



# City of Denton

City Hall  
215 E. McKinney St.  
Denton, Texas 76201  
www.cityofdenton.com

## Meeting Agenda

### Development Code Review Committee

Monday, April 13, 2026

3:00 PM

Development Services Center

After determining that a quorum is present, the Development Code Review Committee of the City of Denton, Texas will convene in a Regular Meeting on Monday, April 13, 2026 at 3:00 p.m. in Training Rooms 3, 4, and 5, at the Development Service Center, 401 N. Elm Street, Denton, Texas, at which the following items will be considered:

#### 1. ITEMS FOR CONSIDERATION

- A. [DCRC25-035](#) Receive a report and hold a discussion regarding proposed Code amendments related to Landscape Standards.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Redline Markup \(DDC 7.7.5-7.7.7\)](#)  
[Exhibit 3 - Draft Presentation](#)

- B. [DCRC25-095](#) Receive a report and hold a discussion regarding proposed Code amendments related to Tree Preservation.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Redline Markup \(DDC 7.7.4 - Tree Preservation and 9.2 Definitions\)](#)  
[Exhibit 3 - Draft Presentation](#)

#### 2. DEVELOPMENT CODE REVIEW COMMITTEE PROJECT MATRIX

- A. [DCRC26-020](#) Hold a discussion regarding the Development Code Review Committee Project Matrix.

Attachments: [Exhibit 1 - DCRC Matrix](#)

#### 3. CONCLUDING ITEMS

A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the Development Code Review Committee or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

CERTIFICATE

I certify that the above notice of meeting was posted on the official website (<https://tx-denton.civicplus.com/242/Public-Meetings-Agendas>) and bulletin board at City Hall, 215 E. McKinney Street, Denton, Texas, on April 7, 2026, in advance of the three (3) business day posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

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OFFICE OF THE CITY SECRETARY

NOTE: THE CITY OF DENTON'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE ACCOMMODATION, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED, IF REQUESTED AT LEAST TWO (2) BUSINESS DAYS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 940-349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATION CAN BE ARRANGED.



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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**ICM:** Cassey Ogden

**DATE:** April 13, 2026

### **SUBJECT**

Receive a report and hold a discussion regarding proposed Code amendments related to Landscape Standards.

### **BACKGROUND**

On April 16, 2024, the City Council adopted an update to the Water Conservation Plan [7-0]. Development Services Staff participated in the preparation of the Water Conservation Plan and were tasked with examining the landscaping standards in the Denton Development Code (DDC) for opportunities to encourage water conservation in the City of Denton.

In addition to changes related to water conservation, Staff has identified areas within the landscape standards which could be revised to utilize best practices and improve clarity, simplifying implementation of the regulations for applicable development. Examples of these clarifications include elements within the landscape point table, alternative landscape regulations, and airport landscape standards.

At the February 24, 2025, Development Code Review Committee (DCRC) meeting, Staff introduced the current Landscape Code regulations in the DDC, provided an overview of the current standards, and discussed areas of the Code proposed to be amended. At the end of the discussion, Staff requested direction from the Committee regarding any additional areas related to the Landscape Code that may have not been included in Staff's presentation that DCRC would like to explore. Discussion amongst the Committee ranged from street tree requirements and barriers to achieving plantings along the right-of-way, balancing irrigation needs with water conservation goals, and utilizing plant material that is suited for the native environment.

At the March 3, 2025, DCRC meeting, Staff presented proposed amendments to Subsections 7.7.3-7.7.5.E of the Landscape Code regulations and Section 9.2 Definitions. These amendments focused on encouraging water-wise landscaping, adapting plantings to the native environment, and ensuring the City is up to date regarding industry best practices through the Denton Development Code. Amendments also incorporated feedback received from the Committee at the February 24, 2025, meeting. Following an overview of the proposed amendments, staff sought consensus and feedback from the Committee regarding the proposed edits to the DDC. Discussion during the meeting focused on landscape needs and requirements at the Denton Enterprise Airport, Low Impact Design, Xeriscaping and planting requirements for residential lots within the City. The Committee provided direction to move forward with the proposed amendments with recommendations to incorporate clarifying information regarding turf grass.

At the March 24, 2025, DCRC meeting, Staff presented proposed amendments to Subsection 7.7.5.F of the Landscape Code regulations and Section 9.2 Definitions. These amendments focused on revisions to the Landscape Plan and Point System requirements applicable to all developments except single-family detached dwelling, duplex, triplex, fourplex and townhome lots. These amendments are intended to support the overall goals of encouraging water-wise landscaping, adapting plantings to the native environment, and ensuring the City is up to date regarding industry best practices through the DDC. Amendments also incorporated feedback received from the committee at the February 24, 2025, and March 3, 2025, meetings. The Committee requested additional information on the Landscape Point System item removing credit for planting 4-inch caliper trees as well as various changes to proposed point items. Supporting documentation regarding why Staff is proposing to remove the credit for planting 4-inch caliper trees was emailed to the Committee on March 28, 2025.

At the April 14, 2025, DCRC meeting, Staff continued the discussion on proposed amendments to Subsections 7.7.5.F of the Landscape Code, focusing on the Landscape Point System item which provides credit for planting 4-inch caliper trees. Based on feedback received from the Committee at the March 24, 2025, meeting, Staff presented several options related to the Point System item, including: remove the point item from the Landscape Point System, lower the minimum caliper size of the item from 4-inches to 3-inches, reduce the points received for utilizing the item from 5 to 3 points, or make no change to the Point System item. The Committee opted to continue the item and directed staff to consider and bring back additional Landscape Area Point System Items related to larger, healthier tree plantings for consideration. The presentation from the April 24, 2025, DCRC meeting is attached as Exhibit 4.

At the April 28, 2025, DCRC meeting, Staff presented proposed amendments to Subsections 7.7.5.G-7.7.5.J of the Landscape Code, Subsection 7.7.7, Street Tree Requirements, and Section 9.2 Definitions. These amendments focus on revisions to the Landscape Installation and Maintenance and Irrigation requirements applicable to all developments except single-family detached dwelling, duplex, triplex, fourplex and townhome lots and Street Tree requirements applicable to all developments. As with the other amendments presented previously, these amendments are intended to support the overall goals of encouraging water-wise landscaping, adapting plantings to the native environment, and ensuring the City is up to date regarding industry best practices through the DDC. Amendments also incorporated feedback received from the committee, including a discussion of revised items requested in the April 14, 2025, meeting.

Due to the interconnectedness of Landscape and Tree Code, processing of the proposed Landscape Code amendments through the Planning and Zoning Commissions and City Council was placed on hold following the April 28, 2025 DCRC meeting, allowing time for the DCRC to review proposed amendments relating to Tree Code.

At the April 13, 2026, DCRC meeting, Staff will present a summary of the amendments related to Landscape Code which were approved by the DCRC. The entirety of the proposed amendments is provided as Exhibit 2. Following this discussion item, Staff will present an overview of the amendments related to Tree Code and provide a general summarization of forthcoming community engagement efforts for both topics.

A draft of Staff's presentation is provided as Exhibit 5. Please note that the presentation is still being refined, and a finalized version will be shared at the meeting.

## **EXHIBITS**

Exhibit 1 – Agenda Information Sheet

Exhibit 2 – Redline Markup (DDC 7.7.5-7.7.7)

Exhibit 3 – Draft Presentation

Respectfully submitted:  
Hayley Zagurski, AICP  
Planning Director

Prepared by:  
Bryce Van Arsdale  
Assistant Planner

## ***7.7 Landscaping, Screening, Buffering, and Fences***

### **7.7.1 Purpose.**

The city recognizes landscaping, tree preservation, buffering, and screening as important features and activities to:

- A. Blend the built and natural environment and preserve the natural landscape;
- B. Mitigate or minimize potential nuisances such as noise, light, glare, dirt, litter, signs, parking, or storage areas and to provide a transition between uses;
- C. Conserve water resources by using sustainable design and maintenance techniques and low-water plant species;
- D. Promote environmental benefits such as improved stormwater retention, water quality, and air quality, soil moisture, groundwater, and erosion prevention;
- E. Improve the appearance of development and establish an attractive streetscape; and
- F. Increase the urban tree canopy.

### **7.7.2 Intent.**

- A. The intent of these regulations is to achieve and maintain an average minimum of 30 percent tree canopy coverage citywide from preserved trees and newly planted trees, and to promote a multi-aged urban forest. Specifically, to achieve the city's goal of a city-wide average tree canopy cover of at least 30 percent, the following goals are established for specific areas of the city based upon the unique ecoregions present in different areas of the city:
  - 1. For areas east of the Interstate 35/Interstate 35-W corridor, where the Cross Timbers ecoregion is more prevalent, the minimum canopy goal shall be 40 percent coverage.
  - 2. For areas west of the Interstate 35/Interstate 35-W corridor, where the Grand Prairie ecoregion is more prevalent, the minimum canopy goal shall be 20 percent coverage.
- B. These regulations are intended to promote the functional distribution of that canopy throughout various land uses as development occurs through a combination of planting and retention goals and requirements for tree canopy cover.

### **7.7.3 Applicability.**

- A. **General Applicability.** Except as otherwise provided in this Section 7.7: Landscaping, Screening, Buffering, and Fences, the standards in this section, and the [Landscape and Tree Preservation](#) Criteria Manual shall apply as set forth in Section 7.2: Applicability, with the following modifications:
  - 1. **New Development.**
    - a. A new principal structure is constructed; or
    - b. An existing principal structure is relocated on the lot.
  - 2. **Expansions and Enlargements.** All expansions or enlargements shall be considered together with any other expansions or enlargements during the previous two year period.
    - a. The entire site shall comply with this Section 7.7 when:

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- i. The number of multifamily dwelling units on a property is increased by more than 25 percent; or
      - ii. Ten or more additional multifamily dwelling units are created within the MD zoning district; or
      - iii. The square footage of a nonresidential building is expanded or enlarged by more than 50 percent; or
      - iv. The addition or expansion of one or more structures or uses that requires specific use permit approval.
    - b. The portion of the site being expanded and/or improved shall comply with this Section 7.7 when:
      - i. Except for within the MD zoning district, the number of dwelling units on a property is increased by between 10 and 25 percent or 10 dwelling units, whichever is less; or
      - ii. The square footage of a nonresidential building is expanded or enlarged by between 10 and 50 percent; or
      - iii. Parking area improvements or expansions including reconfiguring, reconstructing, or other similar projects, but not including resurfacing or restriping.
  3. **Electric Substations and Switch Stations.** Landscaping, screening, buffering, and tree standards for electric substations and switch stations shall be pursuant to Subsection 7.13.7: Electric Substation, Interchange, and Switch Station Design.

**B. Exemptions.**

1. Expansion of a single-family detached dwelling, duplex, or townhome within the permitted building coverage.
2. Cumulative expansions and enlargements of a multifamily development or nonresidential use less than 1,000 square feet.
3. Conversion of a residential structure to a nonresidential use where no site improvements are required.

**C. Alternative Landscaping.**

1. **Alternatives Authorized.** A reduction in the count, configuration, or location of required landscaping materials may be allowed when alternatives are justified by site or development conditions. Conditions justifying approval of an alternative landscape plan include:
  - a. Natural conditions, such as watercourses, natural rock formations, or topography;
  - b. The likelihood that required landscaping material at maturity would not achieve the intent of this DDC due to topography, placement, or other existing site conditions;
  - c. Unique lot size or configuration;
  - d. Challenges associated with infill development or redevelopment on small lots;
  - e. The presence of existing utility or other easements;
  - f. The potential for interference with public safety;
  - g. Preservation of natural vegetation; or
  - h. Other situations where strict adherence to the buffer or landscaping standards in this DDC are determined impractical by the Director.

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2. **Alternative Landscape Plan Approval Criteria.** The Director may approve alternative landscape plans that do not meet the specific requirements stated in this Section 7.7, when the Director determines that the alternatives meet the following criteria:
    - a. Are consistent with the purposes of this Section 7.7;
    - b. Do not include invasive vegetation included in an adopted city, county, or state list of prohibited or invasive species;
    - c. Provide equal or superior buffering of adjacent properties from anticipated impacts of the proposed development; and
    - d. Provide equal or superior visual appearance of the property when viewed from a public right-of-way.

