
7.7.4 Tree Preservation.

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 ~~P~~ost ~~O~~ak (*Quercus stellata*) and Blackjack Oak (*Quercus marilandica*) 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
 - 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.

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- 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 three two and three quarters inches for every inch removed; and quality trees at two and one quarter half 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. Trees proposed for removal shall be mitigated in accordance with 7.7.4.G.1.b.ii, 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 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 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.