First Reading:
02/04/2025
Second Reading
02/18/2025

STATE OF TEXAS X
COUNTY OF BEXAR X
CITY OF CONVERSE X

ORDINANCE # 606-2025

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONVERSE, TEXAS, REPEALIING CHAPTER 18 – ENVIRONMENT, ARTICLE VL. – TREE – PRESEVATION AND REPLACEMENT, SECTIONS 18-140 THROUGH 18-148., AND APPENDICES A THROUGH F; REPLACING IT WITH A NEW CHAPTER 8 – BUILDINGS AND BUILDING REGULATONS, ARTICLE VI. – TREE – PRESERVATION AND REPLACEMENT, SETIONS 18-140 THROUGH 18-148, AND APPENDICES A THROUGH F OF THE CODE OF ORDINANCES, AND ESTABLISING AN EFFECTIVE DATE.

WHEREAS, definitions to clarify the meaning of terms needed to be added; and

WHEREAS, tree density has been replaced with preservation rates that are appropriate for the local environment and are similar to other municipalities of the area; and

WHEREAS, a fee in lieu of tree replacement has been added which will be deposited in a Tree Mitigation and Replacement Fund.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Converse, Texas:

SECTION 1: REPEAL

That Chapter 18 – Environment, Article VI. – Tree – Preservation and Replacement, Sections 18-140 through 18-148, and appendices A through F of the Code of Ordinances is repealed and replaced to read as follows:

CHAPTER 18 – ENVIRONMENT

Article VI. – TREE PRESERVATION AND REPLACEMENT

Sec. 18-140 -Applicability

Notwithstanding the limited exceptions herein, the terms and provisions of this chapter apply to any construction/development activity on real property which results in the disturbance of any portion of the grounds/premises within, and adjacent to, a lot's boundaries. Disturbance in this instance means clearing, grubbing, stripping, grading, trenching, cutting, and/or filling on the premises. No land development permit may be issued by the city without it being determined that the proposed development is in conformance with the provisions of these regulations. State of Texas, Bexar County, and City of Converse government operators, and their contractors, performing installation and/or maintenance activities of public utilities or public infrastructure are specifically exempted from the strict terms of this chapter.

Sec. 18- 141. - Definitions

First Reading:
02/04/2025
Second Reading
02/18/2025

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

An accessway is an area improved with suitable hard surfacing intended to provide vehicular traffic ingress and egress from a public right-of-way to an off-street parking area or loading area.

Buffer means a visual screen constructed of wood, masonry, or landscape material in such a manner that adjacent property will be screened from the use contemplated so noise, solid waste, or other objectionable influences will be avoided. Such buffer shall be a standard of six feet in height, except where extraordinary circumstances exist where additional height will more adequately accomplish the desired end.

Caliper means: The diameter of a tree four feet above the natural grade is measured with a tree caliper instrument or a flexible tape. If tape is used, the tree's circumference should be measured, and the result should be divided by 3.14 to determine the diameter.

Contiguous means or describes, for the purpose of this article, adjacent property whose property lines are shared or are separated by only a street, alley, easement, or right- of-way.

Developed Area means that portion of a plot or parcel upon which a building, structure, pavement, or other improvements have been placed.

Diameter at Breast Height (DBH) means the width of a mature tree's trunk, calculated by measuring the tree trunk diameter in inches at four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, the tree shall be measured in two places: the narrowest point beneath the split and the sum of the calipers of the trunks immediately above the split. Whichever is the greater measurement is the measurement applied.

Frontage means the lineal distance measured along all abutting street rights-of-way.

Ground Cover means low-growing plants planted to form a continuous cover over the ground, such as liriope, low-growing varieties of honeysuckle, English ivy, or others.

Landscape Development means trees, shrubs, ground cover, vines, or grass installed in planting areas to fulfill the requirements of this article.

Limits of Disturbance (LOD) refers to a delineation on the graphic exhibit showing the boundary of the area where all construction activity will occur.

Mitigation means planting one or more replacement trees or paying a fee in lieu of planting one or more replacement trees.

Paved Ground Silt Fence Area (also referred to as "paved area" or "paved ground area") means any paved ground surface area (except public right-of-way) used for the purpose of driving, parking, storing, or displaying vehicles, boats, trailers, and mobile homes, including new and

used car lots and other open lot uses. Parking structures and covered drive-in parking areas to the drip line of the covering or garages shall not be considered paved ground surface areas.

