

Article 4: Tree Preservation

401 Administration

A. Purpose

The purpose of this section is to preserve, protect, and enhance existing trees and natural landscapes to contribute to a safe and livable community; to enhance a positive community image that attracts new residents and business enterprises; and to support the long-term viability of existing trees through protection measures that promote the natural, ecological, environmental, and aesthetic qualities of the City. The Director of Planning, or their designee, is appointed by the city manager to administer city ordinances related to tree preservation.

B. Applicability

All properties within the City of McKinney are subject to Tree Preservation, and all trees shall be preserved, protected, and mitigated according to the regulations of this Section.

402 Tree Preservation Standards

A. Prohibited Activities

The critical alteration, removal, or disturbance of any tree is prohibited unless otherwise authorized in this Article.

B. Critical Alteration of Trees

1. General Standards

- a. Prior to the critical alteration of any tree, the Director of Planning or their designee shall give authorization or a permit must be submitted and approved in compliance with §404, *Tree Removal Procedures*.
- b. Specimen Trees shall not be critically altered, unless approved by the Director of Planning. Approval shall be based on the type of tree, health of the tree, location of the tree on site, elevation of the tree, and impact of the tree on the proposed site or development plan.
- c. Critical alteration of any Protected Tree is subject to the tree mitigation and replacement requirements of §405, *Tree Mitigation and Replacement*. If critical alteration of a Specimen Tree has been approved by the Director of Planning, then the mitigation and replacement requirements of §405, *Tree Mitigation and Replacement* shall apply.

C. Protected Trees

Table 4-1, *Protected Trees*, indicates protected trees that are subject to the protection measures and mitigation and replacement requirements of this Article. Protected trees located in the perimeter tree zone are not allowed to be removed.

Table 4-1 Protected Trees			
● Protected Tree			
✦ Protected Tree not critically altered when adjacent to existing platted residential lots			
Location	Quality Tree (6" or greater)	Quality Tree (27" or greater)	Specimen Tree (42" or greater)
Existing Single-Family (attached and Detached), Duplex, Triplex, and Quadplex Uses		●	●

Existing Non-Residential, Manufactured Housing, and Multi-Family Residential Uses	•	•	•
Qualified Ag Land [1]	•	•	•
Development Projects	•	•	•
Other Properties [2]	•	•	•
<i>Special Locations</i>			
Perimeter Tree Zone	◆	◆	◆
Floodplain	•	•	•

[1] A property receiving a special use appraisal as a qualified agricultural, timber land, and wildlife management property from the Collin Central Appraisal District (CCAD). An agricultural exemption is not the same as a qualified agricultural, timber land, and wildlife management property special use appraisal.

[2] Unless otherwise determined by the Director of Planning.

NOTE: sizes measured at DBH

1. Special Protected Tree Locations

All protected trees shall be protected as identified in Table 4-1, plus the following additional regulations shall apply to protected trees in the following locations:

a. Perimeter Tree Zone

- I. If a protected tree exists within 15 feet of the boundary line between a proposed development and an existing platted residential development with four or fewer units per lot, a perimeter tree zone shall be provided. The perimeter tree zone shall extend 15 feet out from each protected tree onto the proposed development for a maximum 30-foot-wide perimeter tree zone. No protected tree within the perimeter tree zone may be critically altered. See Figure 4-1.

