

ORDINANCE NO. 2026-O-665

AN ORDINANCE OF THE CITY OF JONESTOWN, TEXAS, AMENDING “EXHIBIT A” TO CHAPTER 3 OF THE CITY’S CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE, SPECIFICALLY AMENDING SECTION 3.2.6 (LANDSCAPING AND TREE PRESERVATION) AND ARTICLE 9 (DEFINITIONS) TO CLARIFY APPLICABILITY, TREE PRESERVATION REQUIREMENTS, HERITAGE TREE REMOVAL PROCEDURES, CRITICAL ROOT ZONE STANDARDS, AND RELATED PROVISIONS; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR SAVINGS, CUMULATIVE/REPEALER, AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Jonestown, Texas (hereinafter referred to as “City”) is a type A general-law municipality acting under Chapter 6 of the Local Government Code located in Travis County operating pursuant to its Code of Ordinances and provisions of the state law including the Texas Local Government Code; and

WHEREAS, the City Council of the City (“City Council”) adopted “Exhibit A” to Chapter 3 of its Code of Ordinances, the same being the “The City of Jonestown Unified Development Code” which governs the use and development of land in the City (“Zoning Ordinance”); and

WHEREAS, Section 3.2.6 of the Unified Development Code establishes regulations governing landscaping and tree preservation, including the preservation of protected and heritage trees and standards for tree protection during development, and the City has identified provisions within this section that would benefit from clarification, reorganization, and procedural refinement to improve consistency, administration, and enforceability; and

WHEREAS, the proposed amendments also revise Article 9 definitions to clarify the definition and measurement of the Critical Root Zone to ensure consistent application of tree preservation standards; and

WHEREAS, after public notice was given in compliance with state law and public hearings were conducted, the Planning and Zoning Commission recommended approval of the proposed amendments to the City Council, and the City Council, after conducting its own public hearing and considering the recommendation of the Planning and Zoning Commission, the purpose of the proposed amendments to Section 3.2.6 (Landscaping and Tree Preservation) and Article 9 (Definitions) of the Unified Development Code, and the Comprehensive Land Use Plan of the City, finds that the amendments approved herein promote clarity, consistency, and effective administration of the Unified Development Code.

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

SECTION 1. Findings Incorporated. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. Findings of Fact. After due deliberation and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the City Council has concluded that the adoption of this Ordinance is in the best interest of the city, and of the public health, safety and welfare.

SECTION 3. Amendment to Zoning Ordinance. “Exhibit A” to Chapter 3 of the Code of Ordinances of the City, the same being the “The City of Jonestown Unified Development Code,” is hereby amended in the following particulars, and all other articles, chapters, sections, paragraphs, sentences, phrases and words not expressly amended hereby are hereby ratified and affirmed.

I. Section 3.2.6.2 of Exhibit A to Chapter 3 of the Code of Ordinances, the Unified Development Code, is hereby amended to read as follows:

Sec. 3.2.6.2 Applicability.

~~This article shall be applicable to apply to New Development or Redevelopment within the corporate limits of the city commencing on or after September 9, 2021. Property that has not been platted or otherwise approved or vested for development prior to September 9, 2021, shall be considered new development. Redevelopment shall mean development of property that is replatted, or that is being repurposed, or that is considered a legal nonconforming use and is being repurposed with a conforming use, or any rebuilding, renovation, remodeling, or reconstruction of any existing development when the total square footage of a structure is replaced or expanded by fifty percent (50%) or greater. Provided however, that invasive or undesirable trees or plants from Appendix C are not subject to protection and do not require a removal permit or mitigation pursuant to this article.~~

For purposes of this section, New Development shall mean the construction of any primary structure or accessory structure, including the installation of permanent site improvements intended to support such construction on a lot that has not previously been improved with lawfully constructed structures.

