

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, ADOPTING A TREE REMOVAL AND REPLACEMENT PROGRAM PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 380 of the Texas Local Government Code provides for implementation of an Economic Development Program intended to develop and expand the local economy by promoting and encouraging development and redevelopment projects that enhance a city's economic base and that may also diversify and expand job opportunities; and

WHEREAS, the City of Carrollton ("City") may, pursuant to Chapter 380, provide incentives, including grants intended to stimulate business and commercial activity; and

WHEREAS, Texas Local Government Code Chapter 380 allows the City to provide incentives consisting of loans and grants of City funds, use of City personnel, facilities, and services with or without charge, for the promotion of economic development; and

WHEREAS, neither the Texas Local Government Code, Chapter 380, nor the Texas Constitution, Article III, Section 52-a, specify the type, kind or extent of incentives that may be provided by a city for the promotion of economic development; and

WHEREAS, it is well established that the reduction of visual blight and deterioration in commercial and retail areas encourages the relocation of businesses and attracts new business enterprises, as well as the expansion of existing business enterprises within the City, which in turn stimulates growth, creates jobs and increases property and sales tax revenues; and

WHEREAS, the well-being and economic growth of the Carrollton community benefits all its citizens; and

WHEREAS, establishing a policy for the Tree Removal & Replacement Program for replacement of existing blighted trees in close proximity to commercial properties, entryways into the City's retail and commercial districts, Historical Downtown or Transit Center districts will attract and encourage business relocation and expansion;

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

SECTION 1

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified, and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2

The City Council hereby approves the Chapter 380 Economic Development Program Tree Removal & Replacement Policy which will provide up to a maximum of one hundred percent (100%) grant for the replacement of trees under or adjacent to power lines in authorized locations, as further specified in the Policy, attached hereto as Exhibit A and incorporated by reference for all purposes herein.

SECTION 3

The City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this Resolution.

SECTION 4

This Resolution shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this 16th day of April, 2024

CITY OF CARROLLTON

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith A. Ladd, City Attorney

APPROVED AS TO CONTENT:

Ravi Shah, Director of Development Services

TREE REMOVAL & REPLACEMENT POLICY

Overview

The City of Carrollton is dedicated to achieving the highest quality of development, infrastructure, and quality of life for its citizens. These objectives are met, in part, by the enhancement and expansion of the City's economy. Due to the competitive nature of economic development at the local, state, and national levels, additional inducements are often needed in order to attract businesses and capital investment to the community.

A property owner with blighted trees that have been excessively trimmed by a utility provider, or its contractor, under power lines that are within close proximity to collector or arterial thoroughfare, commercial properties, or entryways into the City's retail and commercial district, Historical Downtown, or Transit Center districts, may apply for a matching grant of up to one hundred percent (100%) of the allowable costs of the tree removal and replacement. This tree removal and replacement policy ("Policy") sets forth the procedures necessary to implement a program to remove and replace trees with those that meet the standards established by Article XXV of the Comprehensive Zoning Ordinance as it relates to size and species, which will create more aesthetic corridors.

Eligibility Criteria

The proposed tree removal and replacement project must meet the following criteria:

- The property owner must have in place existing legal or legal, non-conforming trees on private property; and
- Such trees have been disfigured by excessive trimming by a utility provider, or its contractor, due to proximity to power lines; and
- The trees must be visible from the public right-of-way; and
- The trees are within close proximity to collector or arterial thoroughfare, commercial properties, or entryways into the City's retail and commercial district or Historical Downtown or Transit Center districts.

Policy Guidelines

1. This Policy provides for reimbursement of up to one hundred percent (100%) of the costs of removal and replacement of disfigured trees on a caliper-inch per caliper-inch basis where there is space available in Rights-of-Way or in public areas or shared spaces within the development.
2. Tree replacement costs that exceed the approved grant award will not be eligible for reimbursement. A property owner may pay for any upgrade to the minimum standards and may only be eligible for reimbursement of the approved grant in accordance with the terms of this Policy.

3. A property owner may apply for reimbursement under this Policy by submitting the City's application and at least two (2) quotes for tree removal and replacement. The City reserves the right to require additional quotes for tree removal and replacement work. Work must be done by a licensed, bonded contractor and all necessary permits must be obtained prior to work being performed in order to receive reimbursement.
4. Grant funds may be awarded for the costs related to removal of damaged, blighted trees meeting the requirements of this Policy. In addition, grant funds may be awarded for replacement trees, based on the per caliper inch equivalent of the trees removed. Expenses relative to trees that exceed the per caliper inch loss are not eligible for grant funds.
5. If the grant application is approved by Council, the property owner shall enter into a contract with the City establishing the terms and conditions of the project, and the timeline for completion. The contract will require the applicant to provide for ongoing maintenance of replacement trees in accordance with the requirements of Article XXV of the City Comprehensive Zoning Ordinance, as amended, during the useful life of the replacement landscaping.
6. The property owner's selected contractor shall comply with all City ordinances.
7. Upon completion of the project, the property owner shall submit copies of receipts for the work performed to the City requesting reimbursement, in accordance with the terms of the contract and this Policy. City staff shall have the right to inspect the project for compliance upon submission of the documentation.

Grant Consideration Procedure

1. The incentives provided under this Policy are in the form of a receipt reimbursement and are granted utilizing Chapter 380 of the Texas Local Government Code. The City Council will review each grant request on a case-by-case basis and determine the amount which may be reimbursed.
2. The City Council may approve a reimbursable grant up to one hundred percent (100%) of the cost of tree removal and replacement in accordance with the Policy Guidelines. City Council will establish a not-to-exceed project participation amount based upon bids submitted by the property owner.
3. All applications for a grant under this Policy will be submitted to the Re-Development Committee for consideration prior to City Council approval.
The Policy will be evaluated as needed to ensure it is meeting the objectives set forth herein. Modifications to the administration of the Policy may be made by the City Manager if necessary; provided, however, that all grants may only be approved by City Council.