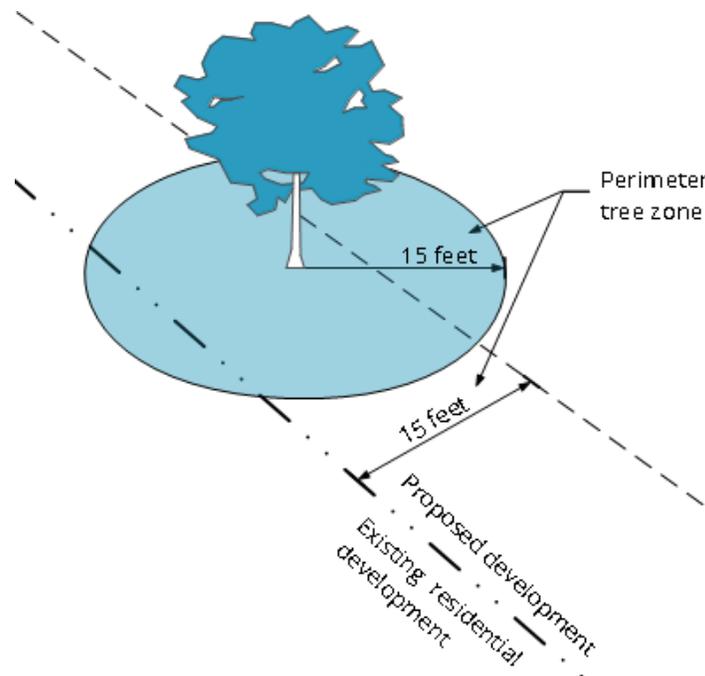


Figure 4-1: Perimeter Tree Zone

- II. The Director of Planning may approve, as part of the site plan or development permit, a reduction in the radius of the tree protection zone to not less than the drip line for trees between 6- and 16-inches DBH to allow for the proper installation of screening walls, retaining walls, detention ponds, driveways, sidewalks, public and private streets, or utility lines. The decision of the Director of Planning may be appealed in accordance with §203F.1, *Administrative Appeal*.

b. Floodplain

- I. Within the 100-year fully developed floodplain, no more than 30 percent of protected trees may be critically altered. The following conditions are exempt from the requirement:
 - a. If the floodplain area is located within the interior of a commercially zoned property and construction of buildings or parking is to occur on both sides of the floodplain; or
 - b. When the construction of roads is required by the City to provide cross access to adjacent properties or a second point of access.
- II. A request to remove greater than 30 percent of quality trees may be made pursuant to §203G.1, *Design Exception*.

D. Quality Tree List

The following list of tree species are quality trees.

Table 4-2 Quality Tree List	
Common Name (Botanical Name)	Common Name (Botanical Name)
Maple Species (<i>Acer spp.</i>) [1]	Magnolia (<i>Magnolia spp.</i>)
Chittamwood (<i>Sideroxylon lanuginosum</i>)	Crabapple (<i>Mallus spp.</i>)
Birch Species (<i>Betula spp.</i>)	Dawn Redwood (<i>Metasequoia glyptostroboides</i>)
Buckeye Species (<i>Aesculus spp.</i>)	Wax Myrtle (<i>Myrica cerifera</i>)
Texas Madrone(<i>Arbutus xalapensis</i>)	Pine (<i>Pinus spp.</i>)
Hickory Species (<i>Carya spp.</i>)	Chinese Pistache (<i>Pistacia chinensis</i>)
Pecan (<i>Carya illioinensis</i>)	Sycamore (<i>Platanus spp.</i>)
Redbud (<i>Cercis canadensis</i>)	Mesquite (<i>Neltuma glandulosa</i>)
Desert Willow (<i>Chilopsis linearis</i>)	Cherry Laurel (<i>Prunus caroliniana</i>)
Chinese Fringe Tree (<i>Chionanthus virginica</i>)	Mexican Plum (<i>Prunus mexicana</i>)
Dogwood Species (<i>Cornus spp.</i>)	Oak Species (<i>Quercus spp.</i>)
Smoketree (<i>Cotinus coggygria</i>)	Carolina Buckthorn (<i>Rhamnus caroliniana</i>)
Hawthorn (<i>Crataegus spp.</i>)	Fragrant Sumac (<i>Rhus aromatica</i>)
Arizona Cypress (<i>Cupressus arizonica</i>)	Smooth Sumac (<i>Rhus glabra</i>)
Leyland Cypress (<i>Cupressocyparis leylandii</i>)	Prairie Flameleaf Sumac (<i>Rhus lanceolata</i>)
Persimmon (<i>Diospyros spp.</i>)	Western Soapberry (<i>Sapindus saponaria</i>)
Gingko (<i>Ginkgo biloba</i>)	Eve's Necklace (<i>Styphnolobium affine</i>)
Holly Species (<i>Ilex spp.</i>)	Texas Mountain Laurel (<i>Sophora secundiflora</i>)
Juniper Species (<i>Juniperus spp.</i>)	Pond Cypress (<i>Taxodium ascendens</i>)
Walnut Species (<i>Juglans spp.</i>)	Bald Cypress (<i>Taxodium distichum</i>)
Golden Raintree (<i>Koelreuteria paniculata</i>)	Elm Species (<i>Ulmus spp.</i>) [2]
Crape Myrtle (<i>Lagerstroemia indica</i>)	Mexican Buckeye (<i>Ungnadia speciosa</i>)
Goldenball Leadtree (<i>Leucaena retusa</i>)	Viburnum (<i>Viburnum spp.</i>)
Sweetgum (<i>Liquidambar styraciflua</i>)	Vitex (<i>Vitex agnus-castus</i>)

