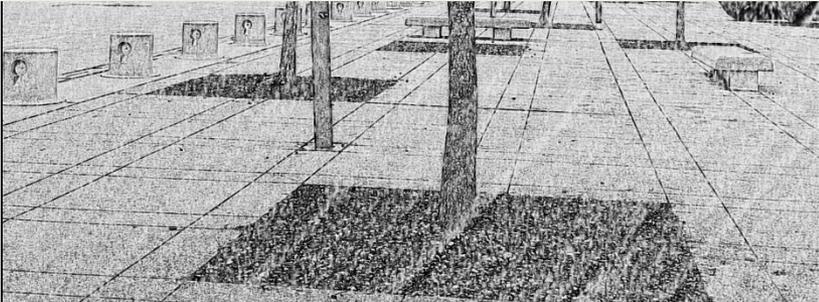




ARTICLE X LANDSCAPE AND TREE PRESERVATION REGULATIONS



51A-10.130 Tree Preservation, Removal, and Replacement



Zoning Ordinance Committee – August 20, 2015

TOPICS FOR DISCUSSION

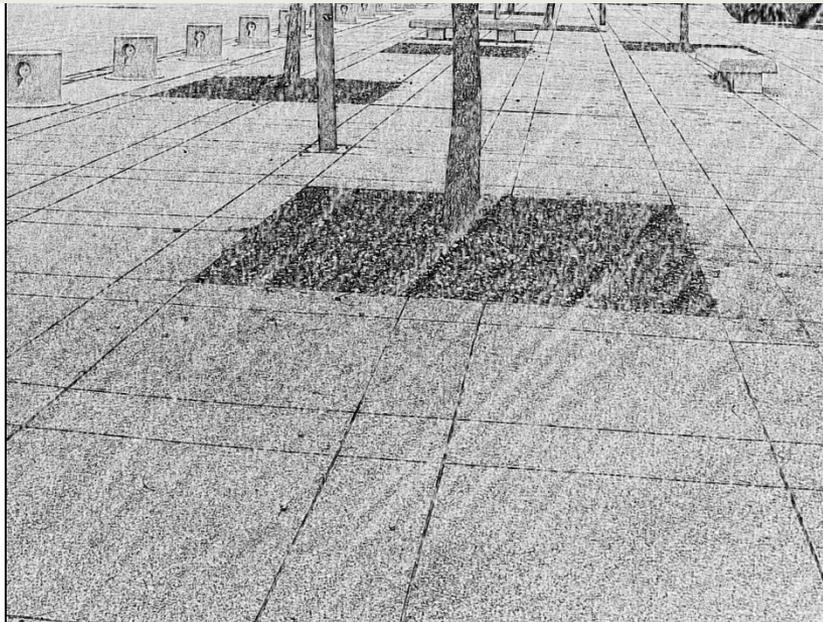
- Single family & Duplex applicability
- Significant/Heritage trees
- Reforestation Fund
- Planned Development



ARTICLE X LANDSCAPE AND TREE PRESERVATION REGULATIONS



Single Family / Duplex Uses Applicability



SF/DUPLEX USE APPLICABILITY

- Currently:
 - applies to all property in the city except for:
 - lots smaller than two acres in size that contain ***single family and duplex uses***
 - lots in a planned development district with landscaping and tree preservation regulations that vary appreciably from those in this article

SF/DUPLEX USE APPLICABILITY

- Therefore:
 - does **not** apply to:
 - lots less than two acres in size with single family or duplex **structure** on it
(though does not specify status of habitation, or the physical condition of the dwelling structure)
 - applies to:
 - all **vacant** properties in residential districts
 - all single family and duplex properties 2 acres or larger with or without a structure
 - **all** properties in other districts, unless in a planned development district that says otherwise

SF/DUPLEX USE OTHER CITIES

City	Applicable to Existing SF	Notes
Houston*, TX	No	unless a "Designated Tree ¹ " on site
San Antonio, TX	No	on property on which construction of single-family, two family or three-family residential dwelling units has been completed
Fort Worth*, TX	No	any single residential lot with a one or two-family dwelling that is one acre or less in size.
Arlington, TX	No	unless the property is vacant, undeveloped, or property to be redeveloped that is over one acre in size.
Carrollton, TX	No	to single-family, duplex, and single-family attached lots after initial development and final inspection of the dwelling, nor to any expansion, addition or alteration to any existing single-family dwelling, duplex and single-family attached dwelling
Atlanta*, GA	Yes	trees protected on SF lots. Permit is required for trees within distance of house.
Austin*, TX	Yes	requires a permit for "Protected Tree ² " (19" or greater) removal and a variance for "Heritage Tree ² " (24" or greater) removal.
Cedar Hill, TX	No	to single-family or duplex dwelling unit owners
Plano, TX	No	to individual single-family, duplex, and single-family attached lots after initial development and final inspection.
Frisco, TX	No	single-family or two-family lots contained within a plat of record and having a CO.
Athens Clarke Co., GA	No	existing SF lots are exempt. New developments must attain a tree canopy cover requirement.
Little Elm, TX	No	residential uses used as a homestead are exempted from the protection and replacement tree requirements until such time 'the property is no longer used as a single family residence.'
Falls Church, VA	No	tree removal permit is required for new development or vacant lots, but does not apply to existing SF uses other than for "Historic or Specimen Trees ³ ."
Decatur, GA	Yes	applies to any and all real property. Tree removal permit or tree disturbance permit is required on all SF uses depending on level of tree canopy and alteration.

