Sec. 155.01. Title.

This chapter may be known and cited as the Tree Preservation Ordinance for the City of Carrollton, Texas.

(Ord. 2520, passed 6-6-00)

Sec. 155.02. Scope.

This chapter shall be effective within the geographical limits of the city, including any areas subsequently annexed by the city.

(Ord. 2520, passed 6-6-00)

Sec. 155.03. Definitions.

Caliper. Diameter of the trunk of a tree measured 12 inches above grade.

*Clear-cutting.* The indiscriminate removal of protected trees from a site or tract.

*Critical root zone.* The area of native soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line, as shown in section 155.11, Figure 2.

*DBH*. Diameter at breast height (DBH), is the tree trunk diameter measured in inches at height of 4 1/2 feet above ground level.

Development review committee. A committee comprised of staff members from city departments as designated by the City Manager.

*Tree.* Any self-supporting, woody perennial plant which will attain a trunk diameter of two inches or more when measured at a point six inches above ground level.

*Tree, protected.* A tree as listed in the Approved Plant List, section 155.11, Figure 1, that has a diameter of four inches or greater measured at 4 1/2 feet above ground. For a multi-trunk tree, the diameter shall be the total diameter of the largest trunk plus one-half of the diameter of each additional trunk.

*Tree, replacement.* A tree as listed in the Approved Plant List that has a minimum caliper required per section 155.08 of this chapter, and a minimum height of seven feet, measured at ground level, at the time of planting.

(Ord. 2520, passed 6-6-00)

Sec. 155.04. Applicability.

The terms and provisions of this section apply to all property as follows:

- (A) All vacant (without structures), undeveloped land.
- (B) All property to be redeveloped, including additions and alterations but excluding interior alterations.
- (C) Rights-of-way, streets, parks, and any other public property under the jurisdiction of the city shall be governed by this chapter.

(Ord. 2520, passed 6-6-00)

Sec. 155.05. Exemptions.

- (A) This chapter, as amended, does not apply to single-family, duplex and single-family attached lots after initial development and final inspection of the dwelling, nor to any expansion, addition or alteration to any existing single-family, duplex and single-family attached dwelling. This chapter, as amended, does not apply to the redevelopment of single-family, duplex or single-family attached dwellings on a lot previously used for a single-family, duplex and single-family attached dwelling. However, the development of any new nonresidential or multi-family structure on a lot previously used or zoned for a single-family, duplex and single-family attached dwelling residential use shall not be exempt from the requirements of this chapter as amended.
- (B) Nothing herein contained shall require any change in the plans, construction or designated use of any parcel of property for which a permit for construction has been issued, at the effective date of this chapter or amendments hereto.
- (C) During the period of an emergency, such as a tornado, storm, flood or other natural disaster, the requirements of this chapter may be waived as deemed necessary by the emergency management coordinator or other designee of the City Manager. In addition to rights granted by easement, utility service providers, lawfully within the right-of-way, may remove trees during the period of an emergency that are determined by the company to be a danger to public safety and welfare by interfering with utility service.
- (D) In the pursuit of maintenance or installation of its facilities, utility service providers or their contractors, agents, successors and assigns shall have the right to trim or remove trees so as to prevent any part of the trees from becoming a danger to public health, safety and welfare by interfering with utility service. Any trimming or removal shall be done in a manner such that the aesthetics and health of the trees are not destroyed and shall be done under the supervision and direction of any city official to whom the duties have been or may be delegated. The city may require boring under trees within the dripline instead of trenching. The regulations of the city right-of-way management ordinance shall also apply.

- (E) A diseased or damaged tree, which is beyond the point of recovery or in danger of falling, shall be exempt from the provisions of this chapter as amended. The removal of a diseased tree by the city or by an individual is required to reduce the chance of spreading the disease to adjacent, healthy trees.
- (F) Any plant nursery, as defined by article XXXIV of the Comprehensive Zoning Ordinance, shall be exempt from the provisions of this chapter, as amended, only in relation to those trees planted and growing on the premises for sale, either retail or wholesale.
- (G) Any property for which a design contract has been awarded by the City Council on or before the adoption of this chapter shall be exempt from the provisions of this chapter as amended.
- (H) Any paved surface within the critical root zone of a protected tree, which is in existence on or before the effective date of this chapter, may be replaced or maintained.

