

## ZONING ORDINANCE

### *14A Attachment 2*

#### **Appendix II: Landscaping Regulations**

##### **I. General Landscape standards.**

(a) Quality. Plant materials used in conformance with the provisions of this article shall conform to the standards of the American Standard for Nursery Stock, or equal thereto. Grass seed, sod, and other material shall be clean and reasonably free of weeds and noxious pests and insects.

(b) Quantity. The quantity of plant materials required by this article must equal or exceed the minimum number of plants required by this article. Unless otherwise noted on the approved landscape plan, required plant material can be placed in groupings or utilized in appropriate planting designs that are proposed by the designer and approved by the director. All required landscaped open areas shall be completely covered with living plant material. Mulch and rock may be used in conjunction with shrub and tree plantings in limited applications.

(c) Trees. Trees required by this article shall be from the approved plant list or a species recommended by the landscape architect and approved on the landscape plan. All required trees shall be common to this area of Texas. Large canopy or evergreen trees shall be of a minimum of three (3) caliper inches at time of planting and required small ornamental trees shall not be smaller than two (2) caliper inches in size at the time of planting. When the type of tree required is unclear, it is assumed that a large canopy tree is required, unless otherwise approved by the director.

(1) No more than twenty-five percent (25%) of the required trees shall be of the same species for any tree type (large, small, or urban) in order to discourage monocultures and the spread of disease. However, sites that require ten (10) or fewer trees are exempt from this regulation.

(2) Large canopy trees must be planted four (4) feet or greater from sidewalks, utility lines, screening walls and/or other structures and in no instance be closer than 12 feet from the back of curb. Small trees may be placed closer than four (4) feet, with approval on landscape plan. Utility installations that includes [include] common trench and conduit banks are exempt from the large canopy tree planting distance requirements.

(3) Trees and shrubs shall not overhang or encroach upon walkways, drives, parking areas, and traffic signs to the extent that they interfere with the intended use of these facilities.

## GUNTER CODE

- (4) Trees required in line with one another, such as perimeter trees, right-of-way, or median trees may be clustered for visual effect, upon the approval of the director.
- (d) Shrubs and hedges. Evergreen screening plants shall be at least twenty-four (24) inches high at time of planting, shall be a type and species on the recommended plant list that will attain a minimum height of three (3) feet within eighteen (18) months of planting, and will form a continuous hedge. Sporadic breaks in the hedgerow may be approved to achieve unique designs.
- (e) Vines. Vines shall be a minimum of two (2) feet in height immediately after planting and may be used in conjunction with fences, screens or walls to meet screening requirements as specified.
- (f) Groundcover. Groundcovers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year of planting.
- (g) Lawn grass. Grass areas shall be sodded, except that large, expansive lawn areas may be hydromulched, plugged, sprigged or seeded with approval from the director, as long as the edges, adjacent to the curb and within six (6) feet of the sidewalk or curb, are sodded, to reduce water and soil runoff.
- (h) Credit for existing trees. Any protected trees preserved on a site meeting the herein specifications may be credited toward meeting the tree requirement of landscaping provisions that apply to the area where the tree is preserved. Trees of exceptional quality due to size, large canopy cover, trunk diameter, rareness, age or species may, at the discretion of the director, be credited as more than one tree under the minimum landscape area requirements.
- (i) Detention/retention ponds. Stormwater control devices, such as detention/retention basins and ponds, shall be landscaped to enhance their visual impacts. Such landscaping shall not negatively affect the operation of such devices, but may include suitable planting materials that will help control siltation and erosion, and in all cases the ponds shall be sodded. Ponds shall be designed in one of the following ways, subject to review and approval by the director of engineering:
- (1) Detention (dry) ponds. Shall be designed in a manner to be an amenity to the development by providing a reduced six-to-one (6:1) slope, shall provide a large canopy tree each fifty (50) linear feet of the perimeter, benches, and trash receptacles.
  - (2) Retention (wet) ponds. Shall be designed in a manner to be an amenity to the development by providing a six-to-one (6:1) slope, a large canopy tree for each fifty (50) linear feet of the perimeter, benches, and trash receptacles. Such ponds shall include aeration and a fountain to ensure water quality.

## ZONING ORDINANCE

- (3) Fencing. A minimum four (4) foot high black tubular metal (such as wrought iron) protective safety fencing around the perimeter may be required for safety purposes, as determined by the director.

(Ordinance 2021-06-17-04 adopted 6/17/2021)

### **II. Residential Landscape standards.**

- A.) Single-family residential standards.



ZONING ORDINANCE

Landscaping requirements for lots with 23' or less setback from the street				
Specimen Trees				
Tree caliper is measured at 6" above the soil. All homes must have 1 tree per 20 linear feet of lot width in the front yard (ex. 40' wide lot would be required to have 2 trees). Corner lot homes should have 1 tree per every 20 feet linear feet within the side setback from the front of the house to the back property line.				
Common Name	Scientific Name	Size	Under overhead utility	Max # of Trunks
Arapaho (red)	Lagerstroemia x 'Arapaho'	10' tall x 5' wide	Yes	5
Basham's Party Pink (pink)	Lagerstroemia x 'Basham's Party Pink'	10' tall x 5' wide	Yes	5
Biloxi (pink)	Lagerstroemia x 'Biloxi'	10' tall x 5' wide	Yes	5
Byers Hardy Lavender (lavender)	Lagerstroemia indica 'Byers Hardy Lavender'	10' tall x 5' wide	Yes	5
Byers Standard Red (red)	Lagerstroemia indica 'Byers Standard Red'	10' tall x 5' wide	Yes	5
Byers Wonderful White (white)	Lagerstroemia indica 'Byers Wonderful White'	10' tall x 5' wide	Yes	5
Carolina Beauty (red)	Lagerstroemia indica 'Carolina Beauty'	10' tall x 5' wide	Yes	5
Fantasy (white)	Lagerstroemia fauriei 'Fantasy'	10' tall x 5' wide	Yes	5
Glendora White (white)	Lagerstroemia indica 'Glendora White'	10' tall x 5' wide	Yes	5
Miami (pink)	Lagerstroemia x 'Miami'	10' tall x 5' wide	Yes	5
Muskogee (lavender)	Lagerstroemia x 'Muskogee'	10' tall x 5' wide	Yes	5
Natchez (white)	Lagerstroemia x 'Natchez'	10' tall x 5' wide	Yes	5
Potomac (pink)	Lagerstroemia indica 'Potomac'	10' tall x 5' wide	Yes	5
Common Name	Scientific Name	Size	Under overhead utility	Max # of Trunks
Sarah's Favorite (5570) (white)	Lagerstroemia x 'Sarah's Favorite'	10' tall x 5' wide	Yes	5