Planting Area means any area designed for landscape planting having a minimum of twenty-five square feet of actual plant able area and a minimum inside dimension on any side of 60 inches.

Preservation Rate means the percentage of diameter inches of protected trees within the project boundary that must be preserved .

Protected Tree means a Special or Specimen Tree.

Protected Zone means an area where construction activities are prohibited or restricted to prevent injury to preserved trees, especially during pre-construction and construction, and includes the Root Protection Zone and/or beyond.

Reconstruction means rehabilitation or replacement of a structure that has been damaged, altered, or removed or proposed to be altered or removed to an extent exceeding 50 percent of the replacement cost of said structure at the time of said damage, alteration, or removal.

Replacement Tree means a tree planted in lieu of preservation in accordance with Appendix A.

Root Protection Zone (RPZ) means the circular area of ground surrounding a tree, extending a distance of one foot per inch of the tree's diameter as measured from the tree trunk.

Shrub means any self-supporting woody evergreen or similar species.

Sight Triangle means the visibility required on a thoroughfare corner to allow for the safe operation of vehicles, pedestrians, and cyclists near intersecting streets and sidewalks.

Special Tree means a protected tree that meets the criteria for a special tree as defined in Section 18-145.- Specimen and special trees.

Specimen Tree means a protected tree that meets the criteria for a specimen tree as defined in Section 18-145 -Specimen and special trees.

Street Line means that line limits the street's right-of-way and is identical to the property line of persons owning property fronting on the streets.

Tree means any self-supporting woody plant species that normally grows to a minimum height of 10 feet.

Tree Save Area means any area left undisturbed in its natural condition pursuant to required tree preservation.

Vines means any of a group of woody or herbaceous plants that may cling by twining, by means of aerial rootlets, or by means of tendrils, or which may sprawl over the ground or other plants.

First Reading:
02/04/2025
Second Reading
02/18/2025

Sec. 19-142. -Permit procedure.

(a) Submittal of the tree protection plan. All applications for a land development permit with the city limits and the extraterritorial jurisdiction must be accompanied by a tree protection plan prepared and sealed by a registered landscape architect, certified arborist, or registered forester. The tree protection plan must include the following information:

(1) Tree survey. The tree survey must be a to-scale map or site plan prepared and sealed by a registered landscape architect, certified arborist, forester, surveyor, or engineer. The tree survey must include the following minimum requirements:

a. All special and specimen trees must be located and labeled with their size and species. Their root protection zone must be delineated, and the spot elevation at the base of their trunk must be indicated. They must also be labeled to determine whether they are intended for removal or preservation.

b. All trees with a Diameter at Breast Height (DBH) measurement of four (4) inches or larger must be located, and their size and species must be indicated.

(2) Definition of spatial limits.

a. Limits of land disturbance, clearing, grading, and trenching.

b. Tree protection zones.

c. Areas of revegetation.

d. Indicating staging areas for parking, material storage, concrete washout, borrow pits, debris burn, and other areas where tree protection may be affected.

e. Locations of existing and proposed structures, paving, driveways, cut and fill areas, detention areas, utilities, etc.

(3) Detail drawings of tree protection measures (where applicable).

a. Protective tree fencing;

b. Erosion control fencing;

c. Tree protection signs;

d. Transplanting specifications;

e. Tree wells and aeration systems;

f. Staking specifications; and

g. Other applicable drawings.

(4) Tree Mitigation calculations. See Appendix A.

(5) Installation and maintenance measures, procedures, and schedules for implementing, installing, and maintaining tree protection measures.

(b) Site inspection. An on-site inspection shall be made by the city's arborist before the commencement of any development activity.

(c) Review. The city's arborist must review all landscape plans, tree protection plans, and related documentation for conformance to the provisions of these regulations. After such review, the documentation will either be approved, returned for revisions, or denied. If denied, the reasons for denial must be annotated on the landscape plan or otherwise stated in writing

(d) Tree Affidavit Option. In lieu of a tree protection plan, a notarized tree affidavit with required information may be submitted verifying that no specimen or special tree required to be counted for calculating minimum tree preservation requirements will be damaged or removed as a result of the application or receipt of the approval requested. In addition to the notarized affidavit, a vicinity map and aerial photographs notating how tree(s) are to be preserved must be submitted. The arborist reserves the right to request a tree protection plan should the accompanying data not fully address the preservation of protected trees on the property.

