

Art. 9.07  
(TREE PRESERVATION)

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**Sec. 9.07.001 Purpose.**

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

**(1)** To encourage preservation and protection of existing protected quality trees or specimen trees and/or trees of historic value through incentives and penalties.

**(2)** To encourage ecological stabilization through urban forest management that contributes to the processes of air purification, oxygen regeneration, groundwater recharge, and storm water runoff retardation; and promote energy efficiency and water conservation through tree preservation and cultivation, thereby abating noise, heat, and glare.

**(3)** To acknowledge that trees and landscaping add value to property and protect public and private investments to the general benefit of the city and its residents.

**(4)** To define reasonable protective measures required to preserve the protected quality tree and specimen tree population.

**(5)** To protect healthy protected quality trees and specimen trees and promote the natural ecological, environmental, and existing aesthetic qualities of the city. To preserve and promote the appearance and rural heritage of the city.

**(6)** To protect and preserve native and specimen vegetative species, their ecosystems and natural habitats, and prevent damage to and unnecessary removal of vegetation during the land development and construction processes.

(7) To prohibit indiscriminate clear-cutting.

**Sec. 9.07.002 Administration.**

Provisions of this article shall be administered by the landscape administrator or designee.

(1) Tree removal permit applications. The landscape administrator shall grant a tree removal permit provided the requirements of this article are met.

(2) Grievances. An applicant aggrieved by a decision of the landscape administrator may appeal the decision to the board of adjustment for an interpretation.

(3) Waivers. An application for a waiver to the terms of the tree preservation section may be made. The application for a waiver shall be reviewed by the tree board, and a recommendation for approval or denial shall be forwarded to the city council. The decision of the city council shall be final. No public hearing shall be required. The tree board and city council shall consider the following factors in determining whether a waiver should be granted:

- (a) The literal enforcement cannot be accomplished;
- (b) The extent to which the application meets other standards of this article;
- (c) The positive and negative impact of the proposed project on surrounding properties;  
and
- (d) The extent to which the waiver would be mitigated by other proposed or existing landscaping.

(4) Non-substantive changes. The landscape administrator shall be authorized to work with owners, developers, and builders to make non-substantive changes, within the scope of this article, to plans, permits and other requirements after approval by staff, city council or the tree board, as appropriate. These changes are intended to provide the greatest reasonable protection toward achieving the purposes of this article.

**Sec. 9.07.003 Tree removal application.**

(1) Applicability.

- (a) A tree removal application must be applied for:
  - (i) Prior to the critical alteration of one or more protected quality trees and/or specimen trees on any site where the removal of these trees is not related to

a construction project which requires issuance of a development permit. This shall not include alteration of trees as exempted by this article.

**(ii)** Prior to any building, paving, grading, or construction of a single-family or duplex residential subdivision or associated public improvement, a tree removal application shall be submitted concurrent with a preliminary or final plat, whichever plat is submitted initially. A development permit shall not be issued prior to issuance of a tree removal permit. A tree removal application and permit shall not be required prior to construction of a subdivision or public improvements if an application for a preliminary plat or final plat has been filed prior to the effective date of this article.

**(iii)** Prior to any paving, grading, or construction of any nonresidential and/or multiple-family residence development, a tree removal application shall be submitted concurrent with a detailed preliminary site plan or site plan (if a preliminary site plan is not required). A development permit shall not be issued prior to issuance of a tree removal permit. A tree removal application and permit shall not be required prior to construction of such a building if an application for a site plan has been filed prior to the effective date of this article.

**(iv)** Authorization to critically alter trees on a site for which a tree removal application is required shall be limited to those trees identified and approved for critical alteration as shown on documentation submitted for the application.

**(b)** Tree removal permit period; nature of permit.

**(i)** Upon approval of a tree removal application, a tree removal permit shall be valid for the period of the preliminary site plan, site plan, building permit's validity, or a maximum of two years, whichever is less. For projects not related to a construction project which requires issuance of a building permit or development permit the permit shall be void after 180 days.

**(ii)** Upon and after expiration of a tree removal permit, such expired permit may not be deemed to be a "permit" in connection with Texas Local Government Code section 245.001 et seq. or any other statute or law conferring vested rights for development. Any permit issued under this article does not create a property right in the permittee.