GUNTER CODE

Townhouse (white)	Lagerstroemia fauriei 'Townhouse'	10' tall x 5' wide	Yes	5
Tuskegee (pink)	Lagerstroemia x 'Tuskegee'	10' tall x 5' wide	Yes	5
Watermelon Red (red)	Lagerstroemia indica 'Watermelon Red'	10' tall x 5' wide	Yes	5
Wichita (lavender)	Lagerstroemia x 'Wichita'	10' tall x 5' wide	Yes	5
Miss Frances (red)	Lagerstroemia indica 'Miss Frances'	10' tall x 5' wide	Yes	5
Miss Sandra (purple)	Lagerstroemia indica Miss Sandra'	10' tall x 5' wide	Yes	5
Miss Gail (pink)	Lagerstroemia indica Miss Gail'	10' tall x 5' wide	Yes	5
Thunderstruck 'Rumblin Red'	Lagerstroemia x 'JM2'	10' tall x 5' wide	Yes	5
Thunderstruck 'Lavender Blast'	Lagerstroemia x 'JM3'	10' tall x 5' wide	Yes	5
Thunderstruck 'White Lightning'	Lagerstroemia x 'JM4'	10' tall x 5' wide	Yes	5
Colorama Scarlet (red)	Lagerstroemia x 'JM1'	10' tall x 5' wide	Yes	5
Eagleston Holly (Single Trunk Tree Form)	Ilex x 'Eagleston'	2.5" caliper	Yes	1
Foster Holly (Single Trunk Tree Form)	Ilex x 'Fosteri'	2.5" caliper	Yes	1
Nellie R Stevens (Single Trunk Tree Form)	Ilex x 'Nellie R. Stevens'	2.5" caliper	Yes	1
Possumhaw Holly	Ilex decidua	5' tall	Yes	5
Oklahoma Red Bud	Cercis reniformis 'Oklahoma'	2.5" caliper	Yes	1
Eastern Red Bud	Cercis canadensis *Weeping Varieties not allowed*	2.5" caliper	Yes	1
Little Gem Magnolia (Tree Form)	Magnolia grandiflora 'Little Gem'	2.5" caliper	Yes	1
Lacey Oak	Quercus laceyi	2.5" caliper	Yes	1
Vitex 'Shoal Creek'	Vitex agnus-castus 'Shoal Creek'	7' tall x 5' wide	Yes	5
<b>Common Name</b>	<b>Scientific Name</b>	<b>Size</b>	<b>Under overhead utility</b>	<b>Max # of Trunks</b>
Shantung Maple	Acer truncatum	2.5" caliper	Yes	1

ZONING ORDINANCE

Chinese Pistachio	<i>Pistachia chinensis</i>	2.5" caliper	Yes	1
Texas Persimmon	<i>Diospyros texana</i>	2.5" caliper	Yes	5
Cherry Laurel	<i>Prunus caroliniana</i>	7' tall x 4' wide	Yes	5
Eve's Necklace	<i>Sophora affinis</i>	2.5" caliper	Yes	5
Western Soapberry	<i>Sapindus saponaria</i> var, <i>drummondii</i>	2.5" caliper	Yes	1
Goldenrain Tree	<i>Koelreuteria paniculata</i>	2.5" caliper	Yes	1
Goldenball Leadtree	<i>Leucaena retusa</i>	2.5" caliper	Yes	1
Locust 'Purple Robe'	<i>Robinia pseudoacacia</i> 'Purple Robe'	2.5" caliper	Yes	1
American Smoke Tree	<i>Cotinus obovatus</i>	2.5" caliper	Yes	1
Rusty Blackhaw Viburnum	<i>Viburnum rufidulum</i>	5' tall	Yes	5
Mexican Plum	<i>Prunus mexicana</i>	2.5" caliper	Yes	1
Carolina Buckthorn	<i>Rhamnus caroliniana</i>	2.5" caliper	Yes	1
<b>Ornamental Trees</b>				
<b>All homes must have a minimum of 2 ornamental trees in the front and the backyard</b>				
Centennial Spirit Crape Myrtle	<i>Lagerstroemia indica</i> 'Centennial Spirit'	5' tall	Yes	5
Dynamite Crape Myrtle	<i>Lagerstroemia indica</i> Whit II' Dynamite'	5' tall	Yes	5
Osage Crape Myrtle	<i>Lagerstroemia</i> x 'Osage' Osage	5' tall	Yes	5
Velour Crape Myrtle	<i>Lagerstroemia indica</i> 'Pink Velour'	5' tall	Yes	5
Seminole Crape Myrtle	<i>Lagerstroemia indica</i> 'Seminole'	5' tall	Yes	5
Tuskegee Crape Myrtle	<i>Lagerstroemia indica</i> 'Tuskegee'	5' tall	Yes	5
Apalachee Crape Myrtle	<i>Lagerstroemia</i> x 'Apalachee'	5' tall	Yes	5
Lipan Crape Myrtle	<i>Lagerstroemia indica</i> x <i>fauriei</i> 'Lipan	5' tall	Yes	5
<b>Common Name</b>	<b>Scientific Name</b>	<b>Size</b>	<b>Under overhead utility</b>	<b>Max # of Trunks</b>
Yuma Crape Myrtle	<i>Lagerstroemia indica</i> 'Yuma'	5' tall	Yes	5

GUNTER CODE

Catawba Crape Myrtle	Lagerstroemia indica 'Catawba'	5' tall	Yes	5
Powhatan Crape Myrtle	Lagerstroemia indica 'Powhatan'	5' tall	Yes	5
Arapaho (red)	Lagerstroemia x 'Arapaho'	5' tall	Yes	5
Basham's Party Pink (pink)	Lagerstroemia x 'Basham's Party Pink'	5' tall	Yes	5
Biloxi (pink)	Lagerstroemia x 'Biloxi'	5' tall	Yes	5
Byers Hardy Lavender (lavender)	Lagerstroemia indica 'Byers Hardy Lavender'	5' tall	Yes	5
Byers Standard Red (red)	Lagerstroemia indica 'Byers Standard Red'	5' tall	Yes	5
Byers Wonderful White (white)	Lagerstroemia indica 'Byers Wonderful White'	5' tall	Yes	5
Carolina Beauty (red)	Lagerstroemia indica 'Carolina Beauty'	5' tall	Yes	5
Fantasy (white)	Lagerstroemia fauriei 'Fantasy'	5' tall	Yes	5
Glendora White (white)	Lagerstroemia indica 'Glendora White'	5' tall	Yes	5
Miami (pink)	Lagerstroemia x 'Miami'	5' tall	Yes	5
Muskogee (lavender)	Lagerstroemia x 'Muskogee'	5' tall	Yes	5
Natchez (white)	Lagerstroemia x 'Natchez'	5' tall	Yes	5
Potomac (pink)	Lagerstroemia indica 'Potomac'	5' tall	Yes	5
Sarah's Favorite (5570) (white)	Lagerstroemia x 'Sarah's Favorite'	5' tall	Yes	5
Townhouse (white)	Lagerstroemia fauriei 'Townhouse'	5' tall	Yes	5
Tuskegee (pink)	Lagerstroemia x 'Tuskegee'	5' tall	Yes	5
			<b>Under overhead utility</b>	<b>Max # of Trunks</b>
<b>Common Name</b>	<b>Scientific Name</b>	<b>Size</b>		
Watermelon Red (red)	Lagerstroemia indica 'Watermelon	5' tall	Yes	5

