

Sec. 52. Tree preservation.

- A. *Purpose.* The purpose of this section is to establish rules and regulations governing the protection of trees and vegetation cover within the City of Grapevine, to encourage the protection of healthy trees and vegetation and to provide for the replacement and replanting of trees that are necessarily removed during construction, development or redevelopment.
- B. *Definitions.* The following definitions shall apply to this chapter:
1. *Buildable area:* That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected, and including the actual structure, driveway, parking lot, pool, and other construction as shown on the site plan.
 2. *Drip line:* A vertical line run through the outermost portion of the crown of a tree and extending to the ground.
 3. *Historic tree:* A tree which has been found by the city to be of a notable historic interest because of its age, type, size or historic association and has been so designated as part of the official records of the city.
 4. *Person:* Any corporation, partnership, association or other artificial entity; or any individual; or any agent or employee of the foregoing.
 5. *Specimen tree:* A tree which has been determined by the city to be of high value because of its type, size, or other professional criteria, and which has been so designated as part of the official records of the city.
 6. *Tree, protected:* Any self-supporting woody perennial plant which has a caliper of three inches or more when measured at a point of 4 1/2 feet above ground level and which normally attains an overall height of at least 20 feet at maturity, usually with one main stem or trunk and many branches. It may appear to have several stems or trunks as in several varieties of oaks.
 7. *Tree topping:* The severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.
 8. *Yard area:* The front, side and rear yard areas as required under the Comprehensive Zoning Code and the zoning district requirements applicable thereto.
- C. *Applicability.* The terms and provisions of this section shall apply to real property as follows:

1. All real property upon which any designated specimen or historic tree is located.
2. All vacant and undeveloped property.
3. All property to be redeveloped, including additions and alterations.
4. The yard areas of all developed property, excluding developed and owner-occupied single-family residential property.
5. All easements and rights-of-way except those included in a plat approved by city council shall meet the terms and provisions of this section.

D. *Tree permit required.*

1. A tree preservation permit may be required by city council and approved in connection with a request for a zone change, conditional use or special use permit request or when a plat (preliminary, final, or replant) is filed, unless one has already been approved. This permit shall be prepared by a registered landscape architect, registered architect, registered engineer or registered surveyor.
2. A protected tree removal permit shall be required when protected trees are to be removed from a site. No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree, specimen tree or historic tree situated on property described above without first obtaining approval from the director of development services and a protected tree removal permit unless the conditions of section 52.H.1 and 52.H.2 apply. A registered landscape architect, registered architect, registered engineer or registered surveyor shall prepare a permit submitted for approval by the planning and zoning commission. A tree removal permit and/or protected tree removal permit submitted for approval by development services staff does not have to be prepared by a registered landscape architect, registered architect, registered engineer or registered surveyor.

E. *Tree preservation permit.* The purpose of this requirement is to provide a review process to preserve the existing natural environment whenever possible and to encourage the preservation of large specimen trees throughout any construction or land development. The tree preservation permit shall include the following:

1. Location of all existing or proposed structures, improvements such as streets, alleyways etc. and site uses, properly dimensioned and referenced to property lines, setback and yard requirements.

2. Date, scale, north point, and the names, addresses and telephone numbers of both property owner and the person preparing the plan.
 3. Location of existing and proposed public utility easements, public access easements and drainage easements on the lot.
 4. Location and dimensions of visibility triangles on the lot.
 5. The city council shall dictate what caliper size tree to survey for purposes of preservation of existing trees. Protected trees to remain shall be designated by a circle.
 6. The city council shall dictate what caliper size tree to survey for purposes of removal. Protected trees to be removed shall be designated by a triangle.
 7. Tree information required above shall be summarized in legend form on the plan and shall include the reason for the proposed removal. This same summary shall also be submitted on an 8.5" x 11" sheet of paper.
 8. Protected tree replacement plan: The plan shall exhibit the location of proposed protected trees to be replaced and include a legend indicating the species, caliper size and height of proposed protected tree replacement. Replacement trees shall be designated by a square. The legend shall also be submitted on an 8.5" x 11" sheet of paper.
 - (a) No replacement tree may be planted within a visibility triangle, a water course, or an existing or proposed street or alley.
 - (b) A replacement tree must have a minimum caliper of at least three inches when measured at six inches above ground level.
 - (c) A replacement tree that dies within two years of the date it was planted must be replaced by another replacement tree that complies with the tree preservation permit.
 9. Tree protection plan: The plan shall describe how existing, healthy protected trees proposed to remain will be protected from damage during any construction or land development in accordance with section 52.J., Tree Protection.
- F. *Protected tree removal permit.* Permits for removal or replacement of protected trees covered herein shall be obtained by making application on a form prescribed by the city and submitted to the director of development services. The application shall be accompanied by a preliminary plat showing the exact location, caliper size, height, and common name of all protected trees to be removed. The application shall also be accompanied by a written document indicating the reasons for

removal or replacement of protected trees and two copies of legible site plan drawn to the largest practicable scale indicating the following:

