

#### **Sec. 12-34-2-4. Definitions.**

The following definitions shall apply to this chapter:

- (A) *Appraised value* means the monetary value for a tree based on the formula established by The Council of Tree and Landscape Appraisers (CTLA) and published by the International Society of Arboriculture.
- (B) *Bore utilities* means The practice of tunneling at a depth below the effective root system of a tree, generally at a depth of 18 to 24 inches, for the purpose of running underground utilities.
- (C) *Critical root zone* means the top 12 inches of undisturbed natural soil around the tree, defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line, wherein roots critical to its survival are growing.
- (D) *DBH* or *diameter at breast height* means the diameter, in inches, of a tree as measured through the main trunk at a point four and one-half feet above the natural ground level.
- (E) *Drip line* means the periphery of the area encompassing a tree determined by dropping imaginary vertical lines from the outermost portion of its canopy to the ground.
- (F) *Historic tree* means any tree that has been so designated by the city council, after public hearing and due notice to the owner, as a tree of notable historical interest or value to the city because of its location within or historical association to the community. A listing and map of all designated historic trees shall be maintained and updated by the department of leisure services and made available to the public upon request.
- (G) *Leaf litter* means the normal organic matter lying on the forest floor.
- (H) *Mulch* means pre-decomposed organic material.
- (I) *Person* means any corporation, partnership, firm, association or other artificial entity; or any individual; or any agent or employee of the foregoing.
- (J) *Protected tree* means any living tree species, six inches DBH or larger, which is not on the "unprotected tree list" that shall be subject to the preservation, protection, and replanting requirements of article 34, division 2.
- (K) *Protective fencing* means a barrier from entry, constructed from chain link, orange plastic, or other similar material at a minimum height of four feet above ground level, restricting access to a tree protection zone.

- (L) *Reforestation and natural areas fund* means the fund established by the city for the purpose of collecting monetary reparation to provide for urban reforestation, purchase and preservation of natural areas, public education, as well as costs associated therein by the department of leisure services, in conjunction with the park and recreation board.
- (M) *Replacement tree* means a nursery-grown tree of a protected tree species, as defined in article 34, division 2, with a minimum DBH of three inches and height of seven feet.
- (N) *Specimen tree* means a tree that has been designated as a tree of notable value because of its type, size, or other professional criteria. Any tree which has grown to at least 75 percent of the DBH or circumference size of the champion tree of its species, as determined by the most current edition of the Texas Big Tree Registry or the Listing of Metroplex Champions published by the Texas Forestry Service, shall be so designated. A listing and map of all designated specimen trees shall be maintained and updated by the department of leisure services and made available to the public upon request.
- (O) *Tree* For the purposes of article 34, division 2, any self-supporting woody perennial plant which has a trunk DBH of six inches or greater which normally attains an overall height of at least 20 feet at maturity, usually with one main stem or trunk and many branches.
- (P) *Tree board* A board, established by the city council, which is charged with advising the city manager or his designee in the administration of this division, as well as promoting tree awareness, tree planting, and urban forestry education and practice in the city.
- (Q) *Tree protection zone* means any area designated, or required, for the sole purpose of preserving a protected tree, or group of trees, wherein no activities prohibited by article 34, division 2 shall take place.
- (R) *Tree removal permits* a permit which must be approved by the city manager or his designee prior to the removal of any tree. (appendix, item I).
- (S) *Under story vegetation* means forest plants or smaller trees which grow beneath the canopy of larger trees.
- (T) *Unprotected tree* means a tree of an undesirable species, as determined by article 34, division 2, which does not require preservation, protection measures, or replanting.

(Ord. No. 91500-A-203)

**Sec. 12-34-2-7. Protected tree designation.**

- (A) Any tree which has a six inch DBH or greater, which is not listed as an unprotected tree species in section 1234-2-7B or not exempted in section 12-34-2-6, is a protected tree and must be retained and protected or replaced if removed.
- (B) Protection and replacement will not be required for the following species of unprotected trees less than ten caliper inches.

TABLE INSET:

Common Name	Botanical Name
Hackberry	Celtis occidentalis
Cottonwood	Populus deltoides
Bois d'Arc	Maclura pomifera
Mimosa	Albizia julibrissin
Mesquite Trees	Prosopis glandulosa

This list is subject to change and will be periodically updated by the city manager or his designee with the approval of the park and recreation board.

