

AN ORDINANCE OF THE CITY OF COPPELL, TEXAS

ORDINANCE NO. 91500-A-676

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AN ORDINANCE OF THE CITY OF COPPELL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF COPPELL, TEXAS, AS HERETOFORE AMENDED, TO REVISE: ARTICLE 34, DIVISION 1, SECTION 12-34-7 "GENERAL STANDARDS, TABLE 1", TO REVISE THE PLANT PALETTE AND DIVISION 2 "TREE PRESERVATION REQUIREMENTS", TO REVISE SECTION 12-34-2-4, "DEFINITIONS"; SECTION 12-34-2-11, "TREE REMOVAL PERMIT" AND SECTION 12-34-2-12, "PROTECTED TREE REPLACEMENT" AS TEXT CHANGE AMENDMENTS TO THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF COPPELL AND THE CODE OF ORDINANCES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Park Board at the request of the Coppell Historical Society Tree Subcommittee recommended revisions to the Tree Preservation provisions of the Zoning Ordinance to place an emphasis on identifying and conserving specimen and historic trees and adjusting mitigation fees to incentivize the preservation of large trees.

WHEREAS, the City Council has determined that the plant palette should be revised to require the use of more drought tolerant plant materials and not encourage the use of plant materials which have been impacted by insects or disease; and

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Coppell, Texas, in compliance with the laws of the State of Texas and pursuant to the Comprehensive Zoning Ordinance of the City of Coppell, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested, the said governing body is of the opinion to revise: Article 34, Division 1, Section 12-34-7 "General Standards, Table 1" to revise the Plant Palette & Division 2 "Tree Preservation Requirements" to revise Section 12-34-2-4, "Definitions"; Section 12-34-2-11, "Tree Removal Permit" & Section 12-34-2-12, "Protected Tree Replacement" and in the exercise of legislative discretion have concluded that the Comprehensive Zoning Ordinance should be amended.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COPPELL, TEXAS, THAT:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Coppell, Texas, duly passed by the governing body of the City of Coppell, Texas, as heretofore amended, be and the same

is hereby amended to Article 34, Division 1, Section 12-34-7 “General Standards, Table 1”, to revise the Plant Palette and Division 2 “Tree Preservation Requirements”, to revise Section 12-34-2-4, “Definitions”; Section 12-34-2-11, “Tree Removal Permit” & Section 12-34-2-12, “Protected Tree Replacement”.

SECTION 2. That Article 34, Division 1, Section 12-34-7 “General Standards, Table 1”, is to be amended by deleting the following plant types under the designated categories:

- A. Overstory Trees:
 - a. Green Ash “Marshall Seedless” – *Fraxinus pennsylvanica*
 - b. Red Maple “October Glory” – *Acer Rubrum "October Glory"*
 - c. Southern Magnolia – *Magnolia grandiflora*
 - d. Texas Ash – *Fraxinus texensis*
- B. Accent Trees:
 - a. American Smoketree – *Cotinus aovatus*
 - b. Carolina Cherry Laurel – *Prunus caroliniana*
 - c. Leyland Cypress - *Cupressocyparis leylandi*
- C. Shrubs:
 - a. Aucuba – *Aucuba japonica*
 - b. Cleyera – *Ternstroemia gymnanthera*
 - c. Earthkind Roses
 - d. Forsythia
- D. Vines:
 - a. Sweet Autumn Clematis - *Clematis paniculata*
 - b. Virginia Creeper - *Parthenocissus quinquefolia*

SECTION 3. That Section 12-34-2-4, Definitions is to be amended by repealing and replacing with new definitions for “Historic tree” and “Specimen tree” to read as follows:

“

(F) *Historic tree* means any tree that is either a minimum size of 40-inch caliper DBH or 100 years of age or older”

.....

(N) *Specimen tree* means a tree that is a minimum size of 24-inch caliper DBH.

.....”

SECTION 4. That Section 12-34-2-11, Tree Removal Permit is to be amended to add subsection (F) to read as follows:

“

(F) After the initial tree removal permit is issued, higher mitigation fees will apply to any differing trees requested to be removed. These shall be mitigated at two (2) times the standard fee described in Sec. 12-34-2-12.”

SECTION 5. That Section 12-34-2-12, “Protected Tree Replacement” is hereby amended by repealing and replacing subsections (A) and (B) to read as follows:

“

(A) In as much as it is reasonable and feasible, replanting on the development or construction site will be made to restore the original natural landscape character of the site.

1. Protected trees will be replanted at a replacement ratio of one inch DBH of replacement tree for each one inch DBH of removed tree.

Specimen trees will be replanted at a replacement ratio of ten inches DBH of replacement tree for each one inch DBH of removed tree.

3. Historic trees must be preserved and cannot be removed unless “hardship” is applied for and approved by the City Council.

a. If a hardship is approved, trees shall be replanted at a replacement ratio of ten inches DBH of replacement tree for each one inch DBH of removed tree.

4. Replacement trees must be a minimum of three inches DBH, seven feet in height, and be of the same, or more desirable, protected species.

(B) To the extent that tree replacement is not feasible, the city manager or his designee shall determine the amount of indemnification to be paid by the developer. Upon determination of indemnification, said payment shall be made to the City of Coppell Reforestation and Natural Area Funds based on amounts indicated which is as follows:

1. For protected trees, reparation will be made in the amount of \$100.00 per one inch DBH for trees less than 12" DBH and \$200.00 per one inch DBH for trees 12" DBH and greater.

For specimen trees, reparation will be made for the appraised value of the removed tree as determined by CLTA (Council of Landscaping Tree Appraisers) guidelines.

3. Historic trees must be preserved and cannot be removed unless "hardship" is applied for and approved by the City Council.

- a. If a hardship is approved, reparation will be made for the appraised value of the removed tree as determined by CLTA (Council of Landscaping Tree Appraisers) guidelines."

....."

SECTION 6. That all ordinances and provisions of the Ordinances of the City of Coppell, Texas in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 8. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 9. 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 Coppell, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 10. That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Coppell, Texas, this the _____ day of _____, 2015.

APPROVED:

KAREN SELBO HUNT

ATTEST:

CHRISTEL PETTINOS, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH)

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ORDINANCE NO. _____

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