# NOTICE OF MEETING
# PLANNING & ZONING COMMISSION
# OF MARBLE FALLS, TEXAS
# Thursday, May 5, 2016 – 6:00 PM

*A quorum of the Marble Falls City Council and the Economic Development Corporation may be present*

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|---|---|---|
| Fred Zagst, *Vice-Chairman* | Steve Reitz, | Mike Hodge, *City Manager* |
| Dee Haddock, *Commissioner* | *Chairman* | Caleb Kraenzel, *Assistant City Manager* |
| Thomas E. Barr, *Commissioner* | | Elizabeth Jaimes, *City Planner* |
| Darlene Oostermeyer, *Commissioner* | | Chelsea Seiter-Weatherford, *GIS Analyst* |
| Greg Mills, *Commissioner* | | Scarlet Contreras, *Commission Secretary* |
| Jason Coleman, *Commissioner* | | Patty Akers, *City Attorney* |

The City of Marble Falls Planning & Zoning Commission will meet on **Thursday, May 5, 2016,** in **regular session at 6:00 p.m.** in the City Council Chambers at 800 Third Street, Marble Falls, Texas.

The agenda listed below is distributed to the Chair, Commission members, and the Marble Falls Public Library no later than the Monday preceding the Commission meeting. The agenda is also posted on the City's website: www.marblefallstx.gov

**1. CALL TO ORDER AND ANNOUNCE PRESENCE OF QUORUM**

**2. Citizen/Visitor Comments to be heard for items not on the agenda:** This is an opportunity for citizens to address the Planning and Zoning Commission concerning an issue of community interest that is not on the agenda. Comments on a specific agenda item must be made when the agenda item comes before the Commission. The Chair may place a time limit on all comments. Any deliberation of an issue raised during Citizen Comments is limited to a proposal to place it on the agenda for a later meeting.

**3. REGULAR AGENDA:** The Commission will individually consider and possibly take action on any or all of the following items:

**A. Approval of Minutes:** Minutes from the regular meeting on April 7, 2016, and minutes from the Joint Workshop on April 12, 2016. *(Scarlet Contreras, Commission Secretary)*

**B. Public Hearing, Discussion, and Recommendation:** Regarding a replat of Lot Nos. 5 through 10, Block No. 56, Marble Falls Original Township, City of Marble Falls, Burnet County, Texas, municipally addressed as 802 Avenue F. Case 2016-15-RP. *(Todd Holland, applicant, and Glenna Copeland, owner)*

**C. Public Hearing, Discussion, and Recommendation:** Regarding adoption of the 2015-2016 City of Marble Falls Comprehensive Plan Update. *(Halff Associates Inc., and City Staff)*

**D.** **Discussion, and Recommendation:** Regarding a zoning text amendment to Sections 1030-1099 of the Landscape Ordinance, General Regulations, Appendix B Land Use Regulations, City of Marble Falls Code of Ordinances, to amend the Protected Trees regulations and to amend any conflicting regulations therein. *(City Staff)*

**E.** **Presentation and Discussion:** Previous Planning and Zoning Commission items, City Council Disposition and update regarding future planning projects. *(Commission)*

**1.** Electronic Gas/Fuel Price Signage, Case 2016-13-ZT

**F.** **Presentation and Discussion:** Monthly Building Permit Summary; Construction Update. *(City Staff)*

## 4. ADJOURNMENT

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"The Planning & Zoning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including but not limited to, Sections: 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues), and as authorized by the Texas Tax Code including but not limited to, Section 321.3022 (Sales Tax Information)."

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In compliance with the Americans for Disabilities Act, the City of Marble Falls will provide for reasonable accommodations for persons attending the Commission Meetings. To better serve you, requests should be received 24 hours prior to the meeting, by contacting Ms. Christina McDonald, City Secretary, at 830-693-3615.

**Certificate of Posting Agenda Meeting Notice**

I, Caleb Kraenzel, Assistant City Manager for the City of Marble Falls, Texas, certify this Meeting Notice was posted at the Marble Falls City Hall in a place readily accessible to the general public, on the 29th day of April, 2016, at 5:00 p.m., posted thereafter for at least 72 continuous hours before the scheduled time of said meeting.

The agenda is also posted on the City's web site: www.marblefallstx.gov.

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Caleb Kraenzel, Assistant City Manager

**City of Marble Falls**
**Planning and Zoning Commission Agenda Cover Memo**
**May 5, 2016**

**To:** Chairman and Planning & Zoning Commission
**Item 3. A.** **Approval of Minutes**
**Requested by:** Scarlet Contreras, Commission Secretary

## SYNOPSIS

Commission will consider approval of the minutes from the regular meeting on April 7, 2016 and minutes from the Joint Workshop on April 12, 2016.

(*Minutes attachment following this page*)

**City of Marble Falls**
**Planning and Zoning Commission Agenda Cover Memo**
**May 5, 2016**

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| **To:** | Chairman and Planning & Zoning Commission |
| **Item 3. B.** | **Public Hearing, Discussion, and Recommendation:** Regarding a replat of Lot Nos. 5 through 10, Block No. 56, Marble Falls Original Township, City of Marble Falls, Burnet County, Texas, municipally addressed as 802 Avenue F. |
| **Requested by:** | Todd Holland, applicant, and Glenna Copeland, owner |
| **Case:** | Case 2016-15-RP |

## SUMMARY

This item is regarding a replat of six (6) existing lots within Block 56 of the Marble Falls Original Township Subdivision. The Subject Area is 0.584 acres and will be combined into a single lot, to be known as Lot 5-A. The configuration of the proposed lot will reflect the ownership boundary of Glenna Mary Copeland, consistent with the Burnet Central Appraisal District (BCAD) tax parcel boundary.

The Subject Area is located on the northwest corner of the Broadway and Avenue F intersection. The Subject Area is municipally addressed as 802 Avenue F and home to a two-story single-family residence. The Subject Area is adequately served by city water and wastewater services, therefore no public infrastructure or right-of-way is being dedicated with this replat. The proposed replat does not lie within the 100-year floodplain.

The purpose of the replat is to remove interior lot lines of the property to allow for construction of an accessory building/structure in the future.

Surrounding properties to the west are zoned Neighborhood Commercial Base District (C-1), and include retail, residential, and institutional land uses. Surrounding properties to the east are zoned Single-Family Base District (C-1) and include residential land uses exclusively. The majority of the proposed lot is located in the Single-Family Base District (R-1), however the west 30 feet of the proposed lot is zoned Neighborhood Commercial Base District (C-1). According to the adopted City Code of Ordinances (Section 604 of Appendix B Land Use Regulations) a division of a lot may exist provided that each divided portion is regulated by only one district. In other words, wherever a lot or site is divided by a district boundary, the regulations applicable within each district shall apply to each portion of the site situated in a separate district.

Due of the number of lots involved exceeding four (4) lots, Commission and Council approval is required for this replat, after a public hearing on the matter at which parties of interest and citizens have an opportunity to be heard.

