

CITY OF SAN ANTONIO
PLANNING & DEVELOPMENT SERVICES DEPARTMENT
INTERDEPARTMENT MEMORANDUM

TO: Planning Commission Technical Advisory Committee

FROM: Roderick J. Sanchez, AICP, CBO, Director, Planning & Development Services Department

COPY: T.C. Broadnax, Assistant City Manager

SUBJECT: **Tree Preservation Amendment**

DATE: December 15, 2008

Summary

Council Consideration Request (CCR) directing the Planning and Development Services Department to explore the feasibility of amending the current Unified Development Code (UDC), Chapter 35, Tree Preservation requirements.

Background:

The current UDC, section 35-523 (a) (1), indicates that industrial, commercial, office, multi-family, residential and institutional development is subject to the regulatory guidelines for removal of significant or heritage trees within a defined tract of land. However, under the Texas Agricultural Code a land owner who claims to have an "agricultural operation," defined under state law in broad and general terms, can be exempt from certain city ordinances, including the City's Tree Preservation Ordinance. A property with a claim to having an "agricultural operation" is often referred to as receiving an "ag exemption."

The primary objective in amending the UDC is to assure accountability for removal of significant tree canopy when land owners claim they are exempt from Chapter 35, Article 5, Section 35-523 due to existence of an "agricultural operation" on their land who then, subsequently, change the land use from an "agricultural operation" to a different activity or endeavor.

Under the revised amendments, owners of property who are exempt from city regulations because they claim the "agricultural operation" designation, then change use of the same property within five years following the removal of protected trees, would be held accountable to the provisions of the tree preservation ordinance. Specifically, once the "agricultural operation" designation is no longer applicable, the owner of the property would be required to preserve the protected trees in accordance with the current UDC guidelines and to mitigate for the protected trees removed within five years of the change of use.

Issue

The current state law effectively allows exemption from the City's tree preservation ordinance for any land that an owner claims is used for an "agricultural operation." This designation has

allowed for past abusive practices by land owners who remove trees under the exemption from city regulations and then transfer the property for a "change of use."

Amending the UDC to enforce tree preservation requirements, for property formerly designated "agricultural use" and subsequently changed to a different use, will help minimize abusive practices and further preserve the integrity of the City's adopted tree ordinance. Benefits of the tree preservation ordinance not only include aesthetic qualities but also provide minimization of energy costs, protection of air and water quality and management of storm water.

Alternatives

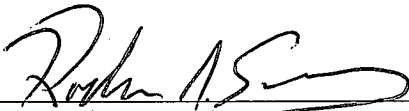
City Council disapproval or denial of this request for ordinance shall limit the City's ability to prevent abusive practices and violations of the City's tree preservation ordinance.

Fiscal Impact

None anticipated.

Recommendation

Staff requests action from the Technical Advisory Committee to forward the proposed UDC amendment to the Zoning and Planning Commissions to make a recommendation to the City Council.



Roderick J. Sanchez, Director
Planning & Development Services Department