(Ord. 2520, passed 6-6-00)

Sec. 155.06. Tree preservation and protection.

- (A) No clear-cutting of land is allowed. Prior to construction or development on a site that contains one or more protected trees, a tree preservation plan must be approved by the city. If the site does not contain any protected trees, a letter, prepared by a registered surveyor, engineer, architect or landscape architect, shall be submitted to the city, which verifies that protected trees are not on the subject site.
- (B) The application for a tree preservation plan shall be submitted on a form provided by the city and accompanied by a site plan that includes, but is not limited to the following:
  - (1) Delineation of site boundaries.
  - (2) Location of all existing or proposed structures; improvements such as streets, alleys and easements.
  - (3) A survey depicting the location and caliper of all protected trees to be preserved.
- (C) Protected trees, which are not required to be removed or have been identified on the tree preservation plan to be preserved, must be protected under the following conditions:
  - (1) No materials intended for the use in construction or waste materials accumulated due to excavations or demolition shall be placed within the limits of the critical root zone.

- (2) No equipment shall be cleaned or other foreign materials deposited or allowed to flow overland within the critical root zone of a protected tree. This includes without limitation, paint, oil, solvents, asphalt, concrete, mortar or similar materials.
- (3) No signs, wires or other objects, other than those of a protective nature shall be attached to any protected tree. However, lighting of a decorative nature may be attached to a protected tree. The lighting shall be attached in a manner as not to damage the protected tree.
- (4) No vehicular and or construction traffic or parking shall take place within the limits of the critical root zone of any protected tree other than on an existing paved surface. This restriction does not apply to access within the critical root zone for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.
- (5) Grade changes shall be allowed within the limits of the critical root zone of any protected tree only upon approval by the city.
- (6) No paving with asphalt, concrete or other impervious materials shall be placed within the critical root zone of a protected tree. However, paving may encroach up to five feet from the trunk upon approval by the city.
- (7) In those situations where a protected tree is within 50 feet of a construction area, a protective fence, minimum of four feet in height, shall be erected and maintained outside of the critical root zone of each protected tree or tree group. The protective fencing shall be only required on the subject site if the critical root zone extends onto adjacent property. It is not the intent of this provision to prohibit the development of a site in accordance with division (C)(6) of this section.
- (8) No person, directly or indirectly, shall prune, cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree on city-owned property unless otherwise permitted by this chapter.
- (D) The city shall have the right to plant, prune, and maintain any tree located on a right-of-way, easement, public park land or any other municipally-owned property as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of the public properties. The city may remove or cause or order to be removed any tree or part of thereof, which is in an unsafe condition, or which, by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines or other public improvements.

(Ord. 2520, passed 6-6-00)

**Cross references:** Penalty, § 155.99.

Sec. 155.07. Tree removal permit.

- (A) No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree without first obtaining a tree removal permit, unless otherwise specified in this chapter. The application for a tree removal permit shall be submitted on a form provided by the city. Permits may be issued with verification that the protected tree is damaged or diseased.
- (B) The application for a tree removal permit shall be submitted in conjunction with the following:
  - (1) An application for a development permit to fill or grade property.
  - (2) An application for a preliminary plat, including the development of new internal streets, final plat, or an administrative plat, whichever is applicable for the initial phase in the platting process.
  - (3) If the property is platted an application for a tree removal permit shall be submitted in advance of or in conjunction with a permit application for new construction.
  - (4) The tree removal permit application may also be submitted in conjunction with a tree preservation plan.
- (C) The application for a tree removal permit shall be accompanied by a site plan that includes, but is not limited to the following:
  - (1) Delineation of site boundaries.
  - (2) Location of all existing or proposed structures in conjunction with a building permit application, or improvements or facilities such as streets, alleys and easements in conjunction with a plat application.
  - (3) A survey depicting the location, species and DBH of all protected trees to be removed.
  - (4) The reason for the proposed tree removal shall be summarized on legend form on the plan. The same summary shall also be submitted on a legible 8.5-inch x 11-inch document.
- (D) Upon receipt of a valid application for a tree removal permit, the City Development Review Committee shall be responsible for the review and approval of all requests submitted in accordance with the requirements specified herein.