**(c)** Exceptions/Exemptions. A tree removal application shall be submitted to and approved

by the landscape administrator before critically altering any protected quality tree or specimen trees, except under any of the following circumstances:

- (i) The tree endangers the public health, welfare or safety and immediate alteration is required;
- (ii) The tree has disrupted a public utility service due to a tornado, storm, flood or other act of God. Critical alteration shall be limited to the portion of the tree reasonably necessary to reestablish or maintain reliable utility service;
- (iii) The tree is located on the property of a licensed plant or tree nursery which has trees planted and growing on the premises for the sale or intended sale to the general public in the ordinary course of the nursery's business;
- (iv) The tree is part of an orchard;
- (v) The tree is dead, unless the tree was required under a landscape plan or was a required replacement tree.
- (vi) Construction of utilities or public infrastructure on municipal and/or public domain property, or whenever conducted by city personnel;
- (vii) The area of the request is located within the Downtown Core as established in the Anna 2050 Downtown Master Plan; or
- (viii) The tree is expressly exempt from the requirements of this article.

**(2) Submittal and Review.**

The landscape administrator shall establish administrative procedures, forms, and standards with regard to the content, format, graphics and number of copies of information constituting an application for a tree removal permit for clarity and consistency of operations. The published procedures, forms, and standards will have the force of ordinance as if fully incorporated herein.

A tree removal application for a tree removal permit shall include these required documents:

- (a) Completed application form;
- (b) A Tree Preservation Plan checklist;
- (c) A tree preservation plan at the same scale as the preliminary site plan, site plan, preliminary plat, or final plat. The tree preservation plan shall include the following

information in addition to information identified on the Tree Preservation checklist:

- (i) Name and phone number of the person who prepared the survey;
- (ii) Property lines with dimensions;
- (iii) Engineering scale (same scale as the preliminary site plan, site plan or preliminary plat);
- (iv) Aerial photograph with a transparent plan of the development at the same scale as the photography;
- (v) Location of all rights-of-way and easements (existing and proposed);
- (vi) Along each of the property boundaries identify and dimension a ten (10) foot zone within the property;
- (vii) Drainage and detention easement limits
- (viii) For nonresidential, Planned Developments, and multiple-family residence developments the location of all buildings, structures, pools, parking and vehicular maneuvering area, utilities, sidewalks, and other improvements (existing and proposed);
- (ix) For Single-family and duplex residential developments identify individual lot lines, building pads, driveways, hike/bike/equestrian trails, public improvements, utility lines and associated easements;
- (x) Location of FEMA 100-year floodplain, NRCS lake tree preservation zone, or erosion hazard setback zone and all protected quality trees (6" and greater) and specimen trees (24" and greater) within these areas;
- (xi) Identification/location of any protected quality tree 6 inches or greater DBH;
- (xii) Identification/location of any specimen trees 24 inches or greater DBH;
- (xiii) Identification/location of any tree 18 inches or greater DBH within ten (10 foot) zone of any property boundary;
- (xiv) Any non-disturbance area or proposed exemption area;

1. Non-disturbance areas. The landscape administrator may approve a non-disturbance area to be designated on the tree preservation plan. The non-disturbance area is an area in which no construction will occur. Protected quality trees and/or specimen trees within the non-disturbance area are not required to be individually identified unless

they will be used as credits.

2. Proposed exemption area. The landscape administrator may approve a proposed exemption area to be designated on the tree preservation plan. The proposed exemption area corresponds to areas of the site specifically exempted from tree replacement and protection requirements of this article. Protected quality trees and/or specimen trees within the proposed exemption area are not required to be individually identified on the tree preservation plan unless they will be used as credits.

(xv) A table containing all the identified trees along with the following information:

1. Tag number;
2. The common and botanical name;
3. Caliper size;
4. Condition;
5. If the tree is to remain or be removed;
6. For trees removed that require mitigation, list the caliper inches to be mitigated of each tree and a total in caliper inches to be mitigated; and
7. For trees being preserved as credits, list the caliper inches to be credited for each tree and a total in caliper inches to be credited.

