



City of Colleyville

Colleyville Tree Board Agenda

City Hall
100 Main Street
Colleyville, Texas 76034
817. 503.1000
www.colleyville.com

Monday, January 5, 2015
7:00 pm

Colleyville Public Library
110 Main Street - 2nd Floor

1. CALL TO ORDER

2. APPROVAL OF MINUTES

October 1, 2014

3. REGULAR AGENDA ITEMS

3a Overview of Chapter 5, Tree Preservation, of the Land Development Code

3b Overview of tree inventory project

4. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA

5. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards Friday, January 2, 2015 by 5:00 p.m.

James Hubbard
Parks Manager

A quorum of the Colleyville City Council may be in attendance at this meeting.

Any matter on this agenda may, at the discretion of the governing body, be opened for public comment and discussion.

If you plan to attend this public meeting and have a disability that requires special accommodations, please advise the Administrative Assistant at least 48 hours in advance at 817.503.1180, and reasonable accommodations will be made to assist you.



City of Colleyville

Colleyville Tree Board Minutes

City Hall
100 Main Street
Colleyville, Texas 76034
817.503.1000
www.colleyville.com

Wednesday, October 1, 2014
6:00 p.m.

Colleyville Public Library
110 Main Street - 2nd Floor

1. CALL TO ORDER

Assistant City Manager/Chief Financial Officer Terry Leake called the meeting of the Park Land Dedication Committee to order at 7:04 p.m.

Roll Call: **Present** Board members Carel Tornes, Suzanne Hughes Nancy Coplen, Brenda Ritz and Natalie Genco. City Staff Terry Leake, James Hubbard, and Kathy Moore

Absent Board member Ajit Purandare

2. APPROVAL OF MINUTES

October 21, 2013

Board member Nancy Coplen stated that there was a name misspelled in the minutes; Board member Carel Tornes moved to correct the misspelling and approve the October 21, 2013 minutes. Suzanne Hughes seconded the motion. The motion carried with a unanimous vote.

3. REGULAR AGENDA ITEMS

3a Election of a Chair and Vice-Chair for the Colleyville Tree Board

Assistant City Manager/Chief Financial Officer Terry Leake stated that the Colleyville Tree Board bylaws were updated and approved at the October 21, 2013 meeting; she noted that the updated bylaws call for the Board to elect a Chairperson and a Vice-Chairperson. Leake opened the floor for nominations. Natalie Genco volunteered to be the Chairperson and Nancy Coplen stated that she would be the Vice-Chairperson. Suzanne Hughes made a motion to elect Natalie Genco as Chairperson and Nancy Coplen as Vice-Chairperson. Carel Tornes seconded the motion; the motion carried with a unanimous vote.

3b Tree City USA Update

Parks Manager James Hubbard gave an overview of the criteria required for recertification for Tree City USA, noting that the City has been a designated tree city

since 1999. Hubbard stated that the City will be applying for recertification in December.

3c Tree Inventory and Maintenance Update

Manager Hubbard stated that staff was in the process of inventorying all the trees throughout the park system. He added that staff would provide a sample of the inventory system being used at the next meeting of the Colleyville Tree Board. Additionally, Hubbard informed the Board members that the City was finalizing the update of the Tree Ordinance and the approved Ordinance would also be available at the next meeting.

4. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA

Natalie Genco requested that the Board consider meeting more than once per year, suggesting at least once in the winter and once in the spring in order to be a more active Board. She added that the Arbor Day Foundation has a suggested set of guidelines for Tree Boards on their website and requested that Board members review these suggested guidelines.

Assistant City Manager Leake suggested meeting on January 5, 2015, after the Parks and Recreation Advisory Board meeting, which would help to ensure a quorum. Board members agreed to meet in January.

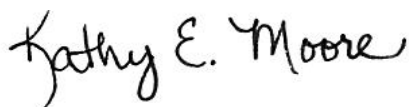
There were no additional citizen comments/presentations regarding items not on the agenda.

5. ADJOURNMENT

Board member Suzanne Hughes moved to adjourn at 7:38 p.m. Carel Tornes seconded the motion. The motion carried with a unanimous vote.

*APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 5th DAY OF **January, 2015.***

Minutes taken and prepared by:



Kathy E. Moore
Administrative Assistant



City of Colleyville Colleyville Tree Board Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 3a	Agenda Date 01/05/2015	Number
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Type Presentation and Discussion

Department Parks and Recreation

Title

Overview of Chapter 5, Tree Preservation, of the Land Development Code

Explanation

At the meeting on October 6, 2014, City Council passed and approved attached Ordinance O-14-1933 amending Chapter 5, Tree Preservation, of the Land Development Code. This chapter was last amended by attached Ordinance O-09-1734, which was approved by the City Council on November 4, 2009.

Parks Manager James Hubbard, will provide an overview of the changes to the tree preservation ordinance and the methods of enforcement.

Attachments

1. Land Development Code: Chapter 5 - Tree Preservation (Updated 10/6/2014)
2. Ordinance O-14-1933
3. Ordinance O-09-1734

Chapter 5

Tree Preservation

(10/6/2014)

Section 5.1 Purpose of This Chapter

The intent of this Chapter is to encourage site planning which furthers the preservation of trees and natural areas; to protect trees during construction; to facilitate site design and construction which contribute to the long term viability of existing trees; and to control the removal of trees when necessary. It is the further intent of this Chapter to achieve the following broader objectives:

Protect healthy trees and preserve the natural ecological environmental and aesthetic qualities of the City.

Protect and increase the value of residential and commercial properties within the City.

Prohibit the indiscriminate clear cutting of property.

Section 5.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality. This Chapter is also adopted under the authority of *the Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 5.3 Variances and Appeals

Except where provided in this chapter, any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 5.4 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 5.5 Tree Removal Permit

No person directly or indirectly shall cut down, destroy, remove, move, or effectively destroy through damaging the roots, trunk or canopy, any tree situated on property regulated by this Chapter without first obtaining a tree removal permit, unless otherwise exempted by the provisions of this Chapter.

Section 5.6 Applicability

The terms and provisions of this Chapter shall apply to real properties, persons and trees as follows:

- A. Properties which are regulated by this Chapter:
 - 1. Any real property upon which any protected tree is located.
 - 2. All municipal / public domain property.

Section 5.7 Permit and Fee Requirements

The Administrative Official is responsible for the review and approval or disapproval of all requests for tree removal permits. The request shall be submitted in accordance with the requirements specified herein.

- A. Tree Removal Permit: A request for a tree removal permit must be submitted and approved prior to the removal of any tree. Where any tree is slated for removal, no site grading, dirt disturbance or new construction may occur on the property until a tree removal permit has been issued.
- B. Fees: All tree removal permits shall be accompanied by a check made payable to the City of Colleyville per the following schedule:
 - 1. The resident of a single family home removing all or a portion of a tree which exists on the lot of record on which the single family home is built:.....*no fee required. Exception: For properties larger than two acres in size, if more than five protected trees are removed as part of a tree removal permit, the administrative official may require payment of a fee per sub-section two below only if the Administrative Official determines an intent to "clear cut" the property as described in Section 5.10(A)1b.*
 - 2. All other properties including rights-of-way:.....*\$50.00, plus \$25.00 per protected tree on the property, right-of-way, or development site. For residential subdivisions, the entire subdivision shall be considered the development site. Upon application submittal, the total number of protected trees on the site, including exempted areas, shall be indicated on the application form in order to determine the fee, which shall be paid at the time of submittal. If, upon review of the application and/or tree preservation plan, it is determined that the amount of protected trees tallied is incorrect, the difference in the fee calculation shall be paid, or refunded, prior to the issuance of the tree removal permit.*

Section 5.8 Submittal Requirements for Tree Removal Permits

Any tree removal permit request that requires the removal of a protected tree shall be accompanied by a tree preservation plan. As determined by the Administrative Official, tree removal permit applications that require no fee as listed in Section 5.7(B) above or require the removal of a minimal amount of trees on existing developed properties or within existing rights-of-way may not require a complete tree preservation plan and may only require a description of the trees to be removed showing a limited portion of a site or right of way may be based on an exhibit showing only that portion of the site.

- A. TREE PRESERVATION PLAN – Note: a tree preservation plan shall be submitted with a tree removal permit application form including payment of the required fee. The items required on a tree preservation plan shall, at a minimum, include the following:
 - 1. Title Block: includes street address; legal description (lot and block, subdivision name); date or revised date, north arrow; graphic (and written) scale; name, address, telephone number of owner and of person preparing the exhibit.

2. Location of all existing or proposed structures, improvements and site uses including pavement and landscaping, setback, easements and service connections, all properly dimensioned and referenced to property lines,
3. Existing and proposed site elevations, grades and major contours. Construction details of permanent grade changes around all trees.
4. Location of trunks, canopies and species of all existing protected trees, graphically differentiating between the trees to remain and those to be removed. A plus (+) character shall indicate trunk location and concentric circle shall indicate the size and canopy configuration. All protected trees shall be assigned a unique number classification.
5. Proposed general areas or locations of the replacement trees.
6. Locations of all critical root zones as defined in Chapter 2 – Definitions.

Additionally, tree information required shall be summarized in tabular form on the mitigation table in a format matching the example below and shall include:

7. The detailed list of trees to be removed including the classification number, exempt or non-exempt status, and whether the tree is to be saved or removed.
8. The total diameter of trees to be removed.
9. Replacement trees listed by species name, quantity, size and total diameter required for replacement of trees. (See Section 5.15 for replacement tree list.)
10. The tree preservation plan must be prepared and sealed by a registered landscape architect in the State of Texas.

Example of Tree Survey and Mitigation Table to Be Inserted on Preservation Plan							
Tree Species	Number of Trees on Site	Total Caliper Inches	Number of Exempt Trees Removed	Caliper Inches Exempt to be Removed	Number of Non-Exempt Trees Removed	Caliper Inches Non-Exempt to be Removed	Replacement Trees to be Planted (3" Caliper)
Red Oak	12	108	3	42	1	12	4
Post Oak	35	350	18	168	2	24	8
Cedar	10	89	1	12	0	0	0
Pecan	5	75	0	0	5	75	25
TOTAL	62	622	22	222	8	111	37

- B. Permit Validity: Permits for tree removal issued in connection with a building permit, subdivision plat and site plan shall be valid for the period of that plat's, building permit's or site plan's validity. Permits for tree removal not issued in connection with a building permit, subdivision or a site plan shall become void thirty (30) days after the issue date on the permit.
- C. Timing of Submittal: The tree preservation plan shall be submitted as follows:
 1. New subdivisions that include new streets and/or significant public improvements – submitted on or before the subdivision plat application submittal.

2. New commercial construction – submitted on or before the submittal of the required administrative site plan application.
 3. New home construction on existing platted lots – submitted on or before the building permit application submittal.
 4. All other situations – as required by the Administrative Official.
- D. Construction Plan Notations - The following notes shall be required to be shown on all construction plans:
1. All trees shown on this plan to be preserved shall be protected during construction with temporary fencing. Tree protection fences shall be installed prior to the commencement of any site preparation work (clearing, grubbing or grading).
 2. Fences shall completely surround the tree or clusters of trees. The fence shall be located at the outermost limits of the tree branches or critical root zone. The fence will be maintained throughout the construction project in order to prevent the following.
 - a. Soil compaction in the critical root zone resulting from vehicular traffic or storage of equipment or materials.
 - b. Critical root zone disturbances due to grade changes greater than two inches (2") cut or fill or boring which was not authorized by the City.
 - c. Wounds to the trunk, limbs or exposed roots by mechanical equipment.
 - d. Other activities detrimental to trees such as chemical storage, cement truck cleaning, and fires.
 3. In cases of area constraints where the protective fence is closer to the trunk than four feet (4'), the trunk must be protected with strapped-on planking to a height of eight feet (8') or to the limits of the lower branching.
 4. All grading within critical root zones of protected trees shall be performed by hand or small equipment to minimize damage. Prior to grading, relocate the protective fencing to two feet (2') behind the grade change area.
 5. Trees most heavily impacted by construction activities should be watered deeply once a week during periods of hot and dry weather. Tree crowns should be sprayed with water periodically to reduce dust accumulation on the leaves.
 6. Trenching for landscape irrigation shall be located as far from the existing trunks as possible.
 7. Pruning to provide clearance for structures, vehicular traffic and equipment shall take place before construction begins.

Section 5.9 Minimum Tree Preservation Requirements

- A. Whenever a new residential subdivision plat is submitted for review, the Planning and Zoning Commission may evaluate whether an alternate street layout and grading plan which complies with all City subdivision standards would result in substantially greater compliance with the minimum tree preservation requirements of this section. In the event

such an alternate layout is determined by the Commission to be a reasonable use of the land then the applicant may substitute said alternative plan without being required to submit a new plat application. If, however, the applicant does not substitute said alternate layout or another acceptable plat to the Commission, failure of the applicant to do so shall be a basis for denial of the applicant's plat application.

- B. **Minimum Existing Tree Preservation Requirements:** When any new construction occurs, there shall be a minimum number of trees protected on the property. For new residential subdivisions, the entire boundary of the subdivision shall be considered as one property for the purpose of this section. The chart below shall be used to determine the minimum protection requirements:

Existing Tree Coverage Preservation Requirements:

<i>Percentage of existing protected canopy tree coverage</i>	<i>Minimum percentage of the existing protected canopy tree coverage to be preserved</i>
0% – 20%	70%
20.1 – 40%	60%
40.1% - 60%	50%
60.1% - 80%	40%
80.1% - 100%	30%

For the purpose of this section, canopy coverage shall be calculated based on the formula for the area of a circle with the individual tree radii equaling the diameter inches of the trunk of each protected tree measured at 4.5 feet above the base of the tree where it meets the ground. This calculation method may apply to developments approved, but not finalized, prior to October 6, 2014. Protected trees located within any of the exempted areas specified in Section 5.10(B) below may be credited toward the minimum existing preservation coverage requirements in the above table such that no more than 50% of the existing protected trees may be credited within an exempt area. NOTE: The minimum preservation coverage requirements listed above shall not be eligible for mitigation as described in Section 5.12.

- C. **Exemption Provisions for Preserving Native Tree Stands:** Given the requirements of Section B above, as an incentive for preserving groups of native trees in place, a development may be exempted from the mitigation requirements of Section 5.12. The purpose of the exemption would be to reward a more context sensitive approach in preserving native tree clusters such that the root systems of the trees to be preserved are not disturbed and the tree clusters left in their natural condition. In order to meet this exemption, the development must meet the following conditions:

1. The preservation area(s) shall, at a minimum, meet the requirements of Section B above with the following exception: the 50% credit provision shall not apply to the exemption provisions of this section;
2. The proposed preservation area(s) shall be identified on the tree preservation plan;
3. A minimum of 80% of the trees identified within the preservation area on the plan shall be regionally native trees, not classified as exempt, with emphasis given to native oak species;
4. Where possible, preserved trees should be grouped together with as few detached, designated preservation areas on the tree preservation plan as possible;
5. Final approval of the exemption provisions of this section shall be required by the Administrative Official. If approved, notwithstanding the requirements of Section D below, then all trees not located within a preservation area on the tree preservation

plan shall be classified as exempt from the mitigation provisions of Section 5.12 and the protection provisions of this chapter.

6. Approved preservation areas shall contain a perimeter fence, meeting the requirements of this chapter, around the entire preservation area until the development construction receives approval of a final inspection from the City. Said fence shall be placed a minimum of five feet from the outside edge of the drip line of any tree within said area. No earthwork, vehicle and equipment storage, or encroachments of any kind are permitted within the preservation area. No undergrowth shall be removed from a preservation area.
- D. Preservation of Heritage Trees: Heritage Trees, as defined in Chapter 2 - Definitions, may not be classified as exempted trees, regardless of whether or not they are located in any exempted area.

Section 5.10 Exempt and Non-Exempt Provisions

A. Exempted Persons

1. Exempted Persons: The following persons are exempt from the provisions of this Chapter only to the extent of their control over the particular class of properties and trees described below. Persons exempt from these provisions shall not be required to obtain tree removal permits.
 - a. An employee of the City of Colleyville, a public utility or an authorized contractor working in a dedicated public right-of way may in the course of business, may remove or prune that portion of a tree which prohibits the safe construction, repair or maintenance of a service line or facility.
 - b. The resident of a single family home may remove all or a portion of a tree which exists on the lot of record on which the single family home is built. Exception: For properties larger than two acres in size, if more than five protected trees are removed as part of a tree removal permit, the administrative official may require the resident to comply with the mitigation and preservation provisions of this chapter if it is deemed that an attempt to "clear-cut" all or a portion of the property in being made where no new accessory building, pool, building addition or other similar construction, not involving a principal permitted use, is being proposed as part of a submitted active building permit application. Any decision of the Administrative Official may be appealed per the provisions in Section 5.13. As it relates to this sub-section only, any appeal request shall not require payment of an application fee and said request shall be scheduled on the next available meeting.
 - c. A property owner or his authorized contractor, employee or tenant may remove a tree which has become severely diseased or damaged to the extent that it is beyond the point of recovery or is in danger of falling, as determined by the Administrative Official.
 - d. All landscape nurserymen shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the nursery premises which are planted and grown for the sale or intended sale to the general public.
 - e. Any person may remove all or a portion of a tree which has disrupted a public utility service due to tornado, storm, flood, or other act of God, but only that portion of the tree which is necessary to safely restore normal utility service.