[1] Except: Box Elder (*Acer negundo*) and Silver Maple (*Acer saccharinum*).

[2] Except: Siberian Elm (*Ulmus pumila*).

403 Tree Protection Measures

A. Applicability

Trees being preserved on- or off-site are subject to the following procedures, unless otherwise exempted.

B. Protective Measures Required Prior to Construction

Prior to the commencement of any site work or construction, the contractor shall construct and maintain a protective fence around each tree being protected as shown in the City of McKinney Construction Standard Details, until all work on-site has been completed.

C. Prohibited and Limited Activities in Critical Root Zone

The following activities are prohibited within the limits of the critical root zone of any tree being preserved, unless otherwise specified in this section.

1. Material Storage

No materials intended for use in construction or waste materials shall be placed within the critical root zone of any tree being preserved.

2. Equipment Cleaning/Liquid Disposal

No cleaning or other liquids shall be deposited or allowed to flow over land within the critical root zone of any tree being preserved. This includes, but is not limited to paint, oil, solvents, asphalt, concrete, mortar or similar materials.

3. Tree Attachments

No signs, wires or other attachments, other than those of a protective nature, shall be attached to any tree being preserved.

4. Construction Equipment/Vehicular Traffic

No vehicular and/or construction equipment traffic or parking shall take place within the critical root zone of any tree being preserved other than on existing street pavement, unless otherwise approved by the Director of Planning. This restriction does not apply to single incident access within the critical root zone for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance, emergency restoration of utility service, or routine mowing operations. No heavy equipment including trucks and tractors shall be allowed inside the dripline of any protected tree on any construction site without the specific approval of the Director of Planning.

5. Grade Changes

No grade changes shall be allowed within the critical root zone of any tree being preserved, unless the Director of Planning and/or the Director of Engineering approves adequate construction methods.

6. Impervious Paving Near Protected Trees

No paving shall occur within the critical root zone of a protected tree that is being preserved. Paving with asphalt, concrete, or other impervious materials may be allowed to encroach within the first 25 percent from the edge of the critical root zone of a protected tree that is being preserved only when a health, safety, or welfare issue arises due to access and circulation requirements.

7. Impervious Paving Near Non-Protected Trees

Unless otherwise approved by the Director of Planning, for any non-protected tree that is being preserved, the following shall apply:

- a. No paving with asphalt, concrete, or other impervious materials may be placed within a 5-foot radius of the trunk; and
- b. A total of 400 square feet of area on the critical root zone shall be kept free of impervious materials. This pervious area may be in the shape of a circle, rectangle, or other shape, and shall include and be contiguous with the area within a 5-foot radius of the trunk.

8. Boring

Where it is not possible to trench around the critical root zone of the protected tree, boring of utilities under a protected tree shall be required. When required, the length of the bore shall be the width of the critical root zone at a minimum and shall be a minimum depth of 48 inches.

9. Trenching

Trenching shall be designed to avoid the critical root zone of any protected tree, unless otherwise approved by the Director of Planning. Mechanical trenching within the critical root zone shall be prohibited. Trenching by hand shall not critically alter the root system. The placement of irrigation systems and underground utility lines such as electric, phone, gas, etc., shall be located outside of the critical root zone of protected trees. The minimum required single head supply line for irrigation systems is allowed to extend into the critical root zone perpendicular to the tree trunk and in the manner that has the least possible encroachment into the critical root zone.

