

ARTICLE IV. TREE PROTECTION AND PRESERVATION

Sec. 98-151. Intent.

The terms and provisions of this article are intended to accomplish the following public purposes:

- (1) Establish rules and regulations governing the protection and preservation of native or established trees within the city.
- (2) Encourage the protection of healthy and desirable trees, and provide for the replacement and/or replanting of trees that are necessarily removed during construction, development or redevelopment.
- (3) Provide for the preservation and protection of larger native or established trees which provide a valuable amenity to the urban environment.
- (4) Provide for shade, windbreaks and the cooling of air.
- (5) Provide for open space and more efficient drainage of land, thereby reducing the effects of soil erosion and the need for additional drainage facilities.
- (6) Prevent the clear-cutting of land containing trees with a six-inch caliper or larger. The illegal cutting of each tree with a six-inch caliper or larger shall constitute a separate offense.

(Ord. No. O-0012, § 79-19, 5-10-2000)

Sec. 98-152. Purpose; applicability; development plans; tree preservation credits; replacements.

The purpose of this section is to establish incentives for the preservation of existing, healthy and protected trees within the city, and provide guidelines for the protection of trees.

- (1) *Applicability.* The terms and provisions of this section shall apply to the following real property:
 - a. All vacant and undeveloped land.
 - b. All property to be developed and redeveloped, including additions and alterations.

- (2) *Preliminary development plans.* A general survey of natural vegetation showing tree groupings and anticipated tree losses shall be submitted with all preliminary site plans, and clear-cutting of land containing trees with a six-inch caliper or larger shall be prohibited without the express consent of the city administrator or his designee.
- (3) *Final development plans.* The landscape plan required with site plans and preliminary plat submissions shall also include the approximate location, size (caliper and height), condition and common name of each tree to be preserved if the applicant is requesting tree credits and a formal report from an arborist or horticulturist.
- (4) *Tree preservation credits.*
 - a. For every healthy protected tree (six-inch caliper or larger) located outside of the floodplain that is preserved, the developer shall be given the following credit. When interior parking lot landscaping is also required, only the trees preserved in the parking area shall be considered for credit for the parking area.
 1. Trees with a six--12-inch caliper, one-inch credit for each one-inch preserved;
 2. Trees with a 12.1--24-inch caliper, 1 1/2-inch credit for each one-inch preserved;
 3. Trees over a 24-inch caliper, two-inch credit for each one-inch preserved.
 - b. Only trees having been protected in accordance with the tree protection guidelines set forth in this section may be considered for credit.
 - c. Tree credits may be applied toward landscape and/or tree replacement at a maximum rate of one-third for residential, and one-half for nonresidential.
 - d. Healthy unprotected trees over 12 inches in size which are located outside the floodplain may be considered for tree credits only when such trees are individually field inspected and approved by a designated representative of the city.
 - e. Determination of credits shall be made by the city administrator or his designee upon completion of site improvements. Field conditions may warrant submittal of a revised landscape plan to determine the number of tree credits. Review shall include a field inspection of the site, and the plan may be referred to other departments or consultants for review and recommendations.
- (5) *Replacement.*

- a. If it is necessary to remove trees with a six-inch caliper or larger, the developer, builder or property owner shall be required to replace the trees which are to be removed with a comparable or better species of trees at a site within the planned development or subdivision. The city administrator may allow the trees to be located to other areas within the city if it is deemed necessary by the city administrator, and space is available; otherwise, the developer shall be required to escrow funds.
- b. A sufficient number of trees shall be planted to equal, in caliper, the caliper of the tree removed. Such replacement trees, when planted, shall be a minimum of three inches in caliper and seven feet in height.
- c. Trees which are planted to satisfy landscape requirements that are indicated in this chapter, and successfully transplanted trees, shall count, inch for inch, toward the tree replacement requirements, except required landscape trees planted inside the property line of single-family residential housing. Transplanted trees must successfully survive one full year after planting to count as a preserved tree.

(Ord. No. O-0012, § 79-26, 5-10-2000; Ord. No. O-0013, §§ I, II, 5-24-2000)