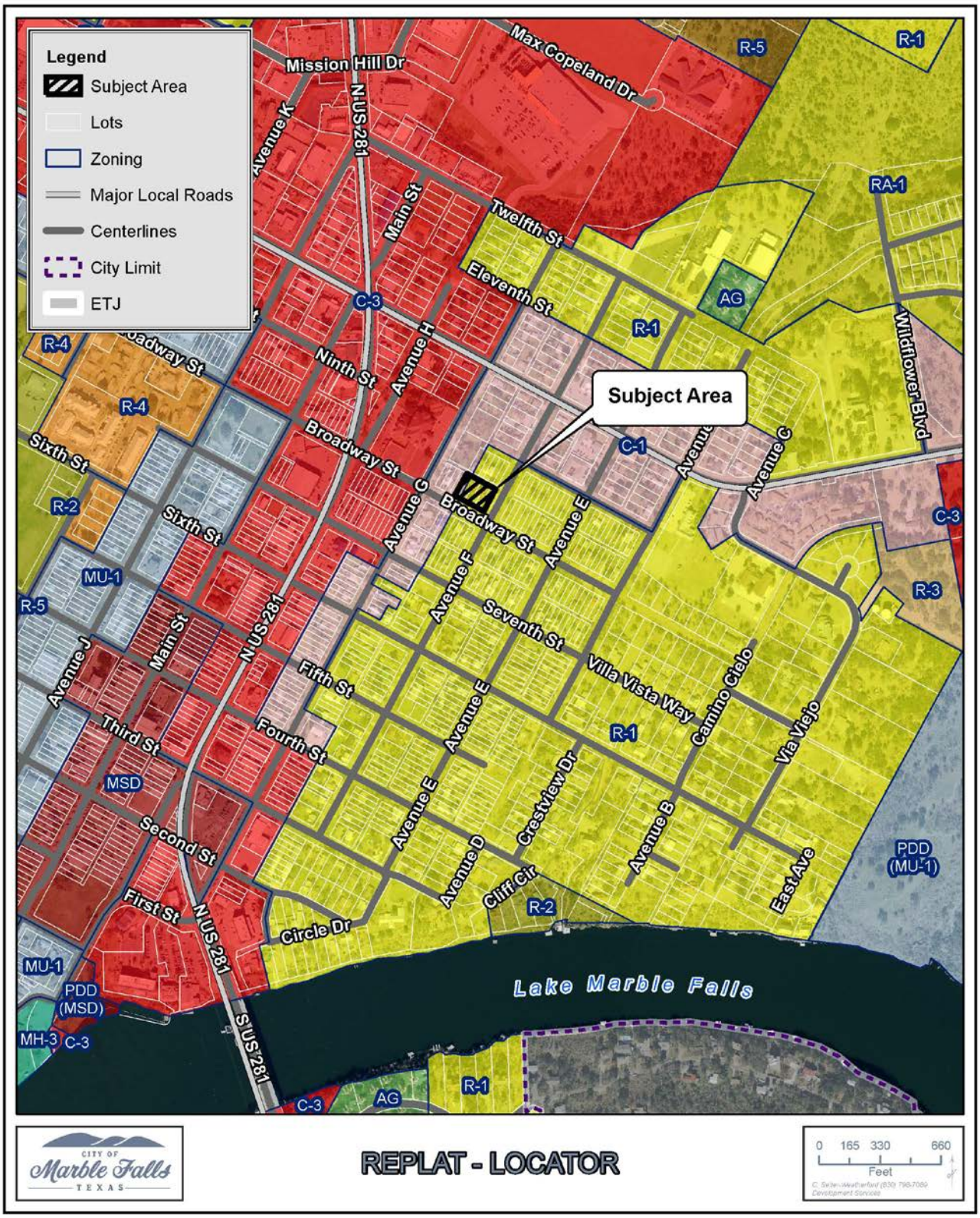
A total of nine (9) adjacent property owners within two hundred feet (200') of the Subject Area were mailed notification letters, including the public hearing dates and a prepaid comment card for response supporting/opposing the proposed replat. At the time of packet distribution one (1) property owner responded in favor of the replat.

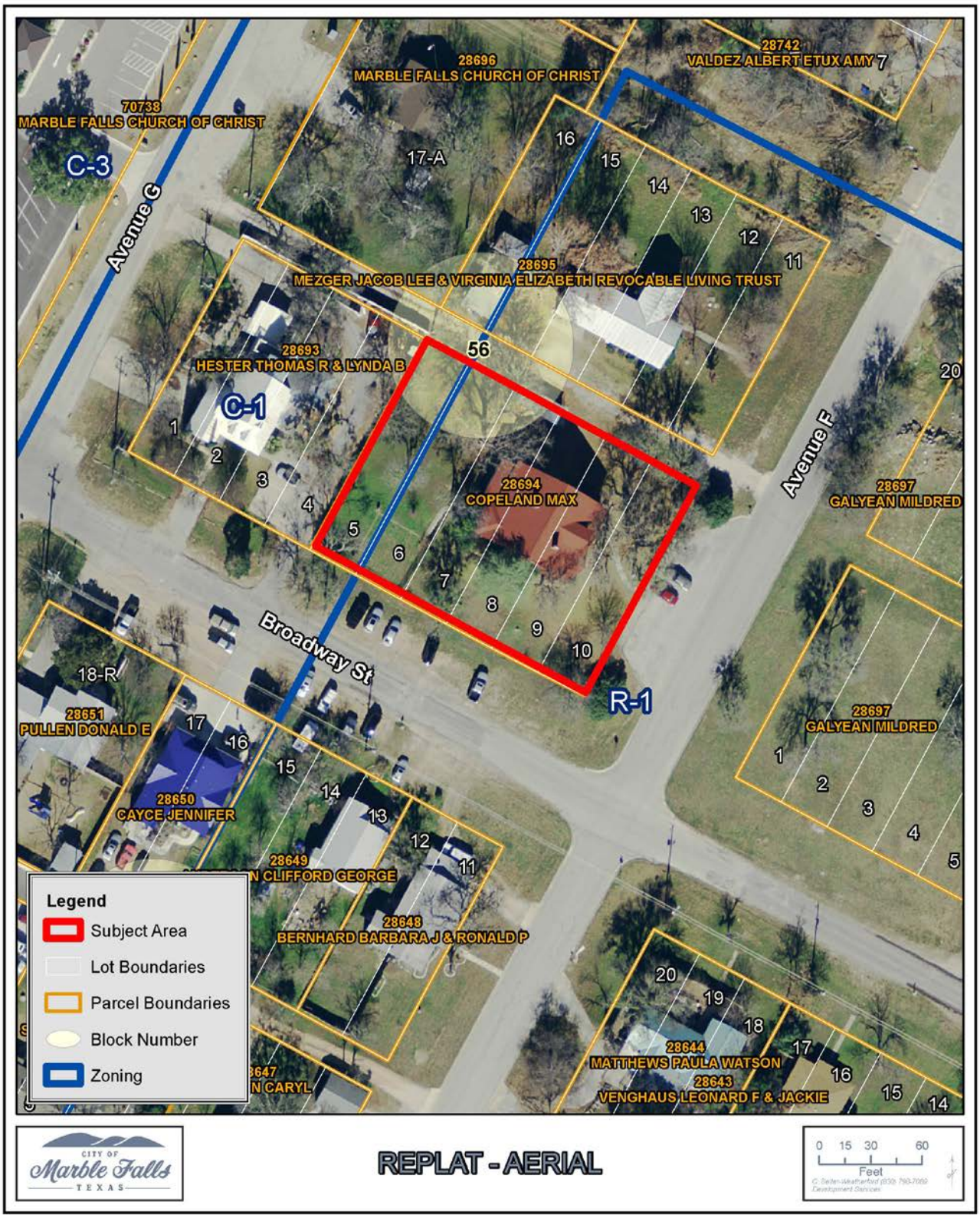
## RECOMMENDATION

Due to proposed lot conforming to subdivision regulations, zoning district regulations, and conformance with ownership boundaries, Staff recommends approval of the replat.