D. Alteration Methods During Construction

1. Ground-Level Cuts

Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree. Stump grinding in such situations is allowed with the approval of the Director of Planning.

2. Root Pruning

All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.

404 Tree Removal Procedures

A. Permits Required

Table 4-3, *Permit Requirements* indicates the type of permit required to critically alter a tree.

Type of Work	Type of Permit
Critical Alteration (not part of a Development Project)	Tree Permit
Critical Alteration (Development Project)	Development Permit: Tree Preservation Plan
Critical Alteration (Demolition of a Building)	Limited Purpose Tree Permit
<i>Maintenance Activities</i>	
Selective Thinning	Limited Purpose Tree Permit
Grubbing under the drip line	Limited Purpose Tree Permit
Clearing underbrush with mechanical equipment	Limited Purpose Tree Permit

1. Permit Exceptions

a. Tree Permit Exceptions

A Tree Permit is not required if:

- I. The tree is located on an existing single-family residential lot and is less than a 27" caliper;
- II. The tree endangers the public health, welfare, or safety and immediate alteration is required from an arborist, including documentation stating the diameter, species and reason for removal;
- III. The tree has disrupted a public utility service due to a tornado, storm, flood, or any force of nature. Critical alteration shall be limited to the portion of the tree reasonably necessary to reestablish or maintain reliable utility service;
- IV. The tree is being critically altered as part of routine utility maintenance;
- V. The tree is located on city owned property and is being critically altered as part of routine maintenance by the Parks and Recreation Department;
- VI. The tree is dead as documented by an arborist, including information citing the diameter, species, and reason for removal, unless the tree was required under a Landscape Plan or was a required replacement tree under this section;
- VII. The tree is located on the property of a plant or tree nursery, or an orchard, where trees are planted and grown on the premises for the sale or intended sale to the general public in the ordinary course of the nursery's or orchard's business; or
- VIII. Removing underbrush with hand tools, not including grubbing under drip lines.

b. Tree Preservation Plan Exceptions

An approved Tree Preservation Plan is not required prior to the critical alteration of any protected tree for the following:

- I. If no trees exist on the property. The Director of Planning may request additional information to confirm that no trees exist on the site.
- II. For developments 35 acres or greater in size, an Aerial Tree Exhibit may be submitted in lieu of a Tree Preservation Plan, along with a payment into the Reforestation Fund, pursuant to [Appendix A – Schedule of Fees](#) of the Code of Ordinances.
- III. For all projects constructed by the city, regardless of size, an Aerial Tree Exhibit may be accepted in lieu of a Tree Preservation Plan.

B. Tree Permit

1. Tree Permit Application

A Tree Permit application and submittal fees (see [Appendix A – Schedule of Fees](#)) shall be submitted in conformance with the requirements of this section and shown on one of the following:

- a. For existing single-family residential (single-family (detached and attached), Duplex, Triplex, and Quadplex) uses, a tree permit exhibit shall include the following information:
 - I. The location and species (common and botanical name) of any proposed tree for removal or transplanting on an aerial exhibit or plot plan;
 - II. The diameter at breast height (DBH) of the proposed tree for removal or transplanting; and
 - III. the following standard notations;
 - a. Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree.
 - b. All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.
 - IV. Tree protection measures.
- b. For existing non-residential uses, manufactured homes, multi-family residential uses, and Qualified Ag Land, a tree permit exhibit shall include the following information:
 - I. The location and species (common and botanical name) of any proposed tree for removal or transplanting on an aerial exhibit, Site Plan, or approved Landscape Plan;
 - II. The diameter at breast height (DBH) of the proposed tree for removal or transplanting;
 - III. the following standard notations;
 - a. Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree.
 - b. All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.
 - IV. Tree protection measures; and
 - V. Summary tables including mitigation information, if applicable.
- c. For other properties, a tree permit exhibit shall include the following information:
 - I. The location and species (common and botanical name) of any proposed tree for removal or transplanting on an aerial exhibit, Site Plan, or approved Landscape Plan;
 - II. The diameter at breast height (DBH) of the proposed tree for removal or transplanting;
 - III. the following standard notations;
 - a. Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree.
 - b. All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.
 - IV. Tree protection measures; and
 - V. Summary tables including mitigation information, if applicable.
- d. Alternate submittal materials may be deemed appropriate in limited instances and may be accepted, subject to the sole discretion of the Director of Planning.