ZONING ORDINANCE

	Red'			
Wichita (lavender)	Lagerstroemia x 'Wichita'	5' tall	Yes	5
Miss Frances (red)	Lagerstroemia indica 'Miss Frances'	5' tall	Yes	5
Miss Sandra (purple)	Lagerstroemia indica Miss Sandra'	5' tall	Yes	5
Miss Gail (pink)	Lagerstroemia indica Miss Gail'	5' tall	Yes	5
Thunderstruck 'Rumblin Red'	Lagerstroemia x 'JM2'	5' tall	Yes	5
Thunderstruck 'Lavender Blast'	Lagerstroemia x 'JM3'	5' tall	Yes	5
Thunderstruck 'White Lightning'	Lagerstroemia x 'JM4'	5' tall	Yes	5
Colorama Scarlet (red)	Lagerstroemia x 'JM1'	5' tall	Yes	5
Black Diamond (Entire Series) Crape Myrtle	Langerstoemia indica 'Black Diamond'	5' tall	Yes	5
Twilight Crape Myrtle	Langerstoemia indica 'Twilight'	5' tall	Yes	5
Yuma Crape Myrtle	Langerstoemia indica 'Hunt'	5' tall	Yes	5
Japanese Maple Upright	Acer palmatum	4' tall	Yes	1
Japanese Maple Weeping	Acer palmatum	2.5' tall	Yes	1
Texas Mountain Laurel	Sophora secundiflora	4' tall	Yes	5
Vitex "Delta Blue"	Vitex agnus-castus 'Delta Blue'	4' tall x 3' wide	Yes	5
Yaupon Holly	Ilex vomitoria	6' tall x 4' wide	Yes	5
Cherry Laurel	Prunus caroliniana	7' tall x 3' wide	Yes	1
Chinese Fringe Tree	Chionanthus retusus	7' tall x 4' wide	Yes	5
Star Magnolia	Magnolia Stellata	6' tall	Yes	5
Saucer magnolia	Magnolia soulangiana	5' tall	Yes	5
Little Gem Magnolia	Magnolia grandiflora 'Little Gem'	6' tall	Yes	1
Mexican Plum	Prunus mexicana	2" caliper	Yes	1
<b>Common Name</b>	<b>Scientific Name</b>	<b>Size</b>	<b>Under overhead utility</b>	<b>Max # of Trunks</b>
Lacey Oak	Quercus laceyi	2" caliper	Yes	1

GUNTER CODE

Carolina Buckthorn	Rhanmus caroliniana	5' tall	Yes	1
Prairie Flameleaf Sumac	Rhus Lanceolata	5' tall	Yes	5
Locust 'Purple Robe'	Robinia pseudoacacia 'Purple Robe'	1.5" caliper	Yes	1
Eve's Necklace	Sophora affinis	4' tall	Yes	5
Rusty Blackhaw Viburnum	Viburnum rufidulum	4' tall	Yes	5
Vitex 'Shoal Creek'	Vitex agnus-castus 'Shoal Creek'	6' tall x 5 'wide	Yes	5
Burford Holly	Ilex cornuta	6' tall	Yes	1
Mary Nell Holly	Ilex x 'Mary Nell'	6' tall	Yes	1
Nellie R Stevens	Ilex x 'Nellie R. Stevens'	6' tall	Yes	1
Possumhaw Holly	Ilex decidua	6' tall	Yes	5
Oakland Holly	Ilex Magland	6' tall	Yes	1
Oak Leaf Holly	Ilex Conaf	6' tall	Yes	1
<b>Grass/Turf</b>				
<b>All homes on 1/2 acre or less must sod their yard. All homes on over 1/2 acre must sod the front 1/2 acre and seed the remainder with the same seed as the sod. All grass must come from the approved list.</b>				
<b>Common Name</b>	<b>Scientific Name</b>			
Zoysia All Varieties	Zoysia japonica			
Zoysia All Varieties	Zoysia Matrelle			
Bermuda All Varieties	Cynodon dactylon			
<b>Shrubs/Foundation Planting</b>				
<b>All shrubs must be rated for minimum zone 6-9, evergreen and 5-gallon container. All homes must have a single row of foundation planting across the front of the home excluding porches. All homes must have a single row of foundation shrubbery across the back of the house excluding porches. All homes on the corner must have a single row of foundation planting on the side facing the street.</b>				
<b>Specimen Perennials and Ornamental Grass</b>				
<b>All specimen perennials and ornamental grass must be rated for minimum zone 6--9. No annuals are allowed by a builder or developer.</b>				
<b>Irrigation</b>				

ZONING ORDINANCE

**All turf on homes must be equipped with a sprinkler system. Homes on more than 1/2 acre, must have at least 1 acre on a sprinkler system and/or aerobic septic system with sprayers. All sprinkler systems must be equipped with rain gauges and rain sensors. All trees and foundation planting/flower beds must be equipped with a drip irrigation system.**

**Screening**

**All mechanical equipment and trash receptacles must not be visible from the street.**

**Landscaping requirements for lots having a setback from the street between 24'-34'**

**Approved Specimen Trees**

**All trees must be 3.5-inch minimum caliper measured at 6 inches above the soil line. All homes must have 1 tree per 30 linear feet of lot width in the front yard (ex. 60' wide lot would be required to have 2 trees). Additionally, homes on 1/4 or more acres are required to have 2 trees in the back yard. Homes on less than 1/4 acre are required to have 1 tree in the back yard. Corner lot homes should have 1 tree per every 30 feet linear feet within the side setback from the front of the house to the back property line. Only one Live Oak with the addition of other trees from the approved list can be used in the front, side or back yards.**

<b>Common Name</b>	<b>Scientific Name</b>	<b>Size</b>	<b>Max # of Trunks</b>
Lacebark Elm	Ulmus parvifolia	3.5" caliper	1
Allee Elm	Ulmus parvifolia 'Emer II'	3.5" caliper	1
Princeton Elm	Ulmus americana 'Princeton'	3.5" caliper	1
Cedar Elm	Ulmus crassifolia	3.5" caliper	1
Shumard Red Oak	Quercus shumardii	3.5" caliper	1
Chinquapin Oak	Quercus muehlenbergli	3.5" caliper	<b>1</b>

<b>Common Name</b>	<b>Scientific Name</b>	<b>Size</b>	<b>Max # of Trunks</b>
Live Oak	Quercus virginiana	3.5" caliper	1
Bur Oak	Quercus macrocarpa	3.5" caliper	1
Texas Red Oak	Quercus buckleyi	3.5" caliper	1
Lacey Oak	Quercus laceyi	3.5" caliper	1

GUNTER CODE

Monterrey White Oak	Quercus polymorpha	3.5" caliper	1
Trident Maple	Acer buergerianum	3.5" caliper	1
Autumn Blaze Maple	Acer x freemanii 'Jeffersred'	3.5" caliper	1
Brandywine Maple	Acer rubrum 'Brandywine'	3.5" caliper	1
October Glory Maple	Acer rubrum 'October Glory'	3.5" caliper	1
Shantung Maple	Acer truncatum	3.5" caliper	1
Chinese Pistachio	Pistachia chinensis	3.5" caliper	1
Bald Cypress	Taxodium distichum	3.5" caliper	1
Miss Sandra (purple)	Lagerstroemia indica Miss Sandra'	5' tall	5
Miss Gail (pink)	Lagerstroemia indica Miss Gail'	5' tall	5
Thunderstruck 'Rumblin Red'	Lagerstroemia x 'JM2'	5' tall	5
Thunderstruck 'Lavender Blast'	Lagerstroemia x 'JM3'	5' tall	5
Thunderstruck 'White Lightning'	Lagerstroemia x 'JM4'	5' tall	5
Colorama Scarlet (red)	Lagerstroemia x 'JM1'	5' tall	5
Black Diamond (Entire Series) Crape Myrtle	Langerstoemia indica 'Black Diamond"	5' tall	5
Twilight Crape Myrtle	Langerstoemia indica 'Twilight'	5' tall	5
Yuma Crape Myrtle	Langerstoemia indica 'Hunt'	5' tall	5
Japanese Maple Upright	Acer palmatum	4' tall	1
Japanese Maple Weeping	Acer palmatum	2.5' tall	1
Texas Mountain Laurel	Sophora secundiflora	4' tall	5
Vitex "Delta Blue"	Vitex agnus-castus 'Delta Blue'	4' tall x 3'wide	5
Yaupon Holly	Ilex vomitoria	6' tall x 4' wide	5
<b>Common Name</b>	<b>Scientific Name</b>	<b>Size</b>	<b>Max # of Trunks</b>
Cherry Laurel	Prunus caroliniana	7' tall x 3'wide	1
Chinese Fringe Tree	Chionanthus retusus	7' tall x 4' wide	5
Star Magnolia	Magnolia Stellata	6' tall	5
Saucer magnolia	Magnolia soulangiana	5' tall	<b>5</b>