(e) Permit issuance. No site development or construction permit involving sitework may be issued without an approved tree affidavit or a tree protection plan and an on-site inspection by the city's arborist for tree protection measures. .

Sec. 18-143. -Tree removal

(a) Nothing in these regulations may be construed as allowing vegetation removal in a natural, undisturbed buffer required by zoning or land development regulations.

(b) Trees may not be removed from any protected zone, unless authorized with an approved tree protection plan. When preserving trees in a protected zone will result in a documented hardship, the documentation proving the hardship must be submitted as part of the tree protection plan.

(c) When Trees are absent in a protected zone or when any portion of a protected zone is proposed to be disturbed, the owner/ developer must landscape the areas (where improvements are not constructed) with trees or other plant materials.

(d) The city's arborist is authorized to permit the removal of dead, diseased, insect- infested trees that pose an imminent hazard to life or property if the property owner provides evidence of the condition of the trees before their removal. Documentation may include photographs and/ or a report submitted by a certified arborist or registered forester.

(e) Trees may not be removed from a floodplain except as follows:

(1) Those trees found to be hazardous, dead, diseased, or insect-infested by the city's arborist, the county extension service, the Texas Forestry Association, or a registered forester.

(2) As necessary for constructing, repairing, or maintaining public or private roads, trails, utilities, drainage structures, and parks and recreation fields.

Sec. 18 – 144. -Tree replacement and revegetation

(a) Applicability. Replacement of trees in the minimum required landscape areas, as determined by this section, must occur under the following conditions:

(1) To establish the minimum tree density requirements for the site.

(2) Where grading occurs outside the buildable area of the lot.

(3) If the lot's buildable area leaves no protected zone.

(4) If no trees are present within an existing protected zone.

(5) Where specimen trees or specimen stands of trees within the buildable portion of the lot are to be removed.

(6) Where specimen trees, or specimen stands of trees, trees within otherwise designated tree protective zones have been irreparably damaged or removed through development or construction activities.

(7) Where the root protection zone of a tree or a stand of trees, indicated to be preserved on the tree protection plan, has been disturbed and/ or compromised more than 30% by construction activities such as trenching, clearing, grubbing, vehicle movements, vehicle parking, application of spoils and other materials/ chemicals, dumping of solid or liquid refuse, application of wash-out run-off, vehicle and/ or materials storage/ staging, etc.

(b) Replacement quantity.

(1) Except as specified for one and two-family residential lots in subsection (b)(2) below, tree replacement quantities shall be in accordance with the mitigation requirements in Appendix A.

(2) The following number of trees must be planted or special or specimen trees preserved on all one- and two- family residential lots:

Lot Size	Number of Required Trees[1]
>= 8,000 square feet	1 tree
8,001 to 15,000 square feet	2 trees
15,001 to 20,000 square feet	3 trees
20,001 to 25,000 square feet	4 trees
25,001 to 30,000 square feet	5 trees
<= 30,001 square feet	1 tree per 5,000 square feet of lot size
[1]Planted trees shall have a minimum size of a two-inch caliper and eight feet in height. At least one tree shall be planted or one special or specimen tree preserved in the front yard. Not more than 35% of planted trees may be of the same species.	

(3) Shade trees commensurate with those cultivars found in Appendix F must be installed along all newly constructed rights-of-way at a rate of one (1) tree for every forty (40) linear feet of the roadway surface, excluding those areas designated as "sight triangles."

(4) Replacement trees species shall be in accordance with Appendices E and F.

(5) Replacement trees must be selected and planted in accordance with Appendices B, C, and D.

(c) Spacing. The spacing of replacement trees must be compatible with spatial limitations and within responsible considerations toward potential species size.

(d) Specimen trees. All reasonable efforts must be made to save specimen trees. ("Reasonable effort" includes alternate building design, building location, driveway and parking area layout, driveway and parking area location, water retention location, and equivalent or similar measures).

(e) *Tree save areas.* Tree save areas are encouraged and will be given credit of up to 50 percent individual lot requirements when the number of trees in the tree save areas is equal to or greater than the total number of trees required on the total number of lots within the subdivision.