2. Approval Procedure

The Director of Planning shall have the authority to issue a Tree Permit if it complies with all the regulations of this Code;

3. Appeals

If the Director of Planning denies the Tree Permit, the owner/applicant may appeal the decision to the Board of Adjustment in accordance with §203F.1, *Administrative Appeal*.

4. Expiration

A Tree Permit shall expire two years after its issuance.

C. Development Permit Process

1. Development Permit Application

A Tree Preservation Plan or Aerial Tree Exhibit, conforming to the requirements below, shall be submitted for a development project with the Site Plan or Plat, unless otherwise approved by the Director of Planning.

2. Tree Preservation Plan Exhibit Requirements

A Tree Preservation Plan shall be prepared by a registered engineer, arborist, surveyor, architect, or landscape architect and include the following:

- a. The location of any tree with a diameter at breast height (DBH) of six inches and greater, which includes the DBH, species (common and botanical name), and whether the trees will remain or be removed;
- b. The proposed and existing contours, labeled;
- c. The property lines, with dimensions;
- d. The location of all rights-of-way, and easements (existing and proposed);
- e. The location of all buildings, structures, pools, parking and vehicular maneuvering areas, utilities, sidewalks, and other improvements (existing and proposed);
- f. The adjacent land uses, and zoning of adjacent properties;
- g. The creeks, lakes, and other water features (existing and proposed);
- h. The location of FEMA 100-year floodplain, the 100-year fully developed floodplain, and erosion hazard setback easement (existing and proposed);
- i. The major site construction features, labeled;
- j. Any proposed non-disturbance area;
- k. the following standard notations;
 - I. Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree.
 - II. All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.
- l. The tree protection measures; and
- m. Summary tables and mitigation information tables (if required).

3. Aerial Tree Exhibit Requirements (if applicability qualifications are met)

An Aerial Tree Exhibit shall be submitted in conformance with the following requirements and processed in accordance with §203A, *Standard Procedures*.

- a. Provide a color-aerial image for the property with a transparent overlay of the proposed plat or site plan at the same scale;
- b. The limits of all non-disturbance areas;
- c. The limits of any floodplains on the property;
- d. The locations where tree protection measures will be provided;
- e. An Aerial Tree Exhibit shall include the same information required by a Tree Preservation Plan as described in provisions a. through o. in the preceding subsection, for the following areas:
 - I. Area(s) identified as a required Perimeter Tree Zone(s) unless a 30-foot non-disturbance area is identified along the property line of the proposed development and any existing, platted single-family residential development; and

- II. Area(s) identified as floodplain if reclamation or land disturbing activities are to occur within said areas. The mitigation requirements of §405, *Tree Mitigation and Replacement*, for the areas being disturbed shall still apply.

4. Approval Procedure

The Director of Planning shall have the authority to approve or deny a Tree Preservation Plan or Aerial Tree Exhibit as part of the development or building permit process.

5. Expiration

A Tree Preservation Plan shall expire at the same time as the development or building permit expires, whichever expires first.

D. Limited Purpose Tree Permit Process

1. Limited Purpose Tree Permit Application

- a. A Limited Purpose Tree Permit shall be submitted to perform the following types of work on a property located within the City:
 - I. Building demolition;
 - II. Selective thinning;
 - III. Grubbing under drip lines; and
 - IV. Clearing underbrush with mechanical equipment, not including hand tools.
- b. An application for a Limited Purpose Tree Permit shall include the following:
 - I. Application;
 - II. Submittal fees (see [Appendix A – Schedule of Fees](#));
 - III. Affidavit certifying how the work is to be done;
 - IV. Exhibit showing the limits of work;
 - V. the following standard notations;
 - a. Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree.
 - b. All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.
 - VI. Tree protection measures; and
 - VII. Additional information deemed necessary by the Director of Planning.
- c. The Director of Planning, at their sole discretion, may in limited instances exempt requirements for a permit that are deemed unnecessary.