- f. The following persons shall be exempt from the tree replacement provisions of this Chapter. However, such persons shall provide tree protection and replacements as per this Chapter for all remaining trees in non-exempt areas.
 - (1) A person performing work authorized by a building permit in the residential buildable area (building setback envelope).
 - (2) A person performing work authorized by an approved site plan in the commercial building footprint.
 - (3) A person performing work authorized by the approved grading and drainage plan in the residential setback envelope as part of the construction of a new subdivision only.
 - (4) An employee of the City of Colleyville and a public utility. Persons specifically performing work on a public improvement as part of a new subdivision plat or a separate dedication instrument in a dedicated public right-of-way, drainage or utility easement are hereby exempt. For the purpose of this sub-section, public improvements shall include any drainage facilities, utilities or streets/sidewalks/trails. Fences, gates and open space amenities are not considered public improvements.

B. Exempted Areas

- 1. New Residential Subdivisions that include public or private street dedications: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:
 - a. Rights-of-way of newly dedicated streets; lots containing private streets.
 - b. Easements, only where new public improvements or facilities are being constructed
 - c. Residential setback envelope
 - d. Residential driveway: Note: this area may only be declared exempt by the City Council in a situation where no reasonable alternative driveway placement exists on the property such that protected trees may be avoided. The City Council determination process shall be through the submittal of an appeal request. As it relates to this sub-section only, any appeal request shall not require payment of an application fee and said request shall be scheduled on the next available meeting.
- 2. Existing Platted Residential Lots and New Residential Subdivisions with no new public or private street Dedications: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:
 - a. Residential setback envelope
 - b. Residential driveway: Note: this area may only be declared exempt by the City Council in a situation where no reasonable alternative driveway placement exists on the property such that protected trees may be avoided. The City Council determination process shall be through the submittal of an appeal request. As it relates to this sub-section only, any appeal request shall not require payment of

an application fee and said request shall be scheduled on the next available meeting.

3. Platted Commercial/Institutional Lots: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:

- a. Trees located within the new commercial/institutional building footprint and any tree located within five feet of said building footprint.

C. Exempted Tree Species

1. Exempted Tree Species: The following tree species shall be exempt from the tree preservation requirements of this chapter:

- a. Mesquite
- b. Hackberry
- c. Chinese Tallow
- d. Cottonwood Trees under 18 inches in diameter width
- e. Cedar trees (Cupressaceae family) - Exceptions: Any species of cedar utilized for required landscape screening as required by the Land Development Code or the provisions of any other City ordinance and/or conditional variance shall not be considered as exempt. Additionally, any Eastern Red Cedar planted as a replacement tree per the provisions of this chapter shall not be considered as exempt. Otherwise, any eastern red cedar that does not meet the above exceptions shall be considered exempt only if the tree is less than 13 inches in diameter width.
- f. Other regionally non-native tree species not listed on the tree replacement list in Section 5.14 and as determined by the Administrative Official based on the written recommendation of a certified arborist and/or landscape architect contracted or employed by the City. Said written recommendation shall be kept on file in the appropriate development records for the property for which the determination is made.

Section 5.11 Tree Protection

A major purpose of this Chapter is to protect all trees which are not removed and to allow approved construction to occur. The following procedures shall apply to all types of construction projects, public and private, which involve development around trees.

The following procedures are deemed appropriate in the situations noted; however, unique circumstances may allow modifications if deemed necessary by the Administrative Official.

- A. Prohibited Activities: The following activities shall be prohibited within the limits of the critical root zone of any tree which is subject to the requirements of this Chapter.

1. Material Storage: No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the limits of the critical root zone of any tree.

2. Equipment Cleaning / liquid disposal: No equipment may be cleaned or other liquids deposited within the limits of the critical root zone of a tree. This would include but not be limited to, paint, oil, solvents, asphalt, concrete, mortar or other materials.
 3. Tree Attachments: No signs, wires or other attachments, other than those of a protective nature shall be attached to any tree.
 4. Vehicular Traffic: No vehicular and construction equipment traffic or parking is allowed within the limits of the critical root zone of trees.
- B. Pre-Construction: The ensuing procedures shall be followed prior to construction.
1. Tree Flagging: All trees to be removed from the construction site shall be flagged with bright red vinyl tape wrapped around the main trunk at a height of four feet (4') or more such that the tape is visible to workers on foot or driving equipment.
 2. Tree Identification: All protected trees shall be tagged with the unique classification number described in Section 5.8. Said number shall correspond to the number listed on the tree protection plan and shall be clearly visible and legible on a metallic surface located between four and five feet above the base of the tree. The classification number shall remain on the tree until all construction is complete and final approval has been obtained by the City.
 3. Protective Fencing: All protected trees shall have protective fencing located at the tree's critical root zone. The protective fencing shall be comprised of orange vinyl construction fencing, with a minimum of four-foot (4') approximate height. The protective fencing may be located within the critical root zone of the specimen tree for approved construction only as determined by the Administrative Official. The fencing shall follow the delineation of the approved construction. In order to protect the trunk, the trunks of all protected trees shall be wrapped with orange vinyl construction fencing such that the trunk will be easily visible during construction activities.
 4. Bark Protection: in situations where a tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree's trunk with lumber encircled with wire or other means that does not damage the tree.
 5. Construction Pruning: In a case where a low hanging limb may be broken during the course of construction, the obtrusive limb may be cut. The limb shall be cut either flush to the trunk on or at the next joint of the limb. The wound shall then be sealed with pruning paint.

In no instance shall pruning involve a portion of the trunk or thirty percent (30%) of the entire canopy without the Administrative Official's prior approval.
 6. Site Signage: Prior to, and during, construction activities, a sign(s), clearly visible from any adjacent roadways, shall be placed by the developer stating the following: "All trees located within an orange fenced area are considered protected. To report any tree protection violations, please contact (phone number designated by the Administrative Official)". The Administrative Official may require the addition of more specific contact information to the sign. Lettering shall be a minimum of 8 inches in height, shall be legible and able to be read from a passing vehicle on any adjacent roadway. The sign dimensions shall, at a minimum, be five feet in width and height. The overall sign height shall be a minimum of eight (8) feet in height measured from the ground to the top of the sign. The sign colors shall be as follows: lettering shall be black, the sign background shall be fluorescent green.

- C. Improvement within the Critical Root Zone of a Tree: Design constraints often dictate that trees slated for preservation have some encroachment on their critical root zone, as defined in Chapter 2 - Definitions. The following is the minimum design criteria, which is allowed within the critical root zone of a tree. Development exceeding the criteria would put the tree at risk and therefore no longer be considered a preserved tree. In such a case replacement trees shall also be required.
1. Grade Changes: In the event that grade changes must be made around a tree or group of trees, the following shall be implemented in order to maintain oxygen and water exchange within the tree's critical root zone.
 - a. A minimum of seventy-five percent (75%) of the critical root zone must be preserved at natural grade with natural ground cover or landscaping for the tree to be considered a preserved tree.
 - b. No cut or fill greater than two inches (2") shall be located closer to the tree trunk than one half (1/2) of the radius of the critical root zone radius distance.
 - c. Increase Grade: Provide an aeration system just outside the tree's critical root zone. A dry well located a minimum of one-half (1/2) of the radius of the critical root zone.
 - d. Decrease Grade: Provide retaining walls outside the critical root zone to mitigate cuts.
 2. Boring of Utilities: May be permitted under protected trees in certain circumstances. The minimum length of the bore shall be the width of the tree's canopy and shall be a minimum depth of forty-eight inches (48").
 3. Trenching: irrigation systems shall be designed to avoid trenching across the critical root zone of any tree.
 4. Paving: A maximum of twenty five percent (25%) of the critical root zone of a tree may be covered with impervious paving. The pavement and the cut and fill for the pavement is to not exceed one-half (1/2) of the critical root zone radius distance.
- D. Special Designated Tree Protection Areas by Other Ordinances and Plats: Any specifically classified tree, landscape or other similar type of classification that prescribes that trees and/or existing landscaping shall be protected within a specifically defined area as a condition of a zoning ordinance such as PUD or SUP, variance and/or plat shall, at a minimum, meet the following provisions:
1. During any construction activities, said area shall be completely contained within a fenced area meeting the tagging and fencing requirements for tree protection in this chapter.
 2. Unless authorized as part of the original approving language for said area, or where another code requirement applies to the maintenance and upkeep of high grass, weeds and other related nuisances, no trees, landscaping, soil or vegetation of any kind may be removed, or otherwise disturbed, within said area and no construction of any kind may occur except
 3. Unless noted as part of the original approving language for said area, the exemption provisions for the resident of a single family home shall apply regarding the provisions of this section.

Section 5.12 Mitigation Requirements

Any protected tree which is six inches (6") or greater that is removed, destroyed or more than 50% damaged and does not meet the exemption provisions of this chapter shall be mitigated per the requirements of this section. In the event that the loss of a protected tree requires mitigation, the party responsible for mitigation shall either replace the protected tree(s) by planting new trees, pay a mitigation fee or a combination of both. For the purpose of this Chapter, trees removed within any City right-of-way or other City owned property by anyone not exempted by the provisions of this chapter shall be mitigated per the requirements of this section and other applicable City ordinances.

The mitigation authorized by this section is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives which could save more existing trees have been evaluated.

A. Mitigation Through Planting New Replacement Trees: A sufficient number and diameter of replacement trees shall be planted in order to equal the total diameter inches or fraction thereof of trees six inches (6") or greater and slated for removal.

1. All medium and large, and palm replacement trees shall be a minimum of six inches (6") diameter when measured one foot (1') above the soil line and a minimum of 12 feet in height when planted. All screening and ornamental trees shall be a minimum of three inches (3") diameter when measured one foot (1') above the soil line and a minimum of eight (8) feet in height when planted.

Examples-

- a. A total of 18" diameter to be removed shall be replaced with 3 – 6" diameter medium, large or palm trees.
 - b. A total of 18" diameter to be removed shall be replaced with 6 – 3" diameter screening and ornamental trees.
2. All replacement trees shall be a species listed on the replacement tree list and guaranteed for three years from the date of the final inspection and acceptance of the project. In instances where a replacement tree satisfies a landscaping requirement as regulated in Chapter 4-Landscaping and Buffering, then said tree shall be maintained per the provisions of Chapter 4.
 3. The location of replacement trees is restricted from utility easements and rights-of-way. The location shall not be in an area such that the mature canopy of the tree will interfere with overhead utility lines. No trees shall be planted within ten feet (10') of a fire hydrant.
 4. Replacement trees should be planted on the site from which existing trees are to be removed. If this is not feasible, an applicant may initiate a proposal to plant trees off-site. This may be approved if the planting site is no more than one-half mile from the site where the original trees were removed.
 - a. Replacement trees shall be planted prior to the issuance of the Certificate of Occupancy or project release. Optimum planting times do not always correspond to project completion. For that reason, replacement tree plantings may take place after the project is released by the City; provided, that before project release, a fiscal security is posted in the amount equal to the prevailing rate for installed trees with a three (3) year guarantee, plus fifteen percent (15%) to cover administrative cost.

- b. A minimum of 75 percent of all replacement trees planted as part of the required mitigation for a development under the provisions of this section shall be classified as a medium and large tree as listed on the replacement tree list
- B. Mitigation Through Payment of Fee: A monetary fee of \$250.00 per diameter inch of the tree(s) removed or damaged shall be assessed and paid to the City of Colleyville. All mitigation fees shall be deposited into the City's Tree Preservation Fund. All funds shall be paid prior to the final approval and/or issuance of the Certificate of Occupancy.
- C. Mitigation of Heritage Trees: Heritage Trees, as defined in Chapter 2 – Definitions and noted in Section 5.8:
 - 1. A monetary fee of \$500.00 per diameter inch of the Heritage Tree removed or damaged shall be assessed and paid to the City of Colleyville and deposited into the City's Tree Preservation Fund. All funds shall be paid prior to the final approval and/or issuance of the Certificate of Occupancy. or;
 - 2. If replacement trees are to be planted, the total amount of replacement inches to be planted shall be in an amount that is twice the diameter inches of the Heritage Tree(s) removed and shall, otherwise, meet the requirements of Section A above.
- D. Colleyville Tree Preservation Fund: All mitigation fees and non-criminal penalties mentioned below shall be paid into the Colleyville Tree Preservation Fund. The fund shall be administered by the City Manager or his/her designee and shall only be used for the planting of new trees on City owned or leased properties, rights-of-way and other public properties such as public schools, county and State properties located within the City of Colleyville.
- E. If any protected tree dies within three (3) years of the issuance of the certificate of occupancy, final inspection or acceptance of public improvements and is brought to the attention of the city manager or his/her designee, the original permit applicant shall be subject to the replacement/mitigation requirements for protected trees per this section.

Section 5.13 Penalties and Violations

- A. Civil Penalties: If any protected tree is removed from any real property without a tree removal permit, or if a protected tree is injured during construction where an active tree removal permit has been issued because of failure to follow required tree protection measures of this chapter such that the tree dies or may reasonably be expected to die, the City shall have the authority to impose the following penalty:
 - 1. The violator shall plant new trees at a rate that is three times the diameter inches of tree(s) removed. All plantings shall meet the requirements of Section 5.12. For example, if a 20 inch diameter width tree is removed in violation of this Chapter, then a minimum of 60 inches of new trees shall be planted. A planting plan for the new trees shall be provided to the Administrative Official no later than 30 days from the date of the offense. The new trees shall be planted no later than 90 days from the date of the offense or, if the site is under construction, the new trees shall be planted when all other required landscaping and/or mitigation is planted. The City shall have the authority to hold any development related administrative approvals for the property on which the violation occurred and may impose a stop work order until the penalty is addressed through the submittal of an approved planting plan and/or the planting of new trees. In the event that the trees are not planted within the prescribed timeframe, the City may delay any related administrative approvals for the property and may impose a lien on the property until such time the trees are planted.

2. If the violator, due to property constraints or other impediments, cannot plant the required new trees mentioned in Section One, the violator may petition the City Council through the appeal process mentioned in Section 5.14 to allow a monetary penalty in lieu of the above planting requirements. Said monetary penalty shall be a minimum of \$750.00 per caliper inch of diameter width of the protected tree(s) removed or damaged, payable to the tree preservation fund mentioned above. If a tree is removed without authorization and the size of the tree cannot be determined given the lack of a tree survey or other official documentation, then the minimum penalty shall be \$15,000.00 per tree. If approved by the City Council, said penalties shall be paid no later than 30 days from the action of the City Council. The City shall have the authority to hold any development related administrative approvals for the property on which the violation occurred and may impose a stop work order until the penalty is paid. In the event that the penalty is not paid within the prescribed timeframe, the City may impose a lien on the property until such time the penalty is paid.

- B. **Criminal Penalty:** In addition to the civil penalties of this chapter, any person violating or failing to comply with any provision or requirement of this Chapter, including but not limited to the mitigation requirements of this section, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall, without exception, be fined the maximum amount of \$2,000.00. A separate offense shall be deemed committed upon each day during or on which each separate violation or failure to comply occurs or continues to occur and shall be punishable as such.

Section 5.14 Appeals

Any appeal to the provisions of this chapter and/or any appeal to a decision of the Administrative Official relative to the provisions of this chapter shall be heard by the City Council.

Section 5.15 Replacement Tree List

The following is the list of appropriate and approved replacement trees which have been selected on the basis of their suitability in the urban environment of North East Tarrant County.

REPLACEMENT TREE LIST			
<u>SCREENING TREES</u>	<u>ORNAMENTAL TREES</u>	<u>MEDIUM AND LARGE TREES</u>	<u>PALMS</u>
ARBORVITAE	BLUE POINT JUNIPER	AMERICAN ELM	CALIFORNIA FAN PALM
BLUE POINT JUNIPER	CAROLINA BUCKTHORN	ARISTOCRAT PEAR	MEXICAN FAN PALM
CHINESE PHOTINIA	CAROLINA CHERRY LAUREL	ARIZONA CYPRESS	NEEDLE PALM
CAROLINA CHERRY LAUREL	CRAPE MYRTLE	BALD CYPRESS	SABAL PALM
EAST PALATKA HOLLY	DECIDUOUS HOLLY	BOIS D' ARC	WINDMILL PALM
EASTERN RED CEDAR	DESERT WILLOW	BUR OAK	
LITTLE GEM MAGNOLIA	EAST PALATKA HOLLY	CEDAR ELM	
NELLIE R. STEVENS HOLLY	FIG	CHINESE PISTACHE	
SAVANNAH HOLLY	ITALIAN CYPRESS	CHINQUAPIN OAK	
WAX MYRTLE	JAPANESE MAPLE	DEODAR CEDAR	
YAUPON HOLLY	LACEY OAK	EASTERN RED CEDAR	
	MEXICAN BUCKEYE	EVE'S NECKLACE	
	NELLIE R. STEVENS HOLLY	FOREST PANSY REDBUD	
	OKLAHOMA REDBUD	GINKGO BILOBA	

	SAVANNAH HOLLY	LACEBARK ELM	
	SUMAC	LITTLE GEM MAGNOLIA	
	TEXAS MOUNTAIN LAUREL	LIVE OAK	
	VITEX	PECAN	
	WAX MYRTLE	PERSIMMON	
	YAUPON HOLLY	SHANTUNG MAPLE	
		SHUMARD RED OAK	
		SOUTHERN MAGNOLIA	

Section 5.16 Amendments

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1214	4-18-00	Adoption of Tree Preservation in Land Development Code
O-09-1734	11-4-09	Amendments to Chapter 5 based on recommendations of consultant
O-14-1933	10/6/2014	Comprehensive amendments including incentives for preserving native tree stands, addition of fees, changes to penalties and other modifications

ORDINANCE O-14-1933

AMENDING CHAPTER 5-TREE PRESERVATION OF THE LAND DEVELOPMENT CODE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Colleyville approved Ordinance O-00-1214 on April 18, 2000, adopting the Land Development Code; and

WHEREAS, the City of Colleyville desires to amend Chapter 5-Tree Preservation in its entirety; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 10 days before such hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- Sec. 1. THAT *Chapter 5-Tree Preservation* of the Land Development Code, is hereby amended in its entirety to read as depicted in the attached Exhibit "A".
- Sec. 2. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 3. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 4. THAT this ordinance shall take effect immediately from and after its passage.
- Sec. 5. THAT all other provisions of the Land Development Code shall remain in full force and effect, except as amended herein.