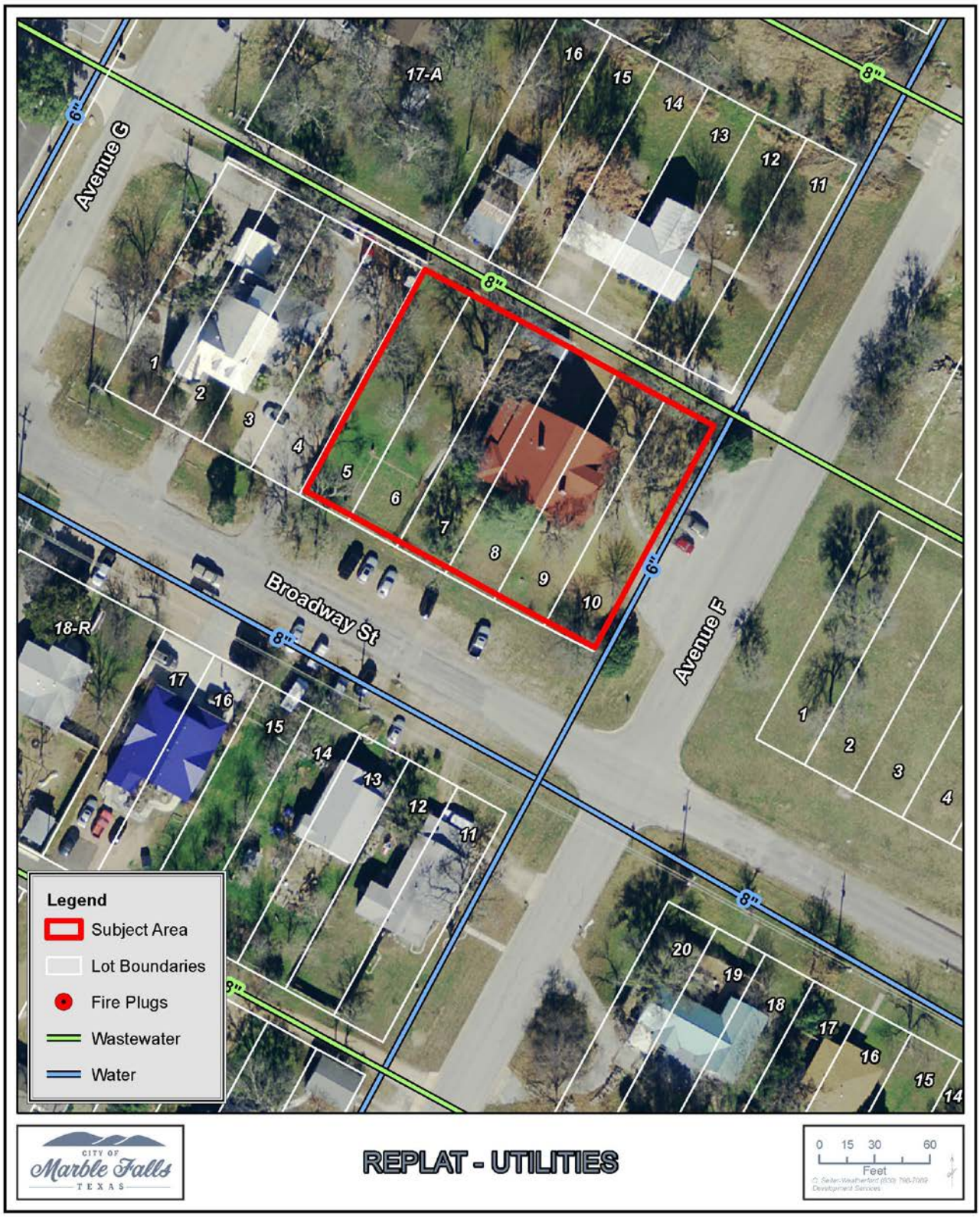
**Memo Contents:**

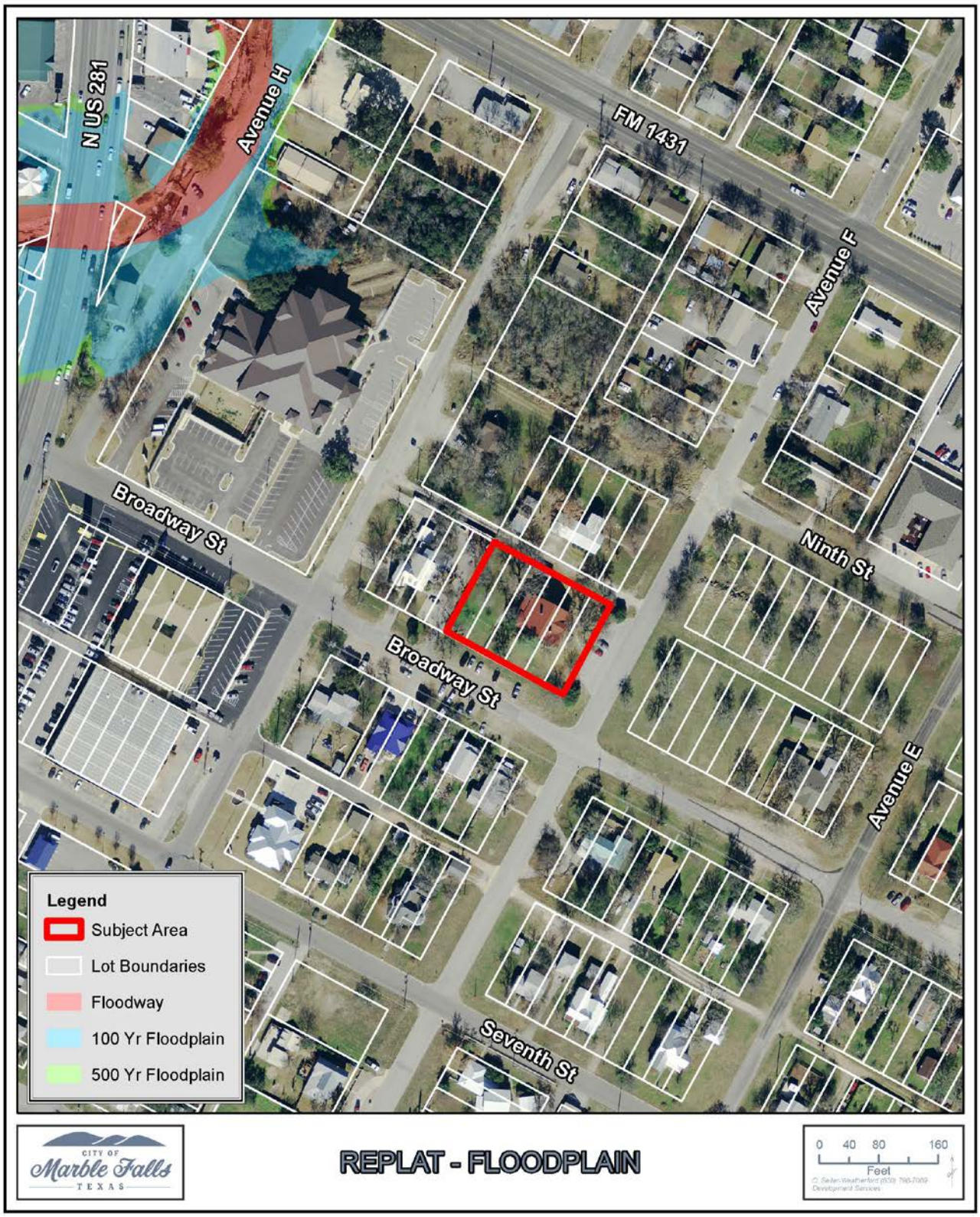

- Informational maps produced by City Staff: **Pages 6 - 12**
- Replat Survey **Page 13**


Legend
Subject Area
Lots
Zoning
Major Local Roads
Centerlines
City Limit
ETJ
Subject Area
Mission Hill Dr
Max Copeland Dr
N US 281
Avenue K
Main St
Twelfth St
Eleventh St
Ninth St
Avenue H
Broadway St
Sixth St
Avenue G
Avenue E
Avenue F
Seventh St
Avenue J
Fifth St
Third St
Fourth St
