

ORDINANCE NO. 20090618-077

AN ORDINANCE AMENDING CHAPTER 25-2, SUBCHAPTER C, ARTICLE 9 OF THE CITY CODE RELATING TO LANDSCAPING FOR RESIDENTIAL SUBDIVISIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-2-981 (*Applicability; Exceptions*) Subsection (B) is amended to read:

(B) Division 2 (*Requirements for a Site Plan*) and Division 3 (*Additional Site Plan Requirements in Hill Country Roadway Corridors*) do [~~This article does~~] not apply to:

- (1) property zoned central business district or downtown mixed use district;
- (2) a lot containing one single-family residence;
- (3) a lot containing one duplex residence, unless the residence exceeds 4,000 square feet of gross floor area or has more than six bedrooms;
- (4) a two-family residential use;
- (5) a secondary apartment special use;
- (6) substantial restoration of a building within one year after the building is damaged;
- (7) restoration of a building designated as a historic landmark; or
- (8) interior or facade remodeling, if the front and side exterior walls of the building remain in the same location.

PART 2. Chapter 25-2, Subchapter C, Article 9 (*Landscaping*) of the City Code is amended to add a new Division 4 to read:

Division 4. Additional Requirements for Residential Subdivisions.

§25-2-1031 APPLICABILITY OF DIVISION.

The requirements of this division apply to a lot in a residential subdivision in the city's zoning jurisdiction. This division does not authorize removal of trees.

§25-2-1032 TREES REQUIRED.

- (A) Each single family lot in a residential subdivision shall contain:
 - (1) at least two trees of at least two different species listed in the Environmental Criteria Manual, Appendix F (*Descriptive Categories of Tree Species*) if the lot is in a single family residence small lot (SF4a) zoning district;
 - (2) at least three trees of at least two different species listed in the Environmental Criteria Manual, Appendix F (*Descriptive Categories of Tree Species*) if the lot is in any zoning district other than SF4a.
- (B) Trees required under this section must be planted or preserved in accordance with this division and the Environmental Criteria Manual.

§25-2-1033 TREES PLANTED.

- (A) A tree planted under this division shall:
 - (1) be suitable, as defined in the Environmental Criteria Manual;
 - (2) meet the spacing and location requirements in the Environmental Criteria Manual; and
 - (3) be maintained in accordance with the Environmental Criteria Manual.
- (B) The size of a tree planted under this division shall be:
 - (1) at least two inches in diameter measured six inches above root flare;
or
 - (2) if an understory tree, at least one inch in diameter measured six inches above root flare.

§25-2-1034 TREES PRESERVED.

- (A) A tree required under this division may be satisfied by preserving an existing tree on the lot.
- (B) The city arborist may adjust the requirements in section 25-2-1032 (*Trees Required*) based on preservation of:
 - (1) an existing tree of a species listed in the Environmental Criteria Manual, Appendix F (*Descriptive Categories of Tree Species*); or
 - (2) a protected tree or heritage tree as defined in section 25-8-602 (*Definitions*).
- (C) To satisfy the tree requirement through preservation, the applicant must demonstrate, to the satisfaction of the city arborist, that the tree has not been damaged in a manner that could jeopardize its long-term survival.
- (D) A tree preserved under this division shall
 - (1) meet the spacing and location requirements in the Environmental Criteria Manual; and
 - (2) be maintained in accordance with the Environmental Criteria Manual.
- (E) The size of a tree preserved under this division shall be at least two inches in diameter measured four and a half feet above natural grade.

§25-2-1036 ALTERNATIVE COMPLIANCE.

A tree required under this division may be satisfied by preserving or planting a tree off-site, only if the Watershed Protection and Development Review Department director determines that:

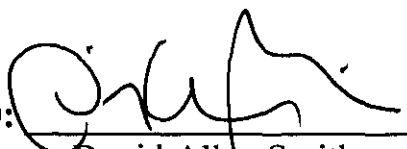
- (1) due to special circumstances unique to a property, preserving or planting three trees on a particular single family lot is not feasible;
- (2) the proposed off-site tree will adequately achieve, or be an improvement on, the intent of this division; and
- (3) the proposed off-site tree will meet the requirements of section 25-2-1033 or 25-2-1034 and will be preserved or planted in the subdivision within which the particular single family lot is located.

PART 3. This ordinance takes effect on June 29, 2009.

PASSED AND APPROVED

_____, June 18, 2009

APPROVED:



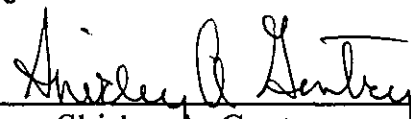
David Allan Smith
City Attorney

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for Will Wynn
Mayor

ATTEST:



Shirley A. Gentry
City Clerk