ZONING ORDINANCE

Little Gem Magnolia	Magnolia grandiflora 'Little Gem'	6' tall	1
Mexican Plum	Prunus mexicana	2" caliper	1
Lacey Oak	Quercus laceyi	2" caliper	1
Carolina Buckthorn	Rhanmus caroliniana	5' tall	1
Prairie Flameleaf Sumac	Rhus Lanceolata	5' tall	5
Locust 'Purple Robe'	Robinia pseudoacacia 'Purple Robe'	1.5" caliper	1
Eve's Necklace	Sophora affinis	4' tall	5
Rusty Blackhaw Viburnum	Viburnum rufidulum	4' tall	5
Vitex 'Shoal Creek'	Vitex agnus-castus 'Shoal Creek'	6' tall x 5' wide	5
Burford Holly	Ilex cornuta	6' tall	1
Mary Nell Holly	Ilex x 'Mary Nell'	6' tall	1
Nellie R Stevens	Ilex x 'Nellie R. Stevens'	6' tall	1
Possumhaw Holly	Ilex decidua	6' tall	5
Oakland Holly	Ilex Magland	6' tall	1
Oak Leaf Holly	Ilex Conaf	6' tall	1
<b>All turf on homes must be equipped with a sprinkler system. Homes on more than 1/2 acre, must have at least 1 acre on a sprinkler system and/or aerobic septic system with sprayers. All sprinkler systems must be equipped with rain guages and rain sensors. All trees and foundation planting/flower beds must be equipped with a drip irrigation system.</b>			
<b>Screening</b>			
<b>All mechanical equipment and trash recepticals must not be visible from the street.</b>			

GUNTER CODE

<b>Gunter Residential Landscape Requirements</b>				
<b>Landscaping requirements for lots with a setback from the street of 35' or greater.</b>				
<b>Canopy Trees</b>				
<b>All trees must be 3.5-inch minimum caliper measured at 6 inches above the soil line. All homes must have 1 tree per 30 linear feet of lot width in the front yard (ex. 60' wide lot would be required to have 2 trees). Additionally, homes on 1/4 or more acres are required to have 2 trees in the back yard. Homes on less than 1/4 acre are required to have 1 tree in the back yard. Corner lot homes should have 1 tree per every 30 linear feet within the side setback from the front of the house to the back property line.</b>				
<b>Common Name</b>	<b>Scientific Name</b>	<b>Size</b>	<b>Under Overhead Utility</b>	<b>Max # of Trunks</b>
Lacebark Elm	Ulmus parvifolia	3.5" caliper	No	1
Allee Elm	Ulmus parvifolia 'Emer II'	3.5" caliper	No	1
Princeton Elm	Ulmus americana 'Princeton'	3.5" caliper	No	1
Cedar Elm	Ulmus crassifolia	3.5" caliper	No	1
Shumard Red Oak	Quercus shumardii	3.5" caliper	No	1
Chinquapin Oak	Quercus muehlenbergii	3.5" caliper	No	1
Live Oak	Quercus virginiana	3.5" caliper	No	1
Bur Oak	Quercus macrocarpa	3.5" caliper	No	1
Texas Red Oak	Quercus buckleyi	3.5" caliper	No	1
Lacey Oak	Quercus laceyi	3.5" caliper	No	1
Monterrey White Oak	Quercus polymorpha	3.5" caliper	No	1
Trident Maple	Acer buergerianum	3.5" caliper	No	1
Autumn Blaze Maple	Acer x freemanii 'Jeffersred'	3.5" caliper	No	1
Brandywine Maple	Acer rubrum 'Brandywine'	3.5" caliper	No	1
October Glory Maple	Acer rubrum 'October Glory'	3.5" caliper	No	1
Shantung Maple	Acer truncatum	3.5" caliper	Yes	1

ZONING ORDINANCE

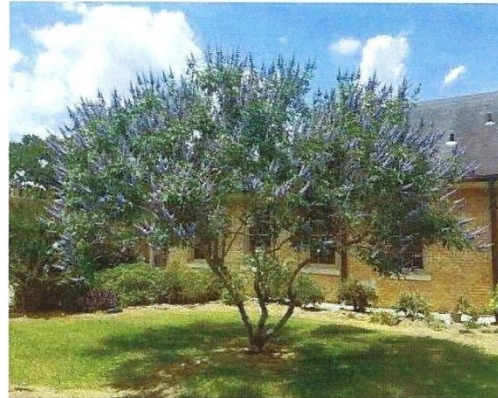
<b>Common Name</b>	<b>Scientific Name</b>	<b>Size</b>	<b>Under Overhead Utility</b>	<b>Max # of Trunks</b>
Chinese Pistachio	<i>Pistachia chinensis</i>	3.5" caliper	No	1
Bald Cypress	<i>Taxodium distichum</i>	3.5" caliper	No	1
Miss Frances (red)	<i>Lagerstroemia indica</i> 'Miss Frances'	5' tall	Yes	5
Miss Sandra (purple)	<i>Lagerstroemia indica</i> Miss Sandra'	5' tall	Yes	5
Miss Gail (pink)	<i>Lagerstroemia indica</i> Miss Gail'	5' tall	Yes	5
Thunderstruck 'Rumblin Red'	<i>Lagerstroemia</i> x 'JM2'	5' tall	Yes	5
Thunderstruck 'Lavender Blast'	<i>Lagerstroemia</i> x 'JM3'	5' tall	Yes	5
Thunderstruck 'White Lightning'	<i>Lagerstroemia</i> x 'JM4'	5' tall	Yes	5
Colorama Scarlet (red)	<i>Lagerstroemia</i> x 'JM1'	5' tall	Yes	5
Black Diamond (Entire Series) Crape Myrtle	<i>Langerstoemia indica</i> 'Black Diamond'	5' tall	Yes	5
Twilight Crape Myrtle	<i>Langerstoemia indica</i> 'Twilight'	5' tall	Yes	5
Yuma Crape Myrtle	<i>Langerstoemia indica</i> 'Hunt'	5' tall	Yes	5
Japanese Maple Upright	<i>Acer palmatum</i>	4' tall	Yes	1
Japanese Maple Weeping	<i>Acer palmatum</i>	2.5' tall	Yes	1
Texas Mountain Laurel	<i>Sophora secundiflora</i>	4' tall	Yes	5
Vitex "Delta Blue"	<i>Vitex agnus-castus</i> 'Delta Blue'	4' tall x 3'wide	Yes	5
Yaupon Holly	<i>Ilex vomitoria</i>	6' tall x 4 'wide	Yes	5
Cherry Laurel	<i>Prunus caroliniana</i>	7' tall x 3' wide	Yes	1
Chinese Fringe Tree	<i>Chionanthus retusus</i>	7' tall x 4' wide	Yes	5
Star Magnolia	<i>Magnolia Stellata</i>	6' tall	Yes	5
Saucer magnolia	<i>Magnolia soulangiana</i>	5' tall	Yes	5
Little Gem Magnolia	<i>Magnolia grandiflora</i> 'Little Gem'	6' tall	Yes	1
Mexican Plum	<i>Prunus mexicana</i>	2" caliper	Yes	1
Lacey Oak	<i>Quercus laceyi</i>	2" caliper	Yes	1