### 7.7.5 Landscape and Tree Canopy Requirements.

#### A. Applicability to the Development Impact Area.

1. Single-family, Duplex, Townhome, [Triplex, and Fourplex](#) Dwellings:
  - a. Existing single-family, duplex, townhome, triplex, and fourplex lots that are currently developed are exempt from the minimum requirements contained in subsection B.
  - b. New detached single-family, duplex, townhome, triplex, and fourplex subdivisions are required to provide landscaping as specified in subsection E.
2. Multifamily and nonresidential developments are required to comply with all landscaping and tree canopy requirements in this section.
3. All replacement trees included as part of the approved tree preservation/replacement plan shall be credited against the trees planted, as required by this section.
4. [Denton Municipal Airport properties are required to comply with the following subsections only:](#)
  - a. [Subsection B: Minimum Landscape Area and Tree Canopy Requirements, with the following changes:](#)
    - i. [Minimum landscaped area pursuant to Table 7.D. Additionally, 70% of all landscaped areas outside the Air Operations Area \(AOA\) shall be planted with a mix of ornamental grasses, groundcover, or other non-turf plantings from the approved plantings list.](#)
    - ii. [Minimum tree canopy cover in Table 7.D does not apply.](#)
  - b. [Subsection C: Measurement and Calculation of Landscape and Tree Canopy Areas.](#)
  - c. [Subsection D: Appropriate Planting Materials.](#)
  - d. [Subsection F: Landscape Plan and Point System, with the following changes:](#)
    - i. [No minimum point total is required as stated in Subsection F, Subpoint 4a.](#)
    - ii. [Table 7.E, Section A shall only apply to projects with Development Impact Areas adjacent to airport perimeter roads.](#)
    - iii. [Table 7.E, Section B elements containing trees may be substituted with ornamental grasses. Parking areas within the AOA may utilize turf grass to satisfy this requirement.](#)

- B. **Minimum Landscape Area and Tree Canopy Requirements.** Landscape area is the portion of a development impact area which is comprised of trees, shrubs, and pervious groundcovers. The percentage of landscape area required shall be based on the property's zoning designation, as indicated in Table 7.D below.

Table 7.D: Minimum Landscaped Area and Tree Canopy Cover by Zoning District		
Zoning District	Minimum Landscaped Area (percentage <del>lot area</del> <u>development impact area</u> )	Minimum Tree Canopy Cover (percentage lot area)
<b>Residential</b>		
RR	65	25
R1	70	50
R2	50	50
R3	50	50
R4	50	50
R6	25	40
R7	20	40
<b>Mixed-Use</b>		
MN	20	40
MD	15	20
MR	25	30
<b>Corridor</b>		
SC	20	30
HC	30	30
<b>Other Nonresidential</b>		
GO	20	30
LI	15	20
HI	15	15
PF	15	15

C. **Measurement and Calculation of Landscape and Tree Canopy Areas.**

1. **Tree Canopy Measurement.**

- a. Tree canopy is measured by computing the area that the mature canopy will encompass, based on the tree list contained in the [Site Design Landscape and Tree Preservation Criteria Manual](#). The mature canopies may be estimated for existing trees on-site. Any tree not on the tree list may be estimated by a registered landscape architect or [ISA or ASCA certified arborist](#).
- b. The required percentage of tree canopy required shall be based on the zoning of the property as described in Table 7.D. The required tree canopy area shall apply to either:
  - i. The entire development impact area, or
  - ii. The entire lot being developed, minus the footprint area of any proposed buildings.
- c. The selected method for calculating the required tree canopy must be explicitly stated on the Landscape Plan.

2. **Qualifying Types of Landscaping and Tree Canopy - General.** The following may count towards meeting the landscape and tree canopy requirements:

- a. All landscaped areas planted and maintained within the development impact area;

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- b. Tree canopy in the adjacent public right-of-way;
  - c. All required mitigation trees may count towards landscaping (including street trees and yard trees) if planted trees have a minimum of two-inches dbh; and
  - d. Plazas and pedestrian circulation areas if constructed with pervious material and not located within the public right-of-way.
3. ~~Qualifying types of~~ **Low Impact Development (LID) Designs.** Low Impact Development (LID) options count toward required landscape if installed and maintained pursuant to the North Central Texas Council of Governments Integrated Storm Water Management (iSWM) strategies, including [but not limited to:](#)

[a. Qualifying types of Low Impact Development Designs](#)

~~a.i.~~ **Bioswales:** Bioswales are vegetated swales planted with ~~wet~~ [flood](#) tolerant species of plants or ornamental grasses. They transport, store, and allow infiltration of water, and can be designed as a landscape feature. Bioswales are not grassed, but are planted with a variety of plant species that can withstand occasional water inundation for short periods of time.

~~b. ii.~~ **Grassed Swales:** Grassed swales are designed conveyance devices used to transport water over the surface of the ground to a point of disposal that may be a catch basin, ditch, or water body that will filter, infiltrate, evaporate, and clean the water of total suspended solids and other pollutants. Swales are often appropriate along property lines, public streets, and around buildings.

~~c. iii.~~ **Bioretention Facilities:** (a.k.a. Rain Gardens) Bioretention facilities are small shallow depressions planted with a variety of native or ornamental plants that can treat small amounts of runoff to improve water quality. Bioretention facilities are generally small collections of flood-tolerant plants planted on a low site area that naturally collects rainfall.

~~d. iiiii.~~ **Sand Filters:** Sand filters are depressions, trenches, barriers, or sand lens, constructed of porous mineral matter that improve ground water recharge, to filter, clean and trap waterborne pollutants.

[b. Low Impact Development Designs shall be reviewed in tandem with the proposed drainage plan submitted with the Civil Engineering Plans, prior to approval of the landscape plan.](#)

**D. Appropriate Planting Materials.**

1. Ninety percent of plantings shall be from the approved landscape plant list in the ~~Site Design~~ [Landscape and Tree Preservation](#) Criteria Manual [Planting List](#).
2. In order to ensure biodiversity and protect against tree [pests or](#) disease, if 20 or more [large or medium](#) trees are planted, no one species of tree may exceed ~~30~~ [20](#) percent of the total new trees on the site, [and no more than 30 percent of the same genus may be planted on-site.](#)
3. ~~At least 50 percent of the trees planted must be native, indigenous, or adapted, as indicated on the approved landscape plant list.~~

[3. Multi-family and non-residential turf grass:](#)

- a. [100% of turf grass used must be selected from the approved Planting List.](#)
- b. [Turf grass shall not be used to satisfy more than 30% of the required landscape areas.](#)
- c. [Athletic fields, outdoor recreation uses, and other uses as determined by the Director may be exempt from this requirement.](#)

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4. [Xeriscape design as defined in Section 9.2.](#)

[a. Xeriscape planting material shall be in accordance with the approved landscape plant list in the Landscape and Tree Preservation Criteria Manual Planting List](#)

E. **Minimum Landscaping for Single-Family Detached Dwelling, Duplex, Townhome, Triplex, and Fourplex Lots.**

1. All single-family, duplex, and townhome lots must contain a minimum of one large shade tree per dwelling.
2. All triplex and fourplex lots must contain a minimum of one large shade tree per lot.
3. At least 30 percent of the front yard shall be landscaped.
4. At least 20 percent of the rear yard shall be landscaped.
5. [All single-family, duplex, townhome, triplex, and fourplex developments with open space within common area lots shall provide a landscape plan for these lots showing a minimum of:](#)
  - a. [Compatibility buffers](#)
  - b. [Plant schedule](#)
  - c. [Street trees](#)

F. **Landscape Plan and Point System.** In addition to the above standards, the following requirements shall apply to all developments except single-family detached dwelling, duplex, [triplex, fourplex](#), and townhome lots:

1. A landscape plan is required for all developments demonstrating compliance with the required minimum landscape area requirements, at the time of application for whichever of the following comes first:
  - a. Specific use permit;
  - b. ~~Site plan~~ [Zoning Compliance Plan](#); ~~or~~
  - c. [Planned Development Application](#)
  - d. [Civil Engineering Plans](#); ~~or~~
  - e. Building permit.
2. All landscape plans shall be drawn and sealed by a registered landscape architect.
3. All landscape plans shall contain at a minimum the following elements:
  - a. A delineation of the property boundary, the development impact area, ESAs, preserved habitat areas, and any easements;
  - b. Dimensioned buffer areas, right-of-way screening areas, and parking lot landscaping areas;
  - c. Location and tabulation of all proposed plantings, including size at the time of planting and expected canopy area of all trees at maturity, as provided for in the ~~Site Design~~ [Landscape and Tree Preservation](#) Criteria Manual;
  - d. Tabulation of how the required landscape and buffer points, as described in the sections below, are provided;
  - e. Tabulation of the required and provided number of street trees, unless provided on a separate street tree plan at the time of platting; and

- f. Any additional information required to demonstrate compliance with the requirements of this section.
4. Landscape area and tree canopy shall be designed using a combination of elements from the point system described below:
- a. All developments are required to provide a combination of landscaping elements from Table 7.E, totaling at least 30 points and meeting the minimum required percentage of landscape area and tree canopy.
  - b. At least two elements must be selected from both Sections A and B in Table 7.E, except as noted below [or above in Subsection 7.7.5A](#). The remaining points may be selected from Sections A, B, or C.
    - i. Right-of-way screening shall be provided between the front-most row of parking and the street. Screening area shall begin at the back edge of either the right-of-way or public utility easement, as necessary to prevent encroachment into those areas. The area dedicated to right-of-way screening must contain sufficient area to plant the proposed screening elements and allow for full growth potential. For developments where parking is not located between the building and the street, any drive aisles located in front of the building are required to be screened by at least one of the elements in Section A in Table 7.E.
    - ii. Parking lot landscaping shall be provided internal to the parking lot. Turf grass does not satisfy requirements for planting materials in parking lot landscaping areas. Planting materials permitted include drought-tolerant plants, ornamental and/or native grasses, and pervious non-living ground cover installed with a permeable weed-barrier.
    - iii. If proposed, living walls and living green roofs should be engineered in accordance with building industry standards to ensure building safety and longevity of the plant material. Living green roofs shall be installed in a manner allowing for inspection consistent with applicable OSHA standards, along with all other site landscaping.

