

Summary of Proposed Revisions to Section 35.13.7

Code Component	Current Development Code	Staff Proposed Development Code	P&Z Recommendations	DCDA Recommendations	Native Plant Society Recommendations	UNT / TWU
Procedures						
Conflicting Provisions	Varies	Defers to the more stringent requirement that preserves the largest quantity of tree canopy.				
Exemptions	See Exemptions Table.	See Exemptions Table.	1. Would like to add a maximum acre size for the single-family exemption (Taylor); 2. Would like to include a rollback feature or fee structure to address potential misuse of the agricultural exemption (Taylor).	1. Recommends exemption for all public right-of-way. Public easements and building pads similar to many benchmark cities.	1. Non-annexation of clear-cut ETJ Land 2. How to preserve in the ETJ 3. Exemption of non-natives 4 include some of the larger exempt trees for preservation	
Variances	Require City Council approval	Allows administrative approvals by the Director with appeals to ZBA.				
Enforcement Standards	Varies	Imposes stricter penalties for deliberate violations and ensures consistency in application.				
Definitions	Varies	Aligns city definitions with adopted industry standard definitions.			1. Remove definitions that are not in the code. 2. Define Ecologist and Botanist.	
Established Tree Designations	Seven (7) established tree designations	Two (2) established tree designations: Heritage and Protected.		Only list tree designations in Definitions section.		
Tree Protection During Construction	None identified	Must be in accordance with ANSI for Tree Care Operations.			1. How to protect large natives/cross timbers trees. 2. Exclude non-natives from preservation.	Keep Male Bois D' Arc.
Tree Surveys and Tree Preservation Plans Requirements	Varies	May only be conducted by qualified professionals as defined in Subchapter 35.13.7.		Also allow those with Landscape Architecture degrees to conduct tree surveys.		
Tree Removal Permits	Applies to all nonresidential sites	Applies to all sites; single-family and two-family residential will need a permit to remove any trees over 5 inches.				
Minimum Tree Preservation Requirements	39 scenarios for preservation (varying by lot size, type of development, and tree designation)	A minimum of 30 percent of the existing tree canopy must be preserved per project on all property located within the zoning jurisdiction of the City of Denton.		Increasing city wide tree canopy can be better obtained through the landscaping regulations, not preservation requirements.	1. Min total Tree Canopy (preserved and new trees).	
Mitigation Ratios for Tree Removal	Range from 0 to 1:2	Based on existing tree canopy; Flat ratio of 1:6	1. Wants to explore options of forming Tree Trusts and Offsite mitigation for small lots (Strange/Taylor); 2. Wants to cap onsite mitigation based on available space on the site (Strange).	1. Tree Fund should be used to purchase tree stands. 2. Mitigation ratio should not exceed a 1:2 ratio (consider 1:1.5). 3. Full credit (1,256 sf) should be given to mitigation trees.		
Tree Fund Payment/Fee in Lieu	\$125 per diameter inch	\$2.84 per sf. The fee shall be based on the structural value of Denton's Urban Forest. The fee amount shall be reviewed every five years and adjusted accordingly.		Besides adjustments for inflation, the economic impact of a revised code should not exceed that of the current code and should be adjusted to be in line with benchmark cities similar to Denton (not central Texas cities).		
Tree Preservation Incentives	Available only for preservation above the required minimums. Credit received toward parking spaces, parking lot design, subdivision design, etc.	Preserved tree canopy may be counted towards the total landscape canopy.		Tree preservation incentives are difficult to achieve. They can be punitive (as currently proposed) or they can be positive which are extremely difficult to achieve. Allowing alternatives to parking lot and subdivision design is commendable, but there should be specific criteria, which if met, results in a guaranteed approval. A maximum 1:2 preservation credit, is minimal incentive in the scheme of a multi-million dollar development. Preserving a 24" tree (above and beyond minimum requirements) is an \$8,400 dollar incentive (24 x 2 x \$175) which results in 16 less 3 " dbh trees (48/3) being planted on the property.		
NOTES:				1. Make code more understandable, this does not necessarily mean easier to implement and understand; 2. City should consider having a total tree canopy requirement (minimum canopy percentage) for all sites Different requirements for different types of use (industrial, commercial, multifamily...) should be considered. 3. City needs to assess infill development; 4. Economic impact on developers of the proposed tree code should be comparable to the economic impact of the existing code. 5. Address how upland habitat requirement and the revised regulations work in conjunction with each other (flush out any conflicting regulations).	1. Incentive to plant natives 2. Registration of Arborist and Landscape companies that work in the city. 3. Incentives for adjacent lots to create greenbelt. 4. Require open space in neighborhoods 5. update species list requirements 6. Can tree fund be used to help local nurseries get better trees 7. TPZ diagram 8 TPZ determined by the Urban Forester.	1 Clear cutting is not sustainable 2. Look for conflicts with wood waste recycling 3 Data base for monitoring and enforcement purposes 4 Educate builders and Developers to use utility compatible trees.