1. Location of all existing or proposed structures, improvements such as streets, alleyways, etc. and site uses, properly defined and referenced to property lines, setback and yard requirements and special relationships.
2. Date, scale, north point, and the names, addresses and telephone numbers of both property owner and the person preparing the plan.
3. Existing and proposed site elevations, grades and major contours.
4. Location of existing and proposed public utility easements, public access easements and drainage easements on the lot.
5. Location and dimensions of visibility triangles on the lot.
6. Survey locating protected trees on the site to remain that are three inch caliper or greater when measured at a point 4 1/2 feet above the ground level. Protected trees to remain shall be designated by a circle.
7. Survey locating trees on the site to be removed that are three inch caliper or greater when measured at point 4 1/2 feet above the ground level. Protected trees to be removed shall be designated by a triangle.
8. Tree information required above shall be summarized in legend form on the plan and shall include the reason for the proposed removal. This same summary shall also be submitted on an 8.5" x 11" sheet of paper.
9. Protected tree replacement plan: The plan shall exhibit the location of protected trees proposed to be replaced and include a legend indicating the species, caliper size and height of proposed tree replacement. Replacement trees shall be designated by a square. The legend shall also be submitted on an 8.5" x 11" sheet of paper.
 - (a) No replacement tree may be planted within a visibility triangle, a watercourse, or an existing or proposed street or alley.
 - (b) A replacement tree must have a minimum caliper of at least three inches when measured at six inches above ground level.
 - (c) A replacement tree that dies within two years of the date it was planted must be replaced by another replacement tree that complies with the tree preservation permit.

10. Tree protection plan: The plan shall describe how existing healthy protected trees proposed to be retained will be protected from damage during construction.

G. *Application review.* Upon receipt of a proper application, the planning and zoning commission shall review the application for new subdivisions and for platted lots, the director of development services shall review applications for platted lots; said review may include a field inspection of the site, and the application may be referred to such departments as deemed appropriate for review and recommendations. Following the review and inspection, the permit applications will be approved, disapproved, or approved with conditions by the planning and zoning commission or director of development services as appropriate, in accordance with the provisions of this chapter.

H. *Protected tree removal.*

1. No protected tree or trees shall be removed prior to issuance of a building permit unless one of the following conditions exist:

(a) The protected tree is located in a public utility easement, public access easement or public street right-of-way as recorded on a plat approved by the city council.

In the event that certain protected trees outside the above areas or protected trees based partially outside the easement are requested to be removed to allow the operation of equipment, the applicant shall submit a plat and site plan which indicates the exact operation area needed. The public works staff must approve all requests for tree removal within these areas.

(b) The protected tree is diseased, injured, in danger of falling, interferes with utility service, creates unsafe vision clearance, or conflicts with other ordinances or regulations with the approval of the director of development services.

(c) Except for the above, under no circumstances shall there be clear cutting of protected trees on a property prior to the issuance of a building permit.

(d) Development services staff may approve the removal of protected trees that interfere with the construction of a building and/or the drainage of a lot.

(e) The public works staff may approve of the removal of a protected tree or trees located within a drainage easement if the removal is determined to be necessary to ensure the proper construction or maintenance of said drainage easement.

- (f) The following species of trees are exempt from the protection and preservation requirements stated within this ordinance except when located in a floodplain or watercourse as defined by the city or other government agency and provided that the subject tree is less than ten caliper inches in diameter:

Hackberry

Cottonwood

Honey Locust

Bois d'Arc

Mesquite

This list is subject to change and will be periodically reviewed and updated if necessary by the planning and zoning commission.