GUNTER CODE

<b>Common Name</b>	<b>Scientific Name</b>	<b>Size</b>	<b>Under Overhead Utility</b>	<b>Max # of Trunks</b>
Carolina Buckthorn	Rhanmus caroliniana	5' tall	Yes	1
Prairie Flameleaf Sumac	Rhus Lanceolata	5' tall	Yes	5
Locust 'Purple Robe'	Robinia pseudoacacia 'Purple Robe'	1.5" caliper	Yes	1
Eve's Necklace	Sophora affinis	4' tall	Yes	5
Rusty Blackhaw Viburnum	Viburnum rufidulum	4' tall	Yes	5
Vitex 'Shoal Creek'	Vitex agnus-castus 'Shoal Creek'	6' tall x 5' wide	Yes	5
Burford Holly	Ilex cornuta	6' tall	Yes	1
Mary Nell Holly	Ilex x 'Mary Nell'	6' tall	Yes	1
Nellie R Stevens	Ilex x 'Nellie R. Stevens'	6' tall	Yes	1
Possumhaw Holly	Ilex decidua	6' tall	Yes	5
Oakland Holly	Ilex Magland	6' tall	Yes	1
Oak Leaf Holly	Ilex Conaf	6' tall	Yes	1
<b>Screening</b>				
<b>All mechanical equipment and trash recepticals must not be visible from the street.</b>				

ZONING ORDINANCE

23' and under setback



(Ordinance 2021-06-17-04 adopted 6/17/2021)

## GUNTER CODE

### III. Thoroughfare landscape and screening.

(a) Roadway landscape easements or buffers. Roadway landscape easements/buffers are defined as open, landscaped areas between the property line (right-of-way) and any built structure (vertical or horizontal) on a lot. The roadway parkway is the portion of right-of-way that is typically sodded and kept clear of trees or deep-rooted shrubs since this is often the location of underground or above-ground infrastructure, such as water and sewer lines and electrical wiring, respectively. In some cases, underground utilities will be placed entirely or in part within the landscape easement/buffer and therefore this easement/buffer shall be shown on the associated plat. The following easement standards apply unless a more stringent standard applies due to the lot being located in an overlay district.

(1) Minimum width of landscape easements along roadways.

(A) Adjacent to all six-lane divided streets and limited access roadway service roads, as shown on the thoroughfare plan, the landscape easement shall be a minimum forty (40) feet wide.

(B) Adjacent to all four-lane divided streets, as shown on the thoroughfare plan, the landscape easement shall be a minimum of thirty (30) feet wide.

(C) Adjacent to all other streets the landscape easement shall be a minimum twenty (20) feet wide.

(2) Intent and application of the ordinance. When circumstances exist that may restrict the ability of an applicant to comply with the precise minimum widths referenced above, the director may allow some flexibility so long as the overall intent of the ordinance is met.

(3) Landscaping and screening within easements or buffers. Trees, perennial ornamental grass, sod, and shrubs may be planted within the landscape easement, avoiding conflicts with any utility service, as shown on the approved site plan or concept plan.

(4) Signs located within easements or buffers. Any applicant who places a monument sign within a landscape easement that may also be the location of underground or above ground infrastructure shall be required to allow the city and/or utility company access the facilities located beneath or above the monument sign and must sign an agreement authorizing the city and/or utility company to carry out needed repairs or replacement with no obligation to rebuild or compensate the owner/applicant for the removal, repair, or loss of the sign.

(b) Minimum requirements for landscaping within roadway landscape easements.

## ZONING ORDINANCE

- (1) Landscape easements shall be made up of an attractive mix of sod, native grasses, berms, and trees between the right-of-way and the screening wall.
  - (2) All trees and plant materials shall be chosen from the city's approved plant list.
  - (3) One large, canopy tree per forty (30) [sic] linear feet of street frontage, with a minimum of three-inch (3") caliper trunk, and a well-formed canopy that is typical of the species.
  - (4) One small, ornamental tree per forty (20) [sic] linear feet of street frontage. Ornamental trees shall be a minimum two-inch (2") caliper and eight feet (8') in height at time of planting and shall be used primarily as accent trees dispersed within the canopy trees.
  - (5) Ornamental and canopy trees need not be evenly spaced and may be clustered for a more pleasing aesthetic effect within the landscape easement or buffer upon approval of the director or their designee.
  - (6) Screening walls shall be lined with 5-gallon evergreen shrubs with a maximum spacing of 2.5 feet apart at planting, and 5 feet in height at maturity and shall be located within a planting bed.
  - (7) Planting beds shall be separated from turf grass using 14-gauge steel edging to define ground cover beds and reduce weed incursion.
  - (8) Irrigation installation shall include bubblers or drip irrigation for all canopy and ornamental trees and irrigation to uniformly disperse water over the planting beds and shall be equipped with rainfreeze sensors.
  - (9) No drainage retention or detention for the property shall be placed in the landscape easement.
  - (10) Landscape and installation plans shall be subject to review and approval by the director of Community Development or their designee. The location and placement of landscaping shall conform to the city street design standards and shall be placed to accommodate the ultimate number of traffic lanes.
  - (11) At corner intersections, a subdivision entrance sign is required for branding.
- (c) Roadway Screening requirements.
- (1) Screening adjacent to roadways.

## GUNTER CODE

- (A) Single-family residential subdivisions adjacent to roadways shall install a solid masonry screening wall that is a minimum six (6) foot high and maximum eight (8) foot along the perimeter of the subdivision.
- (B) Maintenance easement. When the proposed development does not incorporate a homeowners/property owners association a five (5) foot wide maintenance easement shall be provided on any boundary line where a required screening wall or devise may be installed currently or in the future, to allow access for repairs or replacement.
- (C) Residential fences adjacent to internal streets. All wood residential fences that face a street internal to the subdivision must be minimum of six (6) feet in height and constructed of cedar board-on-board with a decorative cap and support poles facing the inside of the lot.
- (D) Conflict of fences. No parallel, adjacent fencing (i.e. back-to-back fencing) is allowed, nor is the creation of a "maintenance gap" between two fencing devices. When a non-residential use is proposed adjacent to an existing residential wooden fence, the wooden fence shall be removed, and the required masonry screening wall becomes the mutual boundary line between the properties.
- (E) Homeowners Association/Property owners Association Maintenance. When the development will be managed by a Homeowners Association "HOA" or Property Owners Association "POA" the required screening wall shall be placed in a lot owned and maintained by the HOA/POA.
- (2) Screening adjacent to open space, creeks, or other view corridors. Notwithstanding the obligation of a developer to construct a solid masonry screening wall surrounding the property, when portions of that property are adjacent to a dedicated open space, natural land feature such as a creek, or other notable views such as a golf course, the screening shall be decorative iron with regularly spaced masonry columns.
- (3) Site elements required to be screened. The following site elements shall be screened from view from a public right-of-way:
- (A) Mechanical and utility equipment.
- (i) Ground located equipment. A solid masonry "wing" wall of sufficient height to effectively screen the equipment.

## ZONING ORDINANCE

(ii) Roof-mounted equipment. Roof-mounted equipment shall be screened from view from the adjacent right-of-way(s). Appropriate screening includes wall extensions, such as a parapet wall.