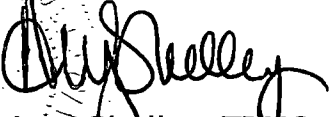
AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 16th day of September 2014.

The second reading and public hearing being conducted on the 6th day of October 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 6th day of October 2014.

ATTEST:


Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE


Mike Taylor
Mayor Pro Tem

APPROVED AS TO FORM AND LEGALITY:


Matthew C. G. Boyle
City Attorney

Exhibit "A"

Chapter 5 Tree Preservation

(10/6/2014)

Section 5.1 Purpose of This Chapter

The intent of this Chapter is to encourage site planning which furthers the preservation of trees and natural areas; to protect trees during construction; to facilitate site design and construction which contribute to the long term viability of existing trees; and to control the removal of trees when necessary. It is the further intent of this Chapter to achieve the following broader objectives:

Protect healthy trees and preserve the natural ecological environmental and aesthetic qualities of the City.

Protect and increase the value of residential and commercial properties within the City.

Prohibit the indiscriminate clear cutting of property.

Section 5.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality. This Chapter is also adopted under the authority of *the Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 5.3 Variances and Appeals

Except where provided in this chapter, any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 5.4 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 5.5 Tree Removal Permit

No person directly or indirectly shall cut down, destroy, remove, move, or effectively destroy through damaging the roots, trunk or canopy, any tree situated on property regulated by this Chapter without first obtaining a tree removal permit, unless otherwise exempted by the provisions of this Chapter.

Section 5.6 Applicability

The terms and provisions of this Chapter shall apply to real properties, persons and trees as follows:

Exhibit "A"

- A. Properties which are regulated by this Chapter:
 - 1. Any real property upon which any protected tree is located.
 - 2. All municipal / public domain property.

Section 5.7 Permit and Fee Requirements

The Administrative Official is responsible for the review and approval or disapproval of all requests for tree removal permits. The request shall be submitted in accordance with the requirements specified herein.

- A. Tree Removal Permit: A request for a tree removal permit must be submitted and approved prior to the removal of any tree. Where any tree is slated for removal, no site grading, dirt disturbance or new construction may occur on the property until a tree removal permit has been issued.
- B. Fees: All tree removal permits shall be accompanied by a check made payable to the City of Colleyville per the following schedule:
 - 1. The resident of a single family home removing all or a portion of a tree which exists on the lot of record on which the single family home is built:.....*no fee required. Exception: For properties larger than two acres in size, if more than five protected trees are removed as part of a tree removal permit, the administrative official may require payment of a fee per sub-section two below only if the Administrative Official determines an intent to "clear cut" the property as described in Section 5.10(A)1b.*
 - 2. All other properties including rights-of-way:.....*\$50.00, plus \$25.00 per protected tree on the property, right-of-way, or development site. For residential subdivisions, the entire subdivision shall be considered the development site. Upon application submittal, the total number of protected trees on the site, including exempted areas, shall be indicated on the application form in order to determine the fee, which shall be paid at the time of submittal. If, upon review of the application and/or tree preservation plan, it is determined that the amount of protected trees tallied is incorrect, the difference in the fee calculation shall be paid, or refunded, prior to the issuance of the tree removal permit.*

Section 5.8 Submittal Requirements for Tree Removal Permits

Any tree removal permit request that requires the removal of a protected tree shall be accompanied by a tree preservation plan. As determined by the Administrative Official, tree removal permit applications that require no fee as listed in Section 5.7(B) above or require the removal of a minimal amount of trees on existing developed properties or within existing rights-of-way may not require a complete tree preservation plan and may only require a description of the trees to be removed showing a limited portion of a site or right of way may be based on an exhibit showing only that portion of the site.

- A. TREE PRESERVATION PLAN – Note: a tree preservation plan shall be submitted with a tree removal permit application form including payment of the required fee. The items required on a tree preservation plan shall, at a minimum, include the following:
 - 1. Title Block: includes street address; legal description (lot and block, subdivision name); date or revised date, north arrow; graphic (and written) scale; name, address, telephone number of owner and of person preparing the exhibit.

Exhibit "A"

2. Location of all existing or proposed structures, improvements and site uses including pavement and landscaping, setback, easements and service connections, all properly dimensioned and referenced to property lines,
3. Existing and proposed site elevations, grades and major contours. Construction details of permanent grade changes around all trees.
4. Location of trunks, canopies and species of all existing protected trees, graphically differentiating between the trees to remain and those to be removed. A plus (+) character shall indicate trunk location and concentric circle shall indicate the size and canopy configuration. All protected trees shall be assigned a unique number classification.
5. Proposed general areas or locations of the replacement trees.
6. Locations of all critical root zones as defined in Chapter 2 – Definitions.

Additionally, tree information required shall be summarized in tabular form on the mitigation table in a format matching the example below and shall include:

7. The detailed list of trees to be removed including the classification number, exempt or non-exempt status, and whether the tree is to be saved or removed.
8. The total diameter of trees to be removed.
9. Replacement trees listed by species name, quantity, size and total diameter required for replacement of trees. (See Section 5.15 for replacement tree list.)
10. The tree preservation plan must be prepared and sealed by a registered landscape architect in the State of Texas.

Example of Tree Survey and Mitigation Table to Be Inserted on Preservation Plan							
Tree Species	Number of Trees on Site	Total Caliper Inches	Number of Exempt Trees Removed	Caliper Inches Exempt to be Removed	Number of Non-Exempt Trees Removed	Caliper Inches Non-Exempt to be Removed	Replacement Trees to be Planted (3" Caliper)
Red Oak	12	108	3	42	1	12	4
Post Oak	35	350	18	168	2	24	8
Cedar	10	89	1	12	0	0	0
Pecan	5	75	0	0	5	75	25
TOTAL	62	622	22	222	8	111	37

- B. Permit Validity: Permits for tree removal issued in connection with a building permit, subdivision plat and site plan shall be valid for the period of that plat's, building permit's or site plan's validity. Permits for tree removal not issued in connection with a building permit, subdivision or a site plan shall become void thirty (30) days after the issue date on the permit.
- C. Timing of Submittal: The tree preservation plan shall be submitted as follows:
 1. New subdivisions that include new streets and/or significant public improvements – submitted on or before the subdivision plat application submittal.

Exhibit "A"

2. New commercial construction – submitted on or before the submittal of the required administrative site plan application.
 3. New home construction on existing platted lots – submitted on or before the building permit application submittal.
 4. All other situations – as required by the Administrative Official.
- D. Construction Plan Notations - The following notes shall be required to be shown on all construction plans:
1. All trees shown on this plan to be preserved shall be protected during construction with temporary fencing. Tree protection fences shall be installed prior to the commencement of any site preparation work (clearing, grubbing or grading).
 2. Fences shall completely surround the tree or clusters of trees. The fence shall be located at the outermost limits of the tree branches or critical root zone. The fence will be maintained throughout the construction project in order to prevent the following.
 - a. Soil compaction in the critical root zone resulting from vehicular traffic or storage of equipment or materials.
 - b. Critical root zone disturbances due to grade changes greater than two inches (2") cut or fill or boring which was not authorized by the City.
 - c. Wounds to the trunk, limbs or exposed roots by mechanical equipment.
 - d. Other activities detrimental to trees such as chemical storage, cement truck cleaning, and fires.
 3. In cases of area constraints where the protective fence is closer to the trunk than four feet (4'), the trunk must be protected with strapped-on planking to a height of eight feet (8') or to the limits of the lower branching.
 4. All grading within critical root zones of protected trees shall be performed by hand or small equipment to minimize damage. Prior to grading, relocate the protective fencing to two feet (2') behind the grade change area.
 5. Trees most heavily impacted by construction activities should be watered deeply once a week during periods of hot and dry weather. Tree crowns should be sprayed with water periodically to reduce dust accumulation on the leaves.
 6. Trenching for landscape irrigation shall be located as far from the existing trunks as possible.
 7. Pruning to provide clearance for structures, vehicular traffic and equipment shall take place before construction begins.

Section 5.9 Minimum Tree Preservation Requirements

- A. Whenever a new residential subdivision plat is submitted for review, the Planning and Zoning Commission may evaluate whether an alternate street layout and grading plan which complies with all City subdivision standards would result in substantially greater compliance with the minimum tree preservation requirements of this section. In the event

Exhibit "A"

such an alternate layout is determined by the Commission to be a reasonable use of the land then the applicant may substitute said alternative plan without being required to submit a new plat application. If, however, the applicant does not substitute said alternate layout or another acceptable plat to the Commission, failure of the applicant to do so shall be a basis for denial of the applicant's plat application.

- B. **Minimum Existing Tree Preservation Requirements:** When any new construction occurs, there shall be a minimum number of trees protected on the property. For new residential subdivisions, the entire boundary of the subdivision shall be considered as one property for the purpose of this section. The chart below shall be used to determine the minimum protection requirements:

Existing Tree Coverage Preservation Requirements:

<i>Percentage of existing protected canopy tree coverage</i>	<i>Minimum percentage of the existing protected canopy tree coverage to be preserved</i>
0% – 20%	70%
20.1 – 40%	60%
40.1% - 60%	50%
60.1% - 80%	40%
80.1% - 100%	30%

For the purpose of this section, canopy coverage shall be calculated based on the formula for the area of a circle with the individual tree radii equaling the diameter inches of the trunk of each protected tree measured at 4.5 feet above the base of the tree where it meets the ground. This calculation method may apply to developments approved, but not finalized, prior to October 6, 2014. Protected trees located within any of the exempted areas specified in Section 5.10(B) below may be credited toward the minimum existing preservation coverage requirements in the above table such that no more than 50% of the existing protected trees may be credited within an exempt area. NOTE: The minimum preservation coverage requirements listed above shall not be eligible for mitigation as described in Section 5.12.

- C. **Exemption Provisions for Preserving Native Tree Stands:** Given the requirements of Section B above, as an incentive for preserving groups of native trees in place, a development may be exempted from the mitigation requirements of Section 5.12. The purpose of the exemption would be to reward a more context sensitive approach in preserving native tree clusters such that the root systems of the trees to be preserved are not disturbed and the tree clusters left in their natural condition. In order to meet this exemption, the development must meet the following conditions:
1. The preservation area(s) shall, at a minimum, meet the requirements of Section B above with the following exception: the 50% credit provision shall not apply to the exemption provisions of this section;
 2. The proposed preservation area(s) shall be identified on the tree preservation plan;
 3. A minimum of 80% of the trees identified within the preservation area on the plan shall be regionally native trees, not classified as exempt, with emphasis given to native oak species;
 4. Where possible, preserved trees should be grouped together with as few detached, designated preservation areas on the tree preservation plan as possible;
 5. Final approval of the exemption provisions of this section shall be required by the Administrative Official. If approved, notwithstanding the requirements of Section D below, then all trees not located within a preservation area on the tree preservation

Exhibit "A"

plan shall be classified as exempt from the mitigation provisions of Section 5.12 and the protection provisions of this chapter.

6. Approved preservation areas shall contain a perimeter fence, meeting the requirements of this chapter, around the entire preservation area until the development construction receives approval of a final inspection from the City. Said fence shall be placed a minimum of five feet from the outside edge of the drip line of any tree within said area. No earthwork, vehicle and equipment storage, or encroachments of any kind are permitted within the preservation area. No undergrowth shall be removed from a preservation area.

- D. Preservation of Heritage Trees: Heritage Trees, as defined in Chapter 2 - Definitions, may not be classified as exempted trees, regardless of whether or not they are located in any exempted area.

Section 5.10 Exempt and Non-Exempt Provisions

A. Exempted Persons

1. Exempted Persons: The following persons are exempt from the provisions of this Chapter only to the extent of their control over the particular class of properties and trees described below. Persons exempt from these provisions shall not be required to obtain tree removal permits.
 - a. An employee of the City of Colleyville, a public utility or an authorized contractor working in a dedicated public right-of way may in the course of business, may remove or prune that portion of a tree which prohibits the safe construction, repair or maintenance of a service line or facility.
 - b. The resident of a single family home may remove all or a portion of a tree which exists on the lot of record on which the single family home is built. Exception: For properties larger than two acres in size, if more than five protected trees are removed as part of a tree removal permit, the administrative official may require the resident to comply with the mitigation and preservation provisions of this chapter if it is deemed that an attempt to "clear-cut" all or a portion of the property in being made where no new accessory building, pool, building addition or other similar construction, not involving a principal permitted use, is being proposed as part of a submitted active building permit application. Any decision of the Administrative Official may be appealed per the provisions in Section 5.13. As it relates to this sub-section only, any appeal request shall not require payment of an application fee and said request shall be scheduled on the next available meeting.
 - c. A property owner or his authorized contractor, employee or tenant may remove a tree which has become severely diseased or damaged to the extent that it is beyond the point of recovery or is in danger of falling, as determined by the Administrative Official.
 - d. All landscape nurserymen shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the nursery premises which are planted and grown for the sale or intended sale to the general public.
 - e. Any person may remove all or a portion of a tree which has disrupted a public utility service due to tornado, storm, flood, or other act of God, but only that portion of the tree which is necessary to safely restore normal utility service.

Exhibit "A"

- f. The following persons shall be exempt from the tree replacement provisions of this Chapter. However, such persons shall provide tree protection and replacements as per this Chapter for all remaining trees in non-exempt areas.
 - (1) A person performing work authorized by a building permit in the residential buildable area (building setback envelope).
 - (2) A person performing work authorized by an approved site plan in the commercial building footprint.
 - (3) A person performing work authorized by the approved grading and drainage plan in the residential setback envelope as part of the construction of a new subdivision only.
 - (4) An employee of the City of Colleyville and a public utility. Persons specifically performing work on a public improvement as part of a new subdivision plat or a separate dedication instrument in a dedicated public right-of-way, drainage or utility easement are hereby exempt. For the purpose of this sub-section, public improvements shall include any drainage facilities, utilities or streets/sidewalks/trails. Fences, gates and open space amenities are not considered public improvements.

B. Exempted Areas

- 1. New Residential Subdivisions that include public or private street dedications: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:
 - a. Rights-of-way of newly dedicated streets; lots containing private streets.
 - b. Easements, only where new public improvements or facilities are being constructed
 - c. Residential setback envelope
 - d. Residential driveway: Note: this area may only be declared exempt by the City Council in a situation where no reasonable alternative driveway placement exists on the property such that protected trees may be avoided. The City Council determination process shall be through the submittal of an appeal request. As it relates to this sub-section only, any appeal request shall not require payment of an application fee and said request shall be scheduled on the next available meeting.
- 2. Existing Platted Residential Lots and New Residential Subdivisions with no new public or private street Dedications: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:
 - a. Residential setback envelope
 - b. Residential driveway: Note: this area may only be declared exempt by the City Council in a situation where no reasonable alternative driveway placement exists on the property such that protected trees may be avoided. The City Council determination process shall be through the submittal of an appeal request. As it relates to this sub-section only, any appeal request shall not require payment of

Exhibit "A"

an application fee and said request shall be scheduled on the next available meeting.

3. Platted Commercial/Institutional Lots: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:

- a. Trees located within the new commercial/institutional building footprint and any tree located within five feet of said building footprint.

C. Exempted Tree Species

1. Exempted Tree Species: The following tree species shall be exempt from the tree preservation requirements of this chapter:

- a. Mesquite
- b. Hackberry
- c. Chinese Tallow
- d. Cottonwood Trees under 18 inches in diameter width
- e. Cedar trees (Cupressaceae family) - Exceptions: Any species of cedar utilized for required landscape screening as required by the Land Development Code or the provisions of any other City ordinance and/or conditional variance shall not be considered as exempt. Additionally, any Eastern Red Cedar planted as a replacement tree per the provisions of this chapter shall not be considered as exempt. Otherwise, any eastern red cedar that does not meet the above exceptions shall be considered exempt only if the tree is less than 13 inches in diameter width.
- f. Other regionally non-native tree species not listed on the tree replacement list in Section 5.14 and as determined by the Administrative Official based on the written recommendation of a certified arborist and/or landscape architect contracted or employed by the City. Said written recommendation shall kept on file in the appropriate development records for the property for which the determination is made.

Section 5.11 Tree Protection

A major purpose of this Chapter is to protect all trees which are not removed and to allow approved construction to occur. The following procedures shall apply to all types of construction projects, public and private, which involve development around trees.

The following procedures are deemed appropriate in the situations noted; however, unique circumstances may allow modifications if deemed necessary by the Administrative Official.

- A. Prohibited Activities: The following activities shall be prohibited with the limits of the critical root zone of any tree which is subject to the requirements of this Chapter.