(f) *Tree replacement fund.* Occasionally, the tree replacement requirements of this section cannot be met because a project site will not accommodate the required density of trees. In this case, the city's arborist is authorized to approve a contribution to the City of Converse tree replacement fund. The following standards have been established for administering these contributions:

(1) The city's arborist must review and approve all requests for alternative compliance. In no instance may 100 percent of the required site tree preservation be met through alternative compliance. As many trees as can reasonably be expected to survive must be planted on the site in question.

(2) No permit may be issued until the required contribution has been made to the tree replacement fund.

(3) The amount of the contribution shall be determined in accordance with Appendix A.

(4) The City of Converse tree replacement fund must be used for planting trees on public property. Funds may be used for the purchase and installation of trees and directly associated sundries for tree installation such as, but not limited to, replacement soil, soil amendments, fertilizer, structural fabrics and fasteners, etc.; parts, materials, and directly related sundries for the installation of irrigation; and the purchase of mulch and soil amendments for the on-going and continued maintenance and upkeep of planted areas.

(g) Species selected for replacement must be quality specimens and must be ecologically compatible with the specifically intended growing site. No single tree species may be used for more than 35 percent of replacement trees. Evergreens may not be used for more than 25 percent of the trees in non-buffer areas. Standards for transplanting and selecting quality replacement stock must be in accordance with standards of the International Society of Arboriculture, and American Standard for Nursery Stock.

(h) Understory replacement trees may account for no greater than 25 percent of the required tree preservation rate. The city's arborist is authorized to approve the additional use of understory trees for meeting requirements on single-family lots if the size and/or layout of the lot does not allow for large overstory trees.

(i) Species selection and replacement rates are subject to final approval by the city's arborist.

Sec. 18-145. -Specimen and special trees to be preserved

(a) Criteria. Some trees on a site warrant special consideration and encouragement for preservation. These trees are referred to as specimen or special trees. The following criteria are used by the city's arborist to identify specimen and special trees. Both the size and condition must be met for a tree to qualify

(1) Tree size.

Criteria	Special Trees	Specimen Trees
Minimum size for hardwoods	6" to 19" DBH	20" DBH
Minimum size for softwoods	8" to 25" DBH	24" DBH
Minimum size for understory trees	4" to5" DBH	6"DBH
Minimum Life Expectancy	25 years	15 years

(2) Tree condition.

a. Relatively upright, sound, and solid trunk with no extensive decay.

b. No more than one major and several minor dead limbs.

c. No major insect or pathological problems.

d. No major pruning deficiencies, i.e., topping.

e. At least 75 percent of the root protection zone in a natural, undisturbed state.

(b) Tree Preservation Rates.

(1) Specimen trees shall be preserved at a rate of 60% of the total inches measured at DBH.

(2) Special trees shall be preserved at rate of 40% of the total inches measured at DBH.

(c) Preservation of tree stands. The city's arborist may identify and require the preservation of a tree stand if it contains one or more specimen or special trees and the trees are interlocked with other members of the stand in such a manner as to imperil the individual tree if other members of the stand were to be removed.

(d) Removal of special or specimen trees. No special or specimen tree may be removed without the prior written approval of the city's arborist.

(1) Specimen and special trees approved for removal must be replaced by species with potential for comparable size and quality.

(2) Any specimen or special tree that is fatally damaged during construction, as determined by the city's arborist, or removed without the appropriate review and approval of the city's arborist, must be replaced or mitigated in accordance with Appendix A.

Sec. 18 – 146. Tree Protection measures

(a) The following minimum tree protection measures must be in place for all tree save areas:

(1) Tree protection fencing. Trees identified for preservation must have protection fencing that is a minimum of four feet high installed at the edge of the root protection zones. The city's arborist is authorized to require the installation of four-foot high minimum chain link fencing in those areas where the likelihood of possible encroachment occurs. All tree protection zones must be designated with signage posted visibly on all sides of the fenced area. Signs requesting workers' cooperation and compliance with tree protection standards are recommended at the site entrance(s).

(2) Silt fences. All tree protection zones must be designed to prevent the sedimentation of erosion material. Silt fences must be placed along the development interface's outer uphill edges of tree protection zones.

(3) Encroachment. No person may encroach into the tree protection zones. Construction activities, including but not limited to parking, vehicle and foot traffic, material storage, concrete washout, debris burning, and other activities, must be arranged to prevent disturbance within the protected areas.

