
7.7.4 Tree Preservation.

G. Minimum Preservation Requirements.

1. Tree Types and Required Preservation.

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.

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 following rates: [INSERT];
- 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

M. Incentives.

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. ~~or~~

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. 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.

b. In no instance shall the total gross floor area added on an additional story exceed 10,000 square feet unless otherwise permitted elsewhere in this DDC.

c. 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.

d. Height increases must comply with Section 7.10.6: Building Height in Transition Areas.

8. **Reduced Setbacks.** Where the critical root zone of a protected tree whose trunk lies within a required side or rear 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 critical root zone 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.

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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.