(E) Any decision of the development review committee may be appealed to the Tree Board, which shall provide a recommendation to the City Council. Action by the City Council shall be final

(F) Consideration for the approval of a tree removal permit shall be based upon the following guidelines:

(1) Whether the removal of the protected tree is permitted by section 155.05 of this chapter.

(2) Whether or not a reasonable accommodation or alternative solution can be made to accomplish the desired activity without the removal of the protected tree.

(3) The effect of the removal of the protected tree on erosion, soil moisture, retention, flow of surface waters, and drainage systems.

(4) The need for buffering of residential areas from the noise, glare, and the visual effects of nonresidential uses.

(5) Whether the removal of the protected tree affects the public health, safety or welfare of the city.

(6) Whether the application demonstrates the attempt to preserve existing trees on the site.

(G) An approved tree removal permit shall expire within 12 months of final action of the city if the permits or plats are not approved as identified in division (B) of this section.

(Ord. 2520, passed 6-6-00)

Cross references: Penalty, § 155.99.

Sec. 155.08. Tree replacement requirements.

(A) Replacement trees shall be required under the following conditions:

(1) To remove a protected tree as specified in section 155.07.

(2) To replace a tree that was identified on a tree preservation and replacement plan but dies within two years of the date it was planted.

(B) Replacement trees shall be planted in accordance with the provisions of this chapter per the following rates:

For Each Protected Tree to be Removed	Required Size and Number of New Replacement Trees
4-inch DBH to 12-inch DBH	Minimum 3-inch caliper, equivalent to 100 percent of DBH removed
Greater than 12-inch DBH	Minimum 4-inch to 30-inch DBH caliper, equivalent to 100 percent of DBH removed
Greater than 30-inch DBH	Minimum 6-inch caliper, equivalent to 100 percent of DBH removed

- (C) No more than 34 percent of the number of replacement trees shall be of the same species when 12 or more trees are required.
- (D) Acceptable types of replacement trees are designated in the Approved Tree List, section 155.11, Figure 1.
- (E) The replacement trees shall be located on the subject site whenever possible. However, if there is not a suitable location for the replacement trees on the subject site and upon recommendation of the Tree Board, the City Council may approve either of the following or a combination of the following:
  - (1) The planting of the replacement trees within a public right-of-way, public park land or any other publicly-owned property.
  - (2) The planting of the replacement trees within private open space.
  - (3) The payment of a fee into the tree restoration fund in the amount in accordance with a fee schedule provided by the city. The fee schedule shall be based on the average cost of the required replacement tree and the average cost of installation. The funds shall be used solely for the purpose of purchasing and installing trees on public rights-of-way, public park land or any other municipally-owned property. The funds shall be spent within two years of the final action of the City Council regarding a request for payment into the tree restoration fund.

(Ord. 2520, passed 6-6-00; Am. Ord. 2622, passed 7-24-01)

**Cross references:** Penalty, § 155.99.

Sec. 155.09. Miscellaneous provisions.

- (A) Trees identified on a tree protection and preservation plan or trees identified to be replaced shall be eligible to meet the requirements and credits of article XXV of the Comprehensive Zoning Ordinance for areas of the site not within the landscape buffer. The minimum landscape requirements of the landscape buffer shall be met in addition to this chapter when applicable.
- (B) No protected tree shall be pruned in a manner which significantly disfigures the tree, or in a manner which would reasonably lead to the death of the tree. This section is not intended to require a tree removal permit for reasonable pruning performed or contracted to be performed by the owner of the tree.
- (C) Trees required to be planted by this chapter shall be planted in accordance with the intersection visibility triangles as specified in sections 53.40 through 53.48 of this Code.
- (D) The filling and reclamation of property and mitigation as delineated on a Section 404 permit, issued by the U.S. Army Corps of Engineers, shall be permitted in lieu of the requirements of this chapter, as amended. The removal of any protected tree on the subject property shall be in accordance with a filling, reclamation, and mitigation plan approved and/or ordered by the corps of engineers incident to the filling and reclamation of wetlands and floodlands on the property. As soon as the reclamation and mitigation prescribed by the corps of engineers has been completed, and the property is no longer under the supervision and authority of the corps of engineers, this chapter, as amended, shall immediately apply to the property thereafter.