1. Material Storage: No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the limits of the critical root zone of any tree.

Exhibit "A"

2. Equipment Cleaning / liquid disposal: No equipment may be cleaned or other liquids deposited within the limits of the critical root zone of a tree. This would include but not be limited to, paint, oil, solvents, asphalt, concrete, mortar or other materials.
 3. Tree Attachments: No signs, wires or other attachments, other than those of a protective nature shall be attached to any tree.
 4. Vehicular Traffic: No vehicular and construction equipment traffic or parking is allowed within the limits of the critical root zone of trees.
- B. Pre-Construction: The ensuing procedures shall be followed prior to construction.
1. Tree Flagging: All trees to be removed from the construction site shall be flagged with bright red vinyl tape wrapped around the main trunk at a height of four feet (4') or more such that the tape is visible to workers on foot or driving equipment.
 2. Tree Identification: All protected trees shall be tagged with the unique classification number described in Section 5.8. Said number shall correspond to the number listed on the tree protection plan and shall be clearly visible and legible on a metallic surface located between four and five feet above the base of the tree. The classification number shall remain on the tree until all construction is complete and final approval has been obtained by the City.
 3. Protective Fencing: All protected trees shall have protective fencing located at the tree's critical root zone. The protective fencing shall be comprised of orange vinyl construction fencing, with a minimum of four-foot (4') approximate height. The protective fencing may be located within the critical root zone of the specimen tree for approved construction only as determined by the Administrative Official. The fencing shall follow the delineation of the approved construction. In order to protect the trunk, the trunks of all protected trees shall be wrapped with orange vinyl construction fencing such that the trunk will be easily visible during construction activities.
 4. Bark Protection: in situations where a tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree's trunk with lumber encircled with wire or other means that does not damage the tree.
 5. Construction Pruning: In a case where a low hanging limb may be broken during the course of construction, the obtrusive limb may be cut. The limb shall be cut either flush to the trunk on or at the next joint of the limb. The wound shall then be sealed with pruning paint.

In no instance shall pruning involve a portion of the trunk or thirty percent (30%) of the entire canopy without the Administrative Official's prior approval.
 6. Site Signage: Prior to, and during, construction activities, a sign(s), clearly visible from any adjacent roadways, shall be placed by the developer stating the following: "All trees located within an orange fenced area are considered protected. To report any tree protection violations, please contact (phone number designated by the Administrative Official)". The Administrative Official may require the addition of more specific contact information to the sign. Lettering shall be a minimum of 8 inches in height, shall be legible and able to be read from a passing vehicle on any adjacent roadway. The sign dimensions shall, at a minimum, be five feet in width and height, The overall sign height shall be a minimum of eight (8) feet in height measured from the ground to the top of the sign. The sign colors shall be as follows: lettering shall be black, the sign background shall be fluorescent green.

Exhibit "A"

- C. Improvement within the Critical Root Zone of a Tree: Design constraints often dictate that trees slated for preservation have some encroachment on their critical root zone, as defined in Chapter 2 - Definitions. The following is the minimum design criteria, which is allowed within the critical root zone of a tree. Development exceeding the criteria would put the tree at risk and therefore no longer be considered a preserved tree. In such a case replacement trees shall also be required.
1. Grade Changes: In the event that grade changes must be made around a tree or group of trees, the following shall be implemented in order to maintain oxygen and water exchange within the tree's critical root zone.
 - a. A minimum of seventy-five percent (75%) of the critical root zone must be preserved at natural grade with natural ground cover or landscaping for the tree to be considered a preserved tree.
 - b. No cut or fill greater than two inches (2") shall be located closer to the tree trunk than one half (1/2) of the radius of the critical root zone radius distance.
 - c. Increase Grade: Provide an aeration system just outside the tree's critical root zone. A dry well located a minimum of one-half (1/2) of the radius of the critical root zone.
 - d. Decrease Grade: Provide retaining walls outside the critical root zone to mitigate cuts.
 2. Boring of Utilities: May be permitted under protected trees in certain circumstances. The minimum length of the bore shall be the width of the tree's canopy and shall be a minimum depth of forty-eight inches (48").
 3. Trenching: irrigation systems shall be designed to avoid trenching across the critical root zone of any tree.
 4. Paving: A maximum of twenty five percent (25%) of the critical root zone of a tree may be covered with impervious paving. The pavement and the cut and fill for the pavement is to not exceed one-half (1/2) of the critical root zone radius distance.
- D. Special Designated Tree Protection Areas by Other Ordinances and Plats: Any specifically classified tree, landscape or other similar type of classification that prescribes that trees and/or existing landscaping shall be protected within a specifically defined area as a condition of a zoning ordinance such as PUD or SUP, variance and/or plat shall, at a minimum, meet the following provisions:
1. During any construction activities, said area shall be completely contained within a fenced area meeting the tagging and fencing requirements for tree protection in this chapter.
 2. Unless authorized as part of the original approving language for said area, or where another code requirement applies to the maintenance and upkeep of high grass, weeds and other related nuisances, no trees, landscaping, soil or vegetation of any kind may be removed, or otherwise disturbed, within said area and no construction of any kind may occur except
 3. Unless noted as part of the original approving language for said area, the exemption provisions for the resident of a single family home shall apply regarding the provisions of this section.

Exhibit "A"

Section 5.12 Mitigation Requirements

Any protected tree which is six inches (6") or greater that is removed, destroyed or more than 50% damaged and does not meet the exemption provisions of this chapter shall be mitigated per the requirements of this section. In the event that the loss of a protected tree requires mitigation, the party responsible for mitigation shall either replace the protected tree(s) by planting new trees, pay a mitigation fee or a combination of both. For the purpose of this Chapter, trees removed within any City right-of-way or other City owned property by anyone not exempted by the provisions of this chapter shall be mitigated per the requirements of this section and other applicable City ordinances.

The mitigation authorized by this section is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives which could save more existing trees have been evaluated.

- A. Mitigation Through Planting New Replacement Trees: A sufficient number and diameter of replacement trees shall be planted in order to equal the total diameter inches or fraction thereof of trees six inches (6") or greater and slated for removal.

1. All medium and large, and palm replacement trees shall be a minimum of six inches (6") diameter when measured one foot (1') above the soil line and a minimum of 12 feet in height when planted. All screening and ornamental trees shall be a minimum of three inches (3") diameter when measured one foot (1') above the soil line and a minimum of eight (8) feet in height when planted.

Examples-

- a. A total of 18" diameter to be removed shall be replaced with 3 – 6" diameter medium, large or palm trees.
 - b. A total of 18" diameter to be removed shall be replaced with 6 – 3" diameter screening and ornamental trees.
2. All replacement trees shall be a species listed on the replacement tree list and guaranteed for three years from the date of the final inspection and acceptance of the project. In instances where a replacement tree satisfies a landscaping requirement as regulated in Chapter 4-Landscaping and Buffering, then said tree shall be maintained per the provisions of Chapter 4.
 3. The location of replacement trees is restricted from utility easements and rights-of-way. The location shall not be in an area such that the mature canopy of the tree will interfere with overhead utility lines. No trees shall be planted within ten feet (10') of a fire hydrant.
 4. Replacement trees should be planted on the site from which existing trees are to be removed. If this is not feasible, an applicant may initiate a proposal to plant trees off-site. This may be approved if the planting site is no more than one-half mile from the site where the original trees were removed.
 - a. Replacement trees shall be planted prior to the issuance of the Certificate of Occupancy or project release. Optimum planting times do not always correspond to project completion. For that reason, replacement tree plantings may take place after the project is released by the City; provided, that before project release, a fiscal security is posted in the amount equal to the prevailing rate for installed trees with a three (3) year guarantee, plus fifteen percent (15%) to cover administrative cost.

Exhibit "A"

- b. A minimum of 75 percent of all replacement trees planted as part of the required mitigation for a development under the provisions of this section shall be classified as a medium and large tree as listed on the replacement tree list
- B. Mitigation Through Payment of Fee: A monetary fee of \$250.00 per diameter inch of the tree(s) removed or damaged shall be assessed and paid to the City of Colleyville. All mitigation fees shall be deposited into the City's Tree Preservation Fund. All funds shall be paid prior to the final approval and/or issuance of the Certificate of Occupancy.
- C. Mitigation of Heritage Trees: Heritage Trees, as defined in Chapter 2 – Definitions and noted in Section 5.8:
 - 1. A monetary fee of \$500.00 per diameter inch of the Heritage Tree removed or damaged shall be assessed and paid to the City of Colleyville and deposited into the City's Tree Preservation Fund. All funds shall be paid prior to the final approval and/or issuance of the Certificate of Occupancy. or;
 - 2. If replacement trees are to be planted, the total amount of replacement inches to be planted shall be in an amount that is twice the diameter inches of the Heritage Tree(s) removed and shall, otherwise, meet the requirements of Section A above.
- D. Colleyville Tree Preservation Fund: All mitigation fees and non-criminal penalties mentioned below shall be paid into the Colleyville Tree Preservation Fund. The fund shall be administered by the City Manager or his/her designee and shall only be used for the planting of new trees on City owned or leased properties, rights-of-way and other public properties such as public schools, county and State properties located within the City of Colleyville.
- E. If any protected tree dies within three (3) years of the issuance of the certificate of occupancy, final inspection or acceptance of public improvements and is brought to the attention of the city manager or his/her designee, the original permit applicant shall be subject to the replacement/mitigation requirements for protected trees per this section.

Section 5.13 Penalties and Violations

- A. Civil Penalties: If any protected tree is removed from any real property without a tree removal permit, or if a protected tree is injured during construction where an active tree removal permit has been issued because of failure to follow required tree protection measures of this chapter such that the tree dies or may reasonably be expected to die, the City shall have the authority to impose the following penalty:
 - 1. The violator shall plant new trees at a rate that is three times the diameter inches of tree(s) removed. All plantings shall meet the requirements of Section 5.12. For example, if a 20 inch diameter width tree is removed in violation of this Chapter, then a minimum of 60 inches of new trees shall be planted. A planting plan for the new trees shall be provided to the Administrative Official no later than 30 days from the date of the offense. The new trees shall be planted no later than 90 days from the date of the offense or, if the site is under construction, the new trees shall be planted when all other required landscaping and/or mitigation is planted. The City shall have the authority to hold any development related administrative approvals for the property on which the violation occurred and may impose a stop work order until the penalty is addressed through the submittal of an approved planting plan and/or the planting of new trees. In the event that the trees are not planted within the prescribed timeframe, the City may delay any related administrative approvals for the property and may impose a lien on the property until such time the trees are planted.

Exhibit "A"

2. If the violator, due to property constraints or other impediments, cannot plant the required new trees mentioned in Section One, the violator may petition the City Council through the appeal process mentioned in Section 5.14 to allow a monetary penalty in lieu of the above planting requirements. Said monetary penalty shall be a minimum of \$750.00 per caliper inch of diameter width of the protected tree(s) removed or damaged, payable to the tree preservation fund mentioned above. If a tree is removed without authorization and the size of the tree cannot be determined given the lack of a tree survey or other official documentation, then the minimum penalty shall be \$15,000.00 per tree. If approved by the City Council, said penalties shall be paid no later than 30 days from the action of the City Council. The City shall have the authority to hold any development related administrative approvals for the property on which the violation occurred and may impose a stop work order until the penalty is paid. In the event that the penalty is not paid within the prescribed timeframe, the City may impose a lien on the property until such time the penalty is paid.

- B. Criminal Penalty: In addition to the civil penalties of this chapter, any person violating or failing to comply with any provision or requirement of this Chapter, including but not limited to the mitigation requirements of this section, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall, without exception, be fined the maximum amount of \$2,000.00. A separate offense shall be deemed committed upon each day during or on which each separate violation or failure to comply occurs or continues to occur and shall be punishable as such.

Section 5.14 Appeals

Any appeal to the provisions of this chapter and/or any appeal to a decision of the Administrative Official relative to the provisions of this chapter shall be heard by the City Council.

Section 5.15 Replacement Tree List

The following is the list of appropriate and approved replacement trees which have been selected on the basis of their suitability in the urban environment of North East Tarrant County.

REPLACEMENT TREE LIST			
SCREENING TREES	ORNAMENTAL TREES	MEDIUM AND LARGE TREES	PALMS
ARBORVITAE	BLUE POINT JUNIPER	AMERICAN ELM	CALIFORNIA FAN PALM
BLUE POINT JUNIPER	CAROLINA BUCKTHORN	ARISTOCRAT PEAR	MEXICAN FAN PALM
CHINESE PHOTINIA	CAROLINA CHERRY LAUREL	ARIZONA CYPRESS	NEEDLE PALM
CAROLINA CHERRY LAUREL	CRAPE MYRTLE	BALD CYPRESS	SABAL PALM
EAST PALATKA HOLLY	DECIDUOUS HOLLY	BOIS D' ARC	WINDMILL PALM
EASTERN RED CEDAR	DESERT WILLOW	BUR OAK	
LITTLE GEM MAGNOLIA	EAST PALATKA HOLLY	CEDAR ELM	
NELLIE R. STEVENS HOLLY	FIG	CHINESE PISTACHE	
SAVANNAH HOLLY	ITALIAN CYPRESS	CHINQUAPIN OAK	
WAX MYRTLE	JAPANESE MAPLE	DEODAR CEDAR	
YAUPON HOLLY	LACEY OAK	EASTERN RED CEDAR	
	MEXICAN BUCKEYE	EVE'S NECKLACE	
	NELLIE R. STEVENS HOLLY	FOREST PANSY REDBUD	
	OKLAHOMA REDBUD	GINKGO BILOBA	

Exhibit "A"

	SAVANNAH HOLLY	LACEBARK ELM	
	SUMAC	LITTLE GEM MAGNOLIA	
	TEXAS MOUNTAIN LAUREL	LIVE OAK	
	VITEX	PECAN	
	WAX MYRTLE	PERSIMMON	
	YAUPON HOLLY	SHANTUNG MAPLE	
		SHUMARD RED OAK	
		SOUTHERN MAGNOLIA	

Section 5.16 Amendments

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1214	4-18-00	Adoption of Tree Preservation in Land Development Code
O-09-1734	11-4-09	Amendments to Chapter 5 based on recommendations of consultant
O-14-1933	10/6/2014	Comprehensive amendments including incentives for preserving native tree stands, addition of fees, changes to penalties and other modifications

ORDINANCE O-09-1734

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 2, DEFINITIONS AND CHAPTER 5, TREE PRESERVATION, OF THE LAND DEVELOPMENT CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Colleyville approved Ordinance O-00-1214 on April 18, 2000, adopting the Land Development Code; and

WHEREAS, the City Council of the City of Colleyville desires to amend the tree preservation regulations and definitions in the Land Development Code; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- Sec. 1. THAT *Chapter 2, Definitions*, of the Land Development Code, is hereby amended to read as shown in the attached Exhibit "A".
- Sec. 2. THAT *Chapter 5, Tree Preservation*, of the Land Development Code, is hereby amended to read as shown in the attached Exhibit "B".
- Sec. 3. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 4. THAT any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 5. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 6. THAT this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 20th day of October 2009.

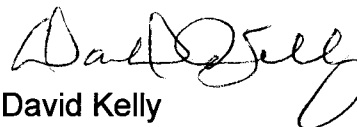
The second reading and public hearing being conducted on the 4th day of November 2009.

ATTEST:



Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit “A”

Chapter 2 Definitions

Rev. 11/03/2009

Section 2.1 Purpose of This Chapter

The purpose of this Chapter is to define words, terms and phrases contained within this Land Development Code.

Section 2.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the following authority:

1. *Chapter 211 – Municipal Zoning Authority of the Texas Local Government Code*, which authorizes a municipality to divide a municipality into districts and, within each district, regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land.
2. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
3. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 2.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request an interpretation of the definitions contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 2.4 General Construction of Language

In the interpretation of this Land Development Code, the provisions and rules of this section shall be observed and applied, except as otherwise noted or when the context clearly requires otherwise.

1. Words used or defined in one tense or form shall include other tenses and derivative forms.
2. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
3. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
4. The word *person* includes individuals, firms, associations, organizations, partnerships, trusts, limited liability companies, corporations and any other similar entities.

5. The word *shall* is always mandatory. The word *should* is discretionary. The word *may* is permissive.
6. The word *used* or *occupied* includes the words *intended*, *designed*, or *arranged to be used or occupied*.
7. The word *lot* includes the words *plot*, *parcel* or *tract of land*.
8. The word *City* means the City of Colleyville, Texas.
9. The words *City Council* or *Council* mean the City Council of the City of Colleyville, Texas.
10. The words *Planning & Zoning Commission* or *Commission* mean the Planning & Zoning Commission of the City of Colleyville, Texas.
11. The word *Board* means the Zoning Board of Adjustment of the City of Colleyville, Texas.
12. In case of any differences of meaning or implication between the text of this Land Development Code and any caption, illustration or table, the text shall control.
13. For words not defined in this Chapter, the definitions contained in *The American Heritage Dictionary of the English Language*, latest edition, are hereby adopted.

Section 2.5 Definitions

Aa

Accessory Building or Use. A subordinate building enclosed on three or more sides, but not a carport, having a use customarily incident to and located on the same lot occupied by the principal building, or a use customarily incident to the main or principal use of the property. A building housing an accessory use is considered an integral part of the principal building when it has any part of a wall in common with the principal building, or is under an extension of the main roof and designed as an integral part of the main building.

