

**B. Low Impact Construction Practices Required**

Any reduction in impervious cover limitations by the Director will require that the applicant utilize TCEQ (Texas Commission on Environmental Quality or successor agency) temporary erosion control practices during construction. Such practices will minimize disturbance to only areas that are undergoing active construction and avoid compaction of lawns and greenways with construction equipment. Specification notes shall be included on the construction plans delineating compliance with these requirements.

(Ord. No. 2007-29)

**Section 11.03 Preservation of Natural Features and Trees**

**11.03.010 Applicability**

The provisions of this Section shall apply to all property located within the corporate limits of the City of Georgetown and in the extra territorial jurisdiction (ETJ) of the City. Significant natural features, that is protected trees, and significant stands of native trees on a site shall be preserved to the maximum feasible extent and, where necessary, protected by setbacks from development. Natural areas to be preserved shall be integrated with the design of open space, screening and landscaped areas. Heritage Trees shall be preserved and protected in accordance with the provisions of Section 11.03.080.

(Ord. 2007-04)

**11.03.020 Tree Survey Required**

- A. Nonresidential Development.** Every initial Stormwater Permit, construction plans, subdivision or plat review application, or Site Plan review must be accompanied by a tree survey and a tree protection plan. The tree survey shall graphically identify all trees of 12 inches caliper or greater, protected trees and significant stands of trees. No application shall be deemed complete for filing until a tree survey has been submitted, and the failure to submit such information shall be grounds for subsequent rejection.
- B. Residential Development.** Except as otherwise provided herein for instances where there are fewer than three (3) Heritage Trees on a site, every initial Stormwater Permit, construction plans, subdivision or plat review application, or Site Plan review must be accompanied by a tree survey and a tree protection plan. The tree survey shall graphically identify all Heritage Trees. If there are fewer than three (3) Heritage Trees on a site, then in lieu of a tree survey sketch or drawing, the surveyor may submit a sworn affidavit in a form acceptable to the City affirming that there are fewer than three (3) Heritage Trees on the site and generally describing the location of the Heritage Trees on the site. No application shall be deemed complete for filing until a tree survey or acceptable affidavit has been submitted, and the failure to submit such information shall be grounds for subsequent rejection.

(Ord. 2007-04)

**11.03.030 Tree Removal Prohibited**

All development subject to this Section, including grading or tree removal on all sites, is prohibited prior to the approval of a tree protection plan.

(Ord. 2007-04)

**11.03.040 Tree Protection Plan Required**

At or before Site Plan review and prior to the removal of any trees, the applicant shall submit a tree protection plan, which shall graphically identify protected trees and significant stands of trees and identify those being preserved and those being removed.

**11.03.050 Replacement of Protected Trees**

All removal of protected trees or significant stands of trees shall be replaced. Calculation of removed trees shall be 50 percent of the total caliper inches of trees removed with a 40 percent replacement requirement of the total caliper inches. All replacement trees must be of the same species or comparable alternative and the same size at maturity as the tree or trees removed. All replacement trees must be located on the same lot, adjacent lot or within the same subdivision. The City encourages the use of native materials for tree replacement as listed in the City of Georgetown Preferred Plant List located in the UDC Development Manual. Each replacement tree shall be a minimum of four-inch (4") caliper measured four and one-half feet (4.5') above the natural grade.

The preservation of existing trees, a minimum of four-inch (4") caliper measured four and one-half feet (4.5') above the natural grade, shall be credited towards the 50 percent replacement provision on a one to one basis. Credited trees must be an approved species identified on the City Tree Canopy Tree List, Table 8.02.030 A or the City of Georgetown Preferred Plan List.

(Ord. 2004 – 07; 2005-32)

**11.03.060 Tree Protection at Time of Construction**

All trees within an approved building site to be preserved shall be flagged and encircled with protective fencing that extends beyond the full spread of the tree branches. No construction is to occur within an area that constitutes more than 50% of the critical root zone (as measured from the edge of the drip line to the trunk of the tree) for each tree being preserve. Additionally, no more than 30% of the viable portion of a protected tree's crown mat be removed. No grading or tree removal shall occur on a lot until the grading and tree protection plan has been approved.

**A. Tree Wells**

Tree wells shall be limited to a maximum depth of four (4) feet measured from finished grade

**B. Tree Islands**

Tree Islands shall be limited to a maximum height of four (4) feet measured from finished grade.

(Ord. 2005-32)

**11.03.070 Enforcement and Violations**

Enforcement of these criteria shall be in the field as well as on the plan. Plan adjustments made during construction must be reviewed and approved by the Director. Removal of protected trees in violation of this Section, in addition to other remedies permitted by the Code of Ordinances, shall require applicant to fully mitigate damages caused by the tree removal.

**11.03.080 Heritage Tree Preservation and Protection**

**A. Purpose**

The purpose of this Section is to provide for the preservation and protection of Heritage Trees. The provisions of this Section shall be implemented by the Urban Forester, under the direction of the Director.

**B. Definitions**

For the purposes of this Section, the definitions under "Tree Preservation" in Chapter 16 of this Code shall apply.