(B) Utility substations and tower facilities. For electric substations, sewer pump stations, communication towers, generator plants, or any other freestanding utility facility, the above ground mechanical equipment shall be screened to mitigate its negative visual impact and safely secure the site. The screening device shall be scaled accordingly to the height, size, scope, and area of the proposed facility, to be no less than six (6) feet in height and might be up to twelve (12) feet in height, subject to discretionary review and approval by the director. Generally, masonry screening walls are required with the allowance for decorative metal in limited application for visibility, ventilation, and access points. Larger facilities shall also provide large evergreen screening trees every fifteen (15) feet on center, with a canopy of at least 20 feet in width at maturity. Concrete vehicle access shall be provided, in addition to associated easements necessary for development. Any associated utility lines shall be buried, with the exception of regional transmission lines.

(C) Trash and recycling enclosures. Screening enclosures shall consist of a solid masonry wall or architectural element of the building that is a minimum six (6) feet in height with a solid metal gate (primed and painted) that is to remain closed at all times other than servicing.

(i) Single trash and recycling enclosures shall be a minimum of twelve (12) by fourteen (14) feet in size.

(ii) The screening enclosures shall screen the trash/recycling receptacles in their entirety.

(iii) The number of enclosures required for each development shall be determined by staff.

(5) Prohibited screening elements. No screening wall shall be:

(A) Be located within any required visibility triangle.

(B) Be constructed with any of the following materials: Surface painted or coated concrete, chainlink, concertina wire, barbed wire, corrugated metal, or fiberglass panels.

(C) Be placed parallel and in the immediate vicinity of an existing residential fence causing a close back-to-back fence arrangement. When a residential fence

## GUNTER CODE

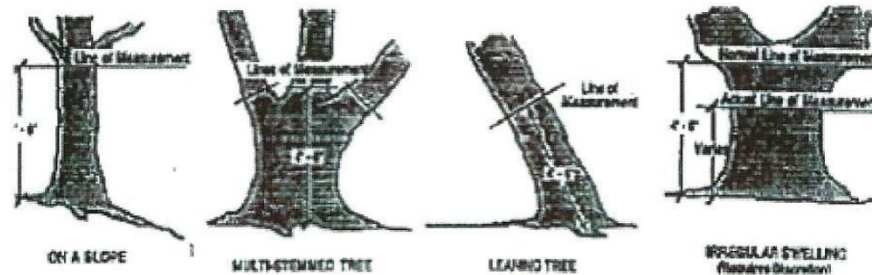
exists at the time of commercial development, the required masonry screening wall shall replace the residential fence, with access easements provided for maintenance to be shown on the associated plat.

### **III [IV] Tree survey/tree preservation requirements.**

- (A) General tree survey standards. The plat shall include a survey not older than 2 years old of all hardwood trees six (6) caliper inches and larger (measured four-and-one-half feet above ground level), and shall include all tree locations, caliper inches and types. The survey is not required to show the crown area. Trees shall be represented by circles using the formula of one foot of radius for every one (1) inch of trunk caliper. Unbroken circles shall indicate trees that will remain and dashed circles with X's shall indicate trees proposed for removal.
- (1) Tree surveys must be as accurate as possible and certified by a certified arborist or landscape architect. The tree survey must contain a summary list indicating the number, species, classification (protected vs exempt) and caliper inches of trees being removed, or preserved.
  - (2) For small areas with few trees, taping the distance to the center of the trunk from two (2) known points is a viable option. For large, tree-covered sites, using a total station survey system from a platform elevated above the tree line may be the most practical method.
  - (3) Caliper inches of existing trees are measured at four-and-one-half (4-1/2) feet above grade. If the tree is on a slope, measure from the high side of the slope. Measure above or below unusual swells in the trunk.
    - (a) To determine the caliper inch of a multi-trunk tree, measure all the trunks; add the total caliper inch of the largest trunk to one-half (1/2) the caliper inch of each additional trunk. A multi-trunk tree is differentiated from individual trees growing from a common root stock if there is a visible connection between the trunks aboveground.
    - (b) Caliper inch measurements should be accurate to the nearest one-half (1/2) inch. This data is used in the determination of tree significance and replacement value (if necessary).
    - (c) Trees may be measured with a caliper, cruise stick, standard tape measure or diameter tape.

## ZONING ORDINANCE

- (d) Trees defined by their size and location as protected trees shall be noted as such and measured as shown:



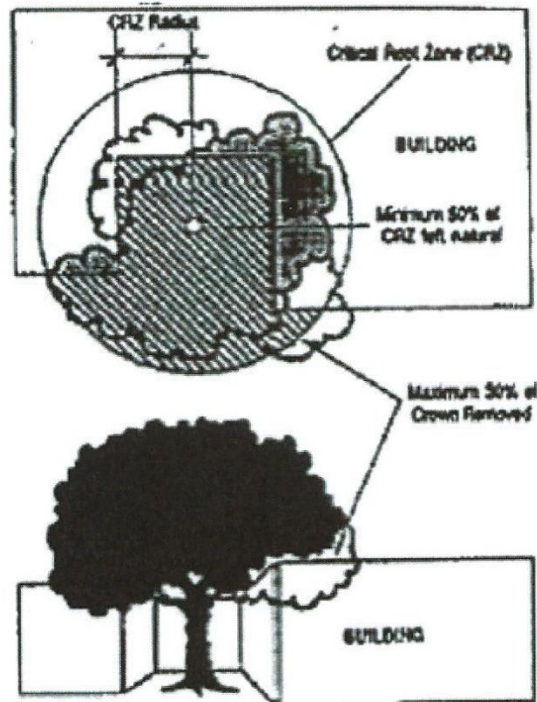
- (4) Tree types should be accurate to the species level (e.g., post oak, Spanish oak, cedar, elm, etc.). Tree types may be listed by common names or botanical names. Additional information which would greatly aid project designers and reviewers in their efforts would include crown configuration, crown clearance, condition, and tree number.
- (5) If there is an area which is known at the time of the survey to be on the project site or easement but outside the buildable area, a limit-of-construction line may be established. Trees beyond this line need not be surveyed provided the following conditions are met:
- The limits of construction must be fenced throughout all phases of construction.
  - A general description of the numbers, types and sizes of trees in the area beyond the limits of construction must be provided as a plan note.
- (6) The standard tree graphics discussed below are important to provide consistent information in the most useful format for efficient plan review.
- The trunk location on the plan must represent the center of the trunk at ground level in the field. If the tree leans substantially above that point, show the direction of the lean with an arrow. For example, an oak tree with a trunk caliper measuring fifteen (15) inches would be represented to scale on plans with a fifteen-foot circle.
  - Trees are to be represented on plans by a concentric circle centered on the trunk location, with a diameter equal in feet to twice the number of inches of the tree's trunk caliper inches.

## GUNTER CODE

- (i) The area within the circle is referred to as the critical root zone (CRZ). The CRZ is used by plan reviewers to determine compliance with design standards and construction specifications.
  - (ii) A circle is graphically efficient to produce and represents the most likely configuration of a tree's root pattern even when the crown is skewed or one sided. The ratio of circle diameter to trunk caliper inch is based on typical dripline distances noted on open grown trees with full crowns. The dripline standard for critical root zone area is being used as a practical meter despite the fact that a tree's roots often extend two (2) to three (3) times beyond the dripline.
  - (iii) Trees proposed to be retained are to be represented by a solid circle. Trees proposed to be removed are to be represented by a dashed circle.
  - (iv) Trees proposed to be planted are to be graphically differentiated from existing trees.
- (c) Tree caliper inches and types shall be shown on the plan. This information should be shown adjacent to each trunk location.
- (d) For very large sites with many trees, this data may be shown in legend form referenced by a tree number adjacent to each trunk location subject to the following restrictions:
- (i) Legends must be shown on the plan sheets on which the corresponding trees appear.
- (B) Tree preservation design criteria.
- (1) Critical root zone impacts. A tree's root system ranges well beyond the dripline. The critical root zone (CRZ) has been established to set a practical limit beyond which any loss of roots would not have a significant impact on a tree's survival. Design constraints often dictate that trees slated for preservation have some encroachment on their critical root zone. Weighing this fact with what appears to be an acceptable degree of risk to most trees, the following minimum design criteria (maximum allowable impacts) have been established:
- (a) A minimum of fifty percent (50%) of the critical root zone shall be preserved at natural grade, with natural ground cover.