* Index Cities

1. **Designated Tree** is defined by City of Houston as a tree designated based on: (a) historical significance; (b) arboricultural significance; and (c) an agreement between the owner of the tree and the City.

2. **Heritage Tree** means a tree that has a diameter of 24 inches or more, measured four and one-half feet above natural grade, and is part of the City of Austin, heritage tree list; **Protected Tree** means a tree with a diameter of 19 inches or more, measured four and one-half feet above natural grade

3. **Historic Tree** means a tree which has been determined by the city council to be of notable historic interest because of its age, size or historic association and has been so designated in the official records of the city. **Specimen Tree** means a tree which has been determined by the city council to be notable by virtue of its outstanding size and quality for its particular species and of high value because of its type, size, age or other professional criteria and has been so designated in the official records of the city.

SF/DUPLEX USE

STAFF RECOMMENDATIONS

- Retain current exemption to the single family or duplex use and add demolition permits.
 - The demolition permit will be a declaration of an ‘intent to remove a use.’ The DATE (12:01am) of the issued permit will indicate when the tree ordinance is applicable to the property with, or without, the full physical removal of the structure. Applicability of the tree ordinance remains until either 1) a new certificate of completion is approved for a new dwelling, or 2) an occupant of the existing dwelling (not removed) proves occupancy on the property to the building official, and the property has a closed (not expired) demolition permit.
- Increase applicable tree mitigation incentives to builder for retaining large canopy trees
 - Bonus mitigation credits for retaining X% of existing tree canopy coverage per lot
- Detail the requirements to “Tree protection plan” and “Implementation of the tree protection plan” when applicable to new construction of Single Family or Duplex uses - to include whole tree protection standards and penalties for non-compliance.
- Provide for the establishment of Neighborhood Forest Overlays

SF/DUPLEX USE

NEIGHBORHOOD FOREST OVERLAY (NFO)

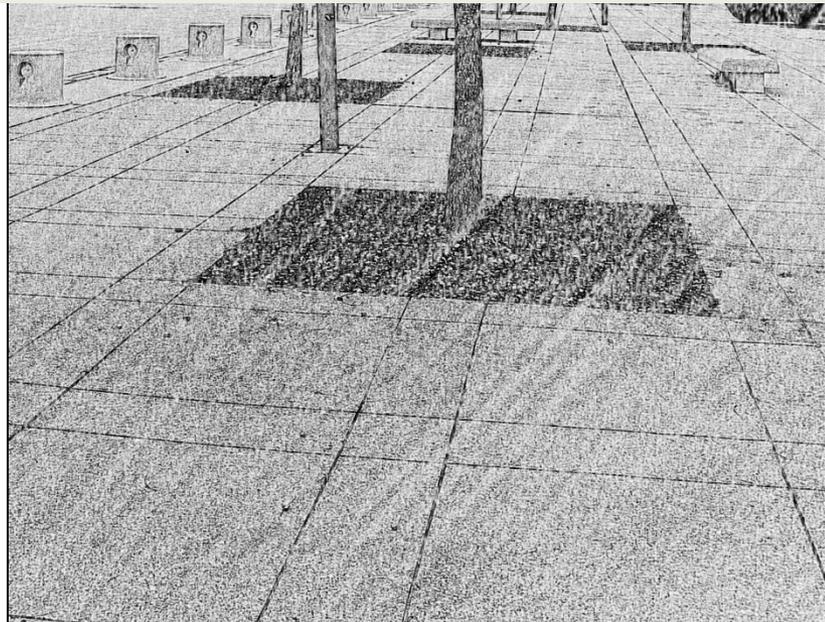
- The NFO would be an elective overlay for a whole or portion of, any residential neighborhood
- A ‘Neighborhood Forest Plan’ must be generated for management of the overlay.
- NFO conditions and boundaries would be decided by the neighborhood through the process and parameters set in place by council (similar to process for setting up and forming a Conservation District)
- Permits and review for all tree removal in the NFO would be administered through the city arborists office.