Administrative Official. A person assigned by the City Manager responsible for the administration of this LCD or a particular portion of the Code.

Aggrieved Person. A person or group of people with an immediate, pecuniary and substantial interest in an action taken by the Administrative Official or Zoning Board of Adjustment under this Land Development Code, as opposed to a remote or indirect interest. A person is also aggrieved if the person suffers a denial of some personal or property right or imposition of a burden or obligation different from that suffered by the public in general.

Alley. A public right-of-way that affords a secondary means of access to abutting property, typically used for secondary vehicular service access to the back or side of properties that abut on a street or highway.

Amendments. Changes made in the text of the Land Development Code or to the zoning map.

Animation. Any visible mechanical movement in any sign, or apparent movement achieved by electrical pulsation or by other means, such as sequential light phasing.

Antenna Support Structure. Any tower, mast, pole, tripod, box frame, or other structure utilized for the purposes of transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals.

Antenna. A metallic apparatus used for the sending or receiving of radio, television, electromagnetic, or microwave signals. An antenna includes microwave reflectors/antennas and satellite dishes.

Apartment. A room or suite of rooms in an apartment building arranged, designed or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit.

Approving Body. The Planning and Zoning Commission, City Council or staff member authorized by this Land Development Code to approve a subdivision plat.

Assessment. The determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this Land Development Code.

Assisted Living Facility. A congregate residence facility for ten or more elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation and social or recreational services may be provided or associated with the assisted living facility. Units may be attached or detached, single or double occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis, e.g. visiting nurses.

Automobile Dealership. A commercial business which conducts the retail sales of new or used automobiles.

Automobile Repair & Service. Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; mufflers; automobile washing, steam cleaning, and polishing; performing state inspections and making minor repairs necessary to pass said inspection; servicing of air conditioning systems, and other similar minor services for motor vehicles except heavy load vehicles, or any other similar use. Major repair, rebuilding, or reconditioning of engines or transmissions for motor vehicles; wrecker service with vehicle storage; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; and other similar uses.

Automobile. A motor vehicle as defined by the Texas Motor Vehicle Laws published by the Texas Department of Public Safety.

Awning. A roof-like structure, usually made of canvas, that serves as a shelter, as over a storefront, window, door or deck. Also, an architectural projection that provides weather protection, identity or decoration, and is supported by the building to which it is attached.

Bb

Banner. A temporary sign made of cloth, canvas or other light fabric.

Basement or Cellar. A story wholly or partly underground and having more than one-half of its height from floor to ceiling, below the level of the finished grade at the front of the building. A basement or cellar is not counted when measuring the height of a building.

Bed & Breakfast. A tourist lodging service within the rooms of a single family, owner occupied principal residence located on a property served by a single utility meter and single water and wastewater service.

Block. A tract of land or a lot or group of lots, bounded by streets, public parks, railroad rights of way, water courses or foreshores, unsubdivided land, or a city limit line, or by any combination of the above. In cases where platting is incomplete or disconnected, the administrative official shall determine the boundary of the block.

Breezeway. A covered passage one story in height and six (6) feet or more in width connecting a main structure and an accessory building.

Build. To erect, convert, enlarge, reconstruct, or alter a building or structure.

Buildable Area. The portion of a residential lot which includes: all property between the front yard setback and the rear property line; and all the property which lies under a single driveway not greater than twenty (20) feet in width, extending from the front property line to the garage. Applicable only to tree preservation requirements in residential developments.

Building. A structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind.

Building Envelope. The maximum buildable area remaining on a lot after the front, side and rear yard setbacks are met.

Building Line. A line which coincides with the perimeter of the building envelope, over which any part of a building is not allowed to extend unless otherwise permitted in this Land Development Code.

Building Line, Front. A line located a minimum horizontal distance from a front lot line and parallel thereto, over which any part of a building is not allowed extend unless otherwise permitted in this Land Development Code.

Building Line, Rear. A line located a minimum horizontal distance from a rear lot line, if any, and parallel thereto, over which any part of a building is not allowed to extend unless otherwise permitted in this Land Development Code.

Building Line, Side. A line located a minimum horizontal distance from a side lot line, if any, and parallel thereto, over which any part of a building is not allowed to extend unless otherwise permitted in this Land Development Code.

Building Official. The Building Inspector or Administrative Official of the City of Colleyville charged with responsibility for issuing permits and enforcing the zoning ordinance and building code.

Building Permit. Written permission issued by the City for the construction, repair, alteration or addition to a structure.

Cc

Caliper. See *Diameter*.

Canopy. A canopy is a roof-like structure that shelters a use such as, but not restricted to, a gasoline pump island, and is supported by either one or more columns or by the building to which it is accessory and is open on two or more sides.

Capital Construction Cost of Service. Costs of constructing capital improvements or facility expansions, including and limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees), and the fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the City.

Capital Improvements Advisory Committee (Advisory Committee). Advisory committee, appointed by the City Council, consisting of at least five members, not less than 40 percent of which shall be representatives of the real estate, development, or building industries who are not employees of the City, and, if impact fees are to be applied within the extraterritorial jurisdiction of the City, including one member representing the extraterritorial jurisdiction; or consisting of the Planning and Zoning Commission, including one regular or ad hoc member who is not an employee of the City and which is representative of the real estate, development, or building industry, and, if impact fees are to be applied within the extraterritorial jurisdiction of the City, one representative of the extraterritorial jurisdiction area; which committee is appointed to regularly review and update the capital improvements program in accordance with the requirements of Chapter 395 of the Texas Local Government Code, and its successors.

Capital Improvements Program (CIP). Plan that identifies water, wastewater and roadway capital improvements or facility expansions pursuant to which impact fees may be assessed.

Carport. A structure or part thereof, but not an accessory building, either detached or attached to a principal building, and which is open on two or more sides, consisting of a roof and either walls or columns for the purpose of temporary parking of vehicles, boats or trailers.

Cellular Communication Tower, Monopole. A low-power radio transmitting structure, consisting of a single pole, which sends and receives radio signals from mobile telephones, linked to one central call-processing point.

Cemetery. Land used or intended to be used for the interment of human and pet remains, and dedicated for cemetery purposes including crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Certificate of Occupancy. An official certificate issued by the City upon completion of construction, alteration or change in occupancy of a building. The certificate acknowledges conformance with the requirements of the Land Development Code and/or building codes.

City Engineer (Engineer). City Engineer of the City of Colleyville.

City Manager. The chief professional city administrative officer of the City of Colleyville, Texas.

City Official. Any person, elected or appointed, or any board or committee authorized or constituted by City ordinance or state law to act in behalf of the municipality.

Clinic. A building or part of a building used solely for the purpose of consultation, diagnosis and treatment of patients by one or more legally qualified physicians, dentists, optometrists, chiropodists, chiropractors, or drugless practitioners, together with their qualified assistants. Without limiting the generality of this definition, the building may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated

with the clinic, but shall not include accommodation for in-patient care, rooms for the abiding of patients, or operating rooms for major surgery.

Collector Street. A street which carries traffic from local streets to the system of major streets, including the principal entrance street or streets into a subdivision development, and streets designed primarily to provide traffic circulation within or between one (1) or more subdivisions.

Commercial Building Footprint. The portion of the lot which lies beneath the building pad. Applicable only to tree preservation requirements in commercial developments.

Commercial Use. An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee for the purpose of engaging in the exchange, buying or selling or services or products.

Common Area. Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use of the residents and their guests of the development, and may include such complementary structures and improvements as are necessary and appropriate.

Common Ownership. Ownership by the same person, corporation, firm, entity, partnership, or association.

Community Center. A building dedicated to social or recreational activities, serving the City or a neighborhood and owned and operated by the City or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the City.

Community Home for Disabled Persons. A community-based residential home operated by the Texas Department of Mental Health and Mental Retardation, a community center organized under Section 3.01 of the Texas Mental Health and Mental Retardation Act, a non-profit corporation, or an entity certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation, which otherwise meet the requirements of the Community Homes for Disabled Persons Location Act, Article 1011n, Tex. Rev. Civ. Stat. Ann.

Such facilities provide to the disabled residents food and shelter, personal guidance, care, habilitation services or supervision. Not more than six disabled persons, regardless of their legal relationship to one another, and two supervisory personnel may reside in such facility at the same time. Such facilities shall meet all applicable licensing requirements of the State of Texas, shall not be located within one-half mile of a previously existing community home for disabled persons, and shall meet all applicable requirements of this and other pertinent ordinances of the City of Colleyville.

Comprehensive Plan. The official document and long-range plan, adopted by the City Council, which is intended to guide the growth and development of the City, which includes analysis, recommendations and proposals for the City regarding such topics as population, economy, housing, transportation, community facilities and land use.

Court. An open, unoccupied space bounded on (3) or more sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.

Credit. The amount of the reduction of a impact fee for fees, payments or charges for the same type of capital improvements for which the fee has been assessed. Applicable to impact fees.

Critical Root Zone. The area of undisturbed natural soil around a tree defined by a concentric circle with a radius in feet equal to the number of inches of trunk diameter. The Critical Root

Zone is used by plan reviewers to determine compliance with design standards and construction specifications, and is considered the minimum portion of a tree's extensive root system that must be protected during construction. Applicable to tree preservation.

Cul-de-sac. A local street having one (1) outlet and terminated on the opposite end by a vehicular turn-around.

Dd

Day Care Center. A child-care facility that provides care for more than twelve (12) children under fourteen (14) years of age for less than twenty-four (24) hours a day. This definition shall not include kindergartens, prekindergartens, and schools listed elsewhere in this Chapter.

Dedication. The act of conveying property to the public for use by the public for streets, parks, drainage, utility, or other public purposes.

Density. The ratio of the total number of dwelling units to the land area of the total site area, less any right-of-way dedication. Commonly expressed as "dwelling units per acre."

Development. All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. Also, the construction or reconstruction of a building or road; the placement of a structure on land; the excavation, mining, dredging, grading, or filling of land; the removal of vegetation from land; or the deposit of refuse or waste on land. Development does not include: (a) lawn and yard care, including mowing, gardening, tree care, and maintenance of landscaped areas; (b) removal of trees or vegetation damaged by natural forces; (c) agricultural activity that is not prohibited by this Land Development Code; or (d) the repair, maintenance, or installation of a utility, drainage or street system that does not disturb land or increase impervious cover.

Development Review Committee. The committee designated by the City Manager that serves as an advisory committee to the Planning & Zoning Commission and has responsibility for providing comments and recommendations on subdivision plats, zoning change applications, site plan proposals and other development related requests. The Development Review Committee (DRC) may also submit comments and recommendations on the vacation of public rights-of-way and easements.

Dilapidated or Deteriorated Condition. For the purposes of sign regulations, a situation where the structural support or frame members are visibly bent, broken, dented, deteriorated or torn to such an extent that a danger of injury to persons or property is created; or where the sign or the structure is not in compliance with a building or construction code adopted by the City.

Director of Public Services. The chief executive responsible for administration of this Land Development Code, or his designee.

Diameter. The thickness of a tree trunk measured perpendicular to its axis at four and one-half feet (4½) above the surrounding grade, measured, if the tree is on a slope, from the high side of the slope and measured above or below unusual swells in the trunk. For replacement trees, diameter is measured at a point one foot (1) above the soil line of the tree. Applicable to tree preservation and landscape requirements.

To determine the diameter of a multi-trunk tree, add the diameter of the largest trunk to one half (½) the diameter of each additional trunk. A multi-trunk tree is distinguished from individual trees growing from common rootstock if there is a visible connection between the trunks above ground.

Dripline. The ground area on which an imaginary vertical line which runs through the outermost portion of the crown of a tree extends to the ground.

Dwelling Unit. A room, suite or set of rooms occupied, or suitable for occupancy, as a family residence, and having sleeping, kitchen and bathroom facilities, together with appropriate appurtenances and designed for use and used as a permanent residence for one family.

Dwelling Unit Size. The living area of a dwelling unit, expressed in square feet, and typically being the heated and air conditioned areas exclusive of breezeways, basements, open and closed porches, common corridors, parking areas, parking garages and accessory buildings.

Dwelling, Attached. A dwelling unit which is joined to another dwelling unit sharing one or more common walls.

Dwelling, Duplex. A structure that contains two attached dwelling units that share a common wall and are designed exclusively for the use and occupancy of two families living independent of each other.

Dwelling, Multi-Family. A building or portion thereof arranged, intended or designated for occupancy by three or more families, including, but not limited to, apartment houses, townhouses, row houses, tenements, apartment hotels, flats, condominiums, fraternity and sorority houses and other group quarters.

Dwelling, Single Family Detached. A structure containing one dwelling unit, other than a mobile home, which is entirely surrounded by open space on the same building lot and is designed for the use and occupancy by one family.

Dwelling. A building or portion thereof designed and used exclusively for residential occupancy, but not including motels, hotels, lodging houses or house trailers.

Ee

Easement. A right given by the owner of land to another party for specific limited use of that land without actual ownership of the land.

Engineer. A person a person who has been duly licensed by the Texas Board of Professional Engineers to engage in the practice of engineering in Texas. Engineer shall include *professional engineer, registered engineer, registered professional engineer, licensed professional engineer, or licensed engineer.*

Erect or Erection. To build, construct, attach, hang, place, suspend or affix a sign to or paint a sign on the exterior surface of a building or structure. The term includes the repair or alteration of a sign where the cost of repair is more than sixty- percent (60) of the cost of erecting a new sign of the same type at the same location. Applicable to sign regulations.

Existing Development. For water and wastewater impact fees, all development within the service area which has a water or wastewater tap on the City's water or sewer system or on another centralized water or sewer system, as of the date of the adoption of this Chapter; and for

roadways, all development within the service area for which a building permit has been issued and which has not expired.

Extraterritorial Jurisdiction. The unincorporated area that is contiguous to the corporate boundaries of the municipality as defined in Chapter 42 of the Texas Local Government Code.

Ff

Facility Expansion. The expansion of the capacity of an existing facility which serves the same function as an otherwise necessary new capital improvement in order that the existing facility may serve new development. Facility expansion does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

Facing or Surface. The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

Family. One or more persons who are related by blood, marriage, or adoption living together and occupying a single housekeeping unit with single kitchen facilities. Also, a group of not more than fifteen (15) persons, excluding servants, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.

Family Home. A home that provides regular care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six (6) additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed twelve (12) at any given time, and is duly registered by the State of Texas as required by Chapter 42 of the Human Resources Code. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker. *Children who are related to the caretaker* includes the children, grandchildren, siblings, great-grandchildren, first cousins, nieces, or nephews of the caretaker, whether by affinity or consanguinity or as the result of a relationship created by court decree.

Fence. A barrier closing or bordering a field, yard, etc., usually made of posts, wire or wood, used to prevent entrance, to confine, or to mark a boundary. An open fence is one in which the vertical surface is not less than seventy (70) percent open. A solid fence is one in which the vertical surface is not greater than thirty- (30) percent open, and may be considered as a screening element.

Fire Lane. An all weather hard-paved surface which an emergency or fire-fighting vehicle may pass without obstruction or interference.

Flag. A piece of cloth, usually rectangular, of distinctive color and design, used as a symbol, a standard, a signal or an emblem.

Flag Lot. A lot which does not meet the minimum frontage requirements and is accessed by a narrow portion of land.

Flood Plain. The land adjacent to a river, stream, or watercourse or other area that is susceptible to being inundated by flood waters from any source.

Gg

Garage, Private. A detached accessory building or portion of a dwelling that is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed. The term does not include carport.

Garage, Public. A building or place other than a private garage where motor vehicles are kept or stored for remuneration or repair.

Grade. For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall adjoining the street. For buildings having walls facing more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the street. For buildings having no walls facing the street, the average level of the finished surface of the ground adjacent to the exterior wall of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as facing the street. Where no sidewalk has been constructed, the Building Official shall establish such sidewalk level or its equivalent for the purpose of establishing the grade.

Gross Floor Area. The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, attics, carports or garages that are not designed for residential or business occupancy.

Gross Surface Area. The entire area within a single continuous perimeter forming a rectangle enclosing the extreme limits of each sign. In the event two or more signs share a single structure, each sign or panel may be considered separately for the square footage purposes, provided that each sign or panel has no relationship to the other, except that the combined footage of such signs may not exceed the total square footage allowed for the sign. Applicable to sign regulations.

Ground Cover. Low growing, dense spreading plants typically planted from containers.

Growth-Related Costs. Capital construction costs of service related to providing additional service units to new development, either from excess capacity in existing facilities, from facility expansions or from new capital facilities. Growth-related costs do not include (a) construction, acquisition, or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements plan; (b) repair, operation, or maintenance of existing or new capital improvements or facility expansions; (c) upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards; (d) upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development, (e) administrative and operating costs of the City; and (f) principal payments and interest or other finance charges on bonds or other indebtedness, except for such payments for growth-related facilities contained in the capital improvements program.

Gymnastics School. A privately operated facility that provides special physical training in gymnastic arts, martial arts, dance, and other indoor sports to students enrolled for the purpose of learning such skills and which is not open to the general public for the purpose of providing entertainment or amusement for a fee, but which may be opened to the general public during competitive exhibitions in which students of the gymnastics school are registered.

Hh

Height of Buildings. The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (a) the highest point of the roof surface for a flat roof; (b) to the deck line of mansard roofs; or (c) to the mean height level between eaves and ridge for hip and gable roofs. The height of a building shall exclude chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

Height of Signs. The vertical distance measured from the surrounding grade to the top of the sign.

