
7.7.4 Tree Preservation.

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 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:
 - a) 25% of the first floor gross floor area for the preservation of each Quality Tree; and
 - b) 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.

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- 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 the Mixed-Use zoning district:
 - i. In lieu of the additional 10 feet in height granted above: Multi-family developments may request an exemption to DDC 7.10.4.E.2.b, which requires that the first floor minimum height is 12 feet.
 - a) The reduction in first floor height shall be limited by the percent additional floor height granted in 7.7.4.M.7.a
 - c. Sites not classified as Infill development
 - i. Must provide a minimum of 25% tree preservation
 - d. Adjacent to Single-Family Residence
 - i. An additional buffer element shall be required between the developing use and the adjacent Single-Family Residence
 - ii. This element must include the planting or preservation 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.](#)