2. Approval Procedures

The Director of Planning shall have the authority to issue a Limited Purpose Tree Permit if it complies with all the regulations of this Code.

3. Appeals

If the Director of Planning denies the request for a Limited Purpose Tree Permit, the owner/applicant may appeal the decision to the Board of Adjustment in accordance with §203F.1, *Administrative Appeal*.

4. Expiration

A limited use permit shall expire 90 days after the permit was issued if work has not started.

405 Tree Mitigation and Replacement

A. Applicability

The following tree mitigation requirements shall be applied when a protected tree for which a Tree Permit or Development Permit is required, is critically altered or removed. Tree mitigation requirements shall apply when any tree is critically altered in violation of this Article. Replacement trees shall be provided in accordance with the requirements of this section and shown on an approved landscape Plan or another similar plan approved by the Director of Planning. The replacement trees shall be in addition to trees otherwise required by §206A, *Landscaping*, of this Article.

1. Exemptions

The following shall be exempt from the tree mitigation and replacement requirements described herein:

a. Public parks, infrastructure, and improvements

When approved by the Director of parks and Recreation or the Director of Engineering:

- I. Public projects including the construction of hike/bike trails;
- II. City-owned parks and sports fields open for public use;
- III. Construction of master planned public utilities within permanent utility easements;
- IV. Stabilization of creeks and streams; and
- V. Construction of thoroughfares as shown on the Master Thoroughfare Plan within the limits of the right-of-way.

b. Diseased Trees

A diseased protected tree may be critically altered when documented by a certified arborist, including information citing the diameter, species, and reason for removal.

2. Exemptions, excluding Specimen Trees

The following shall be exempt from the tree mitigation and replacement requirements described herein:

a. Development Activities and Improvements

- I. Install and maintain any utility lines;
- II. Dedicate public rights-of-way;
- III. Construct any public or private streets or alleys at the minimum required width only;
- IV. Provide any required easement up to the minimum width needed to accommodate the required service;
- V. Construct any fire lanes at the minimum required width only;
- VI. Construct any sidewalks;
- VII. Construct any driveways;
- VIII. Construct fences and screening walls;
- IX. Construct patios;
- X. Construct swimming pools and associated deck areas;
- XI. Construct required parking;
- XII. Install a building pad site;
- XIII. Construct any hike/bike trails; or
- XIV. Achieve cut and fill drainage as designed in master drainage construction plan, including required detention or retention ponds. Transitional slopes to the original grade, which are less steep than the maximum allowed slope shall not be exempt.

b. Demolition

The critical alteration of a protected tree is permitted if such critical alteration is necessary to allow demolition of a structure.

c. Selective Thinning

Selective thinning of certain protected trees from a densely forested area in a manner specified by a certified arborist in a management plan that will enhance the likelihood of survival for the remaining trees is permitted.

d. Grubbing under Drip Lines

Clearing and grubbing of brush located within or under the drip lines of protected trees is permitted with a management plan specified by a certified arborist that will enhance the likelihood of survival for the remaining trees.

B. Responsibility

The property owner shall be responsible for replacing a protected tree, including specimen trees, subject to the provisions of this section if the tree is critically altered, removed, or dies.

C. Size and Number

A sufficient number of canopy trees shall be planted to equal or exceed the protected trees, including specimen trees, that are critically altered, pursuant to Table 4-4 Tree Replacement Requirements, below.

Table 4-4 Tree Replacement Requirements		
Single-Family Residential Uses		
DBH of critically altered tree [1]	Replacement ratio (number of trees)	Minimum size of replacement tree (at time of planting) [2]
27 inches and greater	1:1	4 inches in caliper and 12 feet in height
All Development Projects and Non-Residential, Manufactured Home, and Multi-Family Uses		
DBH of critically altered tree [1]	Replacement ratio (DBH removed: caliper inch replaced)	Minimum size of replacement tree (at time of planting) [2]
6-16 inches	1:1	4 inches in caliper and 12 feet in height
17-41 inches	1:2	6 inches in caliper and 12 feet in height
42 inches and greater	1:2	6 inches in caliper and 12 feet in height

[1] When determining the diameter of each tree(s) being critically altered, individual fractional numbers shall be rounded to the nearest whole number.
 [2] Caliper for replacement trees shall be measured at 6 inches above the ground.

