

SIZE OF SITE	IMPERVIOUS COVER LIMIT
Up to and including three acres	40%
More than three acres and less than five acres	30%
Five acres or more	20%

Section 6.3.3.2 Impervious Cover Allocation

- A. Utilization of Site.** Land included in water quality zones, buffer zones, and sensitive feature protection zones may be used in the calculation of the total impervious cover allowed on the site. The total allowed impervious cover on a site may be allocated by an applicant in a manner that concentrates the allowed impervious cover in one or more uplands zones on the site.

ARTICLE 4: TREE AND HABITAT PROTECTION

DIVISION 1: GENERAL

Section 6.4.1.1 Purpose

The purpose of this Article is to conserve, protect and enhance existing trees and natural landscapes that are healthy and contribute to a safe and livable community, as well as to establish and maintain new trees. It is recognized that the presence of trees contributes to the overall quality of life and environment of the City. They are an integral part of healthy aquifers and river corridors, managing stormwater runoff, controlling erosion and dust, abating noise, reducing building energy costs, enhancing property values, and providing wildlife habitat.

DIVISION 2: TREE PRESERVATION AND PROTECTION DURING DEVELOPMENT

Section 6.4.2.1 General Tree Preservation Requirements

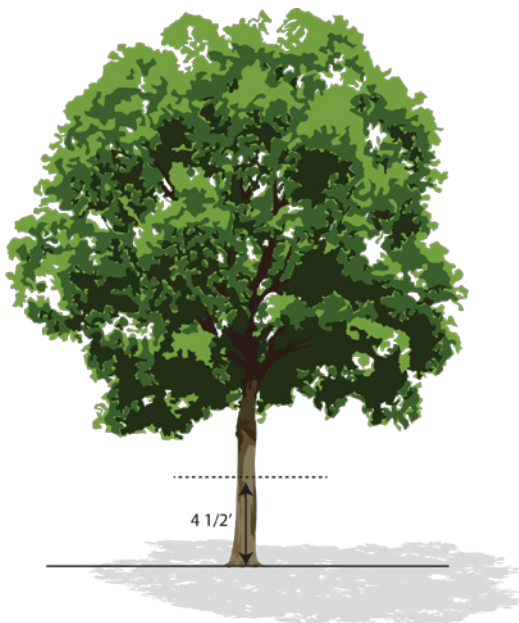
- A. Applicability.** The provisions of this section apply to all new development within the City and not within the ETJ, including development projects undertaken by the City of San Marcos.
- B. Intent**
1. In the course of development the existing natural landscape character shall be preserved to the maximum extent feasible. Native oaks, elms, sycamore, bald cypress, madrone, and pecan trees are particularly to be preserved. For example, when a site contains an existing stand of trees, the developer and builder shall use best good faith efforts to preserve such trees.
 2. Indiscriminate clearing or stripping of natural vegetation on a site or lot is prohibited.
- C. City Approval.** The removal of any protected or heritage tree for the purpose of development without City approval is expressly prohibited.
- D. Tree Survey**
1. To request City approval for the removal of a protected or heritage tree, submit a tree survey with the applicable development permit application. Issuance of the applicable

permit constitutes approval of tree removal and shall occur prior to any action being taken to remove a tree(s) or that may damage or disturb a tree(s) or its root system in any way.

2. The tree survey required with an application for a Watershed Protection Plan, Phase 2 or a Site Plan Permit under Section 2.6.1.1 or Section 2.7.1.1 shall include a drawing showing the species, size, location and scaled root protection zone of all protected and heritage tree(s), with an indication of those to be preserved or removed. The "Tree Preservation and Mitigation Table", located on the City's website, shall also be included.
3. Trees nine inches or larger shall be tagged and numbered, and numbers shall be depicted on the applicable drawing and associated table(s). The tags and associated numbers shall remain on the trees until the certificate of acceptance or certificate of occupancy is issued.
4. When submitting an application for a Watershed Protection Plan, Phase 1, under Section 2.6.1.1 an aerial photograph showing tree groupings and the location of heritage trees is required.

Section 6.4.2.2 Tree Measurement.

