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ARTICLE X. LANDSCAPE AND TREE PRESERVATION REGULATIONS.

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SEC. 51A-10.101. DEFINITIONS.

In this article:

(1) **ARTIFICIAL LOT** means an area within the building site that is delineated by the building official or the director of park and recreation for the sole purpose of satisfying the requirements of this article (see Section 51A-10.122).

(2) **CALIPER** means:

(A) for a single-stem tree, the diameter of the trunk measured 12 inches above the ground for a tree having a diameter up to and including eight inches, and measured at four and one-half feet above the ground for a tree having a diameter of more than eight inches.

(B) for multi-stem trees, the diameter of the trunk measured at the narrowest point below branching when branching occurs higher than 12 inches above the ground. When branching occurs at or lower than 12 inches above the ground, caliper means the diameter of the largest stem plus the average diameter of the remaining stems, measured at four and one-half feet above the ground.

(3) **CANOPY TREE** means a species of tree that normally bears crown foliage no lower than six feet above ground level upon maturity.

(4) **CLEARING** means any activity that removes or seriously injures one or more trees or the vegetative ground cover of one or more trees, such as root mat removal or topsoil removal.

(5) **CRITICAL ROOT ZONE** means the circular area of ground surrounding a tree extending a distance of one foot per caliper inch of the tree, measured from the tree trunk or stem.

(6) **ENHANCED PAVEMENT** means any permeable or nonpermeable decorative pavement material intended for pedestrian or vehicular use. Examples of enhanced pavement include brick or stone pavers, grass paver, exposed aggregate concrete, and stamped and stained concrete.

(7) **EVERGREEN TREE OR SHRUB** means a tree or shrub of a species that normally retains its leaves throughout the year.

(8) FLOOD PLAIN means any land area susceptible to inundation by the hundred-year frequency flood.

(9) GRADING means any digging, scooping, removing, depositing or stockpiling, of earth materials.

(10) GROUND COVER means natural mulch, or plants of species that normally reach a height of less than three feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

(11) HUNDRED-YEAR FREQUENCY FLOOD means the flood having a one percent chance of being equalled or exceeded in any given year. This flood is based upon the drainage area being fully developed to current zoning limitations.

(12) LANDSCAPE ARCHITECT means a person licensed to use the title of "landscape architect" in the State of Texas in accordance with state law.

(13) LANDSCAPE AREA means an area at least 80 percent of which is covered by natural grass, ground cover, or other natural plant materials (excluding screening).

(14) LANDSCAPE BUFFER STRIP means a landscape area that serves a buffer function.

(15) LARGE SHRUB means a shrub that normally reaches a height of six feet or more upon maturity.

(16) LARGE TREE means a tree of a species that normally reaches a height of 30 feet or more upon maturity.

(17) LOT means:

- (A) a "lot" as defined in Section 51A-2.102; and
- (B) an "artificial lot" as defined in this section.

(18) LOT WITH RESIDENTIAL ADJACENCY means any of the following:

- (A) A building site containing a multifamily use that is adjacent to or directly across:
 - (i) a street 64 feet or less in width; or
 - (ii) an alley;

from private property in a single family, duplex, townhouse, or CH district.

(B) A building site containing a nonresidential use that is adjacent to or directly across:

- (i) a street 64 feet or less in width; or
- (ii) an alley;

from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, or manufactured housing district.

(C) An artificial lot containing a multifamily use if the lot is less than 200 feet from private property in a single family, duplex, townhouse, or CH zoning district.

(D) An artificial lot containing a nonresidential use if the lot is less than 200 feet from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, or manufactured housing zoning district.

(19) NONPERMEABLE COVERAGE means coverage with any pavement that is not "permeable pavement" as defined in this section.

(20) PERMEABLE PAVEMENT means a paving material that permits water penetration to a soil depth of 18 inches or more. Permeable pavement may consist of nonporous surface materials poured or laid in sections not exceeding one square foot in area and collectively comprising less than two-thirds of the total surface area.

(21) PRIVATE PROPERTY means any property not dedicated to public use, except that "private property" does not include the following:

(A) A private street or alley.

(B) Property on which a utility and public service use listed in Section 51A-4.212 is being conducted as a main use.

(C) A railroad right-of-way.

(D) A cemetery or mausoleum.

(22) PROTECTED TREE means:

(A) a tree that has a caliper of eight inches or more and is not one of the following trees:

- (i) *Acer saccharinum* (Silver Maple).
- (ii) *Ailanthus altissima* (Tree of Heaven).

- (iii) *Albizzia julibrissen* (Mimosa or Silktree).
- (iv) *Celtis occidentalis/ laevigata* (Hackberry or Sugarberry).
- (v) *Fraxinus velutina* (Arizona Ash).
- (vi) *Juniperus virginiana* (Eastern Red Cedar)[unless protected under subparagraph (B).]
- (vii) *Maclura pomifera* [female only] (Bois d' Arc or Horseapple).
- (viii) *Melia azedarach* (Chinaberry).
- (ix) *Prosopis glandulosa* (Mesquite) [unless protected under subparagraph (B).]
- (x) *Salix nigra* (Black Willow).
- (xi) *Sabium sebiferum* (Chinese Tallow).
- (xii) *Ulmus pumila* (Siberian Elm).

(B) an Eastern Red Cedar (*Juniperus virginia*) or Mesquite (*Prosopis glandulosa*) tree that has a caliper of eight inches or more and the trunk is located:

(i) in, or within 120 feet of the boundary of: a floodplain [as defined in Article V]; a wetland area [as defined in federal environmental regulations]; or an escarpment zone [as defined in Article V]; or

(ii) within 50 feet of a natural channel setback line [as defined in Article V].

(C) an Eastern Red Cedar (*Juniperus virginiana*) or Mesquite (*Prosopis glandulosa*) tree that has a caliper of at least 12 inches; or

(D) a tree that was planted as a replacement tree.

(23) REMOVE OR SERIOUSLY INJURE means an intentional or negligent action that will more likely than not cause a tree to decline and die within five years of the act. Actions that constitute removing or seriously injuring a tree include, but are not limited to: cutting down a tree; excessively pruning or topping a tree; compacting the soil above the root system of a tree; changing the natural grade above the root system of a tree; damaging the root system or the trunk of a tree (such as by operating machinery near, or by clearing or grading the area around, the trunk of a tree); failing to repair an injury to a tree from fire or other causes, which results in or permits tree infections or pest infestations into or on the tree; applying herbicidal or other lethal chemicals; and placing nonpermeable pavement over the root system of a tree.

(24) RESPONSIBLE PARTY means the property owner and any other person or entity responsible for removing or seriously injuring a protected tree.

(25) REPLACEMENT TREE means a tree that is planted in accordance with Section 51A-10.134.

(26) SCREENING means screening that complies with Section 51A-4.602, except as those regulations may be expressly modified in this article.

(27) SMALL TREE means a tree of a species that normally reaches a height of less than 30 feet upon maturity.

(28) SOIL means a medium that plants will grow in.

(29) TREE SURVEY means a report that meets all of the requirements for a tree survey in Section 51A-10.132.

(30) UNDERSTORY means a grouping of natural low-level woody, herbaceous plant species, or plants that normally reach a height of less than three feet upon maturity.

(31) VISIBILITY TRIANGLE means the term "visibility triangle" as defined in Section 51A