- (C) All protected trees on the development or construction site must be preserved and protected according to section 12-34-2-9, guidelines for tree protection, unless a tree removal permit has been obtained.

(Ord. No. 91500-A-203; Ord. No. 91500-A-282, § 1, 1-9-01)

**Sec. 12-34-2-8. Tree survey.**

- (A) *Purpose.* The tree survey is the heart of the tree preservation ordinance. Its purpose is not to penalize, but to aid those in protecting our valuable natural resources during development and construction. Additionally, the tree survey will also help determine the quantity of trees, if any, that must be removed or cannot be safely and adequately protected during the street, utility, and construction phases of development.
- (B) *Scope.* A tree survey shall be conducted and be current to within the 24 months immediately prior to submission for any of the following:
  1. Preliminary plat.
  2. Re-plat.
  3. Final plat and approval.
  4. Site plan review.

5. Application for building permit.

(C) *Detail:*

1. The tree survey shall be performed by qualified personnel meeting the requirements of the City of Coppell. These persons must register and be approved by the city manager or his designee prior to the conducting of the tree survey. Minimum qualification must be one of the following:
  - a. International Society of Arboriculture Certified Arborist.
  - b. Texas Association of Nurserymen Member.
  - c. A degree in a related field (i.e. forestry, landscape architecture, botany, horticulture) with five years field experience.
2. The tree survey shall include location, size (DBH), species, canopy type, ordinal points of canopy spread, and condition of all trees with a six-inch DBH or larger. Trees will be measured at four and one-half feet above natural ground level, or DBH (diameter at breast height). The tree survey information will be compiled in a tabular format with each tree identified by a number corresponding to a numbered tree on the site plan. (appendices A, B and C).
3. The entire parcel being proposed for development shall be included in the tree survey, except for any portion located farther than 50 feet from any planned development or construction activities.
4. Once the tree survey has been accomplished and submitted to the city, all trees on the tree survey shall be classified as protected trees, with the exception of those unprotected tree species listed in subsection 12-34-2-7B or exempted by section 12-34-2-6.
5. The tree survey shall then be used to determine:
  - a. The number of protected trees that must be removed for the development of essential streets, utilities, and building construction.
  - b. Potential specimen or historic trees.
  - c. The total amount of required tree replacement or reparation.
  - d. The amount of tree preservation credit.

(Ord. No. 91500-A-203)

**Sec. 12-34-2-9. Guidelines for tree protection.**

A major purpose of article 34, division 2 is to protect all existing quality site trees which are not required to be removed for approved development and construction to occur. The following are minimum requirements for the protection of all protected trees within 50 feet of all development and construction activities related, but not limited, to streets, parking lots, building sites, driveways, and sidewalks.

- (A) Prior to construction or land development, the developer or builder must clearly mark all protected trees within 50 feet of all public rights-of-way, public easements, or construction areas. The protected trees will be flagged with bright, fluorescent survey ribbon wrapped around the main trunk at a height of four feet from natural grade such that the tape is very visible to construction workers and equipment operators.
- (B) Prior to construction or land development, the developer or builder shall establish designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment, and related items, as well as stockpile areas for the storage of construction supplies and materials. After approval by the city manager or designee, the location and dimensions of said designated areas shall be clearly identified on construction and site plans and at the construction site.
- (C) In those situations where the drip line of a protected tree is not directly affected by construction but construction related activities may infringe on said drip-line, protective fencing shall be installed at minimum around the drip-line designating a tree protection zone. The fencing must be a minimum of four feet in height with silt fencing attached to the base of the fence. Bright, fluorescent survey ribbon must be attached to the protective fencing at ten-foot intervals. (appendices D and E).
- (D) Bilingual (English and Spanish) signage will be conspicuously located on all protective fencing designating a tree protection zone. (appendix F).
- (E) Every effort will be made to retain understory vegetation and leaf litter during all phases of development and construction. If understory vegetation and/or leaf litter is removed, the critical root zone within the tree protection zone will be mulched with three to six inches of organic material to aid in keeping soil temperatures down and in the retention of soil moisture.
- (F) Underground utilities may be bored if the line of the utility passes within a tree protection or critical root zone. (appendix G).

