

TREE PRESERVATION ORDINANCE
ORDINANCE NO. 286-91

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS
GOVERNING THE PROTECTION OF TREES AND VEGETATION COVER
WITHIN THE CITY LIMITS OF THE CITY OF WILLOW PARK;
CONTAINING A SEVERABILITY CLAUSE, A PENALTY CLAUSE, AND
PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK,
TEXAS:

1. A. PURPOSE: The purposes of section are to establish rules and regulations governing the protection of trees and vegetation cover within the City of Willow Park, to encourage the protection of healthy trees and vegetation through innovative designs and site plan layouts and to provide for the replacement and replanting of trees that are necessarily removed during construction, development or redevelopment.

B. The provisions of this section allow trees located within necessary public rights of way and to be removed prior to issuance of a building permit. Upon issuance of a building permit, trees within the buildable area of a property may also be removed. All other tree removal requires a tree permit.
2. DEFINITIONS: The following definitions shall apply to this chapter:
 - A. BUILDABLE AREA: That Portion of a building site exclusive of the required areas on which a structure or building improvements may be erected, and including the actual structure, driveway, parking lot, pool, and other construction as shown on the site plan.
 - B. DRIP LINE: A vertical line run through the outermost portion of the crown of a tree and extending to the ground.
 - C. HISTORIC TREE: A tree which has been found by the City to be of notable historic interest because of its age, type, size or historic association and has been so designated as part of the official records of the City.
 - D. PERSON: Any corporation, partnership, association or other artificial entity; or any individual; or any agent or employee of the foregoing.
 - E. SPECIMEN TREE: A tree which has been determined by the City to be of high value because of its type, size, or other professional criteria, and which has been so designated as part of the official records of the City.
 - F. TREE: Any self-supporting woody perennial plant which has a trunk diameter of

three (3) inches or more when measured as a point of four and one-half (4 ½) feet above ground level and which normally attains an overall height of at least twenty (20) feet at maturity, usually with one (1) main stem or trunk and many branches. It may appear to have several stems or trunks as in several varieties of oak.

- G. YARD AREA: The front, side and rear yard areas as required under the comprehensive zoning code and the zoning district requirements applicable thereto.
3. APPLICABILITY: The terms, and provisions of this section shall apply to real property as follows:
- A. All real property upon which any designated specimen or historic tree is located.
 - B. All vacant and undeveloped property.
 - C. All property to be redeveloped, including additions and alterations.
 - D. The yard areas of all developed property, excluding developed and owner-occupied single-family residential property.
4. TREE PRESERVATION PERMIT REQUIRED: No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any tree, specimen, tree or historic tree situated on property described above without first obtaining a tree permit unless the conditions of 7-A and 7-B apply.
5. APPLICATION: Permits for removal, or replacement of trees covered herein shall be obtained by making application on a form prescribed by the City to the City Administrator. Each application will be accompanied with a \$25.00 permit fee unless the application is part of a larger building or other development application for which a larger fee is charged. The application shall be accompanied by a written document indicating the reasons for removal or replacement of trees and two copies of legible site plan drawn to the largest practicable scale indicating the following:
- A. Location of all existing or proposed structures, improvement and site uses, properly dimensioned and to property lines, setback and yard requirements and special relationships.
 - B. Existing and proposed site elevations, grades and major contours.
 - C. Location of existing or proposed utility easements.
 - D. The location of trees on the site to be removed, or replaced.
 - E. Tree information required above shall be summarized in legend form on the plan and shall include the reason for the proposed removal, or replacement.

- F. Application involving developed properties may be based on drawings showing only that portion of the site directly involved, adjacent structures, and landscaping or natural growth incidental thereto.
 - G. Aerial photographs, at an appropriate scale, may be substituted, at the discretion of the City Administrator, for a site plan if adequate site information is supplied on the aerial photographs.
6. APPLICATION REVIEW: Upon receipt of a proper application, the Planning and Zoning Commission shall review the application for new subdivisions, the city Administrator shall review applications for platted lots; said review may include a field inspection of the site., and the application may be referred to such departments as deemed appropriate for review and recommendations. If the application is made in conjunction with a site plan submitted for approval the application will be considered as part of the site plan; and no permit shall be issued without site plan approval. Following the review and inspection, the permit applications will be approved; disapproved, or approved with conditions by the Planning and Zoning commission of City Administrator as appropriate, in accordance with the provisions of this chapter.
7. TREE REMOVAL:
- A. No tree or trees shall be removed prior to issuance of a building permit unless one of the following conditions exist:
 - 1. The tree is located in a utility easement, public street right-of-way, or drainage easement. In the event that certain trees outside the above areas are requested to be removed to allow the operation of equipment, the applicant shall submit a Plat and Site Plan which indicates the exact operation area needed. The City Administrator may approve selected removal under this condition.
 - 2. The tree is diseased, injured, in danger of falling, interferes with utility service, creates unsafe vision clearance, or conflicts with other ordinances or regulations.
 - 3. The trees are cottonwood, mesquites, or thorn trees.
 - 4. Except for the above, under no circumstances shall there be clear cutting of trees on a property prior to issuance of a building permit.
 - B. Upon issuance of a building permit, developers shall be allowed to remove trees located on the buildable area of the property. Trees located in required yard areas, buffers and open space areas shall be maintained. The buildable area shall include sufficient adjacent area to allow the normal operation of construction equipment.
8. REPLACEMENT: In the event that it is necessary to remove tree(s) outside the

buildable area, the developer, as a condition to issuance of a tree removal permit, may be required to replace the tree(s) being removed with comparable trees somewhere within the site with or varieties of Ash, Oak, Pecan or Walnut.

A sufficient number of trees shall be planted to equal, in caliper, the diameter of the tree removed. Said replacement trees shall be a minimum of 3" caliper and 7 feet in height when planted.

At the time of application review, the person responsible for replacement, time of replacement, and location will be determined by the Planning and Zoning Commission.

9. MAINTENANCE: The owner, tenant or agent shall be jointly responsible for the maintenance of all trees including replacement trees and shall be maintained in a healthy and growing condition. Trees which die shall be replaced with trees of similar variety and size.
10. TREE PROTECTION: During any construction or land development, the developer shall clearly mark all trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups of trees to remain. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the dripline of any tree.

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

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

11. EXCEPTIONS: In the event that any tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and require immediate removal without delay, authorization may be given by the City Administrator and the tree may then be removed without obtaining a written permit as herein required.

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

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

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

12. PENALTY: The removal and destruction of each tree shall be considered a separate infraction. A penalty of One Thousand Dollars (\$1,000.) per infraction per tree shall be imposed and compliance with the ordinance be completed before an occupancy permit shall be issued.
13. This ordinance shall be effective from and after its passage and publication as required by law.

PASSED AND ADOPTED THIS THE 21ST DAY OF MAY, 1991.

APPROVED:

Sharon Riley Suarez

SHARON SUAREZ
MAYOR

ATTEST:

Kathy Mitchell

KATHY MITCHELL
CITY SECRETARY

APPROVED

Walter W. Leonard

WALTER W. LEONARD
CITY ATTORNEY