(4) Utilities. Reasonable efforts must be made to locate utility lines along corridors between tree protection zones. If utility lines must encroach into the protection zones, they must be installed by horizontal, directional boring rather than trenching.

(5) Maintenance of tree protection. All tree protection devices must remain in fully functioning condition until the certificate of occupancy is issued.

a. Any tree designated for preservation that is negligently damaged during construction or removed without the appropriate review and approval, as determined by the city's arborist, must be treated in accordance with the American National Standards. If fatally damaged, the tree(s) must be replaced with four-inch caliper trees equal to the unit value of the tree

removed. Any specimen tree damaged as described above must be replaced with trees equal to three times the unit value of the tree removed.

b. All tree protection zones must be mulched with at least four inches and not more than eight inches of organic mulch, such as pine straw, wood chips, tree leaves, or compost.

c. Construction activity is prohibited inside the tree-save areas, including, but not limited to, grading, paving, and building and other structures.

d. The site must be designed and maintained to ensure proper drainage in tree-saving areas during and after construction.

(6) Inspections. Tree protection inspections must be performed by the city arborist, a certified arborist or registered forester during construction. The inspections must be conducted before the commencement of development, immediately following the clearing and grubbing phase, immediately following the grading phase, and at the end of the project before a certificate of occupancy (commercial developments) is issued or the final plat approved (residential developments). The site must be inspected to ensure all tree protection regulations are being met and to identify any existing or developing tree-related problems that require treatment. An inspection report must be prepared and certified by the inspector and submitted to the city's arborist. Any damage noted must be treated per the inspector's recommendation before issuing a certificate of occupancy or approval of the final plat. The city's arborist is authorized to require additional reports should he/ she determine significant construction damage has occurred, the tree protection supervisor has failed to enforce minimum protection standards, or if other development processes, including but not limited to utility placement and building construction, may impact the tree save areas.

Sec. 18-147. Maintenance

(a) All material indicated on the submitted plans must be maintained and warrantied to survive for a period of two years from the date of installation approval. All maintenance activities performed on preserved or planted trees to be included in the tree preservation rate requirements must be performed in accordance with the most current professional standards, including, but not limited to, the standards described below. The standards below are in accordance with the American Nursery Stock Standard Z-60.1 in its latest version and any revisions or supplements made in addition to the document. The property owner is responsible for ensuring such work is in compliance. Should maintenance activities on the trees not comply with such professional standards, the property owner will be responsible

for replacing the damaged trees with new trees of an equivalent preservation rate value based on the Diameter Breast Height (DBH) at the time damage occurs.

(1) Nursery stock. All nursery stock must meet standards defined in the American Standard for Nursery Stock (ANSI) Z60.1 and any supplements or updates made in addition to these standards.

(2) Pruning. All pruning must be done per ANSI A300 (Part 1) Standards for Tree Care Operations - Pruning and any supplements or updates made in addition to these standards. Tree topping is not allowed. Crown reduction pruning must be used instead to reduce the height of a tree when necessary. Topped trees may not be counted toward tree preservation rate requirements.

(3) Fertilization. All tree fertilization must be performed per ANSI A300 (Part 2) Standards for Tree Care Operations - Fertilization and any supplements or updates made in addition to these standards.

(4) Cabling and bracing. All cabling and bracing installation and maintenance must be performed in accordance with ANSI A300 (Part 3) Standards for Tree Care Operations-Cabling and Bracing, as well as any supplements or updates made in addition to these standards.

(5) Lightning protection. All lightning protection installation and maintenance must be performed in accordance with ANSI A300 (Part 4) Standards for Tree Care Operations-Lightning Protection, as well as any supplements or updates made in addition to these standards.

(6) Safety. All tree-related work must be performed in accordance with ANSI Z13(3)1 Standards for Tree Care Operations-Safe Work Practices as well as any supplements or updates made in addition to these standards.

Sec. 18-148. Alternative Compliance.

(a) The city's arborist is authorized to approve alternate methods of compliance with any of the provisions of this chapter when he/ she determines the overall intent of the division and/ or specific guidelines can be met.

(b) Additionally, the permit holder can request to defer the landscape material installation to avoid planting during Stage 3, 4 or 5 drought restrictions as verified by the Utility Director. Permit holder must first submit a performance bond totaling 110% of the expected cost for the purchase and installation of the trees, and has 12 months from the issuance of the certificate of completion/ occupancy to install the required material. In the instance that 12 months passes and the required material has not been installed, the city manager or his/her

designee is authorized to call the bond and have the materials installed or may extend the deferral an additional 6 months.