D. Tree Preservation Credit

When trees are preserved that would otherwise have been exempt from the tree mitigation and replacement requirements, credit toward mitigation may be approved on an inch-per-inch basis. Credits for the size of trees preserved (DBH) can be applied to those trees of an equal or lesser size category, as listed in Table 4-4 Tree Replacement Requirements. Trees being preserved to meet landscape requirements cannot be used towards mitigation credits.

E. Location

Each replacement tree shall be planted on the same property as the tree that was critically altered. However, if the Director of Planning deems that the replacement tree cannot be planted on the same property in accordance with acceptable arboriculture standards, the following may be allowed:

1. Replacement on public property;
2. Replacement on private property if also approved by the Director of Planning; or

3. Require payment to the Tree Reforestation Fund in accordance with subsection §405G of this section.

F. Timing

1. For Development Permits: Replacement trees shall be planted prior to receiving Final Acceptance of public infrastructure or a Certificate of Occupancy for the development.
2. For Tree Permits: Replacement trees shall be planted within 90 days of critical alteration. If replacement trees cannot be planted within 90 days of critical alteration, the Director of Planning may approve a delay in replacement of up to six months after the date of critical alteration, provided the following conditions are met:
 - a. The applicant provides an affidavit that all replacement trees will be planted within six months.
 - b. The Director of Planning may require a cash deposit or surety bond in the approximate amount of the cost to replace the trees.
3. For violations: Replacement trees shall be planted within 90 days of the notice of violation. If replacement trees cannot be planted within 90 days of critical alteration, the Director of Planning may approve a delay in replacement of up to six months after the date of critical alteration, provided the applicant submits an affidavit stating the date in which all replacement trees will be planted.

G. Tree Replacement Payment

If an applicant cannot replace trees on the same property or gain approval to plant on an alternate site, a mitigation payment into the Tree Reforestation Fund shall be required, prior to the issuance of a tree permit or development permit, as follows.

1. The amount of payment required for each replacement tree shall be calculated based on a schedule published and reviewed annually by the Director of Planning which sets forth the average cost of a quality tree added to the average cost of planting a tree.

406 Violations

A. Violation

A violation shall occur when any tree that is preserved or protected by this code is critically altered without authorization. Violation of this ordinance shall not constitute an exemption to the tree mitigation and replacement requirements herein.

B. Occurrence

Each tree that is critically altered shall be considered a separate occurrence. If individual trees cannot be identified but there is evidence of a violation, each square foot of tree canopy removed, as identified on an aerial image within the last 12 months, shall be considered a separate occurrence.

C. Reforestation Fund Payment Required

1. For every occurrence (tree), a payment as specified in [Appendix A – Schedule of Fees](#) of the Code of Ordinances, shall be paid into the Reforestation Fund.
2. For every occurrence (tree) found to include a Specimen Tree, a payment as specified in [Appendix A – Schedule of Fees](#) of the Code of Ordinances, shall be paid into the Reforestation Fund.
3. For every occurrence (tree canopy), a payment as specified in [Appendix A – Schedule of Fees](#) of the Code of Ordinances, shall be paid into the Reforestation Fund.

407 Tree Reforestation Fund

- A.** Reforestation funds shall be expended only for purchasing, planting, growing and/or irrigating trees as per the City's Reforestation Plan. Tree reforestation funds shall not be used for routine maintenance.
- B.** It shall be the responsibility of the Director of Planning to develop and administer a Tree Reforestation Plan for the planting, growing, replanting, and appropriate irrigation of trees on all municipal and public domain property. The Director of Planning shall present the Reforestation Plan to the City Council and, when adopted by the Council, the plan shall represent the Reforestation Plan for the City.
- C.** Funds paid into the Tree Reforestation Fund shall be spent within 10 years of payment or shall be returned to the payer.
- D.** The Director of Planning shall submit periodic reports of the deposits and disbursements from the Tree Reforestation Fund to the Tree Board and City Council.