

SECTION 3
TREE PRESERVATION REQUIREMENTS
(ZA2001-0001)

3.00 DEFINITIONS:

PROTECTED AREA - the Flood Plain plus the area within three hundred feet (300') of the Flood Plain.

TREE - Any self-supporting woody perennial plant which has one well defined trunk diameter of four and one-half (4½") inches or more in diameter when measured at a point four and one-half feet (4'-6") above the natural ground level and which normally attains a height of at least twelve (12') feet at maturity.

TREE, PROTECTED –Trees that meet one of the following requirements and determined to be healthy by the Director of Planning or his/her designee:

1. Any tree eight (8") inches or larger in diameter when measured at a point four and one-half feet (4' 6") above the ground level and which normally attains a height of at least twelve (12') feet at maturity, and located within the Protected Area.
2. A tree(s) 20.1 caliper inches and larger.
3. A Stand of Trees.

The following trees shall not be included in the above definition of Protected Trees:

Silver Leaf Maple	<i>Acer saccharinum</i>
Hackberry, Texas Sugarberry	<i>Celtis laevigata</i>
Honey Locust	<i>Gleditsia triacanthos</i>
Bois d' Arc	<i>Maclura pomifera</i>
Mimosa	<i>Mimosa sp.</i>
Mulberry	<i>Morus rubra</i>
White Poplar	<i>Populus alba</i>
Cottonwood	<i>Populus deltoides</i>
Mesquite	<i>Prosopis glandulosa</i>
Willow	<i>Willow sp.</i>

TREE, REPLACEMENT OR TRANSPLANTED – Any tree that is listed under Section 2.07 of the Comprehensive Zoning Ordinance No. 00-11-01, as it exists or may be amended, and/or utilized for mitigation of Protected Trees that have been or are required to be removed and replaced or transplanted under the requirements of the Ordinance. A Replacement Tree is one that has been planted to mitigate the removal of a tree from the property. A Transplanted Tree is one that exists on the property and is relocated within the property. Replacement/Transplanted Trees will have a minimum size of three inches (3") when measured at a point twelve inches (12") above the natural ground level

and will normally attain a height of at least twelve feet (12') at maturity.

TREES, STAND OF - A group of six (6) or more protected trees that have a combined caliper measurement of forty-eight (48) inches or greater and each tree is within twenty (20) linear feet of another tree within the group. The distance measurement shall occur at natural grade from edge of trunk to edge of trunk.

3.01 PURPOSE:

The terms and provisions of Article IV, Section 3, are intended to accomplish the following public purposes:

- A. To encourage preservation of existing public and private, shade and ornamental trees through incentives and penalties.
- B. To define reasonable protective measures required to preserve the Protected Tree population.
- C. To increase the number of Protected Trees and the projected residual life span of Protected Trees.
- D. To improve the quality of life and comfort of both business and residential citizens while educating them in current basic tree cultivation and management techniques.
- E. To reduce the erosive effects of rainfall.
- F. To prevent Clear-Cutting.

3.02 SCOPE OF PROJECT:

The scope of this Article IV, Section 3 includes the removal and/or transplanting of any tree and mitigation for the removal of Protected Trees and the scope of the project and/or activity authorized by a Tree Permit is limited to removing and/or transplanting trees or required mitigation. A permit approved by the Director of Planning or his/her designee is required before removing and/or transplanting any tree and mitigation for the removal of Protected Trees.

3.03 TREE PERMIT:

A Tree Permit shall be required for the transplanting and/or removal of all trees within the City of Frisco, regardless of size or species, except for trees located on a single-family or two-family lot contained within a plat of record.

- A. Application for Tree Permit. An application for a Tree Permit may be submitted at any time and is not required to be submitted in conjunction with Development plans, final plat or a building permit. Tree Permits shall be obtained by making application to the Director of Planning or his/her designee. The application must include a letter

signed by the property owner allowing the City access to the property for verification of all survey information. The application shall also be accompanied by a written document indicating the reasons for transplanting and/or removal of Protected Trees and two (2) copies of a legible site or planting plan, and a detailed Tree survey and preservation plan if required in Article IV, Section 3.09.