Sec. 18-149. Enforcement and Penalties

(a) Enforcement. It is the city arborist's duty (or his/her designee) to enforce this section. The city's arborist and/ or designee has the authority to revoke, suspend, or void any development permit and the authority to suspend all work on a site or any portion thereof.

(b) Violation and penalties. It shall be a violation of this ordinance for any person to intentionally or knowingly remove or destroy or allow the removal or destruction of a protected tree or area of canopy located on any property to which this ordinance applies or for any person to knowingly or intentionally perform any regulated activity in a manner that does not conform to the requirements of this chapter. Any act or omission contrary to the requirements or directives of this chapter or any breach of any duty imposed by this chapter shall constitute a violation hereof. Any person, firm, or corporation violating this section's provisions may be deemed guilty of an ordinance violation.

(1) The penalty for violating this ordinance is established so that the minimum fine shall be one hundred dollars ($100.00), and the maximum fine shall be one thousand dollars ($1,000.00) unless specifically indicated otherwise.

(2) Each day's continuance of a violation is a separate offense. The owner of any property upon which a violation exists, and any builder, contractor, or agent who may have assisted in the commission of any violation, is guilty of a separate offense.

(3) The Converse Municipal Court has jurisdiction to try offenses to these regulations.

(c) Appeal. Any person with standing aggrieved by any written decision of the city's arborist relating to the revocation, suspension, or voidance of a permit afforded by this chapter may appeal to the Planning and Zoning Commission for relief or reconsideration within 30 days from the date of the adverse determination by the city's arborist. At the subsequent hearing, the Planning and Zoning Commission may affirm, modify, or reverse the specific aspect of the adverse determination.

First Reading:
02/04/2025
Second Reading
02/18/2025

APPENDIX A - TREE MITIGATION CALCULATIONS

Tree Preservation Rate

(a) The tree preservation rate for Special Trees shall be 40%, and trees classified as Specimen Trees shall be preserved at a 60% rate.

- Example: Total "Special Trees" DBH inches onsite = 10,000; Preservation rate = 40%; 10,000 × 40% = 4,000 DBH inches shall be preserved.
- Example: Total "Specimen Trees" DBH inches onsite = 1,000; Preservation rate = 60%; 1,000 × 60% = 600 DBH inches shall be preserved.

Replacement Trees Required

(a) Should the required tree preservation percentage fall below the required percentage threshold, replacement tree(s) shall be planted having a total caliper width:

(1) equal (1:1) to that of the special trees to be removed.

(2) equal to three times (3:1) that of the specimen trees to be removed.

(b) In considering a mitigation method, the city arborist shall weigh the value of established smaller trees, clumps of trees, and natural vegetation that could be retained to meet the requirements of this article and landscape regulations so that the addition of replacement trees may not be required.

(c) Such replacement trees shall:

(1) Have a minimum caliper width of two inches and

(2) Have a minimum height of at least eight feet when planted.

(d) No more than 35 percent of replacement trees may be of the same species.

(e) A replacement tree that dies within one year of planting must be replaced by another tree, and a new one-year warranty period shall start for that tree.

Fees in lieu of replacement

A fee may be paid to the City of Converse instead of providing replacement trees required by this article.

(a) Any such payments shall be deposited to the tree mitigation and replacement fund.

(b) The per-caliper-inch cash value for replacement trees and planting is $150.00 per caliper inch.

Penalties

Penalties for unauthorized removal of protected trees. If any protected trees are removed or injured by a commercial or residential subdivision development and such removal or injury constitutes a violation of this article, the city shall have the authority to enact the following administrative and civil penalties on the property owner:

(1) A monetary penalty fee of $500.00 per caliper inch of each protected tree removed or injured. Fines paid to the city as penalties shall be deposited into the tree mitigation and replacement fund.

(2) Replacement with tree(s) having a total tree caliper equal to five times (5:1) that of the illegally removed or injured tree(s). Such replacement trees shall each have a minimum caliper width of four inches and a minimum height of at least nine feet.

APPENDIX B - TREE SELECTION

(1) Trees selected for planting must meet minimum requirements as provided below and in the American Standard of Nursery Stock or the Texas Association of Nursery and Landscape Association Grades and Standards.

