
7.7.4 Tree Preservation.

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.

- 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;

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- 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.

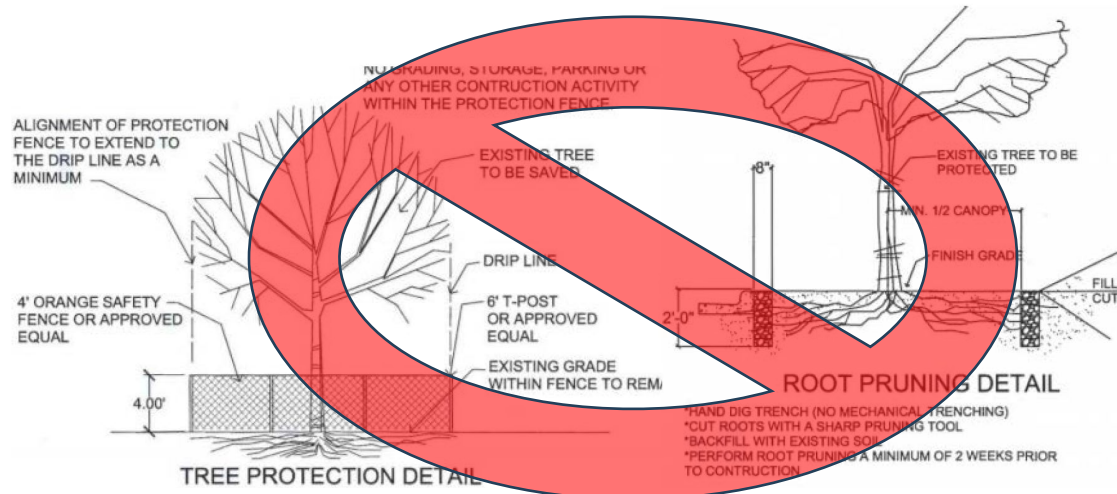
7. Trees Removed Without a Permit Trees removed without a permit will be charged fees per the city's adopted fee schedule.

- 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.~~
- 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 ~~a~~ 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.
 - ~~ed.~~ 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. 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



4. No attachments or wires of any kind, other than those intended to identify or protect a protected tree, shall be attached to any tree.
5. No fill or excavation [four inches or greater in depth](#) may occur within the ~~d~~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.](#)
6. Any plan proposing the use of tree wells or retaining walls within the ~~d~~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.~~

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- 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.~~
 - e. Tree wells or retaining walls must be constructed within two weeks of initial site grading. Extensions may be approved subject to Director approval.
7. ~~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.

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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 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.