- B. Review of Application for Tree Permit. Upon receipt of a proper application for a Tree Permit, the Director of Planning or his/her designee shall review the application and may conduct field inspections of the site or development and/or refer the permit application to other departments for review and recommendations as deemed necessary and appropriate by the City. Protected Trees may not be removed or transplanted unless the Director of Planning or his/her designee approves the Tree Permit.

3.04 EXCEPTIONS:

- A. A Tree Permit shall be required to remove and/or transplant a Protected Tree, except for a Protected Tree located on a single-family or two-family lot contained within a plat of record and having a Certificate of Occupancy. The Director of Planning or his/her designee may authorize, in writing, removal of a Protected Tree provided that the Protected Tree:
1. is determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety;
 2. hinders or obstructs the construction, maintenance, repair, and/or replacement of City streets, water and sewer lines, and drainage and storm sewer;
 3. is located in any right-of-way and/or easement dedicated to and accepted by the City. This does not include trees being removed for proposed driveways, right and left turn lanes, and/or median openings. They shall be replaced per Section 3.05 (D) of this ordinance;
 4. hinders or obstructs the construction, repair, maintenance, and/or replacement of public improvement projects including, but not limited to, major collection lines for sanitary sewer, distribution lines for water, collection and management of storm water runoff and thoroughfares pursuant to the City's Capital Improvement Project, Water and Sanitary Distribution Line Maps and/or Thoroughfare Plan; or
 5. is damaged or killed by a tornado, ice or wind storms, flooding or other acts of nature.
- B. All retail, commercial, and wholesale nurseries are exempt from the terms and provisions of this Section 3 in relation to those Trees planted and growing on the premises of said business and that are planted and growing for the sale or intended sale in the ordinary course of business only.

- C. Utility companies franchised by the City in easements or rights-of-way accepted by the City or otherwise authorized to provide utility service may remove Protected Tree(s) that endanger public safety and welfare by interfering with utility service. Any trimming and/or removal of Protected Tree(s) by a utility company requires prior written approval from the Director of Planning or his/her designee, except in the case of emergency repairs. A utility company shall notify the Director of Planning or his/her designee of any trimming and/or removal of Protected Trees done while making emergency repairs on the first business day following the emergency.
- D. The mowing and clearing of brush located within or under the drip lines of Protected Trees is allowed, provided such mowing or clearing is accomplished by hand or by mechanical mowers with turf tires.
- E. Developments that have submitted a preliminary plat for residential development or a final plat for non-residential development prior to the effective date of this ordinance shall be exempt from this Ordinance.
- F. Development or redevelopment of golf courses and pedestrian trails shall be responsible for fifty percent (50%) of the normal requirements for Replacement Trees.
- G. Agricultural users can remove Protected Tree(s) for agricultural production with prior written permission from the Director of Planning or his/her designee. A Protected Tree inventory summary is required to list Tree(s) removed and preserved. Replacement requirements of Protected Tree(s) being removed for agricultural production will be prorated equally over a period of ten (10) years. Should the property be developed prior the full ten (10) years the remainder of required trees shall be planted on the property in addition to the required trees.

3.05 MITIGATION FOR TREES REMOVED:

- A. It shall be the responsibility of any person obtaining a Tree Permit for the removal of Protected Trees to provide Replacement Tree(s) having a total diameter of inches equivalent to the percentage rates set forth in Article IV, Section 3.06(A). The Diameter for Replacement Trees shall be measured as follows:
 - 1. For single-trunk trees, the width shall be measured at four and one half feet (4½') above ground level.
 - 2. For multi-trunk trees, combine the diameter of largest stem or trunk with one-half of the diameter of each additional stem or trunk, all measured at four and one half feet (4½') above ground level.

An example: If an eight inch (8") Protected Tree in the flood plain is removed that tree must be replaced at one hundred fifty percent (150%) by trees with a total caliper width of twelve inches (12"). This total caliper width could be satisfied by one (1) twelve inch (12") caliper replacement tree, or two (2) six inch (6") caliper

width replacement trees, or any other combination providing a total caliper width of twelve inches (12") using a minimum width of three inches (3").