Second St
First St
Avenue D
Avenue B
Avenue C
Villa Vista Way
Camino Cielo
Via Viejo
Crestview Dr
Cliff Cir
Circle Dr
East Ave
Wildflower Blvd
S US 281
Lake Marble Falls
R-1
R-2
R-3
R-4
R-5
RA-1
C-1
C-3
MU-1
MSD
AG
MH-3
PDD (MSD)
PDD (MU-1)
REPLAT - LOCATOR
0 165 330 660
Feet



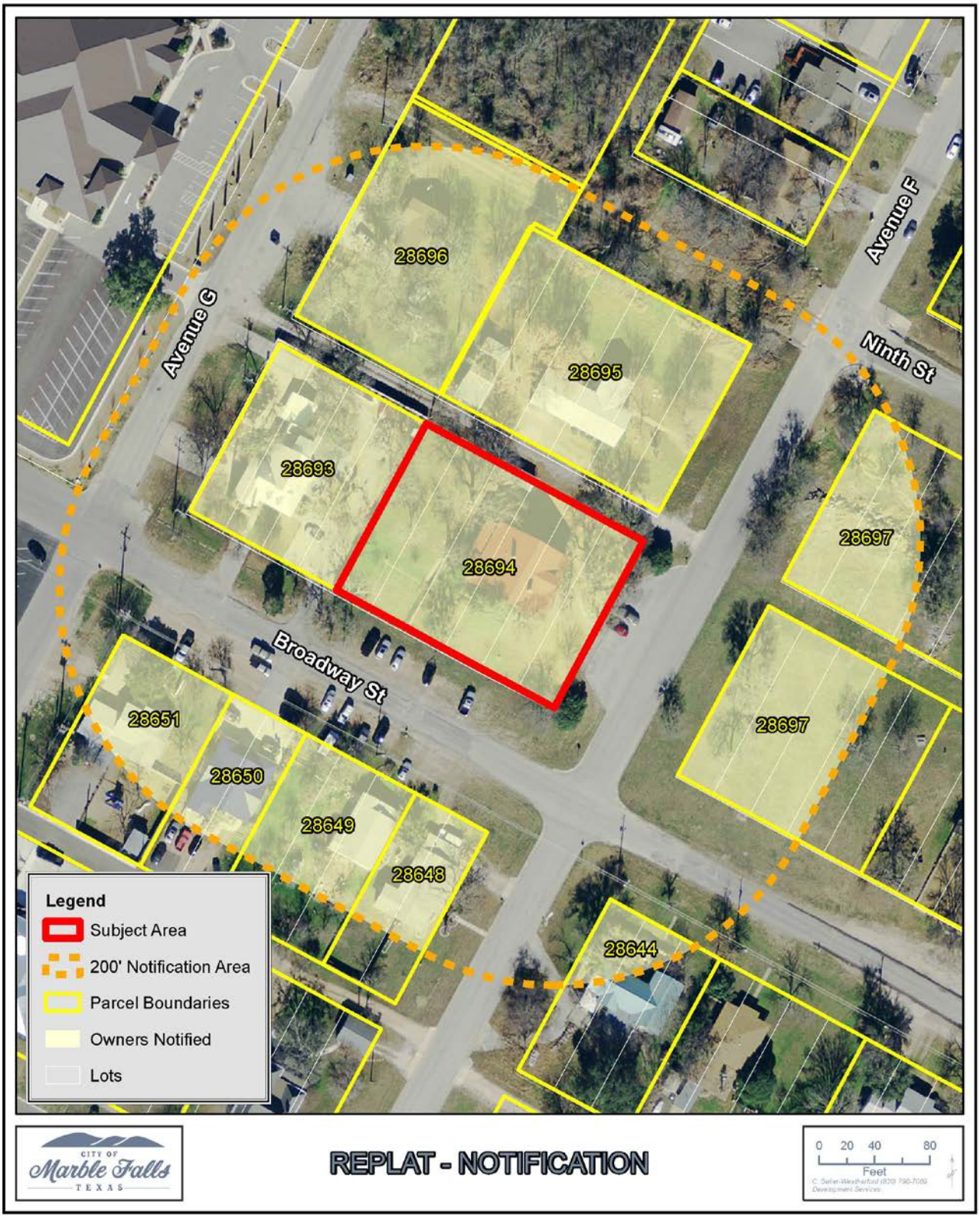

REPLAT - AERIAL


Avenue G
Broadway St
Avenue F
17-A
18-R
8"
6"
Legend
Subject Area
Lot Boundaries
Fire Plugs
Wastewater
Water
REPLAT - UTILITIES
0 15 30 60
Feet

