

## **Summary of Tree Ordinance Revisions**

This summary of the proposed revisions is to serve as a general guide as to what the revisions mean and to provide the rationale behind some of the more complicated revisions. This summary does not include every revision. Revisions related to grammar and punctuation were left out of this summary.

- **Section 106-26 - Purpose and Intent.**
  - Improved the purpose and intent statement with respect to how trees contribute to quality of life within the city and to identify the main reason for the ordinance. **(Support: Tree Board, Staff & Developers)**
  - Subsection (1) – Removal of the land development process due to the proposed shift in policy to applying this ordinance to tree removal on single-family lots and duplex lots without a land development permit (which were previously exempted). **(Support: Tree Board)**
- **Section 106-27 – Applicability.**
  - The proposed changes in the ordinance require a tree removal permit for specimen trees. Therefore, wording was added to expand the applicability of the ordinance beyond the development process to the removal of specimen trees. **(Support: Tree Board)**
- **Section 106-28 – Exemptions.**
  - Subsection (1) was modified to exempt the removal of trees less than 24” in diameter from single-family or duplex lots from the provisions of this ordinance. **(Support: Tree Board)**
  - Subsection (2) was added to clarify the when tree ordinance applied to development activity on single-family and duplex lots. The proposed wording would exempt the construction of accessory structures and building additions from the tree ordinance. All new single-family home permits will be required to meet the requirements of the tree ordinance. **(Support: Tree Board & Staff)**
- **Section 106-29 – Definitions.**
  - Boundary Tree – Eliminates the 24” requirements and changes the definition to mean a specