

## ARTICLE II. TREE PRESERVATION

### Sec. 16.10-6. Intent.

It is the intent of this section to encourage the preservation of existing trees within the city and to prohibit their unwarranted destruction. It shall be unlawful for any person to cause or permit the destruction of any qualifying tree, except as permitted by subsection 16.10-10(a) hereof, without a tree removal permit.

(Ord. No. 498-2003, § 1, 1-13-04)

### Sec. 16.10-7. Permit required.

- (a) No person shall commence construction or development site preparation of, or for, any portion of any property subject to this chapter without first obtaining a tree removal permit from the building official. Land clearing or grading shall not commence until qualifying and significant tree canopies have had fencing installed around the perimeter of the drip lines.
- (b) No person shall remove or destroy qualifying or significant trees upon any real property within the city that is subject to this chapter, prior to the issuance of a tree removal permit.
- (c) No person shall fail to comply with the required qualifying tree protection measures set forth herein if such failure will cause, or may reasonably be expected to cause, the tree to die.
- (d) Nothing contained herein shall require any permit to take actions reasonably required maintaining the continued good health of a qualifying tree including, but not limited to, removal of deadwood, integrated pest management, watering, and root feeding.

(Ord. No. 498-2003, § 1, 1-13-04)

### Sec. 16.10-8. Permit information and procedures.

An application for a tree removal permit shall be reviewed within fifteen (15) working days after receipt by the building official. If the application contains complete and accurate information and is in accordance with this chapter, a tree removal permit shall be issued within that time period. If the permit application is incomplete or incorrect, the building official shall deny the requested permit within fifteen (15) working days after receipt of the application.

The application for a tree removal permit shall be on a form promulgated by the building official, signed by the property owner, accompanied by a nonrefundable application fee in the amount

specified in the city's "schedule of fees" adopted by resolution by the city council, and contain at least the following minimum information:

- (1) A preliminary plat overlay drawing, a tree survey, drawn to scale, showing:
  - a. Diameter, species, and location of all qualifying and significant trees, and a designation of which qualifying and significant trees are to be saved and which qualifying trees and significant trees are proposed to be removed. Any trees on adjacent properties that have canopies that will encroach upon the platted property shall be included on the tree survey. In addition, all such qualifying and significant trees on the property shall be flagged in an acceptable manner to enable the building official to identify such trees when visiting the site;
  - b. Diameter, species, and location of trees to be planted;
  - c. The location of all existing and proposed roads, utility easements, and waterways, including canals, on the property;
  - d. The location of the minimum front setback line, as required by the city's building code;
  - e. If known, the proposed location of all primary structures, secondary structures, and private utilities to be built or installed on the property;
  - f. The location and depth of any fill to be placed on the property; and
  - g. The signature, printed name, title, full address, and phone number of the person submitting the application.
- (2) The applicant shall indicate the number of significant trees located on the property, which are to be removed because they are located in the path of roads, waterways or structures. Installation of underground utilities under qualified or significant trees shall be bored instead of trenched and shall be indicated such on the preliminary plat.

(Ord. No. 498-2003, § 1, 1-13-04)

#### Sec. 16.10-9. Issuance of permit and inspection.

After receipt of a tree removal permit, the applicant may commence site preparation in accordance with such permit. Upon completion of site preparation, the applicant shall notify the building official so an inspection can be performed. No additional permits shall be issued for the property until the building official has finally inspected and approved the final site development.

(Ord. No. 498-2003, § 1, 1-13-04)

Sec. 16.10-10. Minimum tree preservation requirements: qualifying trees.

No qualifying tree shall be removed prior to the issuance of a tree removal permit, unless the tree either:

- (1) Is injured, dying, diseased, or infested with harmful insects, as determined by an urban forester or ISA certified arborist; or
  - (A) Is injured, dying, diseased, or infested with harmful insects, as determined by an urban forester or ISA certified arborist; or
  - (B) Is in danger of falling, interferes with utility service, creates unsafe vision clearance or otherwise creates a hazardous or dangerous condition, as determined by the building official.
- (2) A minimum of twenty-five (25) percent of the qualifying trees shall be preserved. If more than seventy-five (75) percent of such trees are removed, each diameter inch of the qualifying trees in excess of the seventy-five (75) percent permitted to be removed must be replaced with a diameter ratio of 1.30 inches of new trees.

(Ord. No. 498-2003, § 1, 1-13-04)

Sec. 16.10-11. Minimum tree preservation requirements: significant trees.

- (a) No tree removal permit shall be issued for a significant tree, unless the city council has approved its removal. Such request for removal shall be accompanied by a plan for the replacement of said tree(s).
- (b) A minimum of sixty (60) percent of the significant trees shall be preserved. If more than forty (40) percent of such trees are removed, each diameter inch of the qualifying trees in excess of the forty (40) percent permitted to be removed must be replaced with a diameter ratio of 1.30 inches of new trees.

(Ord. No. 498-2003, § 1, 1-13-04)

Sec. 16.10-12. Replacement tree requirements.

- (a) Replacement trees must be of a species included on the qualified tree list.
- (b) Replacement trees shall be a minimum caliper of three (3) inches or in a 65-gallon container.

- (c) Replacement trees may count toward the general landscaping requirement if planted on-premises.
- (d) Replacement trees are permitted to be planted off-premises at the request of the developer. Off-premises replacement trees will be planted on public property. The exact location will be approved by the building official.
- (e) The developer may choose to pay the off-site replacement fee rather than planting trees on-premises. The off-site replacement fee is listed on the schedule of fees and charges, which is adopted by the city council.

(Ord. No. 498-2003, § 1, 1-13-04)

#### Sec. 16.10-13. Guidelines for tree preservation.

Building permit holders shall adhere to the following tree protection measures on all construction sites within the city that are subject to this chapter:

- (1) Prior to land development or redevelopment, or any construction thereon, the developer shall clearly mark all trees to be preserved.
- (2) The developer shall erect a fence around each tree or group of trees to prohibit the placement of debris, fill or the parking of vehicles within the drip line of any tree or group of trees.
- (3) During construction, the developer shall prohibit cleaning of equipment or materials within the drip line of any tree or group of trees that are scheduled to remain. The developer shall not allow the disposal of any waste material, such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., within the drip line of any tree or group of trees that are scheduled to remain.
- (4) No attachments or wires of any kind shall be attached to any tree, except those used to stabilize or protect such tree.
- (5) Grade changes of one (1) inch or greater will require additional measures in order to maintain proper oxygen and water exchange with tree roots. With major grade changes, a retaining wall or tree well of rock or brick shall be constructed around the tree not closer than one-half ( 1/2) the distance between the trunk and the drip line. The mid-point of the retaining wall shall be constructed at the new grade. Grade changes greater than one (1) inch may not be made without the prior approval of the building official.

If a patio, sidewalk, drive, or parking lot must be placed within the drip line of an existing qualifying or significant tree, material such as a porous pavement shall be used to allow the passage of water and oxygen to the roots of the tree.

(Ord. No. 498-2003, § 1, 1-13-04)

Secs. 16.10-14, 16.10-15. Reserved.