[c. Sites located within the Grand Prairie Ecoregion may substitute native ornamental trees where large canopy trees are required in the point table below](#)

<b>Table 7.E: Landscape Area Point System</b>	
<b>Section A. Right-of-Way Elements (Minimum 2 unless no front parking, then 1)</b>	<b>Points</b>
A landscaped berm with a maximum 3:1 side slope on both sides.	5
One large canopy tree planted every 40 linear feet.	5
Three small accent trees clustered every 30 linear feet when space does not permit large canopy trees.	5
A minimum three-foot high continuous hedge of evergreen shrubs.	5
A minimum three-foot high continuous wall made of any combination of wrought iron, masonry, or stone. If wrought iron is used, vines shall be planted every 10 feet on center on the wrought iron to create a more opaque wall.	5
<a href="#">Landscaped beds containing a combination of mulched, planted, or other approved pervious material at least 4 feet wide installed adjacent to all public sidewalks or side paths adjacent to the site. Planting materials should be at least 24 inches at maturity. Crosswalks and driveways shall be excluded from this calculation.</a>	<a href="#">5</a>

Section B. Parking Lot Landscaping Elements (Minimum 2)	Points
Internal landscape islands with an area of at least nine feet by 18 feet containing at least one large canopy tree placed evenly at an average of one for every ten spaces (or portion thereof). For lots of ten spaces or less, at least one internal landscape island is required but does not have to be centrally located within a row of parking spaces.	5
End caps with an area of at least 9-feet by 18-feet containing at least one large canopy tree. <a href="#">An additional 3 points may be accrued by providing a minimum of 324 square feet per end cap.</a>	5 <a href="#">3 additional points for providing a minimum of 324 square feet per end cap</a>
<del>A</del> Landscape median(s) of at least 8-feet wide running the length of <a href="#">50% of all-a parking rows spaces</a> and containing at least one large tree per 30 linear feet.	5
Section C. Other Site Landscaping Elements	Points
<del>A minimum 10-foot wide area provided for the length of the building frontage between the front of the building and the parking lot and containing a five-foot wide landscaped area abutting the building wall. This area may be paved as a walkway if pots or planters are provided along at least 75 percent of the building frontage.</del> <a href="#">A minimum 10 feet wide landscaped area running along at least 75% of the front façade of all buildings on site containing a combination of mulched or rock planted beds. Up to 50% of the total square footage of this landscaped area may be occupied by pervious walkways. Turf grass may not be planted in these landscape areas to satisfy this point item. Three additional points (for a total of 8 points) may be earned for continuing this landscaped bed along at least 75% of two additional building sides.</a>	<del>3</del> <a href="#">5 points</a>  <a href="#">3 additional points (for a total of 8 points) for continuing the landscaped bed along 75% of two additional building sides</a>
Each planted tree meets or exceeds four caliper inches at the time of planting. <a href="#">Native species may count toward this point item when measured as 3 inches at the time of planting.</a>	<del>5</del> <a href="#">3</a>
<del>At least 75 percent of plants proposed are drought-tolerant as indicated in the approved landscape plant list or adaptive to Denton's plan hardiness zone as determined by the US Department of Agriculture.</del>	5
Landscape area provided exceeds required minimum by an additional 10 percent or more.	3
No more than <del>30</del> <a href="#">10</a> percent of landscaped areas are covered in turf grass.	3
Tree canopy exceeding minimum requirement by an additional 25 percent or more.	3
<del>A mixture of bioswales, grassed swales, bioretention facilities, and sand filter (low impact design techniques pursuant to Subsection 7.7.5C.3) as described in this section. If designed as part of a parking lot island or median, points may be counted for both elements.</del>  <a href="#">Low Impact Development Design elements, as described above in Subsection 7.7.5.C, shall count for four points per design element. A maximum of two elements may count toward the minimum 30-point landscape table requirement for a total of eight points. If designed as part of a parking lot island or median, points may be counted for both elements.</a>	<del>7</del> <a href="#">4 points</a>  <a href="#">4 additional points may be achieved for a second LID design element</a>

Living walls/vertical gardens provided in a designated pedestrian area or as an architectural feature of a principal building wall. Living walls must account for at least 25 percent of the wall face.	5
Rooftop vegetation provided as part of an engineered green roof accounting for at least 25 percent of the roof area.	5
Butterfly or pollinator gardens that include native milkweed and nectar plants <del>that are provided as part of a designated pedestrian amenity or plaza area</del> and that comprise at least five percent of the required overall landscape area. Butterfly and pollinator gardens are encouraged due to Denton's designation as a Monarch City.	5
<u>All uncovered, on-site pedestrian walkways shall be designed using pervious material. These walkways shall be designed in a manner which is ADA compliant.</u>	<u>5</u>
<u>Where ESAs are located on site or immediately adjacent to the property, designate a native planted buffer running the length of the ESA adjacent to the DIA and a minimum width of 10 feet into the DIA. Signage is required every 40 feet noting the area is not to be mowed or disturbed. Plantings shall be subject to approval by the Director of Environmental Services.</u>	<u>5</u>

**G. Landscape Installation and Maintenance.**

1. Landscaping installed as part of the requirements of the landscape standards shall be free from diseases and insects and maintained in a healthy and growing condition at all times.
2. The property owner is responsible for regular weeding, mowing, irrigation, fertilizing, pruning, litter removal, and other maintenance as needed for all plantings.
3. The property owner shall remove and replace any required landscaping as part of an approved landscape plan that dies with other approved living plants from the approved plant list contained in the ~~Site Design~~ Landscape and Tree Preservation Criteria Manual no later than 30 days after: The landscaping has died, or after the postmarked date of written notification from the city, whichever is sooner. The Director or designee may, in his sole discretion, extend this time period due to weather, appropriate planting season, or other events outside of the reasonable control of the property owner.
4. Two to four inches of mulch shall be added around all plant material and landscape areas that are not turf or hardscape. Mulch around trees and shrubs shall be pulled away 4 inches from the trunk exposing the root flair and bark.
5. A minimum four-foot diameter mulch ring shall be placed around each tree planted within a landscaped area or within a tree opening within the pavement. The mulch ring shall consist of organic materials placed at a depth of not less than three inches. Crusher fines, crushed gravel or granite shall not be used as a mulch in these areas. These areas shall be maintained for a time no less than 3 years.

**H. Irrigation.**

1. To ensure viability, landscape areas shall be irrigated by one or a combination of the following method
  - a. An automated underground system;
  - b. A drip irrigation system; and/or
  - c. The Director or designee may waive the irrigation system requirement if the approved landscape plan includes drought tolerant plants, a xeriscape system, or other approved

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materials. In such cases, a temporary irrigation system shall be installed and maintained until the plants are established.

2. [A preliminary irrigation plan shall be required alongside Civil Engineering Plan submittals for multifamily, non-residential, and common area lots in residential developments.](#)
3. [For irrigation system requirements and regulations, reference Denton Code of Ordinances Subchapter B, Chapter 28, Article XI and Title 30, Texas Administrative Code, Chapter 344 Landscape Irrigation, and as amended.](#)

I. **Permits, Enforcement, and Drought.**

1. No permits will be issued for any nonresidential and multifamily development until a landscape plan is submitted as part of the ~~site-plan~~ [zoning compliance plan](#), specific use permit, [planned development application, civil engineering plan](#), or building permit review process.
2. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the approved landscape plan and applicant shall call for inspection of all landscape installation.
3. An as-built landscape plan shall be provided to the city upon final inspection.
4. Landscaping that dies shall be replaced by the owner with plants of similar variety and size no later than 30 days after the landscaping dies or 30 days after being notified from the Director or designee, whichever occurs first. The Director or designee may in his sole discretion, extend this time period due to weather or other events outside of the reasonable control of the property owner. Replacement trees of similar mature canopy may be replanted with approval from the Director or designee. Replacement trees must be a minimum of ~~three~~ [two](#)-inch caliper, measured six inches above the ground.
5. A planting extension may be granted by the Director or designee, in his sole discretion, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent. Seasons of drought, extreme heat, or heavy rainfall causing construction delays are examples of abnormal circumstances.

- J. **Payment in Lieu of Planting.** In instances where easements, encumbrances, physical constraints, or life safety requirements limit the ability to plant the required trees needed to meet the minimum tree canopy coverage, an applicant may pay into the tree fund as an alternative. The Director may approve a reduction in minimum tree canopy area of up to 10 percent of the required amount. Any reduction in tree canopy area shall be mitigated by payment into the city's tree fund based upon the standard canopy size of a large canopy tree as specified in the ~~Site Design~~ [Landscape and Tree Preservation](#) Criteria Manual, assuming each required tree measures two caliper inches. The payment per inch shall be calculated as provided in the city's payment schedule.

### 7.7.7 Street Tree Requirements.

- A. **Applicability.** Applications for [new or Tier 2](#) development [as defined in DDC Subsection 7.2.2.B](#) shall propose and be required to plant street trees in accordance with the following standards, and in accordance with the spacing requirements identified in the [Landscape and Tree Preservation Criteria Manual](#). The Director may approve alternative plans due to special site conditions, which may, for reasons such as safety or existing trees on the lot, affect the ability to meet these regulations. All replacement trees included as part of an approved tree preservation/replacement plan will be credited against the required street trees.
- B. **Street Tree Plan.** A street tree plan [noting location, number, and species of trees to be used within the development](#) shall be submitted with a ~~site-plan~~ [zoning compliance plan](#) for multifamily or nonresidential

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developments and with ~~a final plat~~ [Civil Engineering Plans](#) for new residential subdivisions. Additionally, street trees should be specifically called out on building permits and landscape plans.

- C. **Street Tree Location.** Street trees shall be located within the street right-of-way or within 10 feet of the street right-of-way. [Alternative placement shall be subject to Director approval as described in Subsection 7.7.7G below.](#)
- D. **Number and Spacing.**
1. At least one street tree is required for every ~~30~~ [40](#) feet of street frontage.
  2. Street trees are not required to be regularly spaced at ~~30~~[40](#)-foot intervals; however, street trees shall not be planted further apart than 50-foot intervals and not closer than 25 feet apart.
  3. Street trees shall be planted in accordance with the spacing requirements from utilities, intersections, and driveways as described in the [Landscape and Tree Preservation](#) Criteria Manual.
  4. To ensure biodiversity and protect against tree disease, if 20 or more street trees are planted, no one species of tree may exceed ~~30~~ [20](#) percent of the total new street trees, [and no more than 30 percent of the same genus may be planted as new trees.](#) Where multiple species are required within a single block, trees of the same species shall be planted non-contiguously to the greatest extent possible.

## 9.2 Definitions

**Xeriscape:** [A landscaping method developed especially for arid and semiarid climates that utilizes water-conserving techniques \(such as the use of drought-tolerant plants, rock-scape, mulch, and efficient irrigation\).](#)

**Pervious Material:** [River rock, non-sealed decomposed granite, gravel, mulch, or other non-living material as approved by the Director that allows for water infiltration.](#)

**Invasive Plant/Plant Material:** [Any tree, shrub, groundcover, turf grass, or live plant that is listed on \[www.texasinvasives.org\]\(http://www.texasinvasives.org\) as an invasive species and as amended.](#)

**Air Operations Area:** [Aircraft movement areas, aircraft parking areas, loading ramps, and safety areas, for use by aircraft regulated under 49 CFR parts 1542, 1544, and 1546, and any adjacent areas \(such as general aviation areas\) that are not separated by adequate security systems, measures, or procedures, as amended by the Code of Federal Regulations.](#)

# DCRC25-035f Landscape Code

Bryce Van Arsdale  
Assistant Planner  
April 13, 2026



# Today's Agenda:

- Review DDC amendment landscape objectives
- Discuss approved DDC amendments
- Overview of community engagement



# Justification for DDC Amendment

- In 2023, Water Utilities staff began work on updating the City's Water Conservation Plan
- Water Conservation Plan update completed in 2024
- Planning staff tasked with identifying areas where tree and landscape requirements may be improved to better incentivize water efficient landscaping



# Areas of Focus

## Water Conservation Plan Goals

- Reduce wasteful uses of water
- Improve efficiency in the use of water
- Extend the life of current water supplies

## Landscape Code Review Objectives

- Encourage water wise landscaping
- Adapt plantings to the native environment
- Ensure City is up to date regarding industry best practices

# 1. Encourage water wise landscaping: Objectives

- Ensure that DDC encourages conservation-minded landscaping
  - Provide landscape points for water wise landscaping
  - Provide avenue for xeriscaping
- Implement turf grass maximums
- Encourage permeable pavement