Article X Tree Ordinance



Significant / Heritage Trees



SIGNIFICANT/HERITAGE TREES

- Some cities apply a special status to specific trees.
- Recommendation by UFAC is to establish **Heritage Tree, or Significant Tree**, designation for purposes of selecting out large canopy trees of great importance to the community.
- The UFAC recommendation is to specify protected trees at 24 inches diameter and greater, or post oaks at 12 inches diameter and greater. The tree replacement or mitigation value would be applied at 3 times the standard reforestation value for standard protected trees.

SIGNIFICANT/HERITAGE TREES

- Recommendation by UFAC is to establish **Historic Tree** designation for purposes of distinguishing culturally and historically important trees to the Dallas community, as elected by the Dallas City Council. The tree replacement or mitigation value would be calculated at 5 times the standard reforestation value for protected trees.

SIGNIFICANT/HERITAGE TREES

OTHER CITIES

- Fayetteville, AR – Voluntary documented tree registry of select trees for historic importance, endangered species, or extraordinary value.
- Lynnwood, WA – Voluntary documented listing as heritage tree with arborist report.
- Palo Alto, CA – Voluntary nomination of heritage tree and elected by city council. Tree may be removed from ‘heritage’ designation by council with request by owner.

SIGNIFICANT/HERITAGE TREES

OTHER CITIES

- Athens-Clarke County, GA – Voluntary documented tree registry for Landmark Trees applies with nominations and approval of the owner. Trees may be aged, historic, rare species, representing an event, or a memoriam.
- San Antonio, TX – Limited species listings of significant and heritage trees are given and applicable to all properties.

SIGNIFICANT/HERITAGE TREES RECOMMENDATION

- Apply 'significant tree' status to a **limited list of species** at the size recommended by UFAC.
- The standard rate for 'significant tree' mitigation will be marginally higher than other protected trees.
- A higher mitigation credit will apply to properties for the **qualified** preservation of 'significant trees' on the property.

HISTORIC TREES RECOMMENDATION

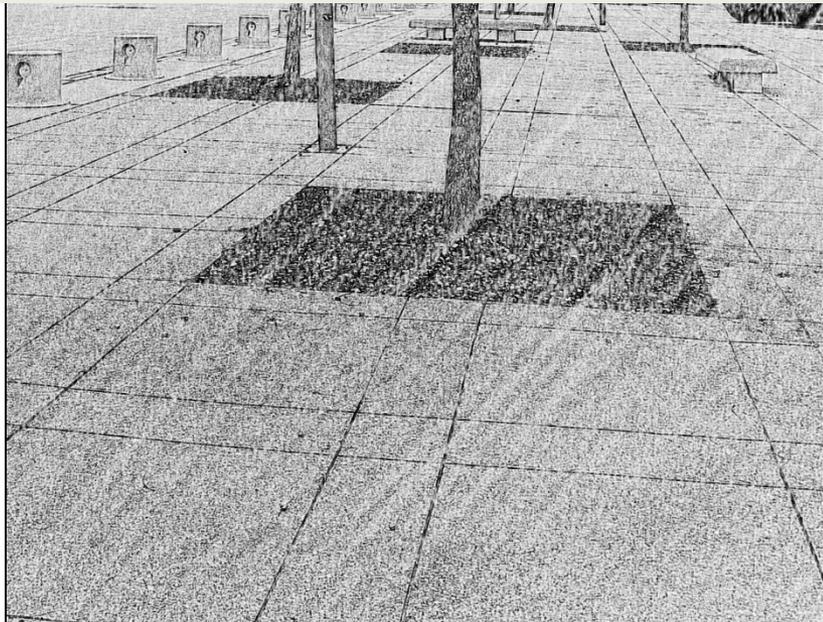
- Staff recommendation is to apply status of historic tree to trees designated by the City Council to be of historic and cultural importance to the Dallas community.
 - On public property by Council
 - On private property when volunteered and agreed to by property owner



Article X Tree Ordinance



Reforestation Fund Expenditures



REFORESTATION FUND

- The Reforestation Fund may currently be used to purchase trees to plant on public property or to acquire woodland or conservation easements.
- Expenditures to date have been targeted to purchase trees for planting on public land only, primarily in parks and neighborhood parkways and medians.
- The amount in the Fund is accumulated over time and not subject to refund or limited with a time restriction for use.

REFORESTATION FUND PROPOSALS

- UFAC (2009) – ‘Interest accrued at the end of each fiscal year may fund urban forest public education, urban forestry staff in-service education, and the purchase of non-budgeted, urban forestry related equipment.’
- Article X Green Building Task Force – use of funds to be expanded to include ‘funding of educational program as outlined in the Quality Tree Conservation and Sustainable Development Incentives.’