(2) Trees selected for planting must be free from injury, pests, disease, or nutritional disorders.

(3) Trees selected for planting must be of good vigor. Determining vigor is a subjective evaluation and depends upon species variability. The following criteria is generally used for the determination of vigor:

(4) Foliage should have a green or dark green color. Vigorous trees will have large leaves and dense foliage compared to trees with poor vigor.

(5) Shoot growth for vigorous trees will be at least one foot yearly. At least one- half of the branches should arise from the top one-third and one-half from the center one-third.

(6) Bark texture can denote vigor. Smooth or shiny bark on the trunk and branches of a young tree usually signifies good vigor, conversely, rough and full bark could indicate poor vigor.

(7) Trunk taper. The trunks of vigorous trees will generally increase in diameter with a decrease in height. Trees with reverse tapers or no taper should be avoided.

(8) Root color. The young roots of most trees will be light in color.

(9) Trees selected for planting must be free of root defects. Two types of root defects generally occur:

(10) Kinked roots, in which taproots, major branch roots, or both are bent more than 90 degrees with less than 20 percent of the root system originating above the kink. When released from a supporting stake, a tree with such roots will probably bend at the soil line.

(11) Circling or girdling roots that circle 80 percent or more of the root system by 360 degrees or more. A tree with such roots would have less than 20 percent of its system available for support.

APPENDIX C - TREE TRANSPLANTING

The transplanting of new trees can result in major injury to their root system. If proper transplanting techniques are employed, conditions will be more favorable for tree recovery, and the rate of attrition for newly planted trees will be reduced. Transplanting procedures must follow standards established by the International Society of Arboriculture in the Trees and Shrub

Transplanting Manual and other accepted industry standard guidelines. The following is a summary of several of the more important considerations:

Pre-planting considerations:

(1) Only healthy trees with a well-developed root system and a well-formed top, characteristic of the species should be planted.

(2) Trees selected for planting must be compatible with the specific site conditions.

(3) The ability of a species to regenerate a new root system and to become reestablished should be considered. Generally, deciduous trees should be planted in the fall after leaf drop or in early spring before bud break. There are indications that bare root trees will reestablish more readily if planted in early spring just prior to bud break.

Planting procedures:

(1) Planting holes should be at least three times the diameter of the root ball.

(2) Trees should not be planted deeper than they were in their former location or container.

(3) Spade compacted bottom and sides of the planting hole should be roughed or scarified to allow the penetration of developing roots.

(4) Good water drainage from the bottom of the planting hole is essential for root regeneration.

(5) Once the transplanted tree is set, the hole should be backfilled with soil of good texture and structure. Traditionally, backfill material is comprised of a mix of native soil, organic matter such as peat, and inorganic material such as perlite or vermiculite in a 1:1:1 ratio. There are indications that a backfill with native soil alone may be adequate, especially for material native to the region.

(6) The addition of fertilizer to backfill soil can cause root injury and is therefore not recommended. If fertilizer must be added, a low rate should be used. Approximately 1.5 pounds of nitrogen per cubic yard of backfill is recommended for bare root plants, and 2.5 pounds of nitrogen per cubic yard of backfill for balled and burlapped trees.

(7) The backfill should be comprised of only native soil, gently tamped (but not compacted), and soaked for settling.

(8) The soil should be slightly mounded to allow for settling; a ridge or dike around the perimeter of the hole is not recommended as such features can lead to abnormal root growth.

First Reading:
02/04/2025
Second Reading
02/18/2025

APPENDIX D - PLANTING STANDARDS

(1) After selecting a suitable location, mark out a planting area that is five times the diameter of the planting ball. Use a rototiller or shovel to loosen and mix the soil in this entire area to a depth of about 12 inches.

(2) In the center of the prepared area, dig a shallow hole to set the tree or shrub. The hold should allow the root ball to sit on solid ground rather than loose soil. Once the ball is set the hole, its upper surface should be level with the existing soil.

(3) After the free is properly situated, cut and remove the rope or wires holding the burlap in place and securing any part of the tree.

(4) Backfill around the root area, and gently firm the soil to prevent major air pockets. Do not pack the soil. Water can be used to help the soil settle and prevent overpacking. Rake the soil even over the entire area, and cover it with two to four inches of mulch. Maintaining the mulch layer carefully will improve free growth substantially.

(5) Water berms or dikes are not recommended as they encourage abnormal root growth.