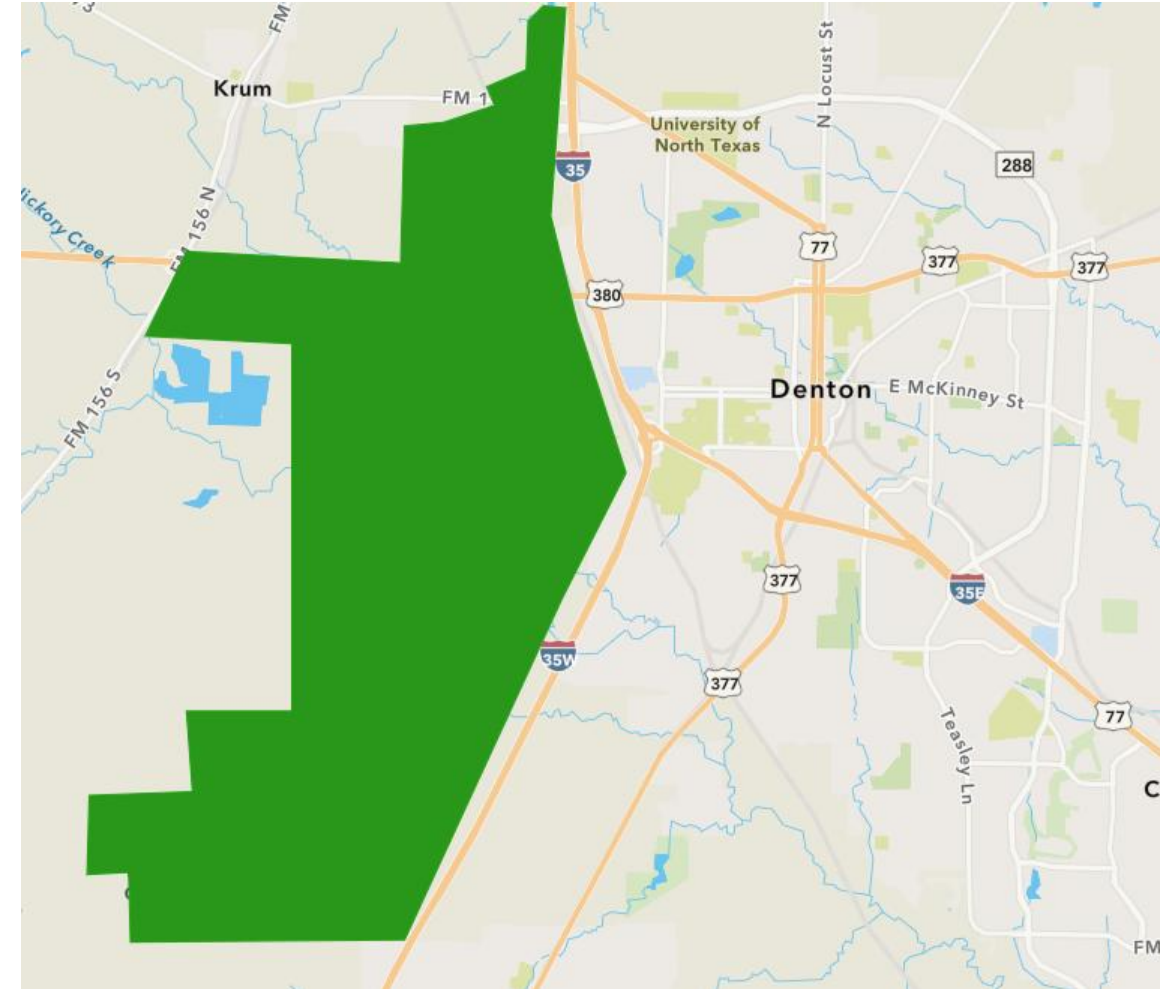
# 1. Encourage water wise landscaping

- Provided a definition of “xeriscape”
- Limited turf grass in non-residential developments to <30%
  - Specify list of approved turf grass
- Revise point table:
  - Encourage LID Design elements
  - Promote native trees
  - Incentivize pervious walkways



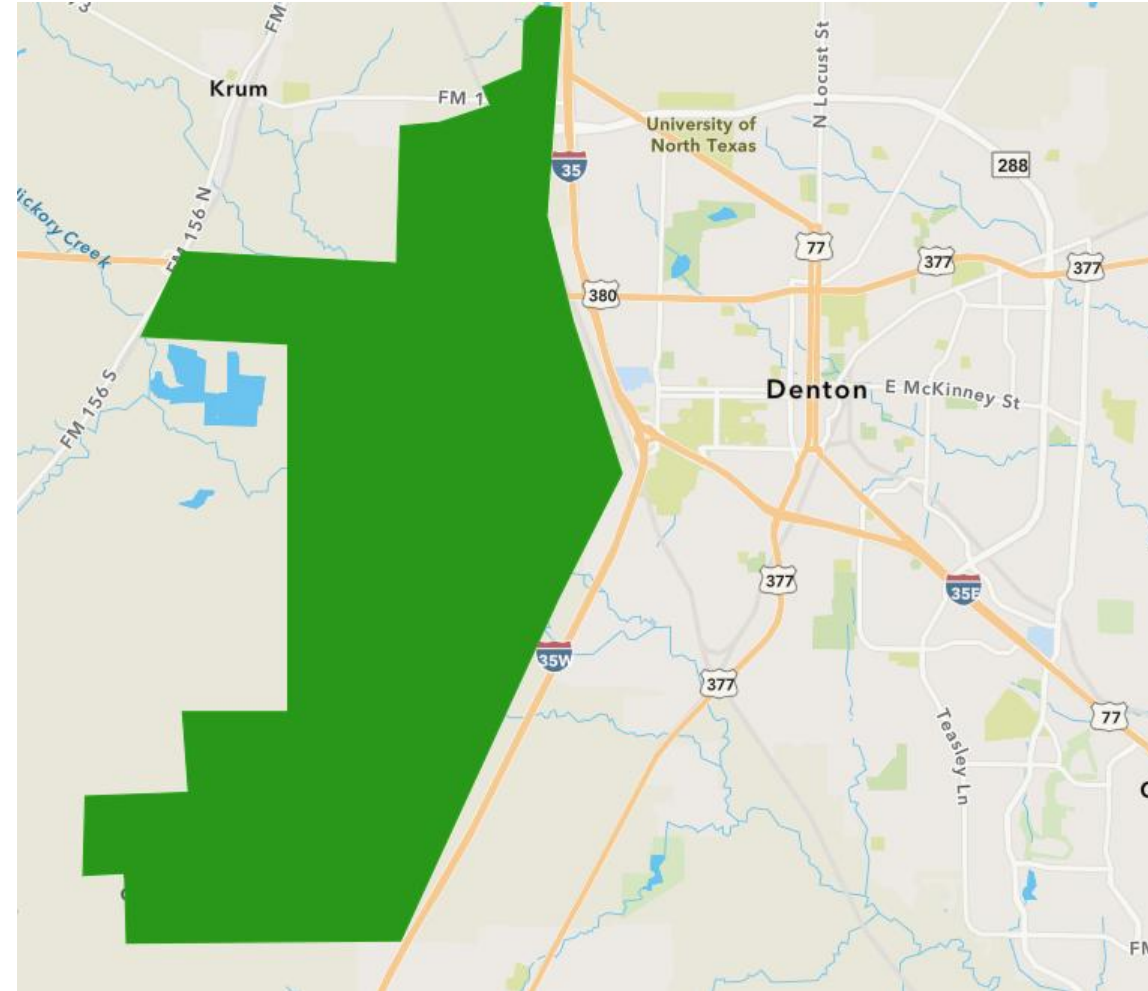
## 2. Adapt plantings to the native environment: Objectives

- Update allowable plantings list
  - Ensure that most trees and shrubs are native, adapted, or drought-tolerant
  - Provide a list of allowable turf grass
  - Update undesirable species list
- Be mindful of the Grand Prairie Ecoregion
  - Alternative landscaping
- Provide landscape points related to ESA buffering



## 2. Adapt plantings to the native environment

- Providing updated planting list with Landscape and Tree Preservation Criteria Manual
  - Native turf grasses
  - Remove invasive species
- Sites west of I35W:
  - Substitution of native ornamental trees in point table
- Updated allowable percentage of species planted (30% genus, 20% species)
- Point table item related to buffering of ESA



# 3. Ensure City is up to date regarding industry best practices: Objectives

- Update irrigation code
  - Tree specific irrigation methods
- Create a Landscape and Tree Preservation Criteria Manual
  - Update installation standards
  - Update maintenance requirements
- Assess DDC for outdated landscape design standards
  - Installation, maintenance, spacing

# 3. Ensure City is up to date regarding industry best practices

- Irrigation to be addressed with Criteria Manual
- Criteria Manual in the works
  - Approved plantings, irrigation standards, additional installation and maintenance standards
- Update installation standards for landscaping:
  - Mulch required in planting areas and around trees
- Approved alternative landscaping for properties within the Denton Municipal Airport

**Questions?**











# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
[www.cityofdenton.com](http://www.cityofdenton.com)

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**ICM:** Cassey Ogden

**DATE:** April 13, 2026

### **SUBJECT**

Receive a report and hold a discussion regarding proposed Code amendments related to Tree Preservation.

### **BACKGROUND**

In late 2024, City Council prioritized a review of the Tree Preservation Code, and on December 9, 2024, the Development Code Review Committee (DCRC) held a discussion regarding prioritizing future potential Denton Development Code (DDC) amendment topics and similarly provided direction to staff regarding the prioritization of amendments to the DDC related to Tree Code. Staff has been tasked with assessing the current DDC Tree Code standards and presenting amendments to the DDC where appropriate.

The proposed amendments Staff has identified relate to industry best practices, improving clarity, and simplification of implementation of regulations for applicable development. Examples of sections that Staff is proposing to amend for clarifications include Tree Protection Requirements During Construction, Minimum Preservation Requirements, and Tree Replacement.

At the May 12, 2025, DCRC meeting, Staff introduced the current Tree Preservation Code regulations in DDC Subsection 7.7.4 and provided an overview of current standards. The discussion included an array of topics including but not limited to tree removal requirements, mitigation and replacement requirements, and City canopy goals.

At the June 23, 2025, DCRC meeting, Staff presented background on the City of Denton's Tree Code ordinance and how it relates to various provisions in the Texas Local Government Code, including discussions on vesting and state law relating to a city's authority to regulate tree preservation. A portion of the discussion regarding state law was held in a Closed Session meeting. The discussion on TLGC 212.905 was continued in closed session along with an overview of takings law at the July 14, 2025 DCRC Meeting.

Also at the July 14, 2025 DCRC meeting, Staff began the discussion of proposed Tree Code amendments; specifically, amendments to Subsection 9.2: Definitions. Following an overview of the proposed amendments, Staff requested consensus and opened the floor for additional feedback from the Committee regarding the proposed edits to the DDC.

At the September 22, 2025 DCRC meeting, Staff continued discussion of proposed amendments to the Tree Code, and revisited Subsection 9.2: Definitions, taking into consideration feedback gathered from the Committee at the July 14, 2025 meeting. Following the presentation of the proposed amendments, Staff

presented proposed amendments to Subsection 7.7.4.A and B: Purpose and Intent and Applicability and Exemptions.

At the October 13, 2025 DCRC meeting, Staff presented proposed amendments to Subsections 7.7.4.C through E. Specifically, these amendments addressed tree removal permits, tree protection during construction, and tree preservation plans.

At the October 27, 2025 DCRC meeting, Staff provided an overview of the Tree Preservation Plan (TPP) review process. This demonstration included a brief overview of a TPP and the associated Tree Inventory Excel file, as well as a brief overview of common issues that are found on TPP's. This presentation demonstrated how a TPP evolves over the course of a project.

At the November 17, 2025 DCRC meeting, staff presented amendments to Subsections 7.7.4.F and 7.7.4.G, Alternative TPP's and Minimum Preservation Requirements. Following this discussion, Staff requested feedback from the Committee regarding proposed replacement rates, reaching a consensus in agreement with Staff's recommendation. In addition, the Committee asked staff to research methods which could be codified to provide flexibility for infill and encumbered sites without requiring Director or City Council approval.

At the December 8, 2025 DCRC meeting, Staff introduced results from testing related to the guidance previously provided by the Committee regarding replacement rates. Following this discussion, Staff requested feedback from the Committee regarding higher mitigation replacement rates and tree preservation credits.

At the February 9, 2026 DCRC meeting, Staff presented Tree Code amendments and incentives related to infill development. Following this discussion, Staff presented results from the testing of higher mitigation rates and replacement rates, receiving confirmation on these items from the Committee.

At the February 23, 2026 DCRC meeting, Staff introduced amendments to DDC 7.7.4.M, Incentives for Tree Preservation. Following this discussion, Staff presented summarized data related to the DCRC recommended replacement rates and preservation credits, as well as the overall impact to tree mitigation. The DCRC provided confirmation of these findings with no further revisions required.