- B. Should a Transplanted Tree die, it shall be removed and replacement trees shall be planted at a rate of one hundred percent (100%) of the caliper inches of the transplanted tree(s).
- C. If any Replacement Tree cannot be properly located on the property being Developed or Redeveloped, the applicant may plant these Replacement Tree(s) on property owned by the City and/or common open space and/or pay a fee, as approved by the Director of Planning or his/her designee. The cash value of Replacement Trees will be set by the Director of Planning or his/her designee annually.
- D. The person(s) or entity responsible for the Developing and or Redeveloping property that causes or results in the removal of existing Tree(s) in proposed driveways, right turn lanes, and/or in proposed median openings, shall plant Replacement Tree(s) at a rate of one-hundred percent (100%) of the total diameter of the Tree(s) being removed. The Replacement Tree(s) will be planted on public property according to a written plan approved by the Director of Planning or his/her designee.

3.06 REPLACEMENT REQUIREMENTS

- A. Removal of Protected Trees- Protected Trees shall be replaced by planting trees on the property equal to the total caliper inches as calculated using the following replacement rate:

	SIZE OF PROTECTED TREE*	PERCENTAGE (%) REPLACEMENT TREES**
Within the Flood Plain	Less than 8"	0
	8" – 12"	150
	12.1" - 20"	200
	20.1" or greater	300
An Area 300' Outside The Flood Plain Line	Less than 8"	0
	8" – 12"	100
	12.1" - 20"	150
	20.1" or greater	300
Stand of Trees	***	150
Individual Trees	20.1" or greater	300

*All existing tree measurements are in caliper inches as measured four and one-half feet (4 ½') DBH above the natural ground level.

** All replacement tree measurements are in caliper inches as measured twelve inches (12") above natural ground level.

- B. Transplanted Trees- Protected Trees on a property may be transplanted to another location on the same property without being subject to the above replacement rates.

3.07 TRANSPLANTING PROTECTED TREES:

No person(s) or entity, directly or indirectly, shall replant, relocate, transfer or move from one location to another any Protected Tree within the City without first obtaining a Tree Permit as provided in Article IV, Section 3.03 of the Ordinance. All Transplanting shall be in accordance with the applicable Texas Association of Nurserymen Grades and Standards shall satisfy the Tree replanting requirements of this Ordinance.

3.08 TREE PROTECTION MEASURES:

All Protected Tree(s) shall be protected by the owner as follows, unless otherwise directed by the Director of Planning or his/her designee:

- A. Before Development or Redevelopment the owner shall install a four foot (4') plastic fencing or where approved, silt fencing around the drip line of the Protected Tree(s).
- B. Before Development or Redevelopment the owner shall establish and maintain a construction entrance that avoids Protected Trees.
- C. Cleaning equipment or materials and/or the disposal of any waste material, including, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., is prohibited under the canopy or drip line of any Protected Tree.
- D. Attachments or wires are prohibited from being attached to any Protected Tree. Cables, tree rods, and similar hardware installation that aid structural integrity of a Protected Tree are exempt from this section as approved in writing by the Director of Planning or his/her designee.
- E. Fill or excavation may not occur within the canopy or drip line of a Protected Tree. Major changes of grade (i.e. three inches [3"] or greater) within the canopy or drip line will require additional measures to maintain proper oxygen and water exchange with the roots.
- F. Unless otherwise approved in writing by the City, construction or construction related activity is prohibited under the canopy or drip line of Protected Trees.
- G. Any trees removed shall be chipped and used for mulch on site or hauled off-site. Burning of removed trees, stumps, or foliage requires written approval by the Fire Department.
- H. Root pruning will be required when disturbance will occur under the drip line of protected Trees. This root pruning shall be completed a minimum of two (2) weeks prior to any construction activity within the drip line.
- I. All tree maintenance techniques shall be in conformance with industry identified

standards. Alternative maintenance techniques may be approved by the City.

- J. No person(s) or entity may use improper or malicious maintenance or pruning techniques which would likely lead to the death of the tree. Improper or malicious techniques include, but are not limited to, topping or other unsymmetrical trimming of trees, trimming trees with a backhoe, or use of fire or poison to cause the death of a tree.