**C. General Requirements.**

1. No application for an initial stormwater permit, or for construction plans, subdivision or plat review, or Site Plan review concerning nonresidential and residential development sites of any size shall be granted unless the provisions of this Section and Section 11.03.020 (relating to Tree Surveys) are first complied with. The tree preservation and mitigation approvals that are determined when the first of the above permits or approvals is granted shall remain in effect throughout completion of the project.
2. Except as otherwise provided in Subsection (D), it is unlawful to Remove or Prune a Heritage Tree designated as such on a Tree Survey or on a surveyor's affidavit as required by Section 11.03.020 of this Code without a Heritage Tree Removal or Pruning Permit.
3. All Pruning must be performed by an International Society of Arboriculture (ISA) Certified Arborist, or under the supervision of an ISA Certified Arborist, and must follow the American National Standards Institute (ANSI) A300 standards.

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4. The location of all proposed buildings and improvements shall be oriented by the applicant, to the greatest extent in a manner which allows for the preservation of Heritage Trees.
5. No Heritage Trees shall be Removed or Damaged for right-of-way or easement requirements unless specifically approved by the City Council of the City of Georgetown.

**D. Exceptions**

1. **Natural Disasters and Other Emergencies.** If a Heritage Tree is determined to be causing a danger or to be in a hazardous condition due to a natural disaster such as a tornado, fire, storm, flood or other act of God that endangers public health, welfare or safety, the requirements of this Section may be waived as deemed necessary by the emergency management coordinator and Assistant City Manager – Utilities, after consultation with the Urban Forester, with such consultation and determination to occur within one (1) calendar day of an applicant's request.
2. **Public Utilities.** Pruning the canopy of Heritage Trees may be carried out by the City without prior approval by the Urban Forester; if performed by an International Society of Arboriculture (ISA) Certified Arborist, or under the supervision of an ISA Certified Arborist. Heritage Tree removal requests must be submitted to the City Council for review and approval.
3. **Dead or Diseased Trees.** If the Urban Forester or an ISA Certified Arborist determines, based on an on site inspection and in writing, that a Heritage Tree is already dead, dying, or fatally diseased, the provisions of the mitigation requirements will not apply.
4. **Clear Zone and Sight Triangles.** Heritage Trees located in the Airport Clear Zone or the sight triangles of public streets are exempt from the requirements of this Section.

**E. Heritage Tree Removal or Pruning Permit Application Requirements**

1. Applications for Heritage Tree Removal or Pruning Permits shall be submitted to the Urban Forester on forms approved by the City.
2. The application shall be made by the owner of the property or the owner(s)'s authorized representative on which the Heritage Tree is located.
3. Upon receipt of the application, the Urban Forester shall inspect the subject tree and approve or deny the application in accordance with the

provisions of this Section within thirty (30) days of the date of the application. Upon written request from the owner or the owner(s)'s representative, said date for the Urban Forester's final decision shall be unilaterally extended for a period of up to fifteen (15) additional days. If a decision by the Urban Forester would delay construction already properly commenced and in progress, the Urban Forester shall approve or deny the application within one (1) business day.

4. Permits shall remain valid for the longer of: the period of validity of the permit or authorization that required compliance with this Section, or 180 days for the issuance of the Tree Removal or Pruning Permit.
5. An applicant may appeal the decision of the Urban Forester to deny a Heritage Tree Removal or Pruning Permit to the City Council. Such appeal must be made in writing and received by the Director within thirty (30) days of the date of the decision on the application by the Urban Forester. The request for appeal must set forth the specific reasons for the appeal and state the specific reasons for disagreement with the decision of the Urban Forester, including the basis for the applicant's position that the application should have been granted. The Director shall set the matter for public hearing before the City Council at the earliest possible regularly scheduled meeting of the City Council. The City Council shall review the request and render a decision either affirming, affirming in part, conditionally affirming, or reversing the determination of the Urban Forester. If the City Council fails to act within forty five (45) days after the date that the Applicant files the request for appeal with the Director, the appeal shall be automatically granted and a Heritage Tree Removal or Pruning Permit shall be issued by the Urban Forester. If a Heritage Tree Removal or Pruning Permit is issued after appeal (or after the expiration of the appeal period) pursuant to the provisions of this subsection, the applicant must comply with all applicable provisions of this Section, including mitigation.

#### **F. Mitigation by Tree Replacement On Site**

1. If the Urban Forester approves an application for a permit to Remove a Heritage Tree, then the applicant shall, no later than thirty (30) days from the date of approval of the application, submit a Mitigation Plan showing the proposed type, location, and irrigation plan (if applicable) for the proposed replacement trees.
2. The Mitigation Plan must be a plan for planting replacement trees at a 3:1 ratio for each Heritage Tree removed.
3. No replacement trees shall be planted until the Urban Forester has reviewed and approved the Mitigation Plan, and the location and species of the replacement tree(s).

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4. Replacement trees shall meet the planting criteria in Section 8.14 of this Code.
5. Transplanting of Heritage Trees. Heritage Trees can be transplanted to a suitable location on the same property or off-site, and no replacement on site shall be required, if the applicant complies with the generally accepted transplanting methods of the American National Standards Institute (ANSI A300 Standards) and the tree survives for a period of at least two (2) years.