REFORESTATION FUND

OTHER CITIES

- **Atlanta, GA** – Tree Trust Fund for the ‘protection, maintenance, and regeneration of the trees and other forest resources.’
- During any given fiscal year, 5% of the funds received, or \$100,000, whichever is greater, shall be placed into a tree trust fund education outreach account and such monies used for educational materials, programs and outreach.
- Any amount not utilized in the given fiscal year shall remain in the account to be utilized in future years.
- A maximum of \$50,000 to administrative costs with a commission and posting tree removals and advertising.
- A maximum of \$75,000 to pay annual salary and benefits of an office of parks arborist senior position (project manager for tree plantings, tree maintenance work, removal of invasive species).
- A maximum of \$110,000 for annual salary of two arborist positions.

REFORESTATION FUND

OTHER CITIES

- **Decatur, GA** – ‘Tree bank funds’ used by the city for the ‘establishment, maintenance, improvement and expansion of tree canopy cover on public property.’
- Expenditure permitted for activities related to tree conservation, including but not limited to
 - Purchase of trees
 - Planting of trees
 - Maintenance of trees during the establishment period
 - Purchase of greenspace
 - Funding in full or part of a city arborist position
 - Funding tree care educational programs

REFORESTATION FUND RECOMMENDATION

- Staff recommends maintaining the current uses of the fund, but expand for additional uses to include:
 - Create an ‘education outreach account’ where a limited percentage of annual total deposits may be utilized for urban forest education, including programming for construction site management related training.

REFORESTATION FUND RECOMMENDATION

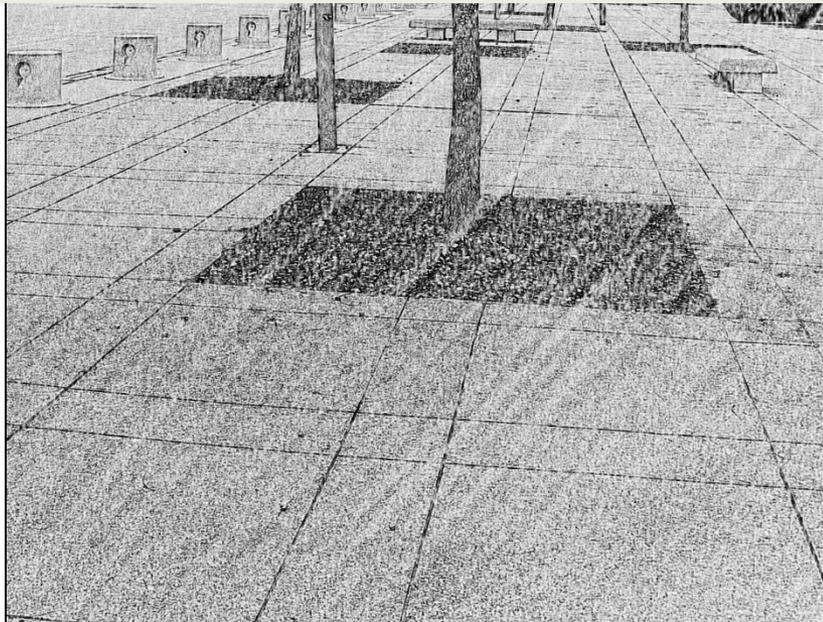
- Allow for a portion (set maximum rate) of the annual total deposits to apply to funding an arborist or city forester position (TBD).
- Allow for a portion of the annual total deposits to apply to planting, establishment and maintenance of planted trees on public land during the establishment period (three years).
- Allow for a portion of the annual total deposits to apply to funding the creation of an ‘Urban Forest Masterplan’ with periodic updates.



Article X Tree Ordinance



Planned Developments



PLANNED DEVELOPMENTS

- Landscaping: Article X provides for City Council to amend landscape requirements in planned developments (and SUP's) if it deems the conditions to be “**reasonably consistent** with the standards and purposes” of the ordinance.
- Tree ordinance: The City Council may amend conditions of the tree ordinance zoning regulations that may vary **appreciably** from conditions in Article X.

PLANNED DEVELOPMENTS RECOMMENDATIONS

- Continue application of the planned development conditions to require zoning regulations that are 'reasonably consistent' with Article X landscape and tree ordinance divisions.
- All requirements of the general division, including soil and area requirements, should be fully applied.
- The amended elements of the planned development, or the specific use permit, which vary from Article X, must be fully categorized and labeled on the development plan, or site plan, with tree replacement and mitigation relief other than Article X provisions fully tabulated.