3.09 TREE SURVEY AND PRESERVATION PLAN

- A. Preliminary Plat and Preliminary Site Plans: A general survey identifying natural vegetation; Trees and anticipated Tree losses shall be submitted with all preliminary plats for residential developments and all preliminary site plans for non-residential and multi-family developments within the Protected Area. The general Tree survey can be included on the preliminary plat or preliminary site plan. The general survey shall include:
 - 1. existing topography at five foot (5') intervals;
 - 2. vegetation groups;
 - 3. development plans;
 - 4. specific trees that are twenty inches (20") and larger; and
 - 5. photographic information is to accompany submission with sufficient data to convey which Trees are to remain as they correspond to the general survey.
- B. Final Site Plans and Final Plats: A detailed Tree survey and tree preservation plan shall be submitted with all site plans and final plats. The Tree preservation plan shall include the following:
 - 1. The location, diameter, height, and common name of all single-trunk trees of eight inches (8") diameter or greater, measured at four and one half feet (4½') above natural grade level, and at least twelve feet (12') high; and all multi-trunk trees having a total caliper width of eight inches (8"), measured by combining the diameter of the largest stem or branch with one-half (½) the diameter of each additional stem or branch, all measured at four and one half feet (4½') above natural grade level, and at least twelve feet (12') high.
 - 2. The location of both the trunk and drip line, diameter, height, estimated age (not to be determined using invasive measures which might damage the tree), a reproducible color photograph, and common name of the Protected Trees proposed to be removed or transplanted.
 - 3. Provide existing natural grade elevation and proposed final grade elevation at each location for each Protected Tree for which a Tree Permit is requested.

4. The location and dimensions of all existing or proposed public streets, alleys, rights-of-way, and utility easements.
5. The location of all existing or proposed property lines, lot lines, building lines, setback and yard requirements, any proposed building footprint or floor plan, and other special relationships or significant features on the proposed development plans, final plat and site plan of the development.
6. Existing and proposed site elevations, grades and major contours including a table listing all Protected Trees and their respective locations.
7. The information required herein shall be summarized in legend or table form on the tree survey and note the reason for removal or transplanting of the Protected Tree(s).
8. The survey shall bear the stamp or seal of a registered surveyor relative to the location of any Protected Trees and shall bear the stamp, seal, or signature of a registered landscape architect, certified arborist, or arboriculturist relative to the specie(s) of any Protected Tree.
9. A detail tree survey shall be prepared by or under the supervision of a landscape architect, certified arborist, or certified forester. The following shall be on the tree survey:

"I _____ being a landscape architect or arborist attest that the identification and size of trees identified on this survey are correct and that all Protected Trees have been shown.

Signature: _____ Date: _____

10. A detailed survey is only required for areas that are intended to be disturbed. A boundary of the area to be included in a detailed survey will be established with the approval of the general survey that is submitted with the preliminary plat or preliminary site plan.
- C. Field verification: Prior to written approval of the preservation plan, the applicant shall mark all trees to be preserved and notify (in writing) the Director of Planning or his/her designee of the marking. The Director of Planning or his/her designee shall inspect and verify the markings within seven (7) working days of his/her receipt of applicants' notification. If the Director of Planning or his/her designee has not contacted the owner within ten (10) working days from the date of notification, the protective plan submitted by the applicant is deemed approved.
- D. Preparation: Prior to the preconstruction meeting or obtaining a grading permit, all tree markings and protective fencing and standard erosion control measures (i.e. silt fence) must be installed by the owner and be inspected by the Director of Planning or his/her designee. Approved silt fence may serve as protective fencing and must

remain in place until the City accepts the project. A stop work order will be issued at any time if Tree preservation requirements are not being met.

- E. Final Inspections: The owner shall notify the Director of Planning or his/her designee for an inspection ten (10) working days prior to receiving a Certificate of Occupancy. Any deficiencies or dead trees shall be replaced prior to receiving the Certificate of Occupancy.

3.10 PENALTIES FOR VIOLATION:

- A. Any person(s) or entity causing the transplanting or removing of a tree without first obtaining an approved Tree Permit is in violation of this Ordinance.
- B. Each tree removed or transplanted without a permit shall constitute a separate offence. Violation of this Ordinance shall not constitute an exemption to the replacement requirements of this Ordinance.