(Ord. 2520, passed 6-6-00)

Cross references: Penalty, § 155.99.

Sec. 155.10. Variances.

The City Council, after conducting a public hearing, shall hear appeals from decisions of the city staff and may approve a tree removal permit and approve a variance to all or a portion of the requirements to provide for replacement trees for the following:

- (A) A public or recreational use or structure but not including rights-of-way or easements.
- (B) A private use that usually requires large areas of open space (impervious surface).
- (C) Development of heavily forested sites where the strict compliance of the requirements of this chapter, as amended, will unreasonably burden the use of the property.

(Ord. 2520, passed 6-6-00)

Sec. 155.11. Figures.

FIGURE 1: APPROVED PLANT LIST

Large Trees (40+ feet)	
Bigtooth Maple	Acer grandidentatum
Caddo Maple	Acer saccharum 'Caddo'
Pecan	Carya Illinoensis
White Ash	Fraxinus americana
Ginkgo	Ginkgo biloba
Sweetgum	Liquidamber styraciflua
Southern Magnolia	Magnolia grandiflora
Escarpment Live Oak	Quercus fusiformus
Bur Oak	Quercus macrocarpa
Chinkapin Oak	Quercus muehlenbergii
Shumard Red Oak	Quercus shumardii
Post Oak	Quercus stellata
Live Oak	Quercus virginiana
Bald Cypress	Taxodium distichum
American Elm	Ulmus americana
Cedar Elm	Ulmus crassifolia
Drake Elm	Ulmus parvifolia ('Drake')
Lacebark Elm	Ulmus parvifolia
Slippery Elm	Ulmus rubra

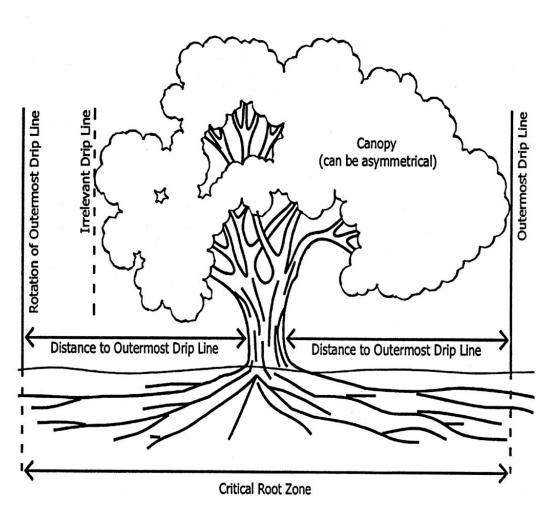
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## FIGURE 1: APPROVED PLANT LIST (continued)

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Mid-Sized Trees (25-40 feet)	
Chittamwood	Bumelia lanuginosa
Arizona Cypress	Cupressus arizonica
Texas Persimmon	Diospyros texana
Eastern Persimmon	Diospyros virginiana
Green Ash	Fraxinus pennsylvanica
Texas Ash	Fraxinus texensis
Texas Walnut	Juglans microcarpa
Ashe Juniper	Juniperus ashei
Eastern Red Cedar	Juniperus virginiana
Eldarica Pine	Pinus eldarica
Chinese Pistachio	Pistacia chinensis
Texas Oak	Quercus buckleyi
Havard Shin Oak	Quercus havardii
Bluejack Oak	Quercus incana
Lacey Oak	Quercus laceyi
Blackjack Oak	Quercus marilandica
White Shin Oak	Quercus sinuata var. brevicoba
Western Soapberry	Sapindus drummondii
Winged Elm	Ulmus alata

Ord. 2520, passed 6-6-00)

## FIGURE 2



Ord. 2520, passed 6-6-00)

Secs. 155.12--155.98. Reserved.

Sec. 155.99. Penalty.

Any person, firm or corporation violating a provision of this chapter, upon conviction, is guilty of an offense punishable by a fine not to exceed \$500.00 for each incident. Each day upon which there exists a violation of this chapter or failure to abide by, or comply with, any provision or requirement of this chapter, shall constitute a separate occurrence and subject the offender to separate penalty.

(Ord. 2520, passed 6-6-00)