2. Upon issuance of a building permit, developer shall be allowed to remove protected trees located on the buildable area of the property. Protected trees located in required yard areas, buffers and open space areas shall be maintained. The buildable area shall include sufficient adjacent area to allow the normal operation of construction equipment. Prior to any tree removal, an inspection by the building department shall be required and written approval from the building official shall be granted before said tree(s) are removed.
 - I. *Protected tree replacement requirements.* In the event that it is necessary to remove protected tree(s) outside the buildable area, the developer, as a condition of issuance of a protected tree removal permit, may be required to replace the protected tree(s) being removed with comparable trees somewhere within the site.
 1. *Replacement tree specifications:* A sufficient number of trees shall be planted to equal, in caliper, the diameter of the tree removed. Said replacement trees shall be a minimum of three inches caliper and seven feet in height when planted, and shall be selected from the list of approved replacement trees maintained by the director of development services as approved by the planning and zoning commission. Protected trees that are removed without a permit shall be replaced at a number equivalent to 125 percent of those protected trees removed from the site as estimated by the director of development services.
 2. *Replacement procedures:* At the time of review, the agent responsible for placement, the time of replacement and the location of the new trees will be determined by the director of development services. The replacement trees shall be located on the subject site whenever possible. However, if this is not

feasible, the city has the authority to allow the planting to take place on another property. A replacement tree that dies within two years of the date it was planted must be replaced by another replacement tree in compliance with this ordinance. No certificates of occupancy shall be issued for the site until all required replacement trees have been planted, or until the required contribution has been made to the tree reforestation fund as provided for in subsection herein below.

3. *Tree reforestation fund:* In situations in which it is not feasible to place the replacement trees on either the subject site or an alternate site, the applicant, upon approval of the director of development services, may make a payment into the tree reforestation fund. The fund amount shall be equivalent to 100 percent of the tree replacement cost. For those protected trees removed without a permit, the fund amount shall be the equivalent of 125 percent of the tree replacement cost. The funds shall be used only for purchasing and planting trees on public property or acquiring wooded property that shall remain in a naturalistic state in perpetuity. The amount of payment that is required for each replacement tree should be calculated based on a schedule published annually by the city, which sets forth the average cost of a quality tree added to the average cost of planting a tree. No certificates of occupancy shall be issued for the site until the required payment has been made to the tree reforestation fund.
4. Any person(s) aggrieved by the application or staff interpretation of this chapter may appeal said application or interpretation to the City of Grapevine City Council, subject to the following requirements. Any appeal of grievance must be filed in writing with the director of development services within ten days of the decision or interpretation. Said appeal must clearly state the basis of the appeal, including, where applicable, a reference to any applicable evidence supporting the appeal.

- J. *Tree protection.* During any construction or land development, the developer shall clearly mark all protected trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, and debris or fill to be placed within the drip line of any protected tree.

During the construction stage of development, the developer shall not allow the cleaning of equipment or material under the canopy of any protected tree or trees to remain. Neither shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any protected tree or trees.

No attachment or wires of any kind, other than those of a protective nature, shall be attached to any protected tree.

K. *Tree pruning restrictions.*

General: No protected tree shall be pruned in a manner that significantly disfigures the tree or in a manner that would reasonably lead to the death of the tree.

1. *Allowed pruning:* The city may approve pruning of a protected tree in cases where protected trees must be strategically pruned to allow construction or demolition of a structure. All pruning of protected trees by franchise utility companies to ensure the safe operation of utility services shall be allowed. When allowed, all pruning shall be by approved arboricultural techniques. This section is not intended to require a tree permit for reasonable pruning performed or contracted to be performed by the owner of the tree when unrelated to construction activity.
2. *Required pruning:* The owners of all trees adjacent to public right-of-way shall be required to maintain a minimum clearance of ten feet above the traveled pavement or curb of a public street. Said owners shall also remove all dead, diseased or dangerous trees, or broken or decayed limbs that constitute a menace to the safety of the public. The city shall also have the right to prune trees overhanging within public right-of-way which interfere with the proper spread of light along the street from a street light or interfere with visibility of any traffic control device or sign or as necessary to preserve the public safety.
3. *Tree topping:* It shall be unlawful as a normal practice for any person, firm or city department to top any tree. Trees severely damaged by storms or other causes or certain trees under obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the director of development services.

- L. *Exceptions.* In the event that any tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and require immediate removal without delay, authorization may be given by the director of development services and the tree may then be removed without obtaining a written permit as herein required.

During the period of an emergency such as a tornado, storm, flood, or other act of God, the requirements of this ordinance may be waived as may be deemed necessary by the city council.

All licensed plant or tree nurseries shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the premises of said license, which are so planted and growing for the sale or intended sale to the general public in the ordinary course of said licensee's business.

Utility companies franchised by the city may remove trees which endanger public safety and welfare by interfering with utility service, except that where such trees are on owner-occupied properties developed for one-family use, disposal of such trees shall be at the option of the property owner.

- M. *Exemption.* This ordinance shall not apply to any development that has received final plat approval prior to the effective date of this ordinance.
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