Home Occupation. Any use customarily conducted entirely within a dwelling, provided that such use is carried on solely by residents of the dwelling, is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character of the dwelling, and shows no external evidence of such use.

Hotel. A building or group of buildings, of which the main function is to provide rooms for temporary lodging where entrance to each room is gained from a completely enclosed area and which structure shall also contain a restaurant and conference rooms, and may also include various personal service shops.

Ii - Jj

Illuminated Sign. A sign which has characters, letters, figures, designs or outlines illuminated by electrical lights, luminous tubes or other means.

Illumination, Direct. Lighting by means of an unshielded light source, including neon tubing, strobes, etc., which is effectively visible as part of the sign, where the light travels directly from the source to the viewers eye.

Illumination, Indirect. Lighting by means of a light source, not itself visible, which is directed at a reflecting surface in such a way as to illuminate the sign, or a light source which is primarily designed to illuminate the entire building facade upon which a sign is displayed. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination, e.g., parking lot lights or lights inside a building which may silhouette a window sign but which are primarily installed to serve as inside illumination.

Illumination, Internal. Lighting by means of a light source which is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.

Impact Fee. Charge or assessment to be imposed by the City upon new development to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to new development. The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction, and any other fee that functions as described by this definition. Impact fees do not include dedication of rights-of-way or easements, or construction or dedication of site-related water distribution or wastewater collection facilities, or streets, sidewalks, or curbs if the dedication or construction is required by other valid ordinances of the City and is necessitated by and attributable to the new development; or lot or acreage fees placed in trust for the purpose of reimbursing developers for oversizing or constructing water or sewer mains or lines.

Institution. Buildings, land or structures used by an organized body, religious group or society for a non-profit, non-commercial purpose. The term may include hospital, library, college, university, convent, monastery or similar use.

Irrigation System. A method of providing the proper amount of water for the particular type of plant material used.

Junk. Material including, but not limited to, scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, scrap zinc and other metals and their alloys; bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton, or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobile or airplane parts, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

Junk or Salvage Yard. A lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes an automobile wrecking yard and automobile parts yard.

Kk

Kennel. A place where dogs, cats or other domesticated animals are housed, groomed, bred, boarded, trained, harbored, kept or sold for commercial purposes, including pet stores or municipal animal shelters.

Kindergarten. A school for children of preschool age, the work of which is purely preliminary to the work of the public and private school, and which could include a planned program of games, songs, social exercises and object lessons.

Kiosk. A nonresidential commercial accessory building which provides a retail function by serving walk-up or drive-up traffic rather than inside sales service or drive-in service.

LI

Land Planner. A person skilled in the art and science of arranging and designing the layout of land so as to create adequate and desirable building sites, a coordinated street system and space appropriate to the efficient removal of storm water and the provision of public services and utilities all consistent with the long-range goals and the objectives of the city plan.

Land Use Assumptions. Description of the service area and projections of changes in land uses, densities, intensities, and population therein over at least a 10-year period, adopted by the City, as may be amended from time to time, upon which the capital improvement plan is based.

Landscaping. Any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

Large Commercial Building. A building containing one or more commercial businesses and having a building footprint of forty thousand (40,000) square feet, or more. (O-00-1249 / 11/08/00)

Lawn Grasses. Thin blade surface growing plants typically planted from seed, sprigs, plugs or sod.

Legal Non-conforming Use, Building or Lot. A use, building or lot existing legally at the time of the passage of this Land Development Code which does not by reason of design, use, or dimensions conform to the regulations of the district in which it is situated. A use, building, or lot established after the passage of this Land Development Code, which does not conform to regulations of the district in which it is situated, shall be considered an illegal nonconforming use, building or lot.

Light Sources. Neon lights, fluorescent lights, incandescent lights, and any reflecting surface, which, because of its construction and/or placement becomes in effect a source of light emission.

Living Unit Equivalent (LUE). For water and wastewater, basis for establishing equivalency among and within various customer classes based upon the relationship of the continuous duty maximum flow rate in gallons per minute for a water meter of a given size and type compared to the continuous duty maximum flow rate in gallons per minute for a 3/4" diameter simple water meter, using American Water Works Association C700-C703 standards.

Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

Logo. A design or insignia of an organization, individual, company, product which is commonly used in advertising to identify that organization, individual, company or product.

Lot Area. The gross area of the lot, expressed in square feet or acres, which is bounded by its perimeter property lines.

Lot Coverage. The percentage of the total lot area occupied by the footprint of the buildings located on the lot.

Lot Depth. The mean horizontal distance between the front lot line and the rear lot line of a building lot measured perpendicular to the front lot line at the center of the lot or on a radial when the front line is curved.

Lot Line, Front. The boundary between a lot and the street on which it fronts.

Lot Line, Rear. The boundary line that is opposite and most distant from the front street line; except that in the case of uncertainty the Building Official shall determine the rear line.

Lot Line, Side. Any lot boundary line not a front or rear line thereof. A side line may be a common lot line, a line bordering on an alley or place or side street line.

Lot Line. The property boundary of a building lot.

Lot of Record. A lot which is part of a subdivision the plat of which has been recorded in the office of the County Clerk of Tarrant County, Texas. Also, a lot or parcel described by metes and bounds, the description of which has been so recorded prior to May 16, 1978.

Lot Width. The minimum distance between the side lot lines of a building lot measured at the front building line or chord length when the front of the lot is curved.

Lot, Adjacent. Any lot, parcel or piece of land that shares with the lot under consideration a common lot line, alley or any point of tangency.

Lot, Corner. A lot abutting upon two or more streets. A corner lot shall front on that street on which it has its least dimension, unless otherwise specified by the Building Official.

Lot, Double Frontage. A lot, other than a corner lot, which adjoins two streets that are opposite each other and which are parallel or within forty-five degrees of being parallel to each other. On a double frontage lot, both street lines shall be deemed front lot lines, except as otherwise provided.

Lot, Interior. A lot other than a corner lot with frontage on only one street.

Lot. A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, area, and open space, which is identified by a lot number or symbol in an approved subdivision plat which has been properly filed of record in Tarrant County.

Mm

Major Street. A street designated on the adopted city plan as a thoroughfare, boulevard, freeway, highway, expressway, parkway or scenic route or any other traffic artery having regional continuity.

Master Plan. See *Comprehensive Plan*.

Mausoleum. A building or other structure used as a place for the interment of the dead in sealed crypts or compartments.

Mini-Warehouse. A building wherein household goods, vehicles, furniture and similar items are temporarily stored in separately occupied, secured storage areas or lockers which are generally accessible by means of individual loading doors.

Mobile Home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system. Travel trailers, pick-up coaches, motor homes, camping trailers and recreational vehicles are not included in this definition.

Mobile Home Park. A unified development of mobile home sites, plots or stands as arranged on a large tract under single ownership, meeting the area and setback requirements of this Land Development Code, and designed to accommodate mobile homes for a permanent duration. A trailer park is a mobile home park.

Mortuary. A facility in which dead bodies are prepared for burial or cremation or funeral services are conducted.

Motorcycle. A usually two-wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this ordinance, motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

Nn

New Development. Subdivision of land; or the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units. New development includes the sale of water taps resulting from the conversion of an individual well to the City's water utility and the sale of wastewater taps resulting from the conversion of an individual septic or other individual waste disposal system to the City's wastewater utility.

Nonconforming Lot. A lot or tract of land which does not conform to the width, depth, or area requirements of this Land Development Code and which lawfully existed at the time the regulations with which it does not conform became effective.

Nonconforming Structure. A building, structure or portion thereof which does not conform to the height, area or yard regulations of this Land Development Code and which lawfully existed at the time the regulations with which it does not conform became effective.

Nonconforming Use. A building or structure or use of land lawfully occupied by a use at the time of the effective date of this Land Development Code or amendments thereto, which does not conform to the regulations of the district in which it is situated.

Non-Residential Zoning District. The zoning districts designated as AG, CPO, CN, CC1, CC2, CC3, ML, PUD-C, or PUD-I zoning district, the primary use of which is for non-residential purposes, as shown on the official zoning map of the City of Colleyville.

Non-Structural Trim. The retainer, battens, capping, nailing strips, latticing and platforms which are attached to the sign structure. Applicable to sign regulations.

Oo

Office. A facility for the regular transaction of business, wherein services are performed involving predominantly administrative, professional or clerical operations not specifically listed elsewhere in this Land Development Code. Office activities include professional offices, financial institutions, employment agencies and medical offices.

Off-Premise Sign. A sign which is used or intended to be used to attract attention to activities, commodities, services or other endeavors not offered on the premises on which the sign is located.

Offset. The amount of the reduction of an impact fee designed to fairly reflect the value of system-related facilities, pursuant to rules herein established or administrative guidelines, provided and funded by a developer pursuant to the City's subdivision regulations or requirements.

On-Premise Sign. A sign which promotes or advertises activities, commodities, services or endeavors which are offered on the premises on which such sign is located.

Open Space. A space not occupied by a structure, open to the sky except for the ordinary projections of cornices, eaves or porches, and on the same lot with the building or structures.

Outdoor Display of Merchandise. Any display of merchandise outside of the structure on the property in which such merchandise is sold, stored, or maintained, whether said display is for the purposes of sale or advertisement.

Outdoor Storage or Open Storage. The storage of any equipment, machines, commodities, raw or semi-finished materials, and building materials, which are not within a fully enclosed building.

Pp - Qq

Park. Land dedicated to or purchased by the City for the purpose of providing public recreational and/or open areas. A facility or area for recreational, cultural or aesthetic uses owned or operated by a public agency and available to the general public.

Parking Space, Off-Street. An enclosed or unenclosed all-weather surfaced area of not less than one hundred eighty square feet not on a public street or alley, together with an all weather surfaced driveway connecting the area with a street or alley, permitting free ingress and egress without encroachment on the street or alley.

Pennant. A wind device, usually triangular in shape and attached to a single cord.

Planned Development. Development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development, and is developed with special zoning standards that are unique to a particular site and which usually vary from those standards required for other zoning districts.

Planning and Zoning Commission. The advisory body appointed by the City Council which is authorized to develop a comprehensive plan, recommend changes in the Land Development Code, review and approve subdivision plats, and otherwise perform the duties authorized by the City Charter.

Plat. A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Colleyville. Reference to a plat in the ordinance means an official plat of record that has been approved by the City and filed in the plat records of Tarrant County.

Plat, Amending. A map, drawing, or chart prepared to show a minor change of an existing subdivision to a lot line or correction of an error such that the changes are not substantive, and no new lots are created.

Plat, Final. A map, drawing, or chart prepared according to the provisions of this Land Development Code, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the maps and plats records of the county.

Plat, Minor. A subdivision of not more than four lots, which fronts on an existing street and does not require the creation of any new street or the extension of municipal facilities, which allows a short form process that eliminates the need for a preliminary plat.

Plat, Preliminary. A map, drawing, or chart showing the proposed arrangement of streets, lots, easements, and other public spaces in the subdivision.

Platted Property. Property that has been divided into lots and blocks, rights-of-way dedicated and shown on a map that has been filed in the plat records of Tarrant County.

Porch. An open, covered or enclosed gallery or room on the outside of a building.

Porte-cochère. A roof-like structure usually extending over a circular driveway at the entrance of a building, which provides an entrance and an exit for automotive vehicles. A porte-cochère is generally designed as an integral part of the principal structure, is not used for the storage of automotive vehicles, and differs from a carport.

Premises. Land together with any buildings or structures occupying all or any portion of the land.

Principal Building. The building or buildings on a lot which are occupied by the primary use.

Private or Parochial School. An institution of learning having a curriculum equivalent to public schools, and which meets the same license and certification as required of public schools. A private or parochial school does not include specialty schools such as dance, music, beauty, mechanical, trade, swim or commercial schools.

Public Utility. Any corporation or authority franchised by the City of Colleyville to provide water, sewer, solid waste collection, natural gas, electricity, telecommunication or similar services on a community-wide basis.

Rr

Registered Public Surveyor. An individual registered as a professional land surveyor by the Texas Board of Professional Land Surveying.

Religious Institution. A facility or area for people to gather together for public worship, religious training, or other religious activities, including a church, temple, mosque, synagogue, convent, monastery or other structure, together with its accessory structures, including a parsonage, manse or rectory. This definition does not include home meetings or other religious activities conducted in a privately occupied residence.

Residential Districts. A zoning district designated as RE, R40, R30, R20, RI 5, RD, RMF or any PUD-R, or any residential zoning district, the primary purpose of which is residential in nature as shown on the official zoning district map of the City of Colleyville.

Residential Setback Envelope. The portion of a residential lot which lies between the front setback and rear setback of a residential lot. Applicable only to tree preservation plans and grading/drainage plans for residential subdivisions.

Restaurant. A business serving unpackaged food and beverages to customers seated primarily inside the building and including cafes, tea rooms, bistros and cafeterias. Restaurants do not include lounges, bars, taverns or night clubs.

Right-of-Way. A legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded, and which is occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use.

Roadway Facility. Arterial or collector streets or roads that have been designated on an officially adopted roadway plan of the City, together with all necessary appurtenances. Roadway facilities do not include any roadways or associated improvements designated on the federal or Texas highway system. Roadway facility also excludes dedication of rights-of-way or easements or construction or dedication of on-site streets, sidewalks or curbs required by valid ordinances of the City and necessitated by and attributable to the new development.

Roadway Facility Expansion. Expansion of the capacity of any existing roadway improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing roadway facility to serve existing development.

Roadway Improvements Plan. Portion of the CIP, as may be amended from time to time, which identifies the roadway facilities or roadway facility expansions and their associated growth-related costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of roadway impact fees pursuant to this Chapter.

Ss

School. A public or private facility having an academic curriculum approved by the Texas Education Agency.

Screening Element. A solid material constructed of brick, masonry, or of a concrete or metal frame, or wood, or base that supports a permanent type material, the vertical surface of which is not more than thirty (30) percent open. Also, any dense evergreen hedge or plant material suitable for providing a visual barrier. Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in combination with a fence, wall, hedge or other dense planting material.

Search Light. An apparatus for projecting a beam or beams of light, in excess of 2,000,000 peak candlepower or 250,000 lumen.

Servant's Quarters. An accessory dwelling not rented or otherwise used as a separate domicile in a residential district for the sole use and occupancy of a member of the immediate family or persons employed on the premises by the occupant on a full-time basis as domestic help, such as a maid, chauffeur, cook or gardener.

Service Area. For water and wastewater facilities, the area within the corporate boundaries of the City and within the extraterritorial jurisdiction as defined by the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), and for roadway facilities, the area within the corporate boundaries of the City, to be served by the water, wastewater or roadway capital improvements or facilities expansions specified in the capital improvements program applicable to the service area.

Service Unit. Standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements or facility expansions; for water and wastewater facilities, the service unit is a living unit equivalent, for roadway facilities, the service unit is the (vehicle) trip.

Setback, Building. See *Building Line*.

Shrubs. Woody plants which grow vertically in a multi-branched pattern.

Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located. A sign may include, but is not limited to, flag, banner, pennant, beacon, light, logo, insignia, name, number, identification, illuminated strip or accent, and outdoor display of merchandise.

Sign Ground. A sign that is erected on a vertical framework consisting of two or more uprights supported by the ground.

Sign, A-Frame. A freestanding sign constructed of two panels in the form of an A or inverted V, with a maximum angle between the panels of forty-five degrees.

Sign, Agricultural. A sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry that are raised, quartered or sold thereon.

Sign, Amenity. A sign advertising options, features, or conveniences offered by a business and installed in a temporary manner.

Sign, Apartment. A sign identifying an apartment building or complex of apartment buildings.

Sign, Awning. An awning displaying a business name or logo.

Sign, Billboard. A sign that promotes or advertises commodities or services, and the erection or maintenance of the sign is the primary use of the land upon which the sign is located. A billboard sign shall include, but is not limited to, those signs whose message space is available for lease, rent or hire, separate and apart from any commodity or service which is not limited to being offered solely on the premises on which such sign is located.

Sign, Changing (Automatic). A sign such as an electronically or electrically controlled public service time, temperature, and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

Sign, Construction. A temporary, sign identifying the property owner, architect, contractor subcontractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premises on which the sign is located.

Sign, Development. A temporary, on-site promotional sign pertaining to the development of land or construction of buildings on the site where the sign is erected. In residential districts, the intent of the sign shall be to promote a sub-division and not any particular builder.

Sign, Directory. A sign listing the occupants within a shopping center, industrial site, retail district, office districts, and commercial sites located on the same premises.

Sign, Fence. A sign which is affixed or attached to a fence, whether permanent or temporary.

Sign, Flashing. A sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or any externally mounted light source.

Sign, General Business. A sign which is used to identify a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located.

Sign, Ground (Temporary). A sign which has a display surface comprised of non-permanent letters which allows a change of copy by adding or removing letters and is temporarily fixed to a vertical framework consisting of two or more uprights and which is designed to be readily movable from site to site.

Sign, Identification. A sign that is used to identify shopping centers, industrial sites, retail districts, commercial subdivisions and commercial sites.

Sign, Illegal Non-conforming. A sign which was in violation of any of the ordinances of the City of Colleyville governing the erection or construction of such a sign at the time of its erection, and

which has never been erected or displayed in conformance with all such ordinances, including this code, and which shall include signs which are pasted, nailed, painted or otherwise unlawfully displayed upon structures, utility poles, trees, fences or other structures.