(d) Alternative tree preservation plan requirements:

- (i) Tree Sampling. For property containing large, heavily wooded areas, the landscape administrator may, in lieu of a tree preservation plan, authorize the submittal of an alternative tree preservation plan identifying the tree canopy, tree sampling sites, non-disturbance areas and proposed exemption areas where no trees will be critically altered. All other areas shall show the tree canopy and tree sample sites prior to any grading or construction. For every whole acre of tree canopy, there shall be at least two sample sites approximately 75 feet in diameter.
- (ii) Affidavit of no protected quality trees and/or specimen trees. If a property contains no protected quality tree species and/or specimen trees, the applicant may submit an affidavit of no protected quality trees/specimen

trees in lieu of a tree preservation plan. This affidavit shall act in lieu of a tree preservation plan upon a determination by the landscape administrator that no protected quality trees and/or specimen trees exist on the site. After the expiration of 10 business days after the submittal, the affidavit shall satisfy the requirements of this article, unless within said ten business days the affidavit is denied by the landscape administrator due to a determination that the property contains protected quality trees and/or specimen trees or the trees on the site cannot be affirmatively identified by the landscape administrator.

**(3) Tree Removal Application Fee.**

At the time a tree removal permit application is submitted, an applicant shall pay a fee to the city in the amount specified by the city council in a fee schedule. The following shall be exempt from payment of the tree removal permit fees:

**(a) City of Anna.** When critically altering any protected quality tree and/or specimen tree not exempt from tree removal permit requirements, the city is exempt from the permit application fee, but must obtain a tree removal permit and comply with all tree placement and tree protection procedures as listed in this article. Protected quality trees and/or specimen trees proposed to be critically altered must be shown on a tree preservation plan approved by the landscape administrator.

**(b) Diseased, dead, or dangerous tree.** An applicant is exempt from the tree removal permit fee if critically altering a diseased or dead tree, or a tree which poses an imminent or immediate threat to persons or property, in a manner which is allowed under permit exemption status.

**Sec. 9.07.004 Standards for Tree Removal.**

**(1) Clear-cutting.** Clear-cutting is prohibited unless specifically authorized by a tree removal permit.

**(2) Residential development.**

**(a) Construction of a single-family or duplex residential subdivision.**

**(i)** Protected quality trees and/or specimen trees located in a FEMA 100-year floodplain, NRCS lake tree preservation zone, or erosion hazard setback zone

shall be subject to all tree replacement and tree protection requirements of this article, to the extent permitted under state law.

**(ii)** In cases other than listed immediately above (subsection (a)(i)), all protected quality trees 18 inches in caliper or greater, specimen trees, and/or any tree 18 inches in caliper or greater within 10 feet of the property boundaries shall be subject to tree replacement and tree protection requirements except where trees must be critically altered to:

- (A)** Install and maintain any utility lines;
- (B)** Dedicate public right-of-way.
- (C)** Construct any public or private street and associated sidewalk at the minimum required width only;
- (D)** Provide any required easement up to the minimum width needed to accommodate the required service;
- (E)** Construct any hike/bike/equestrian trails;
- (F)** Construct any portions of a golf course, park playing field, equestrian center, or school playing field but not including buildings, additional parking, club houses, or ancillary buildings; or
- (G)** Construct of required drainage structures, including detention and retention basins, and including transitional slopes at the maximum slope allowed by standard city engineering practices and policies.

**(iii)** Tree replacement in areas reclaimed from the floodplain and used for residential development shall be limited to one three-inch caliper tree for each protected quality tree removed.

**(b) Construction of a multifamily development.**

**(i)** Protected quality trees and specimen trees located in a FEMA one-hundred-year floodplain, NRCS lake tree preservation zone, or erosion hazard setback zone shall be subject to all tree replacement and tree protection requirements of this article.

**(ii)** In cases other than listed immediately above (subsection (c)(i)), all protected quality trees 18 inches in caliper or greater, specimen trees, and/or any tree 18 inches in caliper or greater within 10 feet of the property boundaries shall be subject to tree replacement and tree protection requirements except where trees must be critically altered to:

- (A)** Install and maintain any utility lines;
- (B)** Dedicate public right-of-way;
- (C)** Construct any public or private streets and associated sidewalk at the minimum required width only;
- (D)** Provide any required easement up to the minimum width needed to accommodate the required service;
- (E)** Construct any fire lanes at the minimum required width only;
- (F)** Construct swimming pools;
- (G)** Construct any hike/bike/equestrian trails;
- (H)** Construct any portions of a golf course, park playing field, equestrian center, or school playing field but not including buildings, additional parking, club houses, or ancillary buildings; or
- (I)** Construct required drainage structures, including detention and retention basins, and including transitional slopes at the maximum slope allowed by standard city engineering practices and policies.