At the March 9, 2026 DCRC meeting, Staff presented proposed amendments to DDC 7.7.4.H, Tree Replacement, DDC 7.7.4.J, Tree Preservation Relief Provisions, and DDC 7.7.4.K, Alternatives to Tree Replacement. The DCRC provided consensus to proceed with proposed amendments to these Subsections with no revisions required.

At the April 13, 2026, DCRC meeting, Staff will present a summary of the amendments related to Tree Code which were approved by the DCRC. The entirety of the proposed amendments is provided as Exhibit 2. Following this discussion, Staff will present a general summarization of the community engagement efforts which are forthcoming.

A draft presentation is provided as Exhibit 3. The presentation is still being refined, and a finalized version will be shared at the meeting.

## **EXHIBITS**

Exhibit 1 – Agenda Information Sheet

Exhibit 2 – Redline Markup (DDC 7.7.4.- Tree Preservation and 9.2.- Definitions)

Exhibit 3 – Draft Presentation

Respectfully submitted:  
Hayley Zagurski, AICP  
Planning Director

Prepared by:  
Bryce Van Arsdale  
Assistant Planner

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#### 7.7.4 Tree Preservation.

- A. **Purpose and Intent.** The Comprehensive Plan identifies the importance of environmental management, while allowing reasonable and responsible development of land within the city. Towards this end, the purpose of these regulations is to promote the preservation and expansion of tree canopy, facilitate site design and construction that contributes to the long term viability of existing trees, and to establish a process to manage the removal of tree canopy. Further, this section is intended to accomplish the following public purposes:
1. Protect trees and promote the ecological, environmental, and aesthetic values of the city;
  2. Maintain and enhance a positive image of the city through the preservation, mitigation, and planting of trees;
  3. Prevent the untimely and indiscriminate removal or destruction of trees and clear-cutting of land;
  4. Provide for a permitting and enforcement procedure;
  5. Preserve the public health, safety, and general welfare of citizens;
  6. Encourage the protection of healthy trees and provide for the replacement and/or replanting of trees that are necessarily removed during construction, development, or redevelopment;
  7. Provide for the preservation and protection of larger native and/or established trees, which provide a valuable amenity to the urban environment and which, once destroyed, can only be replaced after generations, if at all;
  8. Enhance and preserve established tree stands adjacent to Environmentally Sensitive Areas in order to further protect wildlife habitats and reduce impacts from new developments;
  9. Provide for shade, windbreaks, and the cooling of air; thereby, reducing the requirements for air conditioning and heating and the utilization of nonrenewable energy sources; and
  10. Provide for open space and more efficient drainage of land; thereby, reducing the effects of soil erosion and the need for additional drainage facilities.
- B. **Applicability and Exemptions.**
1. Unless exempted in paragraph 2. below, the requirements of this subsection shall apply to:
    - a. Undeveloped land;
    - b. All nonresidential and multifamily property to be redevelop~~ed~~ment including additions or alterations, but not including interior alterations or exterior alterations that do not change the footprint of the building, and that do not require the removal of trees; and
    - c. Existing single-family and duplex dwelling properties applying for a ~~demolition~~ tree removal permit ~~for the principal structure~~, provided that the minimum DBH ~~dbh~~ for protected trees shall be 10 inches or greater.
  2. The following activities shall be exempt from this subsection:
    - a. Agricultural operations under Tex. Agric. Code Sec. 251.002(1);
    - b. Property on which a single-family or duplex dwelling unit(s) exists and is used as a residence, provided that trees designated for preservation on an approved Tree Survey or Preservation Plan and/or an associated Plat shall be preserved unless otherwise exempt under TLGC 212.905 or its successor, and trees proposed for removal are less than 10 inches in DBH;

- c. Any tree determined to be diseased beyond recovery, dying, dead, creating a public nuisance or damaging a foundation by a qualified professional;
- d. Any tree determined to be causing a danger, or to constitute a hazardous condition, as a result of a natural event such as tornado, storm, flood or other act of God, that endangers the public health, welfare or safety and requires immediate removal;
- e. Any tree listed on the [Texas Invasives list found at www.Texasinvasives.org](http://www.Texasinvasives.org), and as amended ~~Texas Department of Agriculture Noxious and Invasive Plant List~~;
- f. Clearing of understory necessary to perform soil borings, boundary surveying of real property, to conduct tree surveys or inventories, [general survey \(e.g., of easement boundary\)](#), or to install tree protection fencing, ~~provided that c~~clearing for surveying, [as defined above](#), shall not exceed a width of four feet. ~~for general survey (e.g., of easement boundary), and eight feet for survey of property boundary lines.~~[A clearing of twelve feet shall be allowed for geotechnical survey. and](#) ~~p~~Provided that any protected tree having a ~~dbh~~ [DBH](#) of ~~10~~ [6](#) inches ~~dbh~~ or greater may not be removed under this exemption. ~~For the installation of tree protection fencing, the clearing shall not exceed a width of four feet, measured radially from the trunk, and must not encroach into the dripline or critical root zone of any tree to be protected.~~ [Greater clearance width may be approved via determination by the Director](#); or

Clearing of understory necessary to perform soil borings, boundary surveying of real property, to conduct tree surveys or inventories, general survey (e.g., of easement boundary), or to install tree protection fencing. Clearing for surveying, as defined above, shall not exceed a width of four feet. A clearing of twelve feet shall be allowed for geotechnical survey. Provided that any protected tree having a DBH of 6 inches or greater may not be removed under this exemption. Greater clearance width may be approved via determination by the Director; or

- g. Site plan, preliminary, or final plat applications, or a building permit application deemed complete as of the effective date of this subchapter.

**C. Tree Removal Permit.**

**1. New Development/Construction.**

- a. In the event it becomes necessary to remove a tree for development or construction, a tree removal permit is required. No protected tree may be removed for development or construction until the final plat has been approved and the Building Official has properly issued a tree removal permit for that purpose. In instances where a final plat is not required, proposed removal of protected trees shall be reviewed with any required site plan for development.
- b. All areas within the public rights-of-way, utility easements or drainage easements, as shown on an approved plat, and areas designated as cut/fill on the related drainage plan approved by the City Engineer, shall be subject to the requirements of this section.
- c. [Dead or diseased trees within 50 feet of proposed improvements shall be noted for removal on the Tree Preservation Plan and removed during the construction phase of development.](#)

**2. Municipal/Public Property.** Property owned by the City of Denton, State of Texas, a political subdivision of the State of Texas, or any public school, public school district, or nonprofit charter school shall be subject to requirements of Subsection 7.4.3.

**3. Tree Removal Permit Required.**

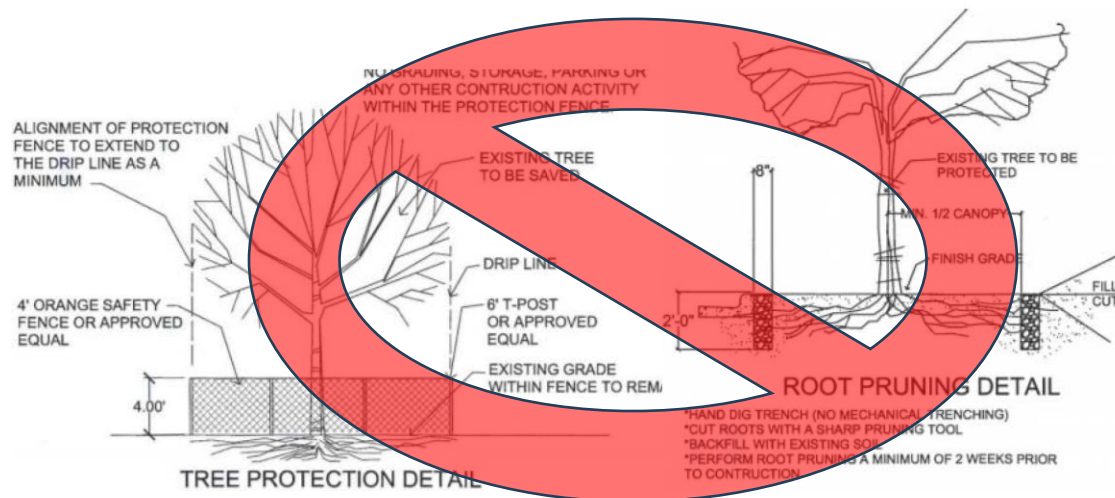
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- a. No protected trees may be removed or transported until authorized by a tree removal permit. It shall be an affirmative defense to prosecution that permitting is exempted by Subsection 7.7.4B.
4. **Tree Removal Permit Review and Approval Process.**
- a. Applicant submits a complete application, along with the applicable fees.
  - b. A tree survey and tree preservation plan is required for all new development, in accordance with Subsection 7.7.4D.
  - c. A tree removal permit is valid for 180 days, or for the duration of a building permit, clearing and grading permit, or clearing and grubbing permit issued in conjunction with the tree removal permit, whichever is longer.
  - d. Protected trees shall not be removed until:
    - i. Proper mitigation or replacement requirements have been determined and approved for the lot or site on an approved tree survey and preservation plan; and
    - ii. A preconstruction meeting has been held with proper city staff authorizing grading and construction activities to begin on the lot or site; and/or
    - iii. A tree removal permit has been issued for the lot or site.
5. **Standards for Relocating Heritage and Quality Trees.** All permitted tree relocations shall be in accordance with the [Landscape and Tree Preservation Criteria Manual](#). ~~applicable American National Standards for Tree Care Operations ANSI A300.~~
6. **Permits Issued for Public Need, Danger, or Calamity.** The Director or designee may issue a permit for the removal of a protected tree provided that it:
- a. Is determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare, or safety;
  - b. Hinders or obstructs the construction, maintenance, repair, or replacement of city streets, water and sewer lines, and drainage and storm sewer;
  - c. Is located in any right-of-way required under the mobility/thoroughfare plan to be dedicated to, and accepted by the city. This does not include trees being removed for proposed driveways, right and left turn lanes, or median openings required or warranted by a development. Trees removed in these instances shall be replaced per paragraph 7.7.7F.5;
  - d. Hinders or obstructs the construction, repair, maintenance, or replacement of public improvement projects including, but not limited to, major collection lines for sanitary sewer, distribution lines for water, collection and management of storm water runoff, and thoroughfares designated for construction in the City's Capital Improvement Project Plan, Water and Sanitary Distribution Line Maps, or Mobility/Thoroughfare Plan;
  - e. Is damaged [beyond repair](#) or killed by a tornado, ice or wind-storms, flooding, or other acts of nature; or
  - f. Is otherwise required by statute.

7. [Trees Removed Without a Permit](#) Trees removed without a permit will be charged fees per the city's adopted fee schedule.

- D. **Tree Protection Requirements During Construction.** Property owners shall adhere to the following tree protection measures on all construction sites, consistent with [details and standards provided for in Landscape and Tree Preservation Criteria Manual](#). ~~Figure 7-7-1: Tree Protection and Root Pruning Details.~~

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1. Prior to grading, brush removal, or construction, the developer shall clearly tag ~~or mark~~ all trees to be preserved with a round metal tag affixed on the south side of the trunk.
  2. **Tree protection fencing:**
    - a. The developer shall erect a ~~an~~ UV resistant, heavy duty, reusable orange plastic mesh fence, or other approved fencing material, a minimum of four feet in height around each quality tree or group of trees to prevent the placement of debris, equipment, or fill within the dripline or critical root zone, as depicted on a plan approved by staff.
    - b. When a heritage tree or group of heritage trees is fenced separately from other trees to be preserved: The developer shall erect a chain link fence around each heritage tree or group of heritage trees to prevent the placement of debris, equipment, or fill within the dripline or critical root zone, as depicted on a plan approved by staff.
    - c. The fencing shall be placed at the Dripline of trees to be preserved.
      - i. Fencing may be located at the edge of the Critical Root Zone if additional protection, as specified in the Landscape and Tree Preservation Criteria Manual, is provided, and in accordance with DDC 7.7.4.D.3.
      - ii. At no time shall the fencing be located within the Critical Root Zone.
    - d. One tree protection zone sign shall be installed for every 20 linear feet of tree protection fencing in accordance with the Landscape and Tree Preservation Criteria Manual.
    - ~~e~~d. The fence shall be installed prior to the release of any permit. If the protection fence is found removed, damaged, or altered at any time during construction prior to final inspection or landscape installation, a stop work order may be issued by the Building Official.
  3. In instances where 20% or more of the area within the Dripline of a preserved tree is proposed to be impacted, a signed and notarized letter from an arborist shall be required. This letter shall include additional protection methods, a maintenance plan, and any root pruning, fungicide, or growth hormone treatments.
  - ~~4~~ 3. During the construction phase of development, the developer shall prohibit cleaning, parking, or storage of equipment or materials under the canopy of any tree or group of trees required to be preserved. The developer shall not allow the disposal of any waste material harmful to tree growth and health, such as, but not limited to, paint, oil, solvents, asphalt, concrete, or mortar in the dripline area.