- (G) Grade changes in excess of four inches cut or fill within a tree protection or critical root zone will require a retaining wall or tree well, made of rock or brick, to be constructed around the protected tree no closer than 75 percent of the distance between the trunk and the drip line. The top of the retaining wall should be constructed at the new grade. Additional measures to maintain proper oxygen and water exchange with the protected tree roots may also be required. (appendix H).
- (H) All protected trees shall be provided with a permeable surface under a minimum of 75 percent of the existing drip line of the tree(s).

(Ord. No. 91500-A-203)

**Sec. 12-34-2-10. Prohibited activities.**

The following activities shall be prohibited on any development or construction site within a tree protection zone or the drip line of any protected tree:

- (A) No construction vehicle or equipment traffic or parking shall take place.
- (B) No materials intended for use in development or construction, or waste materials accumulated due to excavation or demolition, shall be placed or stored.
- (C) No equipment shall be cleaned or liquids deposited or allowed to flow overland. This includes, but is not limited to, paint, oil, solvents, asphalt, concrete, mortar, and similar materials.
- (D) Grade changes in excess of four inches shall not be made unless properly protected by a retaining wall or tree well as described in section 12-34-2-9.
- (E) No water, which accumulates due to construction-related activities, shall be permitted to remain around any protected tree.
- (F) No signs, wires, or other attachments, other than those of a protective nature, shall be attached to any protected tree.
- (G) Except for these aforesaid exemptions in section 12-34-2-6, under no circumstances shall there be a clear cutting of trees on a property for any purpose at any time.
- (H) No person, directly or indirectly, shall cut down, destroy, effectively destroy through damaging, remove, or move any tree, protected tree, specimen tree, or historic tree without a tree removal permit at any time unless exempted by section 12-34-2-6.

- (I) No person, directly or indirectly, shall act in concert with an owner, occupant, lesser, lessee or any person claiming an interest in property to enter into any agreement, contract, negotiation, letter of intent or any other type of arrangement to circumvent the prohibitions contained herein or to otherwise qualify for an exemption from the provisions of this ordinance.

(Ord. No. 91500-A-203)

**Sec. 12-34-2-11. Tree removal permit.**

- (A) In the event it becomes necessary to remove a tree for development or construction, a tree removal permit will be required. Permits for tree removal may be requested by making application on a form prescribed by the city to the city manager or his designee. (appendix I).
- (B) Upon receipt by the city of a completed tree removal permit application, an administrative fee shall be paid to the city by the applicant.
- (C) The tree removal permit application shall be accompanied by a preliminary plat or site plan showing the exact location, size (DBH), common name, and reason for request of removal of each tree on site.
- (D) Submission of a tree removal permit application to the city shall authorize the city manager or his designee or his designee to conduct field inspections of the site as necessary for purposes related to the provisions of the tree preservation ordinance.
- (E) After thorough review of the tree removal permit application and accompanying documents, the city manager or his designee will approve, approve with conditions, or disapprove the application. Disapproved applications may be revised and resubmitted to the city free of charge.

(Ord. No. 91500-A-203)

**Sec. 12-34-2-12. Protected tree replacement.**

Removal of any protected tree(s) will require a tree removal permit and replacing or replanting of tree(s) on site or on public land, as designated by the city manager or his designee. Required tree replacement will be determined as follows:

- (A) In as much as it is reasonable and feasible, replanting on the development or construction site will be made to restore the original natural landscape character of the site.

1. Protected trees will be replanted at a replacement ratio of one inch DBH of replacement tree for each one inch DBH of removed tree.
  2. Specimen and historic trees will be replanted at a replacement ratio of ten inches DBH of replacement tree for each one inch DBH of removed tree.
  3. Replacement trees must be a minimum of three inches DBH, seven feet in height, and be of the same, or more desirable, protected species.
- (B) To the extent that tree replacement is not feasible, the city manager or his designee shall determine the amount of indemnification to be paid by the developer. Upon determination of indemnification, said payment shall be made to the City of Coppell Reforestation and Natural Area Funds based on amounts indicated which is as follows:
1. For protected trees, reparation will be made in the amount of \$100.00 per one inch DBH.
  2. For specimen and historic trees, reparation will be made for the appraised value of the removed tree as determined by CLTA (Council of Landscaping Tree Appraisers) guidelines.
- (C) If any protected and/or replacement tree dies within two years of initial planting or issuance of certificate of occupancy and is brought to the attention of the city manager or his designee, the original permit applicant shall be subject to the same replacement as a protected tree in section 12-34-2-12.
- (D) Money paid in lieu of tree replacement made in compliance with article 34, division 2 shall be considered contributions to the City of Coppell Reforestation and Natural Areas Fund. This fund shall be used for purposes of, but not limited to:
1. Planting of trees in city parks, on public lands, and along public rights-of-way.
  2. Purchasing of wooded, natural areas, particularly floodplain acreage, to preserve these highly-sensitive environmental areas for public protection and passive recreational enjoyment.
  3. Educational projects, such as construction of outdoor learning centers or classroom/group tours led by foresters or park staff.
- (E) Except for one six-month extension approved by the city manager or his designee due only to seasonal limitations that would make planting of trees

