

AGENDA ITEM REPORT

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To: Town Council

Subject: Consider and act upon the second reading of Ordinance 2025-01 regarding an amendment to the Unified Development Ordinance (UDO), including but not limited to amending Section 3.06.03 – Tree Protection Standards. **Case 1829-Z UDO Amendment – Tree Protection Standards.**

Meeting: Town Council - January 27, 2025

Department: Development Services

Staff Contact: Surupa Sen

SUGGESTED ACTION:

Staff recommends approval.

BACKGROUND INFORMATION:

This is a town-initiated Unified Development Ordinance (UDO) amendment as it relates to tree protection standards for all properties within Sunnyvale Town limits and Extra Territorial Jurisdiction (ETJ). UDO Tree Protection requirements are aimed at preserving and protecting natural, mature tree canopies within the city. The overall philosophy and approach in detailing the tree protection and mitigation standards are to preserve trees as an important resource that enhances the quality of life and to preserve environmentally sensitive areas such as natural areas, floodplains, and open spaces.

The UDO exempts any “property being actively used for agricultural purposes” from compliance with the tree protection requirements. Additionally, cedar trees (less than 11 caliper inches) and certain other trees commonly referred to as “trash trees” such as mesquite, hackberry, honey locust, cottonwood are exempt.

There are no monetary penalties for removing protected trees without first obtaining a tree removal permit. Recent issues and lack of organizational clarity of the ordinance made enforcement and effective implementation of tree protection standards difficult. As a result, staff has initiated a thorough review of the ordinance and reviewed tree protection regulations from other municipalities that might offer alternate solutions.

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission considered this UDO amendment request at their December 18, 2024, regular meeting and unanimously recommended approval with the following modifications:

1. Any existing tree root causing damage to an existing structure or utility shall be exempt;
2. Remove any fee requirement for an application for any property with an existing agricultural operation; and
3. Any property with an existing agricultural operation that is 6 acres or less shall be exempt.

In the proposed draft ordinance, staff has incorporated most of the commission recommendations except for allowing properties with existing agricultural use that are less than 6-acres in size to be exempt from the tree protection requirements and no fee requirements for agricultural use property.

Currently there is a flat fee of \$400.00 for any tree survey/removal permit. Staff is working on updating the Town's fee schedule. The proposed amendment will change this fee to an acreage-based fee. This change will reduce the permit fee for smaller (i.e., less than 6-acres) properties and increase the fee for larger properties.

As a result, staff recommends requiring a tree removal permit for any property with agricultural operations and requiring full mitigation if development or other plans are submitted within five years of tree removal permit approval as stated in **Section 3.06.03.B.3**. This will apply the ordinance in a fair and equitable manner and avoid clear cutting of agricultural properties, albeit small portions at a time.

Regarding allowing tree removal due to foundation damage or damage to underground utilities, staff has added this recommendation within **Section 3.06.03.F.6** of the proposed ordinance. However, the removed tree still must be mitigated on the property as outlined in **Section 3.06.03.H Tree Replacement Requirements**. The current and proposed Tree Protection Standards require mitigation of any living, healthy, mature tree. If such a tree is removed due to this exemption, that tree will have to be mitigated accordingly. This will avoid confusion and contradiction with other Homeowners Association (HOA) and application regulations.

PUBLIC NOTICE:

THE TOWN OF COLUMBIANA, MISSISSIPPI, HAS ADOPTED THE FOLLOWING ORDINANCE:

The Texas State Legislature passed S.B. 929 into law last year, which requires municipalities to mail out individual notices to property owners within affected zoning districts if any zoning ordinance text amendment is proposed by the municipality. The Town is proposing amendments to the UDO-Tree Protection Standards to better enforce the regulations and improve quality and retention of the Town's existing and future tree canopy.

As a result, 3,110 letters of notification were mailed to all the property owners within the Town on December 6, 2024. Notice of the public hearing was published in the Dallas Morning News (DMN) legal notice section on December 27, 2024. As of the writing of this report, the Town has not received any written response regarding the UDO Text Amendment request.

ATTACHMENTS:

[Staff Report](#)

[Ordinance 2025-01 - UDO Section 3.06.03 - Tree Protection Standards](#)

[UDO Excerpt - Section 3.06.03 Tree Protection Standards](#)

[Proposed UDO Section 3.06.03 - Tree Protection Standards - with annotations](#)