

Sec. 106-801. Tree preservation.

- (a) It is the intent of this section to encourage the preservation of existing trees within the city and to prohibit their unwarranted destruction.
- (b) It shall be unlawful for any person to cause or permit the destruction of any native tree within 15 feet of any street right-of-way line or easement line abutting the required front yard or within ten feet of any street right-of-way line or easement line abutting the required side yard within the city if such tree has a trunk which exceeds six inches in diameter (or 18.84-inch circumference) at a point 18 inches above the natural ground level. Provided, however, it shall not be a violation of this provision if a tree is removed and destroyed where, in the opinion of the planning director or his designated representative, said tree constitutes a hazard to pedestrian and/or vehicular traffic along any such right-of-way.
- (c) No person, firm or corporation desirous of developing or improving any parcel of property, shall remove or cause the removal of any tree from said property without first obtaining a clearing permit which would allow clearing of buildable areas only.

Sec. 106-802. Tree replacement.

- (a) *Number of replacement trees.* Tree disposition conditions and tree permit authorizing removal of or damage to large trees or protected trees shall normally require replacement by one or more newly planted trees on the same subject site. If this is not feasible, the owner or developer must plant and maintain off-site replacement trees in reasonable proximity to the subject site.
- (b) *Minimum size.* Replacement trees must normally have a trunk diameter of at least two inches measured six inches from the ground. The enforcement officer may prescribe a proportionally smaller trunk diameter for species of trees.
- (c) *Qualified trees.* To be a "qualified tree", a tree must comply with the recommended tree list "native or protected" of the city.
- (d) *Standard of review.* The enforcement officer shall use reasonable best efforts to determine the type and number of replacement trees required in an attempt to minimize undue burden resulting from this section.
- (e) *Trees in street area.* Before authorizing establishment or maintenance of tree or decorative landscaping, such as lighting or a watering system in a street area, the building official must be satisfied that Tex. Trans. Code, Chapter 316 has been complied with and also confirms there would be no violation of the provisions relating to visibility triangles.

(Ord. No. 1501-R5, § 6(Exh. F), 6-27-05)

Sec. 106-803. Protective fencing.

- (a) *Fences required.* Unless otherwise specified in the tree disposition conditions, each protected tree to be preserved must be fenced during development or pre-development activity.
- (b) *Fence criteria.* Unless the tree disposition conditions specify otherwise:
 - (1) A six-foot or higher fence must surround each protected tree or group of trees, preventing people, machinery, trash, material, and other items from occupying the area within the protective fencing.
 - (2) The fence must be constructed of durable, highly visible materials supported on poles firmly set in the ground.
 - (3) The fence must be able to resist intrusions and impact likely to be encountered on a construction site.
 - (4) The fence may incorporate existing fences or walls as well as temporary fencing.
 - (5) Each fence must display a prominent warning sign.
- (c) *Trash, storage prohibited.* It shall be unlawful for any person to use the area within the protective fencing for trash disposal, storage, vehicle parking or any other use that could adversely affect tree roots.

(Ord. No. 1501-R5, § 6(Exh. F), 6-27-05)