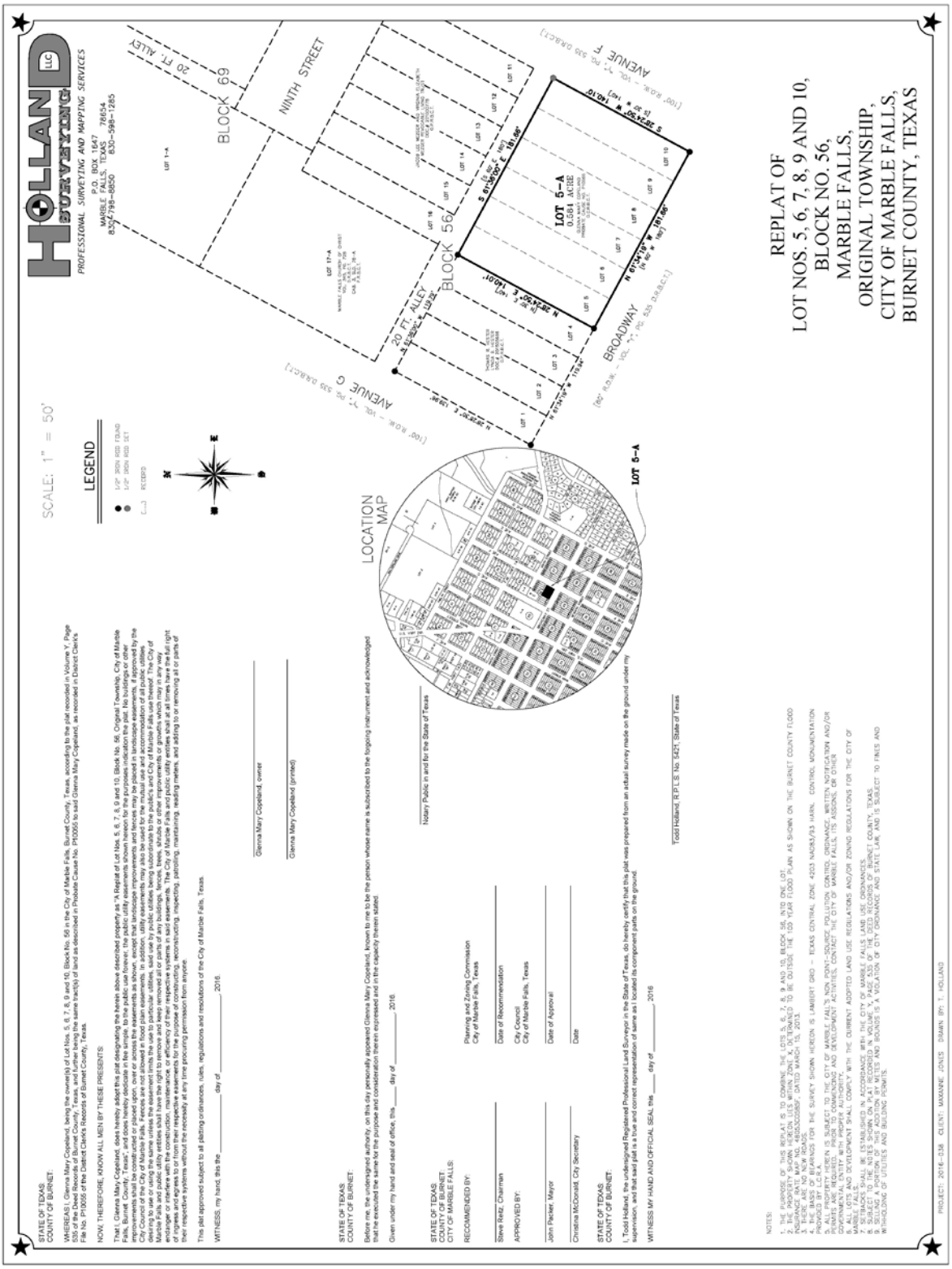

N US 281
Avenue H
FM 1431
Avenue F
Broadway St
Ninth St
Broadway St
Avenue E
Seventh St
Legend
Subject Area
Lot Boundaries
Floodway
100 Yr Floodplain
500 Yr Floodplain
REPLAT - FLOODPLAIN
0 40 80 160
Feet

Undeveloped
Residential-Urban
Institutional
Avenue G
Residential-Single-Family Detached
Broadway St
Avenue F
Retail-Neighborhood
Legend
Subject Area
Lot Boundaries
REPLAT - EXISTING LAND USE
0 20 40 80
Feet

Avenue G
Ninth St
Neighborhood Commercial
Low Density Residential
Broadway St
Avenue F
Legend
Subject Area
Lot Boundaries
REPLAT - FUTURE LAND USE
0 20 40 80
Feet


Avenue G
Avenue F
Ninth St
Broadway St
28696
28695
28693
28694
28697
28697
28651
28650
28649
28648
28644
Legend
Subject Area
200' Notification Area
Parcel Boundaries
Owners Notified
Lots
REPLAT - NOTIFICATION
0 20 40 80
Feet

## 2016-15-RP Survey



**City of Marble Falls**
**Planning and Zoning Commission Agenda Cover Memo**
**May 5, 2016**

| | |
|---|---|
| **To:** | Chairman and Planning & Zoning Commission |
| **Item 3. C.** | **Public Hearing, Discussion, and Recommendation:** Regarding adoption of the 2015-2016 City of Marble Falls Comprehensive Plan update. |
| **Requested by:** | Halff Associates, Inc. and City Staff |

## SYNOPSIS

This item is regarding the adoption of the 2015-2016 City of Marble Falls Comprehensive Plan update.

Summary of the12-month Comprehensive Plan Update process:

- Awarded the Comprehensive Plan Update Consultant contract to Halff Associates, Inc. on April 21, 2015 with a deadline of May-June 2015. The total project budget was $125.000.00 funded by the City and Economic Development Corporation, to date the project is on-budget.
- Chapter 3 of the Comprehensive Plan provides a detailed summary of the public engagement conducted during the development of the comprehensive plan.
    - http://tx-marblefalls.civicplus.com/DocumentCenter/Home/View/2272
- The **Comprehensive Plan Advisory Committee** was responsible for working with the consultant, City staff, and the public to develop the updated Comprehensive Plan.
    - Brian Shirley, Chairperson of the CPAC will be in attendance.

Results of the April 12 Joint Workshop and Public Open House have been compiled and is documented in an update Chapter 9 – Implementation chapter of the plan document. Attention on the priorization of actions in their category of Short, Medium, Long term and the ranking of actions should be closely evaluated by Commissioners.

- **Chapter 9 – Implementation**

The updated Comprehensive Plan content including all current chapters are located here:

- **Comprehensive Plan Draft 4.29.16**

A few minor components of plan content are in the final stages, such as the cover, updating of maps, and supportive informational content. City staff will post to the website and distribute a 'Final Draft' of the plan document next week. The Commission will receive a summary of the Final Draft updated content.

## RECOMMENDATION

City staff recommends approval of the Comprehensive Plan update.

**City of Marble Falls**
**Planning and Zoning Commission Agenda Cover Memo**
**May 5, 2016**

| | |
|---|---|
| **To:** | Chairman and Planning & Zoning Commission |
| **Item 3. D.** | **Public Hearing, Discussion, and Recommendation:** Regarding a zoning text amendment to Sections 1030-1099 of the Landscape Ordinance, General Regulations, Appendix B Land Use Regulations, City of Marble Falls Code of Ordinances, to amend the Protected Trees regulations and to amend any conflicting regulations therein. |
| **Requested by:** | City Staff |
| **Case:** | Case 2015-6-ZT |

## SUMMARY

This item is the continuation of the discussion that took place during the April 7, 2016 regular meeting, to consider a revised text amendment to the Protected Tree regulations for the City of Marble Falls.