For purposes of this section, Redevelopment shall mean:

1. The replatting of property that increases the number of buildable lots or otherwise increases development intensity;
2. A change from a legal nonconforming use to a conforming use;
3. The demolition of an existing structure and construction of a new structure; or
4. Any expansion of a structure that increases the building footprint or results in proposed disturbance, grading, trenching, or construction activity within the critical root zone of a protected or heritage tree.

Notwithstanding the foregoing, the removal of a protected tree or heritage tree shall require compliance with this article regardless of whether the proposed activity constitutes Redevelopment. Invasive trees or plants, as identified by the city, are not subject to protection under this article and do not require mitigation pursuant to this article.

II. Section 3.2.6.24 of Exhibit A to Chapter 3 of the Code of Ordinances, the Unified Development Code, is hereby amended to read as follows:

Sec. 3.2.6.24. Protected and heritage tree preservation requirements

- A. The location of protected and heritage trees shall be shown on ~~the landscape plans associated with any plats, and site development permit plans, building permit plan, or other permit application submitted to the city for development of the property.~~ Preserved heritage and protected trees may be credited towards the landscape requirements of this article.
- B. Protected and heritage trees shall be preserved to the greatest extent reasonably possible. For purposes of this subsection, "reasonably possible" shall mean feasible without preventing development of a permitted use of the property. Protected and heritage trees removed during construction shall be supplanted with replacement trees, or payment of mitigation fees, or both, as required by the tree preservation and mitigation requirements of this article.
- C. ~~The Ceity staff shall review all applications for protected tree removal permits and may issue the permit authorizing the removal of such tree(s) upon the applicant's compliance with the tree replacement requirements, or upon payment of the mitigation fees, or both as set forth in this article. Removal of a heritage tree requires approval of a variance by the planning and zoning commission and the City Council. Removal of a heritage tree shall require approval by the City Council in accordance with the procedures set forth in this article.~~
- D. Trees must be protected ~~from and~~ during construction on the property in accordance with the approved landscape plan and this article. ~~For single family residential lots, this provision only applies prior to the issuance of the initial certificate of occupancy for each lot.~~
- E. Pruning of protected trees shall be performed in accordance with ~~Section 3.2.6.36 landscape standards~~ this article.

III. Section 3.2.6.25 of Exhibit A to Chapter 3 of the Code of Ordinances, the Unified Development Code, is hereby amended in its entirety to read as follows:

Sec. 3.2.6.25 Heritage tree preservation requirements for removal

- ~~A. Heritage trees may only be removed from a property if a variance to this article and a landscape plan is recommended for approval by the planning and zoning commission, approved by the City Council and compliance with required mitigation has been provided.~~
- ~~B. The city staff shall process and review all applications for heritage tree removal permits. However, removal of a heritage tree requires approval of a variance recommendation by the planning and zoning commission and approval by the City Council.~~

~~C. The planning and zoning commission shall consider all applications for heritage tree removal permits and make a recommendation for approval or denial of the variance to the City Council which shall have final authority to issue the permit. Approval of a variance to this article for removal of a heritage tree shall be based on the procedure set out in Section 3.2.6.46 and upon the following:~~

- ~~1. Tree size/number of trunks;~~
- ~~2. Tree health and viability;~~
- ~~3. Tree location;~~
- ~~4. Other protected and heritage trees to be preserved on site;~~
- ~~5. Whether all reasonable efforts have been made to design the project in a way to preserve protected and heritage trees on site.~~
- ~~6. Whether protection of the heritage tree will reduce the buildable area within a platted lot to less than 50%;~~
- ~~7. The age of the heritage tree or its historical or cultural significance.~~

A. Removal of a heritage tree shall require approval by the City Council following a public hearing as defined by this article.

B. An application for removal of a heritage tree shall include sufficient information to demonstrate compliance with the criteria of this section, including at a minimum:

1. A site plan identifying the location of the heritage tree and the limits of the critical root zone;
2. The proposed development layout including structures, driveways, utilities, grading, and other site improvements;
3. A written explanation describing the efforts made to preserve the heritage tree and why preservation is not reasonably possible while complying with the critical root zone protection standards of this article;
4. A certified arborist assessment describing the health, structural condition, and expected longevity of the heritage tree; and
5. A proposed mitigation plan consistent with the tree preservation and mitigation requirements of this article.
6. A written explanation detailing how the request satisfies all of the criteria of 3.2.6.25(D).