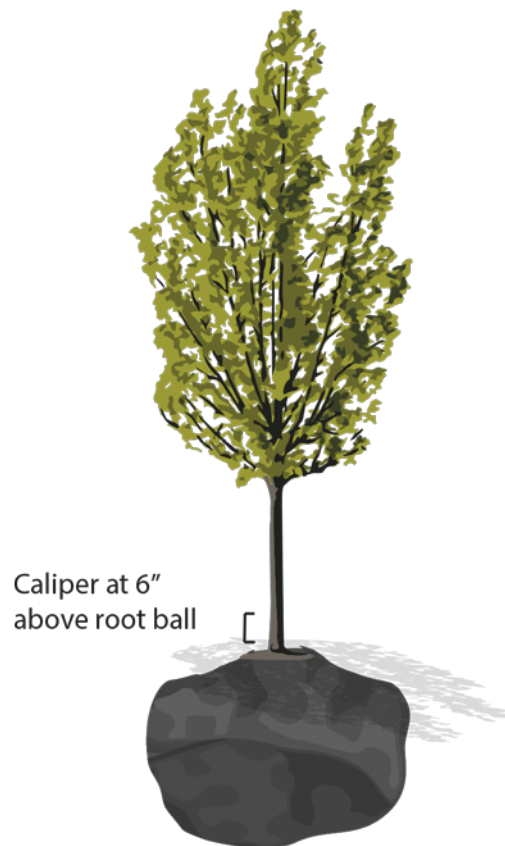
- A. **Existing Tree Size and Measurement.** Tree size shall be stated in inches of "Diameter at Breast Height (DBH)". Both single-trunk and multi-trunk trees shall be measured at "breast height" which is defined as four-and-one-half feet above natural grade.



- B. **Measurement of a Multi-Trunk Tree.** The DBH of a multi-trunk tree shall be calculated by the following equation: The DBH of the largest tree trunk, plus one-half the DBH of all other tree trunks. For example, a tree that has three trunks with DBHs of 7", 6", and 4" would be equivalent to a 12" DBH tree.

$$7" + (\frac{1}{2} \times 6") + (\frac{1}{2} \times 4") = 12\text{DBH}$$

- C. **Measurement of Nursery Stock.** The size of small or young trees to be planted (i.e., those with diameters of four inches or less) shall be measured at six inches above the root ball in "caliper" inches.



Section 6.4.2.3 Classification of Protected and Heritage Trees.

TREE CLASSIFICATION	DBH (DIAMETER AT BREAST HEIGHT)
Protected Tree	9" - 23"
Heritage Tree	≥ 24"

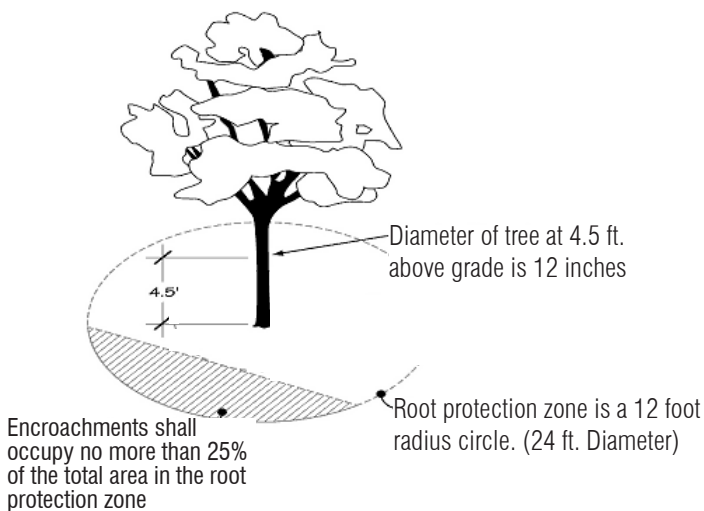
- A. Trees of the following species with a DBH less than 12 inches are excluded from the mitigation requirements of this code:

1. *Celtis occidentalis* (Hackberry)
 2. *Juniperus ashei* (Common Cedar)
 3. *Juniperus virginiana* (Eastern Red Cedar)
 4. *Prosopis glandulosa* (Mesquite)
 5. *Acacia farnesiana* (Huisache)
- B.** Trees identified on the prohibited invasive species list of any size are excluded from the mitigation requirements of this code.
- C.** Trees deemed dead, in serious decline or hazardous by an ISA certified arborist, consulting arborist, and/or the City's Urban Forester are excluded from the mitigation requirements of this code.

Section 6.4.2.4 Tree Protection Standards

A. Protection of Existing Trees During Development.

1. No more than 25% of the root protection zone of trees to be preserved shall be disturbed. The root protection zone is measured as 1 foot in radius for every 1 inch in DBH of the tree. This area may overlap with a grouping of trees.



2. All preserved trees on a demolition or construction site shall be provided protection for a minimum of 75% of their root protection zone in accordance with City of San Marcos standard design and technical specifications.
3. Tree protection barriers shall be shown on submitted plans and shall be in place for City inspection before any

demolition, site clearance or other site-disturbing activity commences.