**Figure 7.7 1: Tree Protection and Root Pruning Details**



- 54. No attachments or wires of any kind, other than those intended to identify or protect a protected tree, shall be attached to any tree.
- 65. No fill or excavation four inches or greater in depth may occur within the ~~4~~Dripline of a tree to be preserved unless there is a specific approved plan for use of tree wells or retaining walls.
  - a. Any change in grade surrounding preserved trees shall maintain positive drainage away from the tree to avoid standing water.
  - b. If positive drainage is not attainable then subsurface drainage shall be installed.
  - c. Trenching, if necessary, within the Dripline of a tree shall be done with the approval of an ISA Certified Arborist.
- 7. Any plan proposing the use of tree wells or retaining walls within the ~~4~~Dripline of a tree to be preserved shall be designed by a licensed landscape architect, and in accordance with the following:
  - a. Major changes of grade (four inches or greater) will require additional measures to maintain proper oxygen and water exchange with the roots in accordance with ANSI A300 as revised. ~~In addition, the developer should adhere to the following guidelines to protect the trees to be preserved:~~
    - ~~b. a. With grade changes, a Any proposed reinforced retaining wall or tree well (including required footings) of a design must be approved by the city should and shall be constructed around the tree outside of the Critical Root Zone. no closer than half the distance between the trunk and the drip line.~~
    - ~~b. At no time should a wall, pavement, or porous pavement be placed closer than five feet or one foot for every two inches in caliper, whichever is greater, to the trunk of the tree.~~
    - c. The retaining wall ~~should~~shall be constructed so as to maintain the existing grades around a tree or group of trees.
    - ~~d. e.~~ In instances where tree wells or retaining walls are approved, root pruning in accordance with ANSI A300 as revised may be necessary when the ~~critical root zone~~Dripline is to be disturbed. ~~See Figure 7.7-1.~~

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e. [Tree wells or retaining walls must be constructed within two weeks of initial site grading. Extensions may be approved subject to Director approval.](#)

~~8.-d.~~ If a patio, sidewalk, drive, parking lot, or other paved surface must be placed within the drip line of an existing tree, material such as a porous pavement or other approved construction methods that will allow the passage of water and oxygen ~~may shall~~ be required. [However, at no time shall said paved surfaces, including porous pavement or other approved construction methods, be placed closer than five feet or one foot for every two inches in caliper, whichever is greater, to the trunk of within the Critical Root Zone of the tree.](#)

**E. Tree Survey and Preservation/Replacement Plan.**

1. A tree survey and preservation/replacement plan is required for the development impact areas and shall accompany the initial application for a site plan, [Civil Engineering Plan](#), ~~preliminary plat, replat,~~ gas well site plan, or a ~~clear and grade~~ permit [where tree preservation is applicable](#), regardless of the number of trees present on a property.
2. A tree survey and preservation/replacement plan ~~may shall~~ be required to accompany a zoning application, specific use permit, or a planned development amendment where tree and landscaping requirements are relevant to the requested zoning or development amendment, as determined by the Director.
3. Each tree survey and preservation/replacement plan shall contain, but not be limited to, the following required elements:
  - a. The locations of all trees to be preserved and removed on the subject site.
    - i. [Trees to be preserved shall be represented by a symbol equivalent to the Dripline.](#)
  - b. A table containing the following information for all trees:
    - i. Tree number;
    - ii. Common name of each tree;
    - iii. [Botanical name of each tree](#) ~~Circumference of each landmark tree;~~
    - iv. Diameter (~~dbh-DBH~~) of each tree;
    - v. General health and condition of each tree;
    - vi. Average canopy spread [\(calculated as  \$R^2 \times 3.14\$ , where R= the DBH value provided in the inventory table\);](#)
    - vii. Classification (quality, heritage, landmark, secondary, or non-protected) and status (preserve or remove) for each tree; and
    - viii. Mitigation worksheet as shown in Table 7.C.
4. The tree survey and preservation/replacement plan shall be prepared by or under the supervision of an ISA certified or ASCA registered arborist, a SAF certified forester, botanist, [registered landscape architect, or a professional land surveyor in coordination with an ISA certified arborist, TFA Accredited Forester, or ASCA registered arborist.](#) ~~professional land surveyor that has documented completion of at least eight hours of training in Texas tree identification, or a registered landscape architect.~~
5. Residential subdivisions that are to be developed in phases must provide a plan that complies with the preservation requirements at full build-out as approved on the preliminary plat, [final plat, zoning](#)

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compliance plan, or approved development plan as part of a planned development. ~~or general development plan.~~

6. Any subsequent redevelopment of property shall preserve the minimum percentage ~~dbh~~ DBH inches as indicated by the initial tree survey and preservation/replacement plan.
7. A notation must be placed on the preliminary plat, and final plat, stating that a tree survey and preservation/replacement plan will be required prior to development and the release of building permits in accordance with the City of Denton Standard Plat Notes. If an approved TPP exists: a notation shall be placed on the site Final Plat, Zoning Compliance plan, Specific-Use Permit Site Plan, Planned Development District Development Plan, and building permit referring to the approved tree survey and preservation/replacement plan. identifying the dbh of trees to be preserved and the location of the lots that contain preserved trees. The notation shall limit any future unauthorized land disturbing activity or construction that would impact and/or damage the tree(s) preserved.
8. A tree survey and preservation/replacement plan shall be approved if the minimum preservation and replacement requirements are met.
9. If there are no protected trees on a property, then a signed and notarized letter indicating such shall be prepared by or under the supervision of an ISA certified or ASCA registered arborist, a SAF certified forester, botanist, registered landscape architect, or a professional land surveyor in coordination with an ISA certified arborist, TFA Accredited Forester, or an ASCA registered arborist ~~professional land surveyor that has documented completion of at least eight hours of training in Texas tree identification, or a registered landscape architect~~ and submitted with the initial development application.

10. Tree Survey Expiration:

- a. Tree surveys must be completed within 6 months of the initial project submittal.
- b. Tree surveys shall expire 24 months after initial submittal if progress toward completion of the project has lapsed for a period greater than 9 months. A 6-month extension may be granted subject to Director approval.
- c. Should a Tree survey expire, a new tree survey and preservation plan shall be conducted and submitted for review.

**F. Alternative Tree Preservation/Replacement Plan.**

1. **Description and Intent.** The alternative tree preservation/replacement plan provides the option to further the purpose and intent of these regulations through a flexible process reviewed and approved by the Director for one of the following purposes:
  - a. To allow trees measuring below the minimum ~~dbh~~ DBH to be counted for Protected Trees when:
    - i. The allowance would result in the preservation of a greater number of ~~post-oak~~ Heritage trees, regardless of ~~dbh~~ DBH; or
    - ii. The preservation of protected tree(s) would cause a substantial burden, but smaller ~~dbh~~ DBH non-secondary trees are located in such a way that the trees can be incorporated into the site design such as the parking lot, buffer, or front yard landscaping.
  - b. To allow secondary trees to count towards the minimum required preservation instead of quality trees.
2. **Criteria for Approval.**
  - a. The proposed alternative tree preservation/replacement plan adequately achieves, or is an improvement on, the intent of the requirements of this subsection; and

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- b. The proposed site design has minimized the loss of protected trees to the greatest extent possible or has maintained existing tree stands.
  - 3. **Replacement Trees.** Required replacement and mitigation contained in paragraphs 7.7.4H and 7.7.4I shall be required for those alternatives in paragraph 7.7.4F.1 above.
- G. **Minimum Preservation Requirements.**
- 1. **Tree Types and Required Preservation.**
    - a. **Landmark Trees.** One hundred percent of all Landmark trees shall be preserved.
    - b. **Heritage and Quality Trees.** A minimum of 30 percent of the total ~~dbh~~ DBH shall be preserved within the development impact area. Removal of trees shall be replaced in accordance with Subsection 7.7.4H or 7.7.4I.
      - i. The 30 percent minimum preservation requirement may be reduced to 20 percent provided:
        - a. The 20 percent preserved ~~dbh~~ DBH is in either a dedicated conservation easement or in a preserved habitat. All protected and non-~~invasive protected~~ trees, unless dead or diseased, that are greater than six inches ~~dbh~~DBH may be counted toward meeting the 20 percent requirement.
        - b. Preserved habitats may be dedicated as a conservation easement, and if not dedicated as a conservation easement must otherwise be restricted on a plat. Preserved habitat shall contain the prescribed minimum preservation amount, contain a stand of trees and understory, and shall be the greater of 10 percent of the property or 5,000 square feet.
        - c. All other trees remaining in the development impact area but removed shall be replaced in accordance with subsection 7.7.4H or 7.7.4I., if applicable.
      - ii. Properties without a preserved habitat or conservation easement may reduce the 30 percent minimum to 20 percent provided:
        - a. ~~The 10 percent reduction~~ Trees proposed for removal shall be mitigated at the following rates: heritage trees at four ~~two and three quarters~~ inches for every inch removed; and quality trees at ~~two and one quarter~~ three inches for every inch removed.
        - b. All other trees remaining in the development impact area but removed shall be replaced in accordance with Subsection 7.7.4H or 7.7.4I., if applicable.
      - iii. Properties without a preserved habitat or conservation easement may reduce the 30 percent minimum to 10 percent provided:
        - a. Removed trees shall be mitigated at the rates prescribed in 7.7.4.G.1.b.ii.a, above;
        - b. Subject lot meets the definition of Infill Development;
        - c. Fewer than 10 protected trees exist on site; and
        - d. Multifamily and non-residential uses outside of the MD zoning district as identified on the Official Zoning Map of City, as amended, shall provide an additional 10 landscape points from Table 7.E: Landscape Area Points System.
    - c. **Secondary Trees.** There is no minimum preservation of secondary trees required when there are quality and heritage trees located on a property. In instances where there are no quality or

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heritage trees located on a property, then a minimum of 20 percent of the total ~~dbh~~DBH for secondary trees on the property must be preserved within the development impact area.

- d. **Preservation Relief.** ~~City Council~~ [The Zoning Board of Adjustment](#) may approve relief of the Preservation Requirements in accordance with Tree Preservation Relief Provisions in Subsection 7.7.4J, and where required by State law.