Currently Section 1035. Protected Trees of the adopted Landscape Ordinance reads as follows:

*1035. Protected trees.*

*A. Any living tree within the City of Marble Falls with a caliper larger than sixteen (16) inches shall not be removed without permit from the city planner.*

*B. Application for such permit should be made in writing to the City of Marble Falls Code Enforcement Department and describe the unique or extenuating circumstances which necessitate the removal of the tree.*

*C. Protected trees removed shall be replaced by trees from the list contained herein with a minimum caliper size of three (3) inches at the time of planting.*

*D. Protected trees retained on the site shall be protected by providing a pervious surface treatment under such tree of at least one hundred (100) square feet.*

*(Ord. No. 98-O-6B, § II, 6-23-98)*

After substantial research and consideration of various Tree Protection ordinances from surrounding municipalities within Central Texas, City Staff compiled an analysis of the regulations and inventoried various stakeholder interests supporting or opposing the development of an updated Tree Protection ordinance. City Staff continued the research by selecting a variety of undeveloped lots and surveying the existing trees in order to create trial site plans. The selected properties and trial site plans were reviewed against the draft ordinance, in order to assess the effect of the regulations.

The draft created based on this research was presented to the Commission on March 3, 2016 during a public hearing. Based on comments from both the Commission and citizens City Staff revised the Tree Protection Requirements section of the amendment, which applies to projects during construction activity, and presented in at the April 7, 2016 regular meeting. After further Commission, stakeholder, and legal review/feedback, the draft of the Tree Preservation and Protection Ordinance has been updated and is attached to this memo for review. Changes made to the draft following the April 7, 2016 meeting are in red.

The most current draft is following this memo and has been updated with City Attorney changes and final collaboration between City staff and Matt Fields on behalf of the building industry.

## RECOMMENDATION

Staff recommends approval of the proposed Tree Protection and Preservation text amendment.

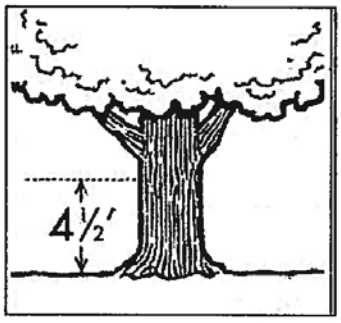
**Memo Contents:**

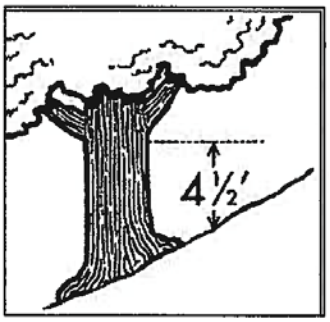
- Tree Preservation and Protection Draft: **Pages 18 - 27**

**City of Marble Falls Code of Ordinances, Landscape Regulations,**
**Sec. 1035. Tree Preservation and Protection TEXT AMENDMENT DRAFT:**

A. Purpose. The purpose of this section is to:
   1. Encourage protection of the natural environmental and beauty of the City.
   2. Preserve the City's urban canopy by minimizing tree loss.
   3. Promote replacement of trees which have been removed and destroyed due to the ill effects of rapid and intense urbanization within the City limit.
   4. Regulate diversely based on different development types and sizes.
   5. Encourage a resourceful and prudent approach to urban development of wooded areas.
   6. Provide mitigation and cost effective alternatives for creative subdivision and site design which preserves trees while allowing development in wooded areas.
   7. Create a positive economic effect on the City by preserving and enhancing property values, mitigating drainage and flooding issues, improving air quality, helping save energy, and improving health and quality of life, thereby making the City a more attractive place in which to live, visit and do business.

B. Definitions. For the purposes of this section, the following definitions will be used:
   1. *Caliper.* The diameter of the trunk of a tree measured four and one-half feet (4-1/2') above the ground, also known as the diameter at breast height (DBH). The DBH can be obtained by measuring the circumference of the tree trunk and converting it to diameter by dividing by pi (3.14).

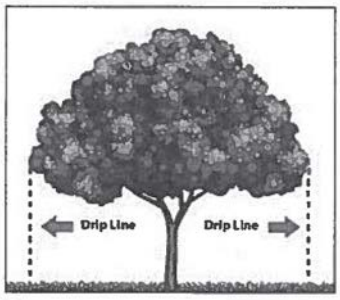



** If the tree is on a slope, measure from the high side of the slope*

*For multiple trunk trees, the caliper is deemed to equal the caliper of the largest trunk plus half the caliper of each additional trunk. For example, a tree that has three trunks with circumferences of 22", 18", and 12" you would have a circumference of 37" (22" + (½ × 18") + (½ × 12")). The circumference would then be divided by pi (3.14), giving you a caliper of 11".*

2. *Clearing.* The act of cutting down, removing all or a substantial part of, or damaging a tree or other vegetation that will cause the tree to decline and/or die (which includes but is not limited to chemical, physical, compaction or grading damage).
3. *Critical root zone (CRZ).* The region measured outward from the trunk of a tree representing the essential area of the roots that must be protected for the tree's livelihood.
4. *Development.* All land modification activity, including the construction of building, roads, paved storage areas, and parking lots. "Development" also includes any land disturbing construction activities or human-made change of the land surface, including clearing of vegetative cover, excavating, filling and grading, mining, and dredging, and the deposit of refuse, waste or fill. Care and maintenance of lawns, gardens, and trees; minimal clearing (ten feet wide) for surveying and testing; and agricultural activities are excluded from this definition.
5. *Drip line.* A vertical line extending from the outermost portion of the tree canopy to the ground.




6. *Protected tree.* Trees with a caliper of twelve inches (12”) or greater.
7. *Public tree.* All trees partially or completely resting on public property.
8. *Removal of tree.* An act that causes or may be reasonably expected to cause a tree to die, including, but not limited to: uprooting, severing the main trunk, severely pruning or trimming a tree, damaging the root system by machinery, storage of materials or soil compaction; substantially changing the natural grade above the root system or around the trunk; paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.
9. *Heritage tree.* Protected trees with a caliper of twenty-five inches (25”) or greater.
10. *Tree Inventory*. A diagram or drawing which accurately depicts the location, species, and size of all Protected trees on a lot within the limits of construction, including a legend that identifies and differentiates Protected Trees to be removed and those to be retained. Photography of the property depicting the character of the tree canopy may be required by the City.
11. *Tree Removal Permit.* Permit issued by the City to authorize tree removal and plan or method of mitigation.
12. *Tree Replacement Plan.* A diagram or drawing which accurately depicts the location, species, and size of all replacement trees required on a lot, including the location, species, and size of any existing trees to be retained and used as credit against the replacement requirements.

C. Applicability. Except as otherwise provided, the provisions of this section are applicable to the following:
   1. All residential and nonresidential property or development within the City.
   2. New or redevelopment construction on any residential or nonresidential property within the City limit that results in an increase in building footprint or ~~total~~ destruction and reconstruction of any residential or nonresidential property within the City limit.