(6) It is best not to stake the free, but if the wind is a problem or the free starts to lean, support it with a flexible stake so the frunk will sway in the wind. The movement is necessary for building root strength. Remove the stake and wire after one growing season since leaving wire or string around the free can cause death.

(7) Do not wrap the trunk with 11 protective tape. It will slow the tree's ability to adapt to the site and provide a home for insects. Tree bark needs air and sunlight to build a healthy protective sheath.

First Reading:
02/04/2025
Second Reading
02/18/2025

APPENDIX E - PREFERRED REPLACEMENT TREES

Ilex vomitoria- Yaupon holly

Magnolia grandiflora-Southern magnolia

Quercus alba-White oak

Quercus macrocarpa - Bur oak

Quercus muhlenbergii-Chinkapin oak

Quercus texana -Spanish oak

Quercus virginiana - Live oak

Sophora secundiflora-Texas mountain laurel

Taxodium distichum- Bald cypress

Ulmus crassifolia - Cedar elm

Arbutus texana-Texas madrone Diospyros texana-

Texas persimmon Ginkgo biloba-Ginkgo (males only)

Juglans nigra-Black walnut

Lager stroemia, indica-Crepe myrtle (use mildew resistant hybrids)

Pinus remota - Pinon pine

Pinus elderica - Afghan pine

Pinus thunbergii- Japanese black pine

Acer grandidentatum sinuosum-Bigtooth maple (need shade)

Acer rubrum- Red maple

Carya illinoensis - Pecan

Cedrus deodara - Deodar cedar

Fraxinus texinus -Texas Ash

Chilopsis linearis - Desert willow

Ehretia anacua - Anaqua

Eriobotrya japonica- Loquat

Gleditsia triacanthos inermis- Thornless honeylocust

Leucaena retusa - Goldenball

Persea borbonia-Redbay (need shade)

Pinus pinea - Italian stone pine

Platanus mexicana - Mexican sycamore

Prospois glandulosa- Honey mesquite

Pyrus calleryana - Calleryana pear

Quercus stellata- Post oak

Sapindus drummondii-Western soapberry

Sophora japonica- Japanese pagodatree

First Reading:
02/04/2025
Second Reading
02/18/2025

APPENDIX F - PREFERRED STREET TREES

MEDIUM-LARGE TO LARGE TREE LIST

- Bald Cypress (Taxodium distichum)
- Pecan (Carya illinoinensis)
- Texas Ash (Fraxinus texinus)
- Chinquapin Oak (Quercus muhlenbergii)
- Western Soapberry (Sapindus drummondii)

SMALL-MEDIUM TO MEDIUM TREE LIST

- Lacey Oak (Quercus laceyi)
- Escarpment Black Cherry (Prunus serolina)
- Mexican Sycamore (Platanus mexicana)
- Bur Oak (Quercus macrocarpa)
- Cedar Elm (Ulmus crassifolia)
- Big Tooth Maple (Acer grandidentatum)
- Escarpment Live Oak (Quercus fusif ormis)
- Texas Red Oak (Quercus texana
- Mexican Plum* (Prunus mexicana)
- American Smoke Tree* (Cotinus obovatus)

SMALL TREE LIST

- Golden Rain Tree* (Koelreuteria paniculata)
- Texas Redbud* (Cercis canadensis)
- Texas Pistache (Pistachia texana)

First Reading:
02/04/2025
Second Reading
02/18/2025

- Texas Persimmon (Diospyros texana)
- Texas Mountain Laurel* - tree form (Sophora secundiflora)
- Crape Myrtle* (Lagerstroemia indica)
- Chaste Tree* (Vitex agnus-castus) *showy, seasonal leaves/flowers/fruit

SECTION 2: SUPERCESSION:
If any section, subsection, paragraph, or sentence, clause, phrase, or word in this Ordinance, or application thereof, to any person or circumstance is held invalid such holding shall not affect the validity of the remaining portions of the same and the City Council hereby declares it would have passed such remaining portions despite such invalidity.

SECTION 3: EFFECTIVE:
This ordinance shall become effective after its publication in the newspaper as provided by the Charter of the City of Converse, Texas.

PASSED AND APPROVED this 18th day of February, 2025.

Al Suarez, Mayor

ATTEST:

Samantha Lee, City Secretary

CITY OF CONVERSE, TEXAS