**H. Tree Replacement.**

1. In the event that it is necessary to remove a protected tree(s) as allowed in this section, the applicant shall be required to replace the tree(s) being removed with healthy trees or pay a mitigation fee as explained hereafter.
  - a. If it is determined that tree replacement is required, the tree preservation/replacement plan must be approved prior to approval of a final plat or replat and a note shall be placed on that plat referencing the approved tree replacement plan.
  - b. If platting is not required, the tree replacement plan shall be included as part of a site plan approval or tree removal permit.
2. In accordance with TLGC, § 212.905, as amended, replacement trees must:
  - a. Be planted on property in which they were removed; or
  - b. Be planted at a location mutually agreed upon by the city and the property owner; and
  - c. Measure at least two inches ~~dbh~~ DBH when planted.
3. In order to ensure biodiversity and protect against tree diseases, if 20 or more replacement trees are planted, no one species of tree may exceed ~~30~~ 20 percent of the total new trees on the site, and no more than 30 percent of the same genus may be planted on-site.
4. To determine the replacement inches required by this section, the applicant shall inventory and combine the total inches of ~~dbh~~ DBH of all protected trees that are to be removed and that are located within the development impact area.
5. This inventory shall be separated into inches of ~~dbh~~ DBH removed per protected tree classification as calculated using the following replacement rates:
  - a. Healthy
    - i. Heritage Trees:
      - a. Between 6 and 12 inches: Two inches for every inch removed
      - b. Between 12 and 24 inches: Two and one-half inches for every inch removed
      - c. Greater than 24 inches: Three inches for every inch removed
    - ii. Quality Trees
      - a. Between 6 and 12 inches: One and one-half inches for every inch removed
      - b. Between 12 and 24 inches: One and three-quarters inches for every inch removed
      - c. Greater than 24 inches: Two inches for every inch removed
    - iii. Secondary Tree - Four inches for every tree removed.
  - b. Fair
    - i. May only be used when:

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a. This classification may only be utilized if surveyed by or under the supervision of an ISA certified or ASCA registered arborist, a SAF certified forester, Landscape Architect, or botanist.

b. 30% preservation is achieved

ii. Heritage Replacement Rate:

a. One and one-half inches for every inch removed

iii. Quality Replacement Rate:

a. One inch for every inch removed

- c. Secondary Tree - Four inches for every tree removed.
6. The total of the required inventories represents the replacement inches that shall be replaced through new tree plantings or preservation of existing trees. New trees required to satisfy the landscaping provisions of this section shall be counted towards satisfying this requirement.
7. Once each tree on the site is inventoried, tree mitigation shall be calculated as follows and as shown in Table 7.C: Sample Tree Mitigation Worksheet. The calculated ~~dbh~~ DBH of each tree shall be the ~~dbh~~ DBH of the tree multiplied by the appropriate classification ratio as described in paragraph 4 above. The total calculated ~~dbh~~ DBH shall be the sum of all these trees.
8. ~~In accordance with TLGC, § 212.905, as amended, a credit of 50 percent shall automatically be given to the total calculated dbh DBH for all residential development, and 40 percent for nonresidential development. The preliminary mitigation dbh DBH is 50 percent of the total calculated dbh DBH for all residential, or 40 percent for nonresidential. Mixed-use developments shall be credited at the residential rate of 50 percent.~~

Trees proposed to be credited against the required mitigation total shall be:

- a. Of a native species and categorized as a large or medium canopy tree.
- b. Planted in an area with a minimum soil surface area of 450 square feet

9. After calculating the preliminary mitigation ~~dbh~~ DBH and subtracting the preserved credits, any remaining ~~dbh~~ DBH is defined as the mitigation ~~dbh~~ DBH. The mitigation ~~dbh~~ DBH is required to be satisfied either by the planting of new trees on-site ~~with an equivalent total dbh~~ or by using one of the alternative methods described in Subsection 7.7.4J.
10. If any preserved and/or replacement tree(s) dies or shows signs of decline within ~~three~~ five years of initial planting or issuance of certificate of occupancy, the current property owner shall be subject to the same replacement requirements per these requirements, unless otherwise exempt or deemed a non-protected tree.
- I. **Tree Preservation Credit.** Additional credit shall be given for all protected trees that are preserved. Preserved credits shall be the sum of:
1. A ~~four~~ five-inch credit against mitigation for each one-inch of preliminary mitigation ~~dbh~~ DBH shall be applied to the preservation of any landmark tree, or any trees preserved within a conservation easement or preserved habitat;
2. A three and one-half -inch credit against mitigation for each one-inch preliminary mitigation ~~dbh~~ DBH shall be applied to the preservation of any other heritage tree; and

3. A two-inch credit against mitigation for each one-inch of Preliminary Mitigation ~~dbh~~ DBH shall be applied to the preservation of any other quality tree.
4. Trees categorized as “Fair” shall be credited against the Preliminary Mitigation at the following rates:
  - a. A two-inch credit against mitigation for each one inch of Preliminary Mitigation shall be applied to the preservation of any “Fair” Heritage Tree
  - b. A one-inch credit against mitigation for each one inch of Preliminary Mitigation shall be applied to the preservation of any “Fair” Quality tree
5. An additional preserved credit may be credited against preliminary mitigation ~~dbh~~ DBH for preserved secondary trees, provided:
  - a. The minimum preservation of 30 percent is achieved for heritage and quality trees;
  - b. A one-half inch credit against mitigation for each one-inch preliminary mitigation ~~dbh~~ DBH shall be applied to the preservation of secondary trees; and
  - c. Credit for preserved secondary trees may not exceed 50 percent of the preserved ~~dbh~~ DBH of quality trees.

Table 7.C: Sample Tree Mitigation Worksheet			
<del>dbh</del> DBH (Diameter at Breast Height)			
	Diameter at Breast Height (inches)		
Total <del>dbh</del> DBH	120		
Non-protected <del>dbh</del> DBH	20		
Total Protected <del>dbh</del> DBH	100		
Required Preservation (30 percent)	30		
Dead Tree <del>dbh</del> DBH	0		
<b>Protected Trees Removed</b>			
<b>TYPE</b>	<b><del>dbh</del> DBH Removed (inches)</b>	<b>Replacement Ratio</b>	<b>Calculated <del>dbh</del> DBH (inches)</b>
Heritage	40	2.5:1	100
Quality	30	2:1	60
Subtotal	70		160
	<b>Trees Removed</b>	<b>Replacement Ratio</b>	<b>Calculated <del>dbh</del> DBH</b>
Secondary	4	4": 1 tree	16
<b>TOTAL</b>			176
<b>Preliminary Mitigation <del>dbh</del> DBH</b>		50 percent reduction	88
<b>Trees Preserved</b>			
<b>TYPE</b>	<b><del>dbh</del> DBH Preserved (inches)</b>	<b>Credit Ratio</b>	<b>Preserved Credit (inches)</b>
Heritage	20	3:1	60
Quality	10	2:1	20
Secondary	5	0.5:1	2.5
<b>TOTAL</b>	<b>30</b>		<b>82.5</b>

MITIGATION <del>dbh</del> DBH			5.5
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J. **Tree Preservation Relief Provisions.**

1. **Purpose.** The purpose of this provision allows a determination of whether the application of this DDC, as applied to a tree removal application and related development applications, would if not modified or other relief granted, may unreasonably burden the development of the property.
2. **Review Procedure.**
  - a. A property owner or his authorized agent may file an application for relief to the Board of Adjustment, in accordance with Subsection 2.8.1: Variance and the criteria below, to remove up to 100% of trees on-site in exchange for paying the assessed mitigation fee as noted in 7.7.4.G.1.b.ii.a. Trees to be preserved shall be credited against the mitigation total in accordance with 7.7.4.I. ~~under this subsection following a final decision to deny or conditionally grant an application for a tree removal permit.~~
  - b. ~~The Director has the authority to establish requirements for applications for tree preservation relief in the Application Criteria Manual.~~ No application shall be accepted for filing until the following have been completed:
    - i. Payment of the fee established by the City Council ~~has been paid;~~
    - ii. Submittal of a tree survey, prepared in accordance with 7.7.4.E of the subject property prepared by or under the supervision of an ISA certified or ASCA registered arborist, a SAF certified forester, botanist, registered landscape architect, or a professional land surveyor in coordination with an ISA certified arborist, TFA Accredited Forester, or an ASCA registered arborist; and
    - ii. Submittal of a written narrative describing how the criteria for approval are met.
  - c. ~~Upon approval of an application for relief in whole or in part by the City Council, the Director shall process the tree removal permit and related development applications pursuant to the relief granted on the application for relief approved by the City Council.~~ Staff shall review the application and recommend approval or denial of the relief request to the Board of Adjustment.
  - d. ~~A denial of an application for relief by the City Council is a final determination.~~ A denial of an application for relief by the Board of Adjustment may be appealed to a district court or county court of law within 10 days after the date the decision is filed in accordance with TLGC, Chapter 211, pursuant to Subsection 2.8.1.
3. **Criteria for Approval.** The Board of Adjustment shall consider the criteria in Subsection 2.8.1D: Variance Approval Criteria. ~~In addition to deciding whether to grant relief to the applicant, the City Council shall consider whether there is any evidence from which it can reasonably conclude that the application of all or a part of the provisions of this DDC that apply to tree preservation may deprive the applicant of all economically viable use of the property, based on the following factors:~~
  - a. ~~Whether there is a unique physical circumstance on the property.~~
  - b. ~~Whether the proposed design has minimized the loss of trees to the extent possible.~~
  - c. ~~Whether preservation and/or mitigation unduly burdens the development of the property.~~

- K. **Alternatives to Tree Replacement Requirements.** In order to satisfy the mitigation ~~dbh~~ DBH, the property owner may use any combination of alternative methods of compliance listed below. These alternative methods may also be used in combination with or in lieu of tree replacement, so long as the total replacement ~~dbh~~ DBH is satisfied by one or all methods.

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1. **Payment in Lieu of Replacement.**

- a. Payment in lieu may be made in the amount prescribed separately and periodically by ordinance, and, if made, such a payment shall be deposited into the tree fund for the purposes described in this subsection. This amount is calculated by the average cost incurred by the city for the purchase, planting, and irrigation of a two-inch tree for three years.
- b. The applicant must pay the fees contributed to the tree fund prior to the issuance of a gas well site plan, or the filing of a final plat in the Denton County Clerk's Office. If platting is not required, payment shall be prior to issuance of a tree removal permit.
- c. Notwithstanding any other provision in this subsection, no tree mitigation fee may be collected or enforced in contravention of state law.

2. **Tree Donation.** The developer may donate, [plant, irrigate, and warranty at the property owner's expense](#), the replacement tree(s) to the City's Parks Department for planting within the city, with the approval of the Parks Director.

3. **Conservation Easement.** The property owner may request to grant a conservation easement by plat to the city that includes protected trees and non-protected trees beyond the minimum preservation amount, and with a combined ~~dbh~~ [DBH](#) equal to or exceeding the ~~dbh~~ [DBH](#) for which mitigation is being requested.

- a. In addition to the tree survey and preservation/replacement plan, a detailed baseline document describing the property's physical and biological condition, the general age of any tree stands, locations of easements and construction, [conservation easement maintenance plan](#), and the conservation values protected by the easement, shall be required.
- b. The city may decline the request for a conservation easement for any reason; however a request so declined will not satisfy the mitigation requirement and mitigation must be achieved in a different manner as described above.

L. **Tree Fund.**

1. The city shall administer and use the tree fund to:
  - a. Purchase, plant, and maintain trees;
  - b. Conduct maintenance on conservation easements dedicated in accordance with this subsection;
  - c. Preserve wooded property remaining in a naturalistic state in perpetuity;
  - d. Perform and maintain a city-wide tree inventory;
  - e. Educate citizens and developers on the preservation, care, maintenance, benefits and value of trees within the City of Denton; and
  - f. Support programs for the public purpose of increasing the tree canopy within the City of Denton as approved by City Council.
2. Proceeds from the tree fund shall not be used to meet any requirements for preservation, mitigation, landscaping, buffering, streetscaping, or similar requirements in this DDC or the Municipal Code of Ordinances.
3. Voluntary contributions for tree planting shall be placed in the tree fund.