D. Exemptions. The provisions of this section shall not apply to the following:

1. The proposed primary building footprint and driveway area of all new residential development or redevelopment if tree caliper is under twenty-five inches (25”).
2. The area within ten feet of a primary residential building footprint if tree caliper is under twenty-five inches (25”).
3. The area over a septic system, if septic systems are allowed/present, and if tree caliper is under twenty-five inches (25”).
4. The areas designated for the construction or installation of public facilities, such as streets or utilities, if tree caliper is under twenty-five inches (25”).
5. If a tree endangers the public health, welfare or safety, and immediate removal is required as determined in writing by the designated official of the City.

E. Permit Application Requirements. Except for trees that are exempt pursuant to subsection D of this section, it shall be unlawful for any person or entity to remove a tree without first obtaining a permit and approval from the City. If an applicant contemplates development that requires approval of a Site Development permit pursuant to Section 1104.-1105., the Applicant can choose to obtain a separate Tree Removal Permit or can choose to obtain approval for the tree removal in conjunction with issuance of the Site Development permit. If choosing approval through the Site Development process the Applicant must demonstrate compliance with the requirements of this section and the review and processing of the tree removal request or any requested variances will be provided in conjunction with the processing and issuance of the Site Development Permit. The issuance of a separate Tree Removal Permit will not be required. An applicant who chooses to obtain approval for tree removal in conjunction with Site Development approval must be issued the Site Development permit prior to removal of the tree(s). Applicants who are not required to obtain a Site Development permit or choose not to obtain approval for tree removal in conjunction with the issuance of a Site Development permit shall be required to submit an application for a Tree Removal Permit as set out herein. The removal of an existing tree(s) from a development or redevelopment site must be in accordance with this and all other applicable ordinances of the City. Prior to the removal of any Protected or Heritage tree, as defined within this section, the property owner must first submit an application with the following information:

1. Which tree(s) will be removed within the limits of construction (as shown on a site plan or tree inventory).
2. Which tree(s) will remain and be counted as tree credits, if any (as shown on a site plan or tree replacement plan).

3. How the removal will be performed (and machinery and equipment needed), and the date and time when the anticipated removal will occur.
4. If a Heritage or Protected tree proposed for removal is within or not within the following:
    a. A primary residential building footprint or residential driveway area, or within ten feet of a primary residential building footprint.
    b. Within the area over the septic system.
    c. Within an area designated for the construction or installation of public facilities such as streets or utilities.
5. A Tree Inventory and Tree Replacement Plan, if necessary.
6. If a Protected or Heritage tree is fatally diseased or dying, a Tree Removal Permit is required for removal, however no other provisions of this section shall apply. Supporting documentation may be required by the City.

F. Preservation Requirements.
1. Clearing or stripping of natural vegetation on a lot is expressly prohibited unless authorized by the City in writing and/or by issuance of a Site Development Permit, a Tree Removal Permit, or if no trees are to be removed, by issuance of a NPS permit, as applicable. Any part of a site not used for buildings, parking, driveways, walkways, utilities, on-site septic facilities (OSSF) and approved storage areas or accessory structures shall be preserved. ~~in a natural state, or reclaimed to its natural state.~~
2. All living trees measuring twelve inches (12”) in caliper or greater are designated as Protected trees. The removal of any Protected tree must be specifically requested by the applicant and approved via permit prior to any action being taken to remove the tree or to damage or disturb the tree in any way. Removal of any such trees without a permit is expressly prohibited.
3. The removal of Heritage trees, which for the purposes of these requirements are trees with twenty-five inch (25”) caliper or greater regardless of location, must be specifically approved by the Planning and Zoning Commission through request of a variance, or must receive permit approval to mitigate at a ratio of three inches per inch removed, prior to any action being taken to remove the tree or to damage or disturb the tree in any way.
    a. The City Manager or designee will forward to the Planning and Zoning Commission any tree removal permit application that requests a variance to the regulations established herein. Such applications shall list all hardships associated with the request, and will be considered by the Commission at its next regularly scheduled meeting; the applicant shall be notified of the time and

place of said meeting and shall be invited and encouraged to attend.

b. In order to lessen practical difficulties and prevent unnecessary physical hardships, a variance to remove a Heritage tree or to deviate from these regulations may be granted. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a lot, or from topographic or physical limitations in the immediate vicinity. Cost or inconvenience to the applicant of strict or literal compliance with this section is not a reason for granting a variance.

c. The Commission will approve, reject, or approve with conditions the tree removal permit application and the associated variance.

d. A decision by the Commission may be appealed to the City Council if the appeal is filed within 10 days of the date of the Commission's decision. The City Council, after receiving a report from the Commission, may confirm, reverse, or modify the action of the Commission. All appeals must be in writing and clearly set out the portions of the regulations that are applicable to the appeal and the justification for the appeal.

e. The City Manager or designee may forward at his discretion any tree removal application to the Planning and Zoning Commission for its consideration in lieu of review and consideration by the City Manager or designee.

4. The general construction and design requirements pertaining to all Protected and Heritage trees proposed to be preserved/retained within the property/site are required to ensure a responsible design in order to not adversely damage the health of the Protected trees.

G. Mitigation Requirements.

1. Trees over twelve inches (12") in caliper but less than twenty five inches (25") in caliper that are not located in one of the following areas shall be replaced on-site at a ratio of one inch per inch removed:
    a. Within a residential building footprint or residential driveway area.
    b. Within ten feet of a residential building footprint.
    c. Within the area over the septic system.
    d. Within areas designated for the construction or installation of public facilities such as streets or utilities.
2. Any Heritage tree that is approved to be removed through a variance shall be replaced on-site at a ratio of one inch per inch removed regardless of the location of the Heritage tree. Any Heritage tree that is approved to be removed without variance approval shall be replaced on-site at a ratio of

three inches per inch removed regardless of the location of the Heritage tree.

3. If, based on a site inspection, a tree designated for preservation pursuant to this section is already dead, dying, or fatally diseased prior to development or redevelopment of the site, the provisions of replacement requirements shall not apply.
4. The invasive plants listed in subsection H.7. and the following tree species are exempt from mitigation requirements of this section:

   Celtis Occidentalis (hackberry);
   Juniperus Virginiana, Juniperis Ashei (common cedar);
   Chinaberry;
   Mesquite;
   Ligustrum.
5. Replacement trees must be a minimum of three inches (3") in caliper and from the City's approved shade tree list.
6. Replacement trees do not count towards standard landscaping requirements. However, existing trees may be counted both towards tree credits to reduce replacement requirements and towards the standard landscaping requirements, if over three inches (3") in caliper
7. Species, size, quantity, and delivery date of replacement trees shall be approved by the City.
8. Replacement trees must be planted prior to the issuance of a Certificate of Occupancy unless fiscal security or escrow in a form acceptable to the City for the cost of the trees is posted. If fiscal security is posted the property owner shall have up to 12 months to plant the required replacement trees.
9. Any replacement tree that dies prior to the expiration of two years after a Certificate of Occupancy is issued shall be replaced by the developer or owner. This shall not apply to any replacement trees planted on individual single-family lots.
10. Replacement trees may be donated or a fee-in-lieu of planting the required trees may be paid to the City if the following conditions exist:
    a. There is not adequate space on the site for all of the required replacement trees to be planted on the site in which the protected tree(s) were removed, as determined and approved by the City Manager or designee.
    b. Weather conditions are such that do not make it favorable for the required planted trees to survive and thrive, as determined and approved by the City Manager or designee.

