

**1331.03 TREE PROTECTION AND WOOD AREA PRESERVATION.**

(a) All existing trees shall be preserved by the property owner, developer or person in possession and control of the property. However, the Enforcement Officer may approve the removal of an existing tree, and issue a permit to do so, when the tree interferes with the proper development of a parcel, provided that the parcel is the subject of an application for approval of a preliminary or final plat, a zoning certificate, site plan, variance or a conditional use permit, or demolition permit, and one of the following applies:

- (1) The tree is located within a public right-of-way or easement; or
- (2) The tree is located within the area to be covered by a proposed structure(s) or within twelve (12) feet from the perimeter of a structure(s), and the proposed structure(s) cannot be located in a manner to avoid removal of the tree while at the same time permitting desirable and logical development of the lot; or
- (3) The tree is located within a proposed driveway, parking area, lot or structure; or
- (4) Trees that in the judgment of the Enforcement Officer are damaged, diseased, overmature, or which interfere with utility lines, are an inappropriate or undesirable species, are located in an unsafe manner, or are located in an undesirable location.

(b) **Tree Survey and Protection:** Prior to any construction or demolition activities on a site containing existing trees, a tree preservation plan including a tree survey of existing trees (including trunk diameter, location and species) must be submitted to the City for review and approval. During all phases of demolition or construction, including a ten-foot radius from any public tree, all steps necessary to prevent the destruction or damage to protected trees shall be taken by the owner or developer or person in possession and control of the premises (the "tree preservation area"). All required protective fencing, frame or box, or other physical barrier must be erected around the tree preservation area and approved by the City prior to any construction, demolition or site clearing. The fencing or other physical barrier must remain in place and be secured in an upright position during the entire construction period to prevent encroachment and interference of construction vehicles, materials, spoils and equipment into or upon the tree preservation area.

(c) The Developer or owner or person in possession of the property shall submit a tree preservation plan to the Enforcement Officer who may seek a recommendation regarding said Plan from the Shade Tree Commission. When preparing and reviewing subdivision plans and landscaping plans, the plan shall be designed to preserve natural growth areas. Streets, parcels, structures, and parking areas shall be laid out to avoid the unnecessary destruction of heavily wooded areas and outstanding tree specimens which are unique to the site and not easily replaceable. Developers of land are encouraged to designate heavily wooded areas as open space or park reserves. (Ord. 05-78. Passed 12-12-05.)