**(iii)** Tree replacement in areas reclaimed from the floodplain and used for multifamily development shall be limited to one three-inch caliper tree for each protected quality tree removed.

**(3) Construction of a nonresidential development.**

- (a)** Protected quality trees and/or specimen trees located in a FEMA one-hundred-year floodplain, NRCS lake tree preservation zone, or erosion hazard setback zone shall be subject to all tree replacement and tree protection requirements of this article.
- (b)** In cases other than listed immediately above (subsection (3)(a)), all protected quality trees 18 inches in caliper or greater, specimen trees, and/or any tree 18 inches in caliper or greater within 10 feet of the property boundaries shall be subject to tree replacement and tree protection requirements except where protected trees must

be critically altered for a [to]:

- (i) Install and maintain any utility lines;
- (ii) Dedicate public right-of-way;
- (iii) Construct any public or private streets and associated sidewalk 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 at the minimum required width only;
- (vii) Construct swimming pools;
- (viii) Construct any hike/bike/equestrian trails;
- (ix) Construct any portions of a golf course, park playing field, equestrian center, or school playing field but not including buildings, additional parking, club houses, or ancillary buildings; or
- (x) Construct of required drainage structures, including detention and retention basins, and including transitional slopes at the maximum slope allowed by standard city engineering practices and policies.

(c) Tree replacement in areas reclaimed from the floodplain and used for nonresidential development shall be limited to one three-inch caliper tree for each protected quality tree and/or specimen tree removed.

**(4) All other existing development: exemptions.** Tree replacement and protection requirements shall apply, except that additions or redevelopment shall be allowed the same exemptions as for new nonresidential or multifamily development, as applicable. Notwithstanding the foregoing or any other provision of this article, the replacement and protection requirements of this article shall not apply to: (1) construction of a single-family or duplex residence on a single lot (not part of a larger subdivision); or (2) the end-user owner(s) of a single-family or duplex residence for which a valid certificate of occupancy has been issued (Note: "end-user owner(s)" do not include home builders or their affiliates owning one or more new homes in a subdivision intended to be sold to a homeowner).

**(5) Demolition.** The landscape administrator may issue a tree removal permit to allow critical alteration of a protected quality tree and/or specimen tree if such critical alteration is necessary

to allow demolition of a structure. The tree covered by the permit shall be exempt from the tree replacement and tree protection requirements of this article.

**(6) Diseased trees.** Upon issuance of a tree removal permit, a diseased protected quality tree and/or diseased specimen tree may be critically altered to reduce the chances of spreading the disease to adjacent healthy trees. If the landscape administrator issues a tree removal permit for this use, the protected trees covered by the permit shall be exempt from the tree replacement and protection requirements of this article.

**(7) 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 landscape administrator.

**(8) Removal of underbrush.** Removal of underbrush, not including grubbing under drip lines, shall not require a tree removal permit.

**(9) Grubbing under drip lines.** Clearing and grubbing of brush located within or under the drip lines of protected trees shall not require a tree removal permit.

**(10) Trees along property lines.** To promote the purpose of this article any tree eighteen (18) inches in caliper or greater at DBH within ten (10) feet of the property lines, even if not on the List of Quality Trees (Tree Appendix 1) shall be considered a protected quality tree, be identified on the tree preservation plan, and be subject to tree replacement and protection requirements.

**(11) Tree replacement.** Unless specifically exempted, the following tree replacement procedures shall apply to any person who critically alters a protected quality tree and/or specimen tree for which a permit is required. Replacement trees shall be chosen from the approved plant list (Tree Appendix 2).

**(a)** Tree replacement will be considered only after all design alternatives which could save more existing protected quality trees and/or specimen trees have been evaluated. Replacement trees shall be in addition to trees required under other landscape requirements of the city.

**(b)** Replacement trees shall be a minimum of 3 inches in diameter when measured at breast height (DBH). Examples include:

**(i)** A total of 18 inches diameter to be removed shall be replaced with six 3-inch diameter trees.

**(ii)** A total of 19 inches diameter to be removed shall be replaced with seven 3-

inch trees, or five 3-inch trees and one 4-inch tree.

- (c) All replacement trees shall be guaranteed for one year from the date of the final inspection and acceptance of the project. The responsibility to replace trees shall apply to both the person altering a protected quality tree and/or specimen tree, and the owner of the property. If a replacement tree dies, the owner of the property is responsible for replacing that tree.
- (d) Replacement trees may be planted off-site on a property mutually agreed upon by the city and the applicant.

