

DIVISION 4. TREE PRESERVATION

Sec. 122-1191. Purpose.

- (a) The purposes of sections 122-1192--122-1198 are to establish rules and regulations governing the protection of trees and vegetation cover within the city, to encourage the protection of healthy trees and vegetation, and to provide for the replacement and replanting of trees that are necessarily removed during construction, development or redevelopment.
- (b) The provisions of this division allow trees located within necessary public rights-of-way and easements to be removed prior to issuance of a building permit; trees within the buildable area of a property may also be removed. All other tree removal requires a tree permit.

(Ord. No. 25-C, § 3(A), 1986; Code 1989, § 18.54.120)

Sec. 122-1192. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Buildable area means that portion of a building site exclusive of the required yard area on which a structure or building improvements may be erected, and including the actual structure, driveway, parking lot, pool and other construction as shown on the site plan.

Drip line means a vertical line run through the outermost portion of the crown of a tree and extending to the ground.

Historic tree means a tree which has been found by the city to be of notable historic interest because of its age, type, size or historic association and which has been so designated as part of the official records of the city.

Person means any corporation, partnership, association or other artificial entity; or any individual; or any agent or employee of the foregoing.

Specimen tree means a tree which has been determined by the city to be of high value because of its type, size or other professional criteria, and which has been so designated as part of the official records of the city.

Tree means any self-supporting woody perennial plant which has a trunk diameter of three inches or more when measured at a point of 4 1/2 feet above ground level, and

which normally attains an overall height of at least 20 feet at maturity, usually with one main stem or trunk and many branches. It may appear to have several stems or trunks as in several varieties of oak.

Yard area means the front, side and rear yard areas as required under this chapter and the applicable zoning district requirements.

(Ord. No. 25-C, § 3(B), 1986; Code 1989, § 18.54.130)

Cross references: Definitions generally, § 1-2.

Sec. 122-1193. Applicability.

The terms and provisions of this division shall apply to real property as follows:

- (1) All real property upon which any designated specimen or historic tree is located.
- (2) All vacant and undeveloped property.
- (3) All property to be redeveloped, including additions and alterations.
- (4) The yard areas of all developed property, excluding developed and owner-occupied single-family residential property.

(Ord. No. 25-C, § 3(C), 1986; Code 1989, § 18.54.140)

Sec. 122-1194. Tree preservation permit.

(a) *Required.* No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any tree, specimen tree or historic tree situated on property described in this article without first obtaining a tree permit, unless the conditions of section 122-1195 apply.

(b) *Application.*

- (1) Permits for removal or replacement of trees covered in this article shall be obtained by making application on a form prescribed by the city to the building inspector. The application shall be accompanied by a preliminary plat showing the exact location, size (trunk diameter and height) and common names of all trees to be removed. The application shall also be accompanied by a written document indicating the reasons for removal or replacement of trees, and two copies of a legible site plan drawn to the largest practicable scale indicating the following:

- a. Location of all existing or proposed structures, improvements and site uses, properly dimensioned and referenced to property lines, setback and yard requirements and special relationships.
 - b. Existing and proposed site elevations, grades and major contours.
 - c. Location of existing or proposed utility easements.
 - d. The location of trees, on the site, to be removed or replaced.
- (2) Tree information required in subsection (b)(1) shall be summarized in legend form on the plan and shall include the reason for the proposed removal or replacement.
 - (3) Application involving developed properties may be based on drawings showing only that portion of the site directly involved, adjacent structures, and incidental landscaping or natural growth.
 - (4) Aerial photographs, at an appropriate scale, may be substituted at the discretion of the building inspector for a site plan, if adequate site information is supplied on the aerial photographs.
- (c) *Application review.* Upon receipt of a proper application, the commission shall review the application for new subdivisions and the building inspector shall review applications for platted lots; such reviews may include a field inspection of the site, and the application may be referred to such departments as deemed appropriate for review and recommendations. If the application is made in conjunction with a site plan submitted for approval, the application will be considered as part of the site plan; and no permit shall be issued without site plan approval. Following the review and inspection, the permit applications will be approved, disapproved or approved with conditions by the commission or building inspector, as appropriate, in accordance with the provisions of this article.

(Ord. No. 25-C, § 3(D)--(F), 1986; Code 1989, §§ 18.54.150--18.54.170)

Sec. 122-1195. Tree removal.

- (a) No tree shall be removed prior to issuance of a building permit unless one of the following conditions exists:
 - (1) The tree is located in a utility easement, public street, right-of-way, or drainage easement. If certain trees outside these areas are requested to be removed to allow the operation of equipment, the applicant shall submit a plat and site plan which indicates the exact operation area needed. The building inspector may approve selected removal under this condition.

- (2) The tree is diseased, injured, in danger of falling, interferes with utility service, creates unsafe visions clearance, or conflicts with other ordinances or regulations.
- (3) The trees are willows, mesquites or thorn trees.
- (b) Except for the provisions of subsection (a) of this section, under no circumstances shall there be clear-cutting of trees on a property prior to issuance of a building permit.
- (c) Upon issuance of a building permit, developers shall be allowed to remove trees located on the buildable area of the property. Trees located in required yard areas, buffers and open space areas shall be maintained. The buildable area shall include sufficient adjacent area to allow the normal operation of construction equipment.

(Ord. No. 25-C, § 3(G), 1986; Code 1989, § 18.54.180)

Sec. 122-1196. Tree replacement.

- (a) If it is necessary to remove trees outside the buildable area, the developer, as a condition to issuance of a tree removal permit, may be required to replace the trees being removed with comparable trees somewhere within the site.
- (b) A sufficient number of trees shall be planted to equal, in caliper, the diameter of the tree removed. Such replacement trees shall be a minimum of three inches caliper and seven feet in height when planted, and shall be selected from the list of approved replacement trees maintained by the building inspector as approved by the commission from the recommendations of the county extension service.
- (c) At the time of application review, the person responsible for replacement, time of replacement and location will be determined by the commission.

(Ord. No. 25-C, § 3(H), 1986; Code 1989, § 18.54.190)

Sec. 122-1197. Tree protection.

- (a) During any construction or land development, the developer shall clearly mark all trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the drip line of any tree.
- (b) During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees marked to remain. Neither shall the developer allow the disposal of any waste

material such as but not limited to paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees marked to remain.

- (c) No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.

(Ord. No. 25-C, § 3(l), 1986; Code 1989, § 18.54.200)

Sec. 122-1198. Hazardous trees.

- (a) If any tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and require immediate removal without delay, authorization may be given by the building inspector; and the tree may then be removed without obtaining a written permit as required in this division.
- (b) During the period of an emergency such as a tornado, storm, flood or other act of God, the requirements of this article may be waived as may be deemed necessary by the city council.
- (c) All licensed plant or tree nurseries shall be exempt from the terms and provisions of this article only in relation to those trees planted and growing on the premises of such licensee which are so planted and growing for the sale or intended sale to the general public in the ordinary course of the licensee's business.
- (d) Utility companies franchised by the city may remove trees which endanger public safety and welfare by interfering with utility service; except where such trees are on owner-occupied properties developed for one-family use, disposal of such trees shall be at the option of the property owner.

(Ord. No. 25-C, § 3(j), 1986; Code 1989, § 18.54.210)

Secs. 122-1199--122-1220. Reserved.