**G. Mitigation by Payment or Planting in a City Park or on other Public Owned Properties**

When it is determined by the Urban Forester that mitigation for Heritage Tree removal by replanting trees on site is not feasible, e.g., planting capacity has been reached on site, an applicant may choose one of the following alternatives in lieu of replanting on site:

1. Planting the same number of replacement trees in a City Park or other publicly owned property (e.g., on the grounds of a Georgetown ISD property) as would otherwise be required on site in the locations approved by the Urban Forester; or
2. Payment of \$200.00 per diameter inch of Heritage Tree removed into a fund or account for use by the City for the planting, pruning, irrigation, and other activities associated with trees in a City Park or on other City-owned property.

**H. Preservation Incentives**

If removal of a Heritage Tree is proposed due to efforts to comply with other provisions of this Code, the applicant may request that the Director, after consultation with the Urban Forester, consider the following preservation incentives in exchange for the non-removal and preservation of the Heritage Tree.

**1. Parking Space Reductions**

Any project shall be entitled to a reduction in the minimum parking requirements as the Director determines is necessary to save and / or properly protect a Heritage Tree.

**2. Sidewalks**

Modification to sidewalks, their location and possibly the width and curb requirements shall be allowed as necessary to facilitate protecting a Heritage Tree.

### 3. Landscape credits

The actual tree canopy of a Heritage Tree will be given as credit toward the requirements of Section 8.04.01.0B of this Code; however, any credits earned will not count towards replacement credits of any other Heritage Tree in the event a subsequent Heritage Tree Removal Permit was approved by City Council and/or the Urban Forester on the same project.

### 4. Parkland Dedication Credit

The Parkland Dedication Requirement for a residential subdivision may be reduced if a Heritage Tree is saved. The credit for parkland dedication will be five (5) dwelling unit reduction in the number of units used to calculate the parkland dedication requirement for each Heritage Tree saved throughout the subdivision.

## I. Heritage Tree Protection during Construction

1. Prior to the commencement of any development, a tree protection fence constructed of approved materials shall encompass the CRZ of any Heritage Tree. Said tree protection fence must be maintained throughout the construction process, and must also comply with Chapter 11 of this Code.
2. During construction, no materials including but not limited to excess soil, vehicles, equipment, liquids, trash, or construction debris may be placed inside of the tree protection fence, nor shall the tree protection fence be altered in any way so as to increase the encroachment of the construction.
3. Excavation, grading, soil deposit, impervious covering, drainage and leveling within the CRZ of Heritage Trees is prohibited unless approved by the Urban Forester. Any impervious cover proposed within the CRZ of a Heritage Tree will be reviewed on a case by case basis by the Urban Forester upon field inspections and or plan reviews. In any case, generally no more than 50% of the CRZ of any Heritage Tree can be covered with impervious cover. Any protective fencing being used around Heritage Trees may only be reduced while impervious cover activity is being done. The remainder of the protective fencing must stay intact for the duration of the project.
4. Disposal or depositing of oil, gasoline, chemicals, paints, solvents or other materials is prohibited within the CRZ of Heritage Trees.
5. The attachment of wires, signs and ropes to any Heritage Tree is prohibited.

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6. The location of utility service and irrigation lines inside the CRZ of Heritage Trees is only allowed when approved by the Urban Forester. If boring is used to provide underground utility access, the minimum length of the bore shall be the width of the tree's mature canopy. The minimum depth of the bore shall be specified by the Urban Forester, but in no event be less than 24" below the natural grade existing prior to any development activity within the CRZ..
7. Soil disturbance or other injurious and detrimental activity within the CRZ of Heritage Trees is prohibited.
8. At applicant's expense, an ISA Certified Arborist or their employee(s) shall be present whenever activities occur which will pose a potential threat to the health of the Heritage Tree such as pruning, or whenever any work needs to be done within the CRZ of such tree.
9. Should the area within the CRZ become compacted during excavation or grading, the affected area shall be aerated.
10. The Urban Forester shall be notified whenever any Damage or injury occurs to a Heritage Tree during construction so that proper treatment may be administered.

**J. Additional Remedies**

1. Any person causing Damage, accidentally or otherwise to a Heritage Tree shall be required to take such steps as may be required by the Urban Forester to assure the future vitality of the tree, including costs of chemical or other types of treatment and/or construction of protective barriers, or if the Urban Forester determines that the Damage is so great that the Heritage Tree is no longer reasonably sustainable, the person shall be required to comply with the mitigation provisions of this subchapter, and, if the act is intentional, to pay a civil penalty in the amount of \$5,000 for each Heritage Tree that is Damaged.
2. Any person who removes a Heritage Tree, accidentally or otherwise, in violation of this subchapter, shall be required to comply with the mitigation provisions of this subchapter, and, if the act is intentional, to pay a civil penalty in the amount of \$5,000 for each Heritage Tree that is removed.
3. These remedies shall be in addition to the remedies in Chapter 15 of this Code.

(Ord. 2007-11)