4. All building materials, dirt, excavation or fill materials, chemicals, construction vehicles or equipment, debris, and other materials shall be kept outside tree protection barriers.
5. Tree protection barriers shall remain in place until the final building and site inspections are approved and the certificate of acceptance or certificate of occupancy is issued.

Section 6.4.2.5 Tree Mitigation Requirements

Any protected or heritage tree that is removed from the site due to development must be replaced on-site as follows:

TREE CLASSIFICATION	MITIGATION REQUIRED IN DIAMETER INCHES
Protected Tree	1:1 (1 Inch per inch removed)
Heritage Tree	2:1 (2 Inches per inch removed)

- A.** All required mitigation trees shall be provided as shade trees meeting the planting, installation, and maintenance requirements of Section 7.2.4.1.
- B. Off-Site Mitigation.** The primary goal is to replant trees on a development site. With the express, written approval of the Responsible Official, however, some or all of the required mitigation trees that cannot feasibly be planted in any area of the development site can be planted in a park or other city right-of-way located within the same sector of the City as the development site.
- C. Tree Fee-in-lieu.** While the primary goal is to replant trees on a development site, when some or all of the required mitigation trees cannot feasibly be planted in any area of the development site or in a nearby park or other public property, the Responsible Official may allow the applicant to pay a fee-in-lieu of planting mitigation trees. Payment per caliper inch as set by City Council resolution for required mitigation trees shall be paid into the tree fund. The funds in this account shall be dedicated solely to tree planting and care and other tree preservation activities within the City. Refer to the fee schedule on the City's website for the current rates.

Section 6.4.2.6 Tree Credits

A. Incentives to Retain Existing Trees. In order to encourage the preservation of trees that are already established and growing, particularly heritage trees, additional credit as outlined in the table below shall be given for healthy existing trees. To receive credit, the existing tree must be of a species included on the preferred list in the technical manual and located within the limits of construction (LOC) of the development site. Tree credits for preserving existing trees can be used to meet either the landscaping requirements for trees or the mitigation requirements for other removed trees.

TREE CLASSIFICATION	TREE CREDITS IN DIAMETER INCHES
Protected Tree	1/2:1 (1/2 Inch per inch preserved)
Heritage Tree	1:1 (1 Inch per inch preserved)

Section 6.4.2.7 Tree Preservation and Protection After Development

A. Duty of Persons for Trees on Property. It shall be the duty of the property owner to maintain all trees planted pursuant to, or preserved by, this Article in a healthy condition in accordance with the following:

1. Any person or persons owning or occupying real property on which there may be trees must ensure that such trees do not obstruct utility or telephone lines. Only city-contracted arborists are allowed to trim trees within 12 feet of utility and telephone lines.
2. Any person or persons owning or occupying real property bordering on any street upon which property there may be trees, must prune such trees in such a manner that they will not obstruct or shade the street lights, obstruct or interfere with the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct the view from any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be 8 feet over sidewalks and 16 feet over all streets, except truck thoroughfares which shall require a clearance of 18 feet.
3. Any person or persons owning or occupying real property on which there may be trees that are diseased or insect-infested, must remove, spray or treat any such trees in

a manner that will not infect or damage nearby public vegetation or cause harm to the community or citizens therein.

4. When trees that are subject to or protected by this Article die, are missing, or are otherwise deemed unhealthy by the City, they shall be removed and replaced by the property owner to comply with the applicable standards.
5. Any person or persons owning, occupying or controlling real property upon which tree pruning or removal occurs must advise all landscape contractors, tree services, arborists and others who remove or prune diseased trees of the need for proper disinfection of all cutting tools. All wounds to the trunk, limbs, roots, or stumps of oak trees should be sprayed with paint within 20 minutes of cut or incident with wounding or removal to prevent the spread of oakwilt. This provision applies to any person, firm, corporation, business entity, City department or private utility.
- B. If the owner or occupant of such property does not perform the duties set out in subsection A above, the City may order the pruning, removal or treatment of tree(s) on private property that cause obstructions, present insect or disease problems or otherwise present a danger to public health or safety. The order shall be in writing to the owner or occupant responsible for such condition and shall be acted upon within 30 days from the time of the receipt of the order. If, after 30 days, the owner or occupant has not responded or acted to prune, remove or treat the tree(s), the City shall have the authority to enter upon the property to perform the work necessary to correct the condition and bill the owner or occupant for the actual costs incurred. In situations deemed necessary to the public health, safety, or welfare, the City may act without prior notification to the property owner or occupant.