**Sec. 9.07.005 Mitigation.**

**(1) Tree Credits for Mitigation**

- (a) Tree credits are available for preserving and planting of trees from the city's approved plant list (Tree Appendix 2).
- (b) When any protected quality tree and/or specimen tree is preserved that would have otherwise been exempt per exceptions listed under each construction type of Sec. 9.07.004, credits toward the total inches of caliper of replacement trees required for the development site will be given as per the following formula:
  - (i) Protected quality trees.
    - (1) If the caliper of the preserved exempt tree is 6" - 18", the credit applied will be equal to the caliper of the preserved trees.
    - (2) If the caliper of the preserved exempt tree is greater than 18", to include trees along the property boundaries, the credit applied will be equal to twice the caliper of the preserved tree.
  - (ii) Specimen trees. If the caliper of the preserved exempt tree is 24" or greater, the credit applied will be equal to twice the caliper of the preserved tree.
- (c) Tree credits may not be earned for preservation of existing trees located on land required to be dedicated for public right-of-way or easement purposes, unless the property owner can demonstrate the ability to protect the credited trees by way of restrictive covenant or other legal instruments considered satisfactory by the city council.
- (d) Tree credits will not be permitted unless temporary tree protection devices are

installed at least to the limit of the critical root zone or the drip line, whichever is greater, during construction activity. The city may, prior to the issuance of a tree removal permit impose additional requirements for tree-planting methods and best management practices to ensure that the preserved tree(s) grow to the anticipated height at maturity.

(e) Required development trees shall not count towards Tree credits.

**(2) Mitigations Fees**

(a) In the event that it is necessary to remove a protected quality tree and/or specimen tree, and the applicant chosen not to meet the tree replacement requirements under Sec. 9.07.004(12), the applicant shall be required to pay into the city's Tree Fund according to the Development Fees schedule (Article A3.000)

(b) Fees paid must be based on the tree valuation schedule listed below and contained within the Development Fee schedule. This fee shall be paid in addition to any tree removal permit fee and shall be held in a separate account (the Tree Fund) to be used exclusively for future installation of trees within public land owned by the City.

Tree Type/Size	Replacement Cost	
	Floodplain Tree	Protected Quality Trees & Specimen Trees
Protected Quality Trees (Floodplain only): 6" – 10" (DBH)	\$3,000	\$900
Protected Quality Trees (Floodplain only): 11" – 17" (DBH)	\$6,000	\$1,800
Protected Quality Trees: 18" – 30" (DBH)	\$15,000	\$4,500
Specimen Tree: 24" – 30" (DBH)	\$15,000	\$4,500
All trees: 30"+ (DBH)	\$20,000	\$6,000
Illegal Tree Removal	<ul style="list-style-type: none"> <li>• \$1,000 plus replacement cost</li> <li>• \$1,000 per tree if not in the floodplain nor a protected quality or specimen tree</li> </ul>	

**Sec. 9.07.006 Maintenance.**

The property owner or his/her agent shall be responsible for the maintenance, repair, and replacement of all preserved vegetation and landscaping plants and materials as may be required by the provisions of this article.

**Sec. 9.07.007 Conflicts with other ordinances.**

(1) All applicable provisions of the zoning ordinance, subdivision ordinance, building codes and other ordinances and regulations, as they exist or as amended, shall apply. The provisions of

this article are not intended to modify or amend the preliminary site plan and/or site plan requirements of the zoning ordinance with regard to the placement of building pads, roadways, easements, utilities, pedestrian ways or other buildable areas; such placement of any application shall be left to the sole discretion of the applicant so long as the same conform to the applicable requirements of the zoning ordinance.

(2) Notwithstanding the foregoing, nothing herein shall confer any vested rights on the property subject to this article. Where the provisions of other ordinances conflict with this article, this article shall control.

**Sec. 9.07.008 Enforcement.**

The city shall not approve a development agreement unless it provides that all construction activities shall meet the requirements of this article.

(1) No development permit shall be issued unless:

- (a) A tree removal permit has been approved; or
- (b) An affidavit of no protected quality trees and/or specimen trees has been submitted and approved; or
- (c) A determination of exemption has been made by the landscape administrator or designee.

(2) No development permit shall be issued unless the applicant signs an application or permit request which says that all construction activities meet the requirements of this article.