C. Upon determining that an application is complete, city staff shall review the application and supporting materials and prepare a report evaluating whether the request satisfies all of the criteria of 3.2.6.25.D.

D. Following the public hearing, the City Council may approve removal of a heritage tree upon making the following findings:

1. Preservation of the heritage tree is not reasonably possible while complying with the critical root zone protection standards of this article; and
2. The applicant has made reasonable efforts to design the project in a manner that preserves the heritage tree, including adjustments to building placement, access, grading, or utility alignment; and
3. An evaluation of the location, or health, or structural condition of the heritage tree has determined that preservation is not feasible; and
4. Removal of the heritage tree will not result in the unnecessary loss of additional protected or heritage trees, and the site design preserves protected and heritage trees to the greatest extent reasonably possible; and
5. The removal will include full mitigation consistent with the requirements of this article.

E. For purposes of this section, “reasonable efforts” shall mean good-faith modifications to the site design, including adjustments to building placement, access, utilities, grading, or similar improvements that are feasible without preventing development of a permitted use of the property.

IV. Section 3.2.6.28 of Exhibit A to Chapter 3 of the Code of Ordinances, the Unified Development Code, is hereby amended to read as follows:

Sec. 3.2.6.28 Tree protection standards

The following shall be required as a part of all development plans for all existing trees which have not been approved for removal in order to ensure that contractors adequately protect trees during construction.

L. Critical root zone.

1. ~~No construction or disturbance shall occur within an area that constitutes more than fifty percent (50%) of the total critical root zone and one half the radial distance of the critical root zone for each tree being preserved including protected trees, heritage trees, and any other trees for which preservation is to be credited~~ within more than fifty percent (50%) of the total critical root zone of any protected or heritage tree. In addition, disturbance shall not occur closer to the trunk than one-half (1/2) the radial distance of the critical root zone unless otherwise approved by the development services director pursuant to this section. The remaining undisturbed critical root zone shall consist of at least not less than one hundred (100) square feet.

2. This defined area shall be flagged and encircled with protective fencing during construction. The director may approve construction closer to the trunk than one-half (1/2) the radial distance, depending on the size, spacing, or species of the tree, the type of disturbance proposed, and uniqueness of the situation.
3. Cut or fill that is greater than four (4) inches in depth and the severing of major roots shall be considered disturbance for the purposes of this article.
4. Within the protected critical root zone, only flatwork, decking, or similar construction, may be approved and shall not affect the branching of the tree.
5. If proposed or actual protection of the critical root zone of a protected or heritage tree does not meet the requirements of this section, then the tree shall be considered removed and shall require mitigation in accordance with this article. Disturbance of the critical root zone of a heritage or protected tree beyond the limits allowed in this section shall be considered removal of the heritage tree and shall require approval in accordance with §3.2.6.25.

V. Section 3.2.6.35 of Exhibit A to Chapter 3 of the Code of Ordinances, the Unified Development Code, is hereby amended to read as follows:

Sec. 3.2.6.35. Education

The city recognizes that public education of its citizens on regarding the benefits of appropriate native vegetation and the need for the use of more efficient landscaping practices supports is essential in order to protect the city's most valuable natural resources, including water, wildlife habitat, and native plants communities.