M. **Incentives.**

1. **Energy Conservation Credit.** Mitigated or preserved large canopy shade trees located on the western or southern exposures of a habitable building may receive additional tree replacement credit. The trees

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- must be located a minimum of ~~10~~ 15 feet but a maximum of 30 feet in distance from the building. Required tree replacement may be credited at 1.5 times the existing or newly planted trees.;
2. **Heritage Tree Credit.** A replacement credit of 4.0 times the ~~dbh~~ DBH of a heritage tree preserved beyond the minimum preservation requirements may be counted toward meeting the required replacement.;
  3. **Conservation Easement Credit.** Required replacement trees may be credited 2.0 times if planted within the dedicated Conservation Easement.;
  4. **Tree Cluster(s).** In order to emphasize the importance of preserving trees in a cluster during development, additional mitigation credit will be given for a cluster(s) of three or more trees that are to be preserved, whose bases are located less than 10 feet apart and whose drip lines overlap. The trunks of each tree to be counted toward this credit must be located no more than 10 feet away from the central tree trunk of the cluster. Credit shall be calculated at 1.15 times the ~~dbh~~ DBH of each tree within the cluster.;
  5. **Parking Space Reduction.** Upon application and verification by the Director, an individual shall be entitled to a reduction in the minimum parking to help meet the minimum tree preservation requirements. ~~For the purpose of providing an incentive, t~~The minimum parking requirements in Subsection 7.9.4, may be reduced by one parking space for every 12 inches ~~dbh~~ DBH of trees that have been protected ~~or mitigated~~ on a site. Up to 15 percent of the required spaces may be reduced in addition to the total reduction allowed in Section 7.9.5: Parking Alternatives.;
  6. ~~Certification in Lieu of Mitigation. The Director shall assist those who wish to have a site certified under the Denton Wildscape Program in lieu of meeting replacement requirements as long as 20 percent of existing trees on site are preserved.~~ **Upland Habitat ESA Preservation.** When Upland Habitat ESA exists within 100 feet of the DIA, or is proposed to be impacted by development: the owner may elect to preserve an additional 25% of the ESA, above the requirement set forth in DDC 7.4.8.a, in exchange for 15% reduction in required mitigation.
  7. ~~The enforcement and penalty provisions of Section 1.6 shall apply to this subsection.~~ **Height Increase.** An additional 10 feet of maximum building height allowed in the applicable zoning district in Section 3.2– 3.5 may be granted to accommodate for the preservation of one or more protected trees located on the subject property or an adjacent developed property with Driplines within 30 feet but no closer than 10 feet of a proposed building.
    - a. Generally
      - i. The amount of floor area on the additional story is limited to:
        - i. 25% of the first floor gross floor area for the preservation of each Quality Tree; and
        - ii. 35% of the first floor gross floor area for the preservation of each Heritage Tree.
      - ii. In no instance shall the total gross floor area added on an additional story exceed 10,000 square feet or 100% of the first floor gross floor area unless otherwise permitted elsewhere in this DDC.
      - iii. If this incentive is taken in combination with Section 2.12: Affordability Incentives Procedures, the additional building height granted herein shall be counted towards any height increase permitted as an Affordability Incentive.
      - iv. Height increases must comply with Section 7.10.6: Building Height in Transition Areas.
    - b. In Mixed-Use zoning districts:

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- i. In lieu of the additional 10 feet in height granted above: Multi-family developments may request an exemption to DDC 5.3.3.D.1 and Subsection 7.10.4.E.2.b, which require a first floor minimum height of 12 feet.
  - c. Sites not classified as Infill development:
    - i. Must provide a minimum of 25% tree preservation in order to qualify for this incentive
    - ii. When adjacent to Single-Family Residence:
      - i. An additional buffer 5 points shall be required between the developing use and the adjacent Single-Family Residence
      - ii. Buffer elements must include the preservation of protected trees, if applicable, and/or the planting of large canopy trees.
8. **Reduced Setbacks.** Where the Dripline of a protected tree whose trunk lies within a required side yard setback, front yard setback, or an adjacent developed property encroaches into the buildable area, the opposite side yard setback may be reduced by the amount that the Dripline of the protected tree encroaches into the buildable area, provided the setback is reduced no more than 10 feet and that a required setback is no less than 5 feet.
9. **Privet/Invasive Species Removal.** Submittal, approval, and execution of a privet/invasive species removal plan may reduce mitigation by 1% for every 200 sq ft of privet/invasive species removal area. Credited areas shall be located on the subject site and otherwise undisturbed. Mitigation shall not be reduced by more than 30%. Privet/invasive species removal that occurs as part of an Alternative ESA shall not be considered under this incentive. The following shall be provided with the Tree Preservation Plan:
- a. Areas for privet/invasive species removal shall be clearly marked on the plan;
  - b. Photos of existing conditions shall be provided for verification; and
  - c. A written removal plan shall include the process of removal, timeline of work to be performed, five-year management plan preventing the return of invasive species, and name/contact information of the professional who will perform the work.
10. **Understory Preservation.** In order to protect non-invasive understory habitat, preserved trees within an undisturbed area greater than or equal to the tree's Dripline may receive 1.15 times the amount of preservation credit prescribed in Subsection 7.7.4I.
11. **Off-Site Trees.** Where a canopy of a protected tree on an adjacent developed lot or parcel overlaps with the subject property and no development is proposed under within the Dripline, the adjacent tree may receive 0.5 times the amount of the preservation credit prescribed in Subsection 7.7.4I. The off-site tree must be included on the Tree Survey and Tree Preservation Plan and protected in accordance with Subsection 7.7.4D in order to receive credit. Off-site trees shall not account towards the minimum preservation required in Subsection 7.7.4G.
12. **Adjacent Residential Property.** Where protected trees lie within 10 feet of an adjacent property with an occupied residential use, preservation of said trees may receive 1.15 times the amount of preservation credit prescribed in Subsection 7.7.4I so long as no development activity occurs within the Dripline of said trees or 1.25 times the amount of preservation credit prescribed in Subsection 7.7.4I if a common area lot or conservation easement are designated on the plat encompassing the entire Dripline of the trees and providing for permanent preservation.

## **9.2 Definitions**

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### Critical Root Zone (CRZ)

The area of soil extending from the tree trunk where roots required for future tree health and survival are located. This area can also be defined as a circle with a minimum ~~radius~~ diameter of one-foot for every one-inch in ~~trunk diameter~~ DBH at 4.5 ~~inches~~ feet above ground. The Critical Root Zone of Post Oak (*Quercus stellata*) and Blackjack Oaks (*Quercus marilandica*) shall be calculated as 1.25 feet for every one inch in trunk diameter 4.5 feet above ground.

### Diameter at Breast Height (~~dbh~~DBH)

The tree trunk diameter measured in inches at a height of 4.5 feet above ground level. A tree shall be considered a multi-trunk tree where the stems meet at or below 4.5 feet above grade. For multi-trunk trees, combine the diameter of the largest stem or trunk with one-half of the diameter of each additional stem or trunk, all measured at four and one-half 4.5 feet above ground level.

### Dripline

The area of soil extending from the tree trunk to the edge of the canopy. This area can be defined as a circle with a minimum diameter of two-feet for every one-inch in DBH.

### Tree, Heritage-Tree

All Quality trees with a ~~dbh~~ DBH greater than or equal to 18 inches; and all Post Oaks (*Quercus stellata*) or Blackjack Oaks (*Quercus marilandica*) with a ~~dbh~~ DBH of six inches or greater.

### Tree, Non-protected-Tree

The following are considered Non-Protected Trees:

1. Dead or Unhealthy Trees;
2. Trees that pose an imminent or immediate threat to persons or property;
3. Crepe Myrtles and ornamental pears;
4. Honey Mesquite (*Neltuma glandulosa*) unless part of a Preserved Habitat or Conservation Easement;
5. Common Honey Locust (*Gleditsia triacanthos*), unless part of a Preserved Habitat or Conservation Easement;
6. Black Locust (*Robinia pseudoacacia*), unless part of a Preserved Habitat or Conservation Easement;
7. Hercules Club (*Zanthoxylum clava-hercules*), unless part of a Preserved Habitat or Conservation Easement;  
or
8. Any tree listed on www.TexasInvasives.org, and as amended ~~the Texas Department of Agriculture Noxious and Invasive Plant List.~~

### Tree, Quality-Tree

All healthy non-secondary trees, except Post Oaks (*Quercus Stellata*) and Blackjack Oaks (*Quercus marilandica*), that measure greater than or equal to ~~between~~ six inches and less than 18 inches ~~dbh~~ DBH

### Tree, Secondary-Tree

A healthy Ash, Bois D' Arc (*Maclura pomifera*), Hackberry (*Celtis laevigata* or *Celtis occidentalis*), or Cottonwood tree (*Populus deltoides*), with a ~~dbh~~ DBH greater than six inches.

### Tree, Healthy

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A tree exhibiting a combination of the following: free of significant structural defects, no disease concerns, no evidence of fungal decay or fruiting bodies, minor pest issues, no significant root issues, good structure/form with uniform crown or canopy, foliage of normal color and density, average or normal vigor, will be wind firm if isolated or left as part of a grouping or grove of trees, suitable for its location

**Tree, Fair**

A tree exhibiting a combination of the following: minor to moderate structural defects not anticipated to result in failure, no disease concerns, minor evidence of fungal decay or fruiting bodies, moderate pest issues, no significant root issues, asymmetric or unbalanced crown or canopy, average or normal vigor, foliage of normal color, moderate foliage density, will be wind firm if left as part of a grouping or grove of trees, cannot be isolated, suitable for its location

**Tree, Dead/Diseased**

A tree exhibiting the following: major structural defects anticipated to result in failure, disease or significant pest concerns, significant evidence of fungal decay or fruiting bodies, decline due to old age, significant root issues, asymmetric or unbalanced crown or canopy, sparse or abnormally small foliage, poor vigor, not suitable for its location



## DDC 7.7.4: Tree Preservation

# Tree Code Review

## Why are we here

- Late 2024: City Council prioritized a review of the Tree Code.
- December 9, 2024: DCRC held a discussion prioritizing future topics. Staff directed to review Tree Code.

## Areas of focus

- Emphasis on Heritage trees
- Protection during construction
- Industry best standards
- Revise available incentives
- Updates to definitions

# Focus areas

## Emphasis on Heritage Trees

- Improved minimum tree protection fencing area for Heritage Trees
- Required chain link fencing for Heritage Trees
- Increased replacement rate and preservation credit for Heritage Trees

## Protection during construction

- Specification regarding location of tree protection fencing
- Requirement of arborist plan for trees to be impacted by more than 20% of the area within the dripline
- Revised existing language for clarity

# Focus areas

## Industry best standards

- Approved Tree Preservation Plan expiration time period
- Revised “certified professional” list
- Improved construction protections
- Provided minimum soil volume for mitigation trees

## Updates to definitions

- Revised Heritage Tree definition to prioritize keystone species
- Included “Fair” tree health category
- Updated invasive species list

# Incentives

- Upland habitat ESA preservation incentive
- Incentivized understory preservation
- Invasive species removal incentive
- Height increase allowed where additional height allows for the preservation of trees
- Off-site trees: may be granted slight preservation credit if protected
- Trees adjacent to a residential property may be given additional preservation credit

# Miscellaneous

- TLGC 40-50% reduction removed
- Size categories within Heritage and Quality definitions
  - 6"-12"
  - 12"-24"
  - 24"+
- Sites applying for reduced preservation will pay higher mitigation rates for all trees, rather than the 10% delta
- Tree Preservation Relief approved to be processed through the Zoning Board of Adjustment, rather than City Council

# Community Engagement

- Discuss Denton page
- Reconvene landscaper luncheon
- Present at Developer Townhall
- Staff is pursuing public engagement options:
  - Pop-ups at Libraries
  - Rotary events
  - Presence at community events
  - Presence at neighborhood meetings
  - Resident Newsletter

# Questions



**DCRC Matrix**

*\*The below is an estimated timeline to discuss the DCRC's top priorities. Dates subject to change based upon the amount of time it takes to discuss each topic.*

<b>Meeting Date</b>	<b>Topic</b>
13-Apr-26	Tree and Landscape Code - Recap and Public Engagement Plan
27-Apr-26	Definitions/Table of Allowed Uses: Drones Event Venues

## Running Topic List

*\*The following includes a list of running topics the DCRC has identified as items for discussion as well as a list of topics staff is monitoring and may require DCRC review.*

Running DCRC Priorities	Topics Being Monitored
Access and Circulation	Food Trucks
Affordable and Missing Middle Housing	
Definitions	
Detention Basins	
Land Disturbance and ESAs	
Land-use and Land-preservation	
Low-intensity Neighborhood Commercial (ACUs)	
Site and Building Design	
Subdivision Design Improvements	
Table of Allowed Uses and Use-Specific Standards	