    If it is not possible or feasible to provide for the replacement of the total number of inches of protected trees removed, a fee in lieu of tree replacement in an amount equal to the total number of inches of

protected trees removed but not replaced times two hundred dollars ($200) per inch may be paid to the City, money which will go towards the planting, replacement, and/or preservation of trees on public property.

H. Tree Credits. As an incentive to preserve the City's urban canopy, existing trees retained shall receive credit against the replacement requirements according to the following schedule:

1. Existing trees with three inches (3") in caliper or greater located on site may be credited toward the replacement trees required under this Section at a one to one inch ratio.
2. When calculating tree credits, any remaining fraction of an inch greater than or equal to 0.5 shall constitute a one (1) inch credit; any remaining fraction less than 0.5 shall not.
3. Up to fifty percent (50%) of the inches to be replaced may be done through tree credits, unless you are preserving or retaining existing trees at a ratio of 300% or more of the protected inches removed. If you are preserving or retaining 300% or more inches than those removed, up to eighty percent (80%) of the inches to be replaced may be done through tree credits.

   *Ex: If 20" of protected trees are removed and 30" of existing trees are preserved, a maximum of 10" are available as tree credits. 10" will need to be replaced.*
   *If 20" of protected trees are removed and 60" of existing trees are preserved, a maximum of 16" are available as tree credits. 4" will need to be replaced.*

4. The trees selected for credit consideration toward the amount of replacement requirements shall be indicated on the Tree Replacement Plan.
5. The trees shown on the Tree Replacement Plan as the trees proposed for tree credits shall be protected in the same manner as a Protected Tree during construction.
6. The City Manager or designee will review the trees proposed for tree credits provided in the Tree Replacement Plan and will approve or deny the use of the recommended trees as credits toward the replacement trees required. The City Manager or designee's review will be based on the assessed health, structure, habitat, disease, or decline of the tree.
7. Invasive plants that will not count towards tree credits: Chinaberry, Chinese Parasol Tree, Chinese Pistache, Chinese Tallow, Chinese

Wisteria, Giant Cane, Japanese Honeysuckle, Johnson Grass, Kudzu, Lilac Chaste Tree, Mimosa (Silk Tree), Paper Mulberry, Photinia, Poison Ivy, Pyracantha, Running Bamboo, Russian Olive, Tamarisk (Salt Cedar), Tree of Heaven, Vitex, Waxleaf Ligustrum, White Mulberry, Wisteria.

I. Tree Protection Requirements.

1. All Protected trees to be preserved within the defined limits of construction for an excavation or construction site of any project shall be guarded by one or a combination of the following methods:
    a. Barrier Protection – Erection of a protective barrier surrounding the drip line of the tree to protect from unwarranted construction activity which will damage the Protected tree.
    b. Trunk and Root Protection - Six (6) inches of mulch shall be spread beneath the canopy, and wood slats (strapped-on-wood planking, in accordance with TCSS) to protect the trunk may be used in lieu of a protective barrier.
    c. Any similar protection method (s) not specified herein, accepted by the City, which would provide protection of the tree(s) from damage during construction.
2. The protective barriers required per this section shall be approved by the City Manager or designee and shall be in place before substantial site clearance or other major site-disturbing act commences.
3. Protective methods/barriers herein shall be removed only to prepare the development site for final landscaping activities, or as approved by the City Manager or designee.
4. Activities hazardous to the health of any Protected or Heritage tree being preserved, as determined by the City, are prohibited, including but not limited to the following:
    a. Physical damage.
    b. Equipment cleaning and liquid disposal. Cleaning equipment, depositing or allowing harmful liquids to flow overland within the limits of the critical root zone. This includes paint, oil, solvents, asphalt, concrete, mortar, tar or similar materials.
    c. Grade changes. Major grade changes (cut or fill) of six inches (6”) or greater within the limits of the critical root zone. With major grade changes of six inches (6") or greater, a retaining wall or tree well of rock, brick, landscape timbers, or other approved materials shall be constructed around the tree.
    d. Material storage. Storing materials intended for use in construction or allowing waste materials due to excavation or demolition to accumulate within the limits of the drip line.

e. Tree attachments. Attaching to a tree any signs, wires, or other items, other than those of a protective nature.
f. Vehicular traffic. Excessive vehicular and/or construction equipment traffic, parking, or storage within the limits of the drip line, other than on pre-existing or approved surface. This restriction does not apply to single incident access within the drip line for purposes of clearing underbrush, vehicular access necessary for emergency services, routine utility maintenance, emergency restoration of utility service, or routine mowing operations.
g. Utility encroachment. Installation of utilities and appurtenances within ~~the drip line.~~ close proximity to the Protected tree trunk.
h. Excavation and trenching. Excavation and trenching within ~~the limits of the drip line.~~ close proximity to the Protected tree trunk.

J. Penalty. Any person or entity who shall violate any provision of this section, or shall fail to comply therewith, or with any of the requirements thereof shall be liable for a fine not to exceed the sum of $2,000.00 per day. Each tree unlawfully removed is a separate violation, failure to obtain a permit is a separate violation, failure to comply with a mitigation plan or tree replacement plan is a separate violation and each day the mitigation plan or the tree replacement plan violation exists, or compliance fails to occur or continues to occur, shall constitute a separate offense.

**City of Marble Falls**
**Planning and Zoning Commission Agenda Cover Memo**
**May 5, 2016**

| | |
|---|---|
| **To:** | Chairman and Planning & Zoning Commission |
| **Item 3. E.** | **Presentation and Discussion:** Regarding previous Planning and Zoning Commission items, City Council Disposition and update regarding future planning projects. |
| **Requested by:** | Planning & Zoning Commission |

## SYNOPSIS

This item is to update Commission regarding previous Planning and Zoning Commission items, City Council Disposition and update regarding future planning projects.

**1.** Electronic Gas/Fuel Price Signage, Case 2016-13-ZT

**City of Marble Falls**
**Planning and Zoning Commission Agenda Cover Memo**
**May 5, 2016**

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|---|---|
| **To:** | Chairman and Planning & Zoning Commission |
| **Item 3. F.** | **Presentation and Discussion:** Monthly Building Permit Summary; Construction Update. |
| **Requested by:** | City Staff |

## SYNOPSIS

This item is to update the Commission about the building permits issued in the past month and other ongoing projects.

For an online quick reference to some of the major permitted development projects you can refer to the 'Development Buzz' portion of our website.
http://tx-marblefalls.civicplus.com/541/Development-BUZZ

**Item 4. ADJOURNMENT**