- A. ~~Public workshops education and outreach. To increase public awareness on the requirements of this article, promote the protection of native plants, and educate its citizens on local native ecosystems and appropriate native plants, the city will conduct, at minimum, one public workshop every year. The costs of the workshops will be borne by the city. The city may partner with a public agency such as the Central Texas Soil and Water Conservation District, the Lower Colorado River Authority, Balcones Canyonlands Wildlife Preserve, or a nonprofit organization such as Tree Folks or the local chapter of the Native Plant Society of Texas to provide the workshops. The city may provide educational opportunities, informational materials, or public outreach regarding the protection of native vegetation, water conservation, wildlife habitat, and appropriate landscaping practices. Such outreach may include workshops, informational materials, partnerships with public agencies, or collaboration with nonprofit organizations.~~
- B. Residential subdivision information education required. The developer or POA, as applicable, with guidance from the city, will also design and supply each new subdivision homeowner with educational materials about the subdivision's

~~landscape plan, including information on the appropriate native plants, soils, wildlife habitat, fertilizers, and water usage within their subdivision. The costs for the printing of the educational materials will be borne by the developer or POA, as applicable. Developers, property owners' associations, or other responsible parties are encouraged to provide homeowners with information regarding landscaping practices appropriate for the subdivision, including information on native plants, soils, wildlife habitat, fertilizers, and water conservation.~~

VI. Section 3.2.6.46 of Exhibit A to Chapter 3 of the Code of Ordinances, the Unified Development Code, formerly titled "Variance Procedures," is hereby amended in its entirety to read as follows:

Sec. 3.2.6.46. Variancee Heritage tree removal procedures

~~A. Petition. Any landowner whose property is regulated by this article may petition the city for a variance from the requirements of this article. Any landowner who intends to remove a heritage tree shall be required to petition and receive a variance to this article. The petition must include:~~

- ~~1. The name and address of the applicant;~~
- ~~2. A detailed description of the exigent circumstances that warrant variance from the requirements;~~
- ~~3. A proposed landscape plan;~~
- ~~4. The requested variance; and~~
- ~~5. Any other relevant information that staff requests of the applicant.~~

~~B. Consideration and decision. The commission shall recommend and the City Council shall consider and take action on the variance request at a public hearing. Following the public hearings and action by the commission and City Council, the city will notify the landowner in writing of the city's decision to either approve or deny the petition.~~

~~C. Appeal. If the planning and zoning commission recommends denial of the variance petition, the landowner may appeal such recommendation to the City Council by submitting a written notice of appeal to the city within thirty (30) days after the date of determination by the planning and zoning commission. Failure of the applicant to request an appeal within the thirty (30) day period concludes the variance request.~~

A. Application.

A request for approval to remove a heritage tree shall be submitted to the city on a form provided by the city. The application shall include the information required by §3.2.6.25(B) and any additional information reasonably necessary for staff to evaluate the request.

B. Staff review.

City staff shall review the application for completeness and compliance with the requirements of this article and shall prepare a report for consideration by the City Council.

C. Public hearing and decision.

The City Council shall consider the request at a public hearing and shall approve or deny the request in accordance with the criteria set forth in §3.2.6.25(D).

D. Notice of decision.

Following City Council action, the city shall provide written notice of the decision to the applicant.

VII. **Section 9.1.1 of Exhibit A to Chapter 3 of the Code of Ordinances, the Unified Development Code, is hereby amended to read as follows:**

Sec. 9.1.1 Definitions

Critical root zone (CRZ). A circular area around a ~~significant~~ tree equal to one (1) foot in radius for each one (1) inch ~~caliper~~ of trunk diameter, ~~and the center of the circular area located at the trunk.~~ For existing trees, trunk diameter shall be measured at four and one-half (4.5) feet above natural grade. For newly planted trees, trunk diameter may be measured as caliper. The center of the circular area shall be located at the trunk.

SECTION 4. Severability. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjusted or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Jonestown Code of Ordinances and Map as a whole.

SECTION 5. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance or the City's Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 7. Publication and Effective Date. This Ordinance shall become effective

immediately upon its adoption and its publication as required by law.

SECTION 8. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Tex. Gov't. Code.

ZONING AMENDMENT PASSED AND APPROVED on the 9 day of April, 2026.



THE CITY OF JONESTOWN, TEXAS



Paul Johnson, Mayor

ATTEST:



Sandra Barton, Secretary