(3) No certificate of occupancy (C.O.) shall be issued until any and all penalties for violations of this article have been paid to the city. No C.O. shall be issued until all required replacement trees have been planted.

(4) Penalties.

- (a) A person commits an offense if the person critically alters a protected quality tree and/or specimen tree not meeting an exception listed in this article without first obtaining a tree removal permit from the city.
- (b) A person commits an offense if the person critically alters a tree in violation of a tree removal permit.
- (c) Any person, firm, corporation, agent, or employee thereof who violates this article by critically altering a protected quality tree and/or specimen tree without first obtaining a tree removal permit from the city, or by critically altering a protected

quality tree and/or specimen tree in violation of the permit, or by failing to follow the tree replacement procedures, shall be guilty of a misdemeanor, and upon conviction shall be required to pay a tree mitigation fee based on the tree valuation schedule as listed in this article. The unlawful critical alteration of each protected quality tree and/or specimen tree shall be considered a separate incident, and each incident shall subject the violator to the maximum penalty set forth herein for each tree critically altered.

- (d) Any person, firm, corporation, agent, or employee thereof who violates any provision of this article other than those listed above shall be guilty of a misdemeanor and upon conviction hereof shall be fined in accordance with the general penalty provided in section **1.01.009** of this code for each incident. Each and every day said violation is continued shall constitute a separate offense.
- (e) Allegation and evidence of a culpable mental state is not required for proof of an offense defined by this article. Ignorance of the terms of this article is not an excuse for any violation.

**Sec. 9.07.009 Definitions.**

The following definitions shall apply unless the context clearly indicates or requires a different meaning:

*Buildable area* means that portion of a building site on which a building pad or building improvements may be erected, including the actual structure, driveway, pool, decks, and other construction shown on a site plan approved in connection with the issuance of a building permit.

*Building lot owner* means the owner of a building lot or tract of land within the corporate limits of the city or within the city's extraterritorial jurisdiction who is not in the process of subdividing land.

*Building pad* means the actual base area of a building and an area not to exceed six feet around the foundation necessary for construction and grade transitions.

*Caliper* means the diameter measurement of a tree trunk or limb. Unless otherwise specified, caliper of the trunk shall be measured 12 inches above the soil line for trees up to and including four-inch caliper size and 18 inches above the ground for larger sizes.

*Clear-cutting* means the removal of 10 or more protected trees and/or specimen trees from a property within a 90-day period.

Critical root zone means the area within the drip line of the tree. As a practical matter, this is the acute portion of the tree's root system.

Critically alter means uprooting or severing the main trunk of a tree, or any act which causes or may reasonably be expected to cause a tree to die. This includes, but is not limited to: removal of a tree from a property; damage inflicted upon the root system of a tree by machinery, storage of materials, or the compaction of soil above the root system of a tree; a change in the natural grade above the root system of a tree; an application of herbicidal chemical or the misapplication of beneficial chemicals; excessive pruning; placement of nonpermeable pavement over the root system of the tree; or trenching within the primary root zone. Additionally, a tree may be considered critically altered if more than 25% of the primary root zone is altered or disturbed at natural grade, or more than 25% of the canopy is removed.

Cut and fill means areas where the natural ground level has been excavated (cut) or where fill material has been brought in.

Determination of exemption means a determination made by the landscape administrator or his or her designee that no tree permit or tree preservation plan is required for the site.

Developer means any person who, in connection with the use of the land, is required to, or has, or is in the process of making application to the city for subdivision plat approval of property within the corporate limits of the city or within the city's ETJ.

Development permit means a grading permit or any building permits issued for site development which could result in the removal of trees.

Diameter at breast height (DBH). The diameter at breast height is the tree trunk diameter measured in inches at a height of four feet and six inches above the soil line. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its narrowest point beneath the split.

Drip line means whichever is greater:

- (1) A vertical line running through the outermost portion of the canopy of a tree and extending to the ground; or
- (2) If the tree is damaged or deformed, a circular area with a radius equal to two feet per inch of caliper.

Erosion hazard setback zone means the erosion setback areas along a drainage channel deemed by the City Engineer to be subject to flood-related erosion losses. This includes the dam offset areas established by Collin County and the Texas Commission on Environmental Quality (TCEQ).

Exemption area means an area that is clearly exempt from all tree replacement and tree protection requirements of this article, as approved by the landscape administrator.

