree placement with respect to which type of trees may be used for mitigation purposes; and
- Future preservation of mitigation trees during development by adding a preservation

easement.

#### Required Trees Per Lot:

The proposed amendments represent Staff's effort to modify regulations to be more reflective of smaller single family lot size and landscape best practices within the Landscape Requirements. The current requirement of two trees per lot no matter the size of the lot does not reflect landscape best practices. Lots less than 40 feet wide have a variety of issues when two trees are required. Trees are either being planted too close to each other for proper growth, too close to home foundations, or could potentially be the cause of street sight line problems.

- The current Landscape requirements state that "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". In addition, at least one of the trees must be located in the front yard.
- All single family lots 40 feet wide or greater shall continue to be required to plant two canopy trees per lot. As with the current version of the ordinance, at least one of the trees shall be located in the front yard. The proposed amendment to the Landscape requirements state that for all single family lots less than 40 feet wide one canopy tree shall be required, and it shall be located in the front yard.

#### Tree Preservation Zone:

The City Council created a Tree Preservation Committee to discuss possible modifications of the 15' Tree Preservation Perimeter tree zone.

- The current Tree Preservation ordinance perimeter tree zone requirements state that 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.
- The proposed amendment to the Tree Preservation ordinance will require a perimeter tree zone for all trees 6" or greater regardless of the type of tree and requires this zone to be indicated on the plat as a perimeter tree zone easement.

#### Tree Preservation Mitigation:

The proposed amendments represent Staff's effort to modify regulations to reflect the intent of the type of mitigation tree to be used. The trees that currently may be used for tree mitigation come from the City's Quality Tree List located within the City of McKinney's Approved Plant List. The issue is that within the quality tree list are shade trees and ornamental trees, thus allowing mitigation for a large canopy trees with a small ornamental tree.

- Tree replacement required for tree mitigation currently states that "the protected tree shall be replaced with a quality tree or trees as approved on the tree preservation plan".
- The amendment to the Tree Preservation Tree replacement amends the term quality tree to canopy tree as approved on the tree preservation plan.

### Tree Mitigation and Protection Easement

The proposed amendment to the Tree Preservation ordinance addresses the issue that there is nothing in the Tree Preservation Ordinance that protects trees that have been planted as mitigation.

- The proposed amendment to the Tree Preservation Tree replacement section creates a tree mitigation and protection easement to be indicated on plats to save planted mitigation trees from removal due to future development.