Sign, Inflatable. A hollow sign expanded or enlarged by the use of air or gas.

Sign, Institutional. A sign used to identify schools, churches, hospitals or similar public or quasi-public institutions.

Sign, Legal Non-conforming. A sign which was lawfully erected and maintained prior to the enactment of the Sign Code and any amendments thereto, and which does not conform to all of the applicable regulations and restrictions of the Sign Code.

Sign, Marquee. A permanent structure which is attached to and supported by a building and which projects outward from the building.

Sign, Model Home. A temporary sign identifying a new home, either furnished or unfurnished, as being the builder or contractors model open to the public for inspection.

Sign, Monument. A sign mounted on a solid base or pedestal with no visible space between the sign and the base or pedestal. The sign is not mounted on visible poles, struts, wires, or other visible structures. The sign base or pedestal may be constructed of any solid material. The sign shall be a minimum of 4-1/2 inches thick, and the base or pedestal shall be a minimum of 6 inches thick.

Sign, Multi-Purpose. An identification sign combined with a directory sign and/or a reader board sign.

Sign, Nameplates. A sign which identifies only the name of an individual, firm, or corporation, which is attached to a structure and may contain the suite number or other directory information concerning the location of the individual, firm or corporation within the building.

Sign, Obsolete. A sign that previously was a legal sign, or a legal, non-conforming sign but the commodity and/or service promoted or advertised by said sign is no longer offered in accordance with the content of the sign.

Sign, Pole. A sign supported by a single, free-standing pole, and having no guys or braces.

Sign, Political. A sign which promotes a political issue or a particular candidate for public office. Also, a sign of any political party, group, or idea; or a sign announcing the candidacy of any individual for any public office.

Sign, Portable. A sign that is not attached or affixed to the ground, a building or other fixed structure or object. Portable signs include those signs installed on wheels, trailers, skids and similar mobile structures.

Sign, Private Sale. A temporary sign used to announce a sale on a private homeowner's property. The following include, but are not limited to estate sales, garage sales, porch sales, rummage sales, sample sales, and yard sales.

Sign, Projecting. A sign, except an awning, which projects from a building, and has one end attached to a building or other permanent structure.

Sign, Pylon. A sign supported by two or more free-standing poles, and having no guys or braces.

Sign, Reader Board. A sign comprised of non-permanent letters that allows a change of sign copy by adding or removing letters.

Sign, Real Estate. A temporary or permanent sign pertaining to the sale or rental of property, and advertising property only for use for which it is legally zoned.

Sign, Roof. A sign erected upon or above a roof or parapet of a building or structure.

Signs, Seasonal/Special Sales. A sign which is temporary and is limited to a specific activity or in the celebration of holidays or other special events.

Sign, Subdivision Directional. A sign which is both temporary and directional in nature. Such signs may be placed during the weekends only, from 12:00 noon on Friday to 12:00 noon on Monday. Such signs may be located on or off premise. Text on such signs may only contain the name of the subdivision, which must be located within the City of Colleyville, Texas.

Sign, Subdivision Wall Plaque. A permanently affixed sign attached to the entryway or perimeter wall of a subdivision to identify the subdivision by a name or logo

Sign, Temporary. A sign which includes, but is not limited to, a sign, banner, pennant, flag, searchlight, inflatable, outside display of merchandise or similar device which is to be displayed for a limited period of time.

Sign, Vehicle Mounted. A sign displayed upon a trailer, van, truck, automobile, bus, railroad car, tractor, semi-trailer or other vehicle, whether or not such vehicle is in operable condition.

Sign, Wall. A sign erected flat against an exterior wall, supported by the wall, and having the sign face parallel to and not more than twelve inches from the wall surface. Neon tubing attached directly to a wall surface shall be considered a wall sign.

Sign, Window. A sign, banner, poster, or display located on the internal and/or external surface of the window of any establishment which advertises services, products or sales available within said establishment or which announces the opening of said establishment.

Site Plan. A detailed drawing clearly describing a project and showing sufficient information to determine the nature of the proposed development and providing adequate information to determine compliance with applicable codes and ordinances.

Site-related Facility. Improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of water, wastewater or roadway facilities to serve the new development, and which is not included in the capital improvements plan, and for which the developer or property owner is solely responsible under subdivision and other applicable regulations.

Spa or Hot Tub. A pool type facility that incorporates water jets or an aeration system for hydro massage and includes such industry terminology as whirlpool or hot tub.

Special Exception. A use that would not be generally appropriate or without restriction throughout the zoning district but which, if controlled as to number, area, location, intensity or relation to the neighborhood, would or could be compatible therein and promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as special exceptions by the Zoning Board of Adjustment.

Special Use Permit. A permit authorized by the City Council for the use of land or structure. All Special Use Permits are subject to the conditions and standards specified in each amending ordinance as enacted by the City Council.

Spot Zoning. A small parcel of land singled out for special treatment or privileges not in harmony with the other use classifications in the area and without any apparent circumstances that call for different treatment.

Story. That part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is considered a halfstory when the main line of the eaves is not higher than the middle of the interior height of the attic. The first story is the highest story having its interior floor surface not more than four (4) feet above the curb level established or mean street grade or average ground level.

Street. A thoroughfare or public driveway, other than an alley, which has been dedicated or deeded to the public for general use and affords a principal means of vehicular or other access to property abutting thereon.

Street Line. A dividing line between a lot, tract or parcel and a contiguous street.

Street, Private. A street that has no publicly dedicated right-of-way.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls, excepting such repair or replacement as may be required for the safety of the building, but not including, openings in bearing walls as permitted by the city building code.

Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but without limiting the generality of this definition, buildings, signs, fences, flagpoles, radio towers and light poles

Subdivision. The division of any lot, tract, or parcel of land into two (2) or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes re-subdivision, but does not include the division of land for agricultural purposes in parcels or tracts of five (5) acres or more and not involving any new street, alley, or easement of access. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided.

Swimming Pool. Any constructed or prefabricated pool that is twenty-four or more inches in depth and used for swimming or bathing.

System-related Facility. A capital improvement or facility expansion which is designated in the Capital Improvements Plan and which is not a site related facility. A system-related facility may include a capital improvement that is located offsite, within or on the perimeter of the development site.

Tt - Uu

Tap Purchase. The filing with the City of a written application for a water or wastewater tap and the acceptance of applicable fees by the City. The term "tap purchase" shall not be applicable to a meter purchased for and exclusively dedicated to fire protection.

Telecommunication Tower. A structure of greater than thirty-five feet in height built solely for supporting airwave transmission and/or receiving equipment.

Temporary Construction Office. A structure for shelter used in connection with a development or building project for housing or the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

Tent. A structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents it protects. (O-02-1330 – 02/26/02)

Travel Trailer. A mobile vehicle built on a chassis and designed and used as a temporary place of dwelling and of such size and design as to be subject to licensing for towing on the highway by passenger motor vehicle or other prime mover and not requiring special permit for moving on the highway, as contrasted to a mobile home.

Tree (Heritage). Any existing tree listed as an approved replacement tree in Chapter 5 and whose diameter is at least 50% of the diameter of its representative species on the *Big Tree Registry*, as published by the Texas Forest Service.

Tree (Protected). A self-supporting woody perennial plant which has attained a trunk diameter of six (6) inches or more when measured at a point four and one-half (4½) feet above the surrounding grade and normally having an overall height of at least fifteen (15) feet at maturity, usually with a single elongated main stem with few or no branches on its lower part. Tree species that do not meet this definition include: Mesquite, Hackberry and Chinese Tallow.

Trip. The single operation of a single vehicle which has as its origin or destination a point within the service area. The operation of a vehicle that travels from an origin outside the service area to a destination outside the service area without leaving the public right of way is not counted as a trip.

Use by Right. A land use allowed by the Table of Permitted Uses in one of the various zoning districts without any special conditions or requiring additional action by the City Council.

Use. The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, as described in the Table of Permitted Uses.

Vv - Xx

Vacation. To cancel or rescind, an act, which has the effect of voiding a subdivision plat as recorded in the Tarrant County Plat Records.

Variance. An adjustment in the application of a specific zoning regulation to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

Vehicle Sales Area. An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars or sale or keeping of used car parts or junk on the premises.

Veterinarian Clinic. A facility for the prevention, treatment, minor surgery, cure or alleviation of disease and/or injury in animals, specifically domestic animals, where animals remain overnight inside the clinic for recovery only, and no overnight boarding of animals is conducted.

Waiver. An action by the City that provides relief from the Land Development Code to the degree determined by the City in the action, as provided for within the Code. A waiver is not considered a variance.

Warehouse. A structure primarily used for the storage of merchandise or commodities.

Wastewater Facility. Improvement for providing wastewater service, including, but not limited to, land or easements, treatment facilities, lift stations, or interceptor mains. Wastewater facility excludes wastewater lines or mains which are constructed by developers, the costs of which are reimbursed from charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Wastewater facilities also exclude dedication of rights-of-way or easements or construction or dedication of onsite wastewater collection facilities required by valid ordinances of the City and necessitated by and attributable to the new development.

Wastewater Facility Expansion. Expansion of the capacity of any existing wastewater improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing wastewater facility to serve existing development.

Wastewater Improvements Plan. Portion of the CIP, as may be amended from time to time, which identifies the wastewater facilities or wastewater facility expansions and their associated growth-related costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of wastewater impact fees pursuant to this Chapter.

Water Facility. Improvement for providing water service, including, but not limited to, land or easements, water supply facilities, treatment facilities, pumping facilities, storage facilities, or transmission mains. Water facility excludes water lines or mains that are constructed by developers, the costs of which are reimbursed from charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Water facilities also exclude dedication of rights-of-way or easements or construction or dedication of on-site water distribution facilities required by valid ordinances of the City and necessitated by and attributable to the new development.

Water Facility Expansion. Expansion of the capacity of any existing water improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing water facility to serve existing development.

Water Improvements Plan. Portion of the CIP, as may be amended from time to time, which identifies the water facilities or water facility expansions and their associated growth-related costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of water impact fees pursuant to this Chapter.

Yy - Zz

Yard, Front. The area extending across the entire width of the lot between the front lot line and the front building line. The depth of front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case

of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

Yard, Rear. The area extending across the entire width of the lot and situated between the rear lot line and the rear building line. The depth of a rear yard shall be measured in such a manner that the yard established is a strip of land with the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Side. The area lying between the side lot line and the side yard building line, and extending from the front yard to the rear yard. The width of a side yard shall be measured in such a manner that the yard established is a strip of land with the minimum width required by district regulations with its inner edge parallel with the side lot line.

Yard, Street. The lot area which lies between the street right of way and the actual front wall line of the building and as imaginatively extended from the outward corners of the building, parallel to the street to the side lot lines. Steps and unenclosed porches shall be excluded, but such wall line shall include any irregular building indentations. On corner lots, the street yard shall consist of all lot area between both streets and their corresponding actual front building wall lines, as such lines are imaginatively extended in the manner described above. When there are multiple buildings on a lot, the street yard shall consist of all the area between the street right of way and any imaginary line beginning at one side of the lot, running parallel to the street, connecting to the foremost corner of the building wall fronting the street and nearest such side lot line, then following and connecting the foremost walls of all buildings fronting the street, and then extending parallel to the street side lot line. If a building has a rounded front, the front building wall corners shall be the points closest to the side boundaries. Isolated buildings (e.g. fast food restaurants in a shopping center, photo processing drop-offs, bank drive through, etc.) shall not be considered in delineating street yards. On land used only for off-street parking purposes, the street yard shall consist of the entire lot.

Yard. An open space on the same building lot with a building, unoccupied and unobstructed from the ground upward, except for fences or walls.

Zoning District Map. The official certified map or maps upon which the boundaries of the various zoning districts are drawn, and which is an integral part of the Land Development Code.

Zoning District. Contiguous areas containing one or more parcels of land having the same zoning classification. Also, a section of the City for which the regulations governing the area, height and use of buildings and land are uniform.

Zoning. Control on the use and development of land, whether improved or not, by the City for the supposed benefit of citizens in the community and the public welfare. Control is accomplished through zoning restrictions and development standards.

Section 2.6 Amendments to This Chapter

Ord. Number	Date	Subject
O-00-1249	11/08/00	Added Large Commercial Building definition
O-02-1330	02/26/02	Tents
O-09-xxxx	11/3/2009	Amended Tree related definitions as part of Chapter 5 amendments

Exhibit “B”

Chapter 5 Tree Preservation

(11/03/2009)

Section 5.1 Purpose of This Chapter

The intent of this Chapter is to encourage site planning which furthers the preservation of trees and natural areas; to protect trees during construction; to facilitate site design and construction which contribute to the long term viability of existing trees; and to control the removal of trees when necessary. It is the further intent of this Chapter to achieve the following broader objectives:

Protect healthy trees and preserve the natural ecological environmental and aesthetic qualities of the City.

Protect and increase the value of residential and commercial properties within the City.

Prohibit the indiscriminate clear cutting of property.

Section 5.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality. This Chapter is also adopted under the authority of the *Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 5.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 5.4 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 5.5 Tree Removal Permit

No person directly or indirectly shall cut down, destroy, remove, move, or effectively destroy through damaging the roots, trunk or canopy, any tree situated on property regulated by this Chapter without first obtaining a tree removal permit, unless otherwise exempted by the

provisions of this Chapter.

Section 5.6 Applicability

The terms and provisions of this Chapter shall apply to real properties, persons and trees as follows:

- A. Properties which are regulated by this Chapter:
 - 1. Any real property upon which any protected tree is located.
 - 2. Any property for which a final plat has not been submitted on the date of this Chapter.
 - 3. Any property for which construction plans have not been submitted on the effective date of this Chapter.
 - 4. All municipal / public domain property.

Section 5.7 Submittal, Review and Approval Process and Administrative Procedures

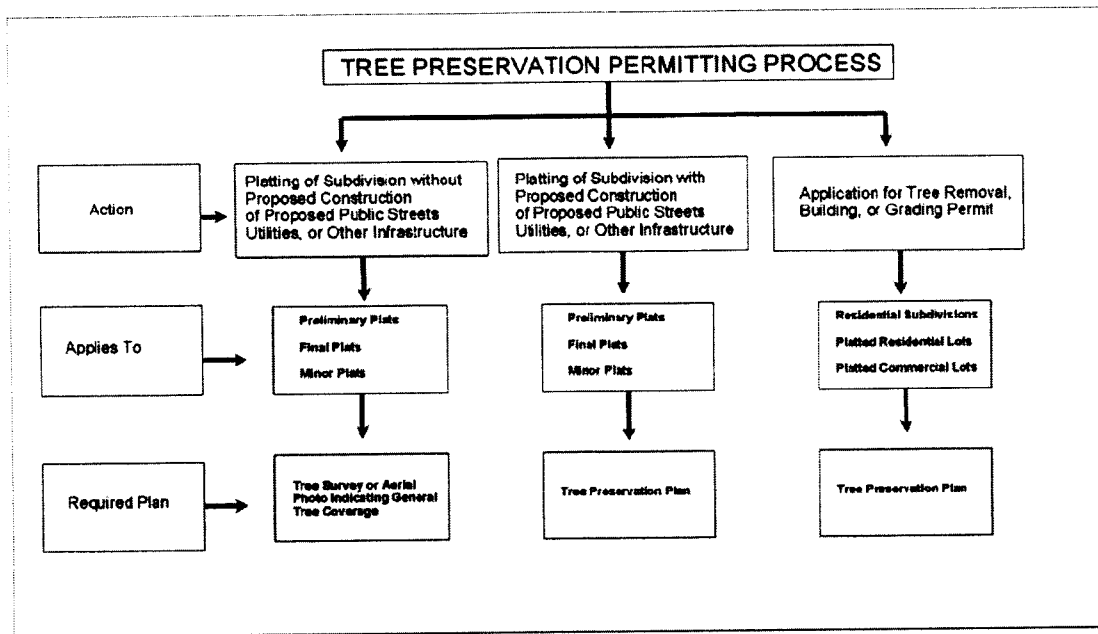
The Administrative Official is responsible for the review and approval or disapproval of all requests for tree removal permits. The request shall be submitted in accordance with the requirements specified herein.

- A. Tree Removal Permit: A request for a tree removal permit must be submitted and approved prior to the removal of any tree. Where any tree is slated for removal, no site grading, dirt disturbance or new construction may occur on the property until a tree removal permit has been issued.
- B. Fees: All tree removal permits shall be accompanied by a check made payable to the City of Colleyville in the amount established by the schedule of fees approved by the City Council.
- C. An application involving a limited portion of a site may be based on an exhibit showing only that portion of the site.
- D. Aerial photographs interpretation may supplant the ground survey for preliminary analyses of large scale developments, such as subdivisions, utility corridors and golf courses, at the discretion of the Administrative Official.
- E. Any tree removal permit request that requires the removal of a protected tree shall be accompanied by a tree preservation plan.
- F. The items required on a tree preservation plan shall include but not be necessarily limited to:
 - 1. Title Block: includes street address; legal description (lot and block, subdivision name); date or revised date, north arrow; graphic (and written) scale; name, address, telephone number of owner and of person preparing the exhibit.
 - 2. Location of all existing or proposed structures, improvements and site uses including pavement and landscaping, setback, easements and service connections, all properly dimensioned and referenced to property lines,

3. Existing and proposed site elevations, grades and major contours. Construction details of permanent grade changes around all trees.
 4. Location of trunks and canopies of all existing trees, graphically differentiating between the trees to remain and those to be removed. A plus (+) character shall indicate trunk location and concentric circle shall indicate the size and canopy configuration.
 5. Proposed general areas or locations of the replacement trees.
 6. Locations of all critical root zones as defined in Chapter 2 - Definitions.
- G. Tree information required shall be summarized in tabular form on the preservation plan (see example below) and shall include:
1. The list of trees to be removed.
 2. The total diameter of trees to be removed.
 3. Replacement trees listed by species name, quantity, size and total diameter required for replacement of trees. (See Section 5.13 for replacement tree list.)