FEMA 100-year floodplain means the area designated as being within the one-hundred-year floodplain on the Federal Emergency Management Agency flood insurance rate map (FIRM) as of the effective date of this article. The boundary may be verified and established through field surveys based on elevation. Any changes made by FEMA to the 100-year floodplain boundary after the effective date of this article due to filling of the floodplain, channelization, or other drainage improvements shall not reduce the area in which tree preservation, replacement, or protection requirements apply, unless-and only to the extent-that a reduction is necessary for compliance with FEMA regulations or other state or federal law.

Grubbing means excavating or removing a significant part of the root system.

Landscape administrator means the individual or company appointed by the city manager to administer city ordinances related to tree preservation.

Municipal and public domain property means property in which title is held in the name of a governmental entity. Examples include but are not limited to city buildings, county property, public parks, Corps of Engineers property, state right-of-way, libraries, fire stations, water tower sites, or similar other properties.

Non-disturbance area means an area in which no development activity or vehicular traffic associated with the construction or development of land occurs.

NRCS means the National Resource Conservation Service.

NRCS lake tree preservation zone means the area within an elevation two feet above the emergency spillway elevation of any NRCS lake.

Orchard means a grouping of ten or more fruit or nut bearing trees of the same variety, whose fruit or nuts are fit for human consumption, which are planted and growing on a single property for sale or intended sale to the general public in their raw form or as components of human food items manufactured on the same premises.

Owner means any person with an interest in land, or a lessee, agent, employee, or other person acting on behalf of the owner.

Protected quality tree means:

(1) A quality tree, which typically has significant positive characteristics worthy of preservation, as listed in this article (see Tree Appendix 1 at the end of this article), with a trunk six inches or greater in caliper at four feet six inches above the ground. The caliper of a multi-trunk tree shall

be determined by adding the total caliper of the largest trunk to one-half the caliper of each additional trunk.

(2) Trees with a trunk eighteen inches or greater in caliper at four feet six inches above the ground located within 10 feet of a property boundary (regardless of species). The caliper of a multi-trunk tree shall be determined by adding the total caliper of the largest trunk to one-half the caliper of each additional trunk.

Protective fencing means chain-link fencing, orange vinyl construction fence or other fencing at least four feet high and supported at a maximum of 10-foot intervals by approved methods sufficient to keep the fence upright and in place. The fencing shall be of highly visible material.

Pruning means the removal of dead, injured, or diseased limbs or roots to maintain plant health or the removal of limbs or roots to control or direct vegetative growth.

Residential structure means a manufactured home as that term is defined by section 1201.003 of the Texas Occupations Code (as amended), a detached one-family or two-family dwelling (including the accessory structures of the dwelling), or a multiple single-family dwelling that is not more than three stories in height with a separate means of entry for each dwelling (including the accessory structures of the dwelling), or any other multifamily structure.

Root zone, primary means the area of undisturbed natural soil around a quality tree and/or specimen tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the dripline.

Specimen tree means a tree which has been determined by the city to be of high value because of its type, size, or other specific criteria. Generally, specimen trees are trees having twenty-four inches or greater in caliper at four feet six inches above the ground. but other criteria may also be utilized. The caliper of a multi-trunk tree shall be determined by adding the total caliper of the largest trunk to one-half the caliper of each additional trunk.

Tree means any self-supporting woody plant which will attain a trunk caliper of two inches or more when measured at a point 4.5 feet above ground level and normally an overall height of at least 15 feet with a canopy of at least 15 feet in caliper at maturity. A tree may have one main stem or trunk or several stems or trunks.

Tree board means a board appointed by the city council to carry out the duties and responsibilities set forth in this article. The city's planning and zoning commission shall constitute the tree board unless the city council appoints a separate tree board.

Tree removal application means an official city application that is required to be submitted for

the removal of trees unless exempted by this Article.

Tree preservation plan means a plan drawing that identifies the location of protected quality trees and/or specimen trees and contains the information required to be set forth within this article. The tree preservation plan shall be prepared by an arborist, a licensed surveyor, a licensed landscape architect, or other qualified person approved by the landscape administrator. For projects of limited scope, the landscape administrator may approve a tree preservation plan prepared by a non-professional if complete and accurate information is provided.

Utility company, franchise utility, or public utility means a company or entity, or agent for a company or entity, that provides a utility service, such as the provision of gas, electric, cable, or telephone service within the city.