## ZONING ORDINANCE

- (b) No cut or fill greater than four (4) inches shall be located closer to the tree trunk than one half (1/2) the CRZ radius distance.
  - (c) This standard requires that construction impacts associated with various design features be considered. For example, the installation of a curb typically requires excavation of two (2) feet behind the back of curb. In such a case, the line of impact on the CRZ will be two (2) feet behind the curblines shown on the plan.
- (2) In order to assure that the remaining root zones are adequately preserved, project designers should show the tree protection fence locations on plans for those trees with CRZ infringements.



- (3) The following is the minimum design criteria (maximum allowable impact) for tree crowns:
- (a) A maximum of thirty percent (30%) of the viable portion of a tree's crown may be removed.
  - (b) Construction methods must also be considered when implementing this design standard. For example, a building wall may only require the removal of thirty percent (30%) of the crown, but the scaffolding necessary to construct the

## GUNTER CODE

building may require the removal of another twenty percent (20%) of the crown.

- (4) These criteria represent minimum standards for determining whether or not a tree is "preserved." Greater impacts may be allowed, provided that all design alternatives have been proven unfeasible and that some acceptable form of mitigation such as a remedial care program is negotiated. Conversely, some cases may require that a larger area of root zone be preserved to increase the survival potential of particularly significant trees.
- (5) These design criteria are enforced in the field as well as on the plan. Plan adjustments made during construction must be reviewed and approved by the Director of Community Development, or their designee.
- (6) Fifty percent (50%) of the existing number of trees or total caliper inches of trees on site that are eight-inch caliper or greater and are from species included in the preferred plant list or of equivalent value shall be retained and protected.
- (7) The existing hardwood trees surveyed between 6" and 7.9" and retained on site may count toward the site tree cover and mitigation of heritage and protected trees, pursuant to subsection (c) and (d), herein as amended, at a ratio of 0.5:1.

### (C) Preservation of protected trees.

#### (1) General requirements.

- (a) Except as otherwise provided in subsection (2) or in accordance with subsection (1)(B) [(1)(b)] of this section, it is unlawful to remove a protected tree without written approval of the Director of Community Development, or their designee. Protected trees are those listed on the City's approved tree list listed in Appendix II of the Gunter Code of Ordinances in addition to any Oak trees.
- (b) Preliminary plans and site development plans depicting any protected trees shall be submitted to the Director of Community Development, or their designee for evaluation and recommendation for administrative approval or, when required, submission to the Planning and Zoning Commission. Final approval of the final plat or site plan constitutes an approval for removal of a protected tree, provided it is specifically identified on the plat or site plan as being removed with the development and provided that each such removal is specifically reviewed and approved by the Director of Community Development, or their designee.

## ZONING ORDINANCE

- (c) The location of all proposed buildings and improvements shall be oriented by the applicant, to the greatest extent in a manner which allows for the preservation of protected trees.
  - (d) In the case of new development, any mitigation or contribution required under this section shall be satisfied prior to issuance of a final certificate of occupancy or commencement of permanent utilities.
  - (e) All pruning must be performed by an International Society of Arboriculture (ISA) certified arborist, or under the direct supervision of an ISA certified arborist, and must follow the American National Standards Institute (ANSI) A300 standards.
- (2) Exceptions. A protected tree may be removed without an application only if the protected tree is damaged by a natural disaster such as a tornado, storm, flood or other act of God, and presents an immediate hazard that endangers public health, welfare or safety, then no application shall be required for removal of only the hazardous portion of the tree, provided that the removal is effected in a timely manner so as to maintain the integrity and vigor of the tree and the owner preserves and forwards to the Director of Community Development, or their designee documentation of the damage, which shall include photographs of any damage.
- (3) Application requirements.
- (a) Application for the removal of a protected tree located on public property or in any public street, alley, right-of-way, or easement shall be made by any City department or any public utility or political subdivision of the State with authority to install utility lines or other public facilities in or above the property, street, alley, right-of-way or easement on which such tree is located, or by the owner of real property abutting upon the site of the tree or its crown.
  - (b) Application for the removal of a protected tree located on privately-owned property shall be made by the owner of the property on which such tree is located, except that an appropriate City official may make application on behalf of the owner of the property on which the tree is located to remove a tree that constitutes a hazard to the safety of persons or property, or that is seriously diseased.
  - (c) The application shall be via the City's protected tree removal application form, signed by the applicant or their authorized representative, and submitted to the Director of Community Development, or their designee.

## GUNTER CODE

- (d) Upon receipt of a completed application for removal of a protected tree, the Director of Community Development, or their designee shall inspect the subject tree and shall approve or deny the request within a period of ten (10) working days. The Director of Community Development, or their designee shall promptly send written notice of such approval or denial to the applicant.
- (e) The Director of Community Development, or their designee shall not approve a protected tree removal application unless such removal is within the spirit and intent of this Article and:
  - (i) The City or the State department of transportation determines the protected tree is located in a sight triangle or clear zone of a public street;
  - (ii) The Director of Community Development, or their designee determines the protected tree to be dead, dying, or diseased and either:
    - a. It constitutes a hazard to life or property which cannot reasonably be mitigated without removal of the tree; or
    - b. Its restoration to sound condition is not practicable or its disease is reasonably transmittable and expected to endanger the health of other trees;
  - (iii) The protected tree is located on or within twenty (20) feet of an area that will be used for a building, recreation area, roadway, public street, alley, or right-of-way, drainage right-of-way, public access easement, or utility easement;
  - (iv) The protected tree would deprive the applicant of the reasonable use and enjoyment of their single-family residential property; or
  - (v) The protected tree would deny a governmental entity or political subdivision of this State reasonable use of public property for the achievement of its public purposes.
- (f) If a protected tree removal is approved pursuant to the provisions of this subsection, the applicant must comply with all applicable provisions of this section, including mitigation.
- (g) Approval for removal of a protected tree shall remain valid for the shorter of:

## ZONING ORDINANCE

- (i) The period stated on the Director of Community Development, or their designee written approval issued pursuant to this section or on a final plat, site development plan, or alternative landscape plan approved pursuant to this Article; or
  - (ii) The minimum period allowable by law.
- (4) Mitigation; on-site.
- (a) Upon approval of protected tree removal application, the applicant shall, no later than thirty (30) days from the date of approval of the application, submit a mitigation plan showing the proposed type, location, and irrigation plan for the proposed replacement trees.
  - (b) The mitigation plan must provide for planting of replacement shade/canopy trees at a 1:1 ratio for each protected tree that is 8" to 18.9" caliper inch and will be removed.
  - (c) The mitigation plan must provide for planting of replacement shade/canopy trees at a 2:1 ratio for each protected tree that is 19" to 25.9" caliper inch and will be removed.
  - (d) The mitigation plan must provide for planting of replacement shade/canopy trees at a ratio of 3:1 for each protected tree that is 26" caliper inches or greater and will be removed.
  - (e) No replacement trees shall be planted until the Director of Community Development, or their designee has reviewed and approved the mitigation plan.
  - (f) Replacement trees shall comply with the preferred plant list of this Article and in addition of Oak tree species being added to the preferred tree list.
  - (g) Trees required to be added to the development per the landscaping requirements in the zoning ordinance or by virtue of deed restrictions shall not be considered or credited as replacement trees.
  - (h) Transplanting of protected trees. Protected trees can be transplanted to a suitable location on the same property or off site, without the requirement of further mitigation, if the applicant complies with the generally accepted transplanting methods of the American National Standards Institute (ANSI A300 Standards) and the tree survives for a period of at least two (2) years.