Example of Tree Survey and Mitigation Table to Be Inserted on Preservation Plan							
Red Oak	12	108	3	42	1	12	4
Post Oak	35	350	18	168	2	24	8
Cedar	10	89	1	12	0	0	0
Pecan	5	75	0	0	5	75	25
TOTAL	62	622	22	222	8	111	37

- H. Tree protection notes and details shall be included on site plans, subdivision plans or landscape plans and always included with the bid documents given to the contractor. (See Section 5.12)
- I. Appeals: Any decision made by the Administrative Official with regard to a request for a tree removal permit may be appealed by any party to the Planning and Zoning Commission. All actions of the Commission shall be final.
- J. Permit Validity: Permits for tree removal issued in connection with a building permit, subdivision plan and site plan shall be valid for the period of that building permit's or site plan's validity. Permits for tree removal not issued in connection with a building permit, subdivision or a site plan shall become void ninety (90) days after the issue date on the permit.



Section 5.8 Tree Preservation Requirements

- A. Minimum Existing Tree Preservation Requirements: When any new construction occurs, there shall be a minimum number of trees protected on the property. For new residential subdivisions, the entire boundary of the subdivision shall be considered as one property for the purpose of this section. The chart below shall be used to determine the minimum protection requirements:

Existing Tree Coverage Preservation Requirements:

Percentage of existing protected tree coverage	Minimum percentage of the existing protected tree coverage to be preserved
0% – 20%	70%
20.1 – 40%	60%
40.1% - 60%	50%
60.1% - 80%	40%
80.1% - 100%	30%

Protected trees located within any of the exempted areas specified in section C below may be credited toward the minimum existing preservation coverage requirements in the above table such that no more than 50% of the existing protected trees may be credited within an exempt area. NOTE: The minimum preservation coverage requirements listed above may not be mitigated for as described in Section 5.10.

- B. Preservation of Heritage Trees: Heritage Trees, as defined in Chapter 2 - Definitions, may not be classified as exempted trees, regardless of whether or not they are located in an exempted area as defined in the sections below.
- C. Exempted Areas, Persons and Tree Species from preservation requirements:
1. New Residential Subdivisions with Street Dedications: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:
 - a. Rights-of-way of newly dedicated streets

- b. Easements
 - c. Residential setback envelope
 - d. NOTE: When submitting a new residential subdivision plat, the Planning and Zoning Commission may evaluate whether an alternate street layout and grading plan which complies with all City subdivision standards would result in substantially greater tree preservation. In the event such an alternate layout is determined by the Commission to be a reasonable use of the land then the applicant may substitute said alternative plan without being required to submit a new Preliminary Plat application. If, however, the applicant does not substitute said alternate layout or another acceptable plat to the Commission, failure of the applicant to do so shall be a basis for denial of the applicant's application.
- 2. Platted Residential Lots: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:
 - a. Residential setback envelope
 - 3. Platted Commercial Lots: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:
 - a. Trees located within the new commercial building footprint.
 - 4. Exempted Tree Species: The following tree species shall be exempt from the tree preservation requirements of this chapter:
 - a. Mesquite
 - b. Hackberry
 - c. Chinese Tallow
 - 5. Exempted Persons: The following persons are exempt from the provisions of this Chapter only to the extent of their control over the particular class of properties and trees described below. Persons exempt from the provisions shall not be required to obtain tree removal permits.
 - a. An employee of the City of Colleyville, a public utility or an authorized contractor working in a dedicated public right-of way may in the course of business, remove or prune that portion of a tree which prohibits the safe construction, repair or maintenance of a service line or facility.
 - b. The resident of a single family home may remove all or a portion of a tree which exists on the lot of record on which the single family home is built.
 - c. A property owner or his authorized contractor, employee or tenant may remove a tree which has become severely diseased or damaged to the extent that it is beyond the point of recovery or is in danger of falling, as determined by the Administrative Official.
 - d. All landscape nurserymen shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the nursery premises which are planted and grown for the sale or intended sale to the general public.

- e. Any person may remove all or a portion of a tree which has disrupted a public utility service due to tornado, storm, flood, or other act of God, but only that portion of the tree which is necessary to safely restore normal utility service.
- f. The following persons shall be exempt from the tree replacement provisions of this Chapter. However, such persons shall provide tree protection and replacements as per this Chapter for all remaining trees in non-exempt areas.
 - (1) A person performing work authorized by a building permit in the residential buildable area.
 - (2) A person performing work authorized by an approved site plan in the commercial building footprint.
 - (3) A person performing work authorized by the approved grading and drainage plan in the residential setback envelope.
 - (4) An employee of the City of Colleyville, a public utility or a person performing work authorized by an approved subdivision plat or a separate dedication instrument in a dedicated public right-of-way, drainage or utility easement.

Section 5.9 Tree Protection

A major purpose of this Chapter is to protect all trees which are not removed and to allow approved construction to occur. The following procedures shall apply to all types of construction projects which involve development around trees.

The following procedures are deemed appropriate in the situations noted; however, unique circumstances may allow modifications if deemed necessary by the Administrative Official.

- A. Prohibited Activities: The following activities shall be prohibited within the limits of the critical root zone of any tree which is subject to the requirements of this Chapter.
 - 1. Material Storage: No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the limits of the critical root zone of any tree.
 - 2. Equipment Cleaning / liquid disposal: No equipment may be cleaned or other liquids deposited within the limits of the critical root zone of a tree. This would include but not be limited to, paint, oil, solvents, asphalt, concrete, mortar or other materials.
 - 3. Tree Attachments: No signs, wires or other attachments, other than those of a protective nature shall be attached to any tree.
 - 4. Vehicular Traffic: No vehicular and construction equipment traffic or parking is allowed within the limits of the critical root zone of trees.
- B. Pre-Construction: The ensuing procedures shall be followed prior to construction.
 - 1. Tree Flagging: All trees to be removed from the construction site shall be flagged with bright red vinyl tape wrapped around the main trunk at a height of four feet (4') or more such that the tape is visible to workers on foot or driving equipment.
 - 2. Protective Fencing: All protected trees shall have protective fencing located at the tree's critical root zone. The protective fencing may be comprised of snow fencing, orange vinyl construction fencing, chain link fence or other similar fencing with a four-

foot (4') approximate height. The protective fencing may be located within the critical root zone of the specimen tree for approved construction only. The fencing shall follow the delineation of the approved construction. In order to protect the trunk, the trunks of all protected trees shall be wrapped with orange vinyl construction fencing such that the trunk will be easily visible during construction activities.

3. **Bark Protection:** in situations where a tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree's trunk with lumber encircled with wire or other means that does not damage the tree.
4. **Construction Pruning:** In a case where a low hanging limb may be broken during the course of construction, the obtrusive limb may be cut. The limb shall be cut either flush to the trunk on or at the next joint of the limb. The wound shall then be sealed with pruning paint.

In no instance shall pruning involve a portion of the trunk or thirty percent (30%) of the entire canopy without the Administrative Official's prior approval.

- C. **Improvement within the Critical Root Zone of a Tree:** Design constraints often dictate that trees slated for preservation have some encroachment on their critical root zone, as defined in Chapter 2 - Definitions. The following is the minimum design criteria, which is allowed within the critical root zone of a tree. Development exceeding the criteria would put the tree at risk and therefore no longer be considered a preserved tree. In such a case replacement trees shall also be required.

1. **Grade Changes:** In the event that grade changes must be made around a tree or group of trees, the following shall be implemented in order to maintain oxygen and water exchange within the tree's critical root zone.
 - a. A minimum of seventy-five percent (75%) of the critical root zone must be preserved at natural grade with natural ground cover or landscaping for the tree to be considered a preserved tree.
 - b. No cut or fill greater than two inches (2") shall be located closer to the tree trunk than one half (1/2) of the radius of the critical root zone radius distance.
 - c. **Increase Grade:** Provide an aeration system just outside the tree's critical root zone. A dry well located a minimum of one-half (1/2) of the radius of the critical root zone.
 - d. **Decrease Grade:** Provide retaining walls outside the critical root zone to mitigate cuts.
2. **Boring of Utilities:** May be permitted under protected trees in certain circumstances. The minimum length of the bore shall be the width of the tree's canopy and shall be a minimum depth of forty-eight inches (48").
3. **Trenching:** irrigation systems shall be designed to avoid trenching across the critical root zone of any tree.
4. **Paving:** A maximum of twenty five percent (25%) of the critical root zone of a tree may be covered with impervious paving. The pavement and the cut and fill for the pavement is to not exceed one-half (1/2) of the critical root zone radius distance.

Section 5.10 Mitigation and Violations

Any protected tree which is six inches (6") or greater that is removed, destroyed or more than 50% damaged and does not meet the exemption provisions of this chapter shall be mitigated per

the requirements of this section. In the event that the loss of a protected tree requires mitigation, the party responsible for mitigation shall either replace the protected tree(s) by planting new trees, pay a mitigation fee or a combination of both. For the purpose of this Chapter, trees removed within any City right-of-way or other City owned property by anyone not exempted by Section 5.8(C)5 shall be mitigated per the requirements of this section and other applicable City ordinances.

The mitigation authorized by this section is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives which could save more existing trees have been evaluated.

- A. Mitigation Through Planting New Replacement Trees: A sufficient number and diameter of replacement trees shall be planted in order to equal the total diameter inches or fraction thereof of trees six inches (6") or greater and slated for removal.

1. Replacement trees shall be a minimum of three inches (3") diameter when measured one foot (1') above the soil line and a minimum of eight feet (8') in height when planted.

Examples-

- a. A total of 18" diameter to be removed shall be replaced with 6 – 3" diameter trees.
 - b. A total of 19" diameter to be removed shall be replaced with 7 – 3" trees or 5 – 3", trees and 1-4" tree.
2. All replacement trees shall be a species listed on the replacement tree list and guaranteed for one year from the date of the final inspection and acceptance of the project.
 3. The location of replacement trees is restricted from utility easements and rights-of-way. The location shall not be in an area such that the mature canopy of the tree will interfere with overhead utility lines. No trees shall be planted within ten feet (10') of a fire hydrant.
 4. Replacement trees should be planted on the site from which existing trees are to be removed. If this is not feasible, an applicant may initiate a proposal to plant trees off-site. This may be approved if the planting site is no more than one-half mile from the site where the original trees were removed.
 5. Replacement trees shall be planted prior to the issuance of the certificate of Occupancy or project release. Optimum planting times do not always correspond to project completion. For that reason, replacement tree plantings may take place after the project is released by the City; provided, that before project release, a fiscal security is posted in the amount equal to the prevailing rate for installed trees with a one (1) year guarantee, plus fifteen percent (15%) to cover administrative cost.

- B. Mitigation Through Payment of Fee: A monetary fee of \$250.00 per diameter inch of the tree(s) removed or damaged shall be assessed and paid to the City of Colleyville. All mitigation fees shall be deposited into the City's Tree Preservation Fund.

- C. Mitigation of Heritage Trees: Heritage Trees, as defined in Chapter 2 – Definitions and noted in Section 5.8:

1. A monetary fee of \$500.00 per diameter inch of the Heritage Tree removed or damaged shall be assessed and paid to the City of Colleyville and deposited into the City's Tree Preservation Fund, or;
 2. If replacement trees are to be planted, the total amount of replacement inches to be planted shall be in an amount that is twice the diameter inches of the Heritage Tree(s) removed and shall, otherwise, meet the requirements of Section A above.
- D. Colleyville Tree Preservation Fund: All mitigation fees shall be paid into the Colleyville Tree Preservation Fund. The fund shall be administered by the City Manager or his/her designee and shall only be used for the planting of new trees on City owned or leased properties, rights-of-way and other public properties such as public schools, county and State properties located within the City of Colleyville.
- E. Penalty for Violation: Any person violating or failing to comply with any provision or requirement of this Chapter, including but not limited to the mitigation requirements of this section, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall, without exception, be fined the maximum amount of \$2,000.00. A separate offense shall be deemed committed upon each day during or on which each separate violation or failure to comply occurs or continues to occur and shall be punishable as such.
- F. If any protected tree dies within three (3) years of the issuance of the certificate of occupancy, final inspection or acceptance of public improvements and is brought to the attention of the city manager or his/her designee, the original permit applicant shall be subject to the replacement/mitigation requirements for protected trees per this section.

Section 5.11 Replacement Tree List

The following is the list of appropriate and approved replacement trees which have been selected on the basis of their suitability in the urban environment of North East Tarrant County.

SCREENING TREES	ORNAMENTAL TREES	MEDIUM AND LARGE TREES	PALMS
ARBORVITAE	BLUE POINT JUNIPER	AMERICAN ELM	CALIFORNIA FAN PALM
BLUE POINT JUNIPER	CAROLINA BUCKTHORN	ARISTOCRAT PEAR	MEXICAN FAN PALM
CHINESE PHOTINIA	CAROLINA CHERRY LAUREL	ARIZONA CYPRESS	NEEDLE PALM
CAROLINA CHERRY LAUREL	CRAPE MYRTLE	BALD CYPRESS	SABAL PALM
EAST PALATKA HOLLY	DECIDUOUS HOLLY	BOIS D' ARC	WINDMILL PALM
EASTERN RED CEDAR	DESERT WILLOW	BUR OAK	
LITTLE GEM MAGNOLIA	EAST PALATKA HOLLY	CEDAR ELM	
NELLIE R. STEVENS HOLLY	FIG	CHINESE PISTACHE	
SAVANNAH HOLLY	ITALIAN CYPRESS	CHINQUAPIN OAK	
WAX MYRTLE	JAPANESE MAPLE	DEODAR CEDAR	
YAUPON HOLLY	LACEY OAK	EASTERN RED CEDAR	
	MEXICAN BUCKEYE	EVE'S NECKLACE	
	NELLIE R. STEVENS HOLLY	FOREST PANSY REDBUD	
	OKLAHOMA REDBUD	GINKGO BILOBA	
	SAVANNAH HOLLY	LACEBARK ELM	
	SUMAC	LITTLE GEM MAGNOLIA	
	TEXAS MOUNTAIN LAUREL	LIVE OAK	

	VITEX	PECAN	
	WAX MYRTLE	PERSIMMON	
	YAUPON HOLLY	SHANTUNG MAPLE	
		SHUMARD RED OAK	
		SOUTHERN MAGNOLIA	

Section 5.12 Construction Plan Requirements

The following notes shall be required as a part of all construction plans.

1. All trees shown on this plan to be preserved shall be protected during construction with temporary fencing. Tree protection fences shall be installed prior to the commencement of any site preparation work (clearing, grubbing or grading).
2. Fences shall completely surround the tree or clusters of trees. The fence shall be located at the outermost limits of the tree branches or critical root zone. The fence will be maintained throughout the construction project in order to prevent the following.
 - A. Soil compaction in the critical root zone resulting from vehicular traffic or storage of equipment or materials.
 - B. Critical root zone disturbances due to grade changes greater than two inches (2") cut or fill or boring which was not authorized by the City.
 - C. Wounds to the trunk, limbs or exposed roots by mechanical equipment.
 - D. Other activities detrimental to trees such as chemical storage, cement trunk cleaning, and fires.
3. In cases of area constraints where the protective fence is closer to the trunk than four feet (4'), the trunk must be protected with strapped-on planking to a height of eight feet (8') or to the limits of the lower branching.
4. All grading within critical root zones of protected trees shall be performed by hand or small equipment to minimize damage. Prior to grading, relocate the protective fencing to two feet (2') behind the grade change area.
5. Trees most heavily impacted by construction activities should be watered deeply once a week during periods of hot and dry weather. Tree crowns should be sprayed with water periodically to reduce dust accumulation on the leaves.
6. Trenching for landscape irrigation shall be located as far from the existing trunks as possible.
7. Pruning to provide clearance for structures, vehicular traffic and equipment shall take place before construction begins.

Section 5.13 Amendments

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
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O-00-1214	4-18-00	Adoption of Tree Preservation in Land Development Code
O-09-xxxx	11-3-09	Amendments to Chapter 5 based on recommendations of consultant



City of Colleyville Colleyville Tree Board Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 3b	Agenda Date 01/05/2015	Number
Type Presentation and Discussion		
Department Parks and Recreation		
Title		
Overview of tree inventory project		

Explanation

Parks Manager James Hubbard, will provide an overview and update on the Parks Department effort to inventory and assess trees at each park. Utilizing Geographic Information Systems (GIS), staff is able to accurately collect the location of each tree and link additional attribute data, such as species and size, to the individual tree. As seen in the attached "Bogart Drive Tree Inventory" this data can then be displayed visually to serve as a decision making tool. The next area to be inventoried is McPherson Park.

Attachments

1. Bogart Drive Tree Inventory



Bogart Drive Tree Inventory

SPECIES/QUANTITY/AVERAGE DBH

- RED BUD/3/1.17"
- RED OAK/15/2.0"
- VITEX/9/1.22"
- YAUPON HOLLY/23/.63"