impractical and require an escrow deposit in an amount equal to 110 percent of the estimated cost of tree planting, no certificate of occupancy will be issued for any building or structure on the development or construction site until all required tree replacement and/or monetary reparation has been made in full.

(Ord. No. 91500-A-203; Ord. No. 91500-A-292, § 1, 5-8-01)

**Sec. 12-34-2-13. Tree replacement credits.**

Credits may be earned to reduce required tree replacement or money paid in lieu of tree replacement, if any, due to compliance with the tree preservation ordinance. (See appendix J)

- (A) Non-residential property. The following credits shall be given to reduce the amount of reparation incurred, if any, from development and construction on non-residential property which is not adjacent to residential use (appendix K):
  - 1. Preservation credit:
    - a. A preservation credit, based on the percentage of protected trees (DBH) preserved on site, shall be given.
    - b. Only those trees in good condition, with an excellent prospect for long-term survival and preserved in accordance with provision of this ordinance, shall be considered for preservation credit.
    - c. Non-residential property which is adjacent to residential use may qualify for the preservation credit if a minimum 50 foot permanent buffer, meeting all tree protection zone requirements, is maintained adjacent to all residential property lines.
  - 2. Landscaping credit.
    - a. For each one inch DBH of approved species tree planted on site, a landscaping credit of one inch DBH shall be earned.
    - b. This credit shall include any trees planted to fulfill city landscaping requirements.
    - c. The landscaping credit may be applied to offset up to 50 percent of required reparation as provided in subsection 3.

3. Applicability of landscaping credit. In an exceptional case a landscape credit may be applied to offset up to 50 percent of required reparation as provided herein. An exceptional case shall be defined by the city manager or his designee by adoption of reasonable guidelines based on all of the following:
  - (a) Intensity/use of the development;
  - (b) Acreage and/or location of the property;
  - (c) The number of trees which may be affected;
  - (d) The location of the property in relation to surrounding development;
  - (e) Frontage on major thoroughfares;
  - (f) Environmental disruption or sensitivity to surrounding arboreal growth; and
  - (g) Disruption to surrounding wildlife.

These guidelines shall be adopted, and, may amend from time to time by resolution of the city council.

- (B) Residential and adjacent non-residential properties. The following credits, in exceptional cases, as defined herein in section 12-34-2-13 (A) (3), shall be given to reduce the amount of reparation incurred, if any, from development and construction on residential properties and those non-residential properties adjacent to residential use that do not maintain a minimum of a 50-foot permanent buffer, as described in section 12-34-2-13A above (appendix L).
- (C) Credit determination.
  1. Determination of expected credit shall be made by the city manager or his designee upon approval of a tree removal permit application.
  2. The city manager or his designee shall verify credits upon completion of the site improvements, and for this purpose, may include a field inspection of the site.
  3. If actual landscaping and tree preservation is not in accordance with the plan on which credits were based, an adjustment shall be made and, if necessary, require the applicant to make additional reparation either in the form of additional tree planting or contribution to the City of Coppell Reforestation and Natural Areas Fund.

4. Only in exceptional cases may landscaping credit be given to reduce reparation incurred or in the event of tree removal for floodplain reclamation purposes.

(Ord. No. 91500-A-203)

**Sec. 12-34-2-14. Unauthorized tree removal.**

Each unauthorized tree removed shall constitute a distinct and separate offense and shall also be punishable by the maximum fine allowed under law.

(Ord. No. 91500-A-203)