## GUNTER CODE

- (i) No mitigation required. The mitigation provisions of this section shall not be required under the following circumstances:
  - (i) For the removal of a protected tree located in a sight triangle or clear zone of a public street, as confirmed by the City or the state department of transportation;
  - (ii) For the removal of any protected tree the Director of Community Development, or their designee determines to be dead, dying, or diseased and hazardous, unlikely to recover, or reasonably expected to endanger the health of other trees;
  - (iii) For the removal of a protected tree that is located in a dedicated public right-of-way or that would otherwise deny a governmental entity or political subdivision of this State reasonable use of public property for the achievement of its public purposes.
  - (iv) For the removal of a protected tree that is located on a lot that is zoned as Single-Family Residential, is occupied by the owner of the property, and has a homestead exemption.
- (j) Maintenance. If any of the trees required to be retained or trees planted as part of the landscaping plan should die within a period of two (2) years after issuance of the certificate of occupancy, the owner of the property shall replace the trees within six (6) months.
- (5) Mitigation; off-site or cash in lieu. If the Director of Community Development, or their designee determines that mitigation for protected tree removal by replanting trees on site is not feasible, e.g., planting capacity has been reached on site, the Director of Community Development, or their designee may approve:
  - (a) Planting the same number and type of replacement trees required under this subsection (c)(4), as amended, in a City park or other designated area;
  - (b) Payment into the tree fund of \$150.00 per caliper inch at a ratio of 1:1 for removal of protected trees that are 8" to 18.9";
  - (c) Payment into the tree fund of \$300.00 per caliper inch at a ratio of 2:1 for removal of protected trees that are 19" to 25.9";

## ZONING ORDINANCE

- (d) Payment into the tree fund of \$450.00 per caliper inch at a ratio of 3:1 for removal of protected trees that are 26" and above.
  - (e) Off-site mitigation may be an allowable option if the Director of Community Development, Parks Director, or Director of Engineering determine that there is adequate space available on existing municipal facilities, city parks, or city maintained rights-of-way.
  - (f) Some reasonable combination of such off-site mitigation and payment.
  - (g) Cash in lieu mitigation fees shall be paid in addition to any tree removal permit fee and shall be held in a separate account (the tree fund) to be used exclusively for the future installation or maintenance of trees within public land owned by the city.
- (6) Preservation incentives. If removal of a protected tree is proposed due to efforts to comply with other provisions of this code, the applicant may request that the Parks Director, Director of Engineering, and Director of Community Development, after consultation with the Director of Development Service, or their designee, consider the following preservation incentives in exchange for the non-removal and preservation of the protected tree:
- (a) Parking space reductions. Reduction in the minimum parking requirements as necessary to save and/or properly protect a protected tree.
  - (b) Sidewalks. Modification to sidewalks, their location and possibly the width and curb requirements as necessary to facilitate protecting a protected tree.
  - (c) Landscape credits. The actual tree canopy of a protected tree may be credited toward the landscaping requirements of the zoning ordinance, and are dispersed around the development, meeting the intent of the City's landscaping requirements and not clustered into a single space on the property; however, any credits earned will not count towards replacement credits of any other protected tree in the event a subsequent protected tree removal application is approved for the same project.
- (7) Protected tree protection during construction.
- (a) Prior to the commencement of any development, a tree protection fence constructed of approved materials shall encompass the CRZ of any protected tree. Said tree protection fence must be maintained throughout the construction process.

## GUNTER CODE

- (b) During construction, no materials including but not limited to excess soil, vehicles, equipment, liquids, trash, or construction debris may be placed inside of the tree protection fence, nor shall the tree protection fence be altered in any way so as to increase the encroachment of the construction.
- (c) Excavation, grading, soil deposit, impervious covering, drainage and leveling within the CRZ of protected trees is prohibited unless approved by the Director of Community Development, or their designee. Any impervious cover proposed within the CRZ of a protected tree will be reviewed on a case-by-case basis by the Director of Community Development, or their designee upon field inspections and or plan reviews. In any case, generally no more than 25% of the CRZ of any protected tree can be covered with impervious cover. Any protective fencing being used around heritage trees may only be reduced while impervious cover activity is being done. The remainder of the protective fencing must stay intact for the duration of the project.
- (d) Disposal or depositing of oil, gasoline, chemicals, paints, solvents or other materials is prohibited within the CRZ of protected trees.
- (e) The attachment of wires, signs and ropes to any protected tree is prohibited.
- (f) The location of utility service and irrigation lines inside the CRZ of protected trees is only allowed when approved by the Director of Community Development, or their designee. If boring is used to provide underground utility access, the minimum length of the bore shall be the width of the tree's mature canopy. The minimum depth of the bore shall be specified by the Director of Community Development, or their designee, but in no event be less than 24" below the natural grade existing prior to any development activity within the CRZ.
- (g) Soil disturbance or other injurious and detrimental activity within the CRZ of protected trees is prohibited.
- (h) At applicant's expense, an ISA certified arborist or their employee(s) shall be present whenever activities occur which will pose a potential threat to the health of the protected tree such as pruning, or whenever any work needs to be done within the CRZ of such tree.
- (i) The applicant shall notify the Director of Community Development, or their designee whenever any damage or injury occurs to a protected tree during construction so that proper treatment may be administered.

## ZONING ORDINANCE

- (8) Violations; penalties.
- (a) Any person intentionally, knowingly, or negligently causes damage to a protected tree shall be required to take such steps as may be required by the Director of Community Development, or their designee to assure the future vitality of the tree, including costs of chemical or other types of treatment and/or construction of protective barriers, or if the Director of Community Development, or their designee determines that the damaged protected tree is no longer reasonably sustainable, the person shall be required to replant replacement trees at two (2) times the amount specified in subsection (c)(4), as amended, and shall pay a civil penalty in the amount of \$1,000.00 for each protected tree that was damaged.
  - (b) Any person who intentionally, knowingly, or negligently removes a protected tree in violation of this Article shall be required to replant replacement trees at two (2) times the amount specified in subsection (c)(4), as amended, and shall pay a civil penalty into the tree fund in the amount of \$1,000.00 for each protected tree that was removed.
  - (c) If the Director of Community Development, or their designee, determines that the on-site replacement required by this subsection is not feasible, the Director of Community Development, or their designee, may approve either:
    - (i) Planting replacement trees from the selection specified in the preferred plant list at two (2) times the amount specified in subsection (c)(4), as amended in a City park or other designated area;
    - (ii) Payment of two (2) times the amount specified in subsection (c)(5), as amended into the tree fund for each protected tree removed; or
    - (iii) Some reasonable combination of such off-site replacement and payment, as determined by the Director of Community Development, or their designee.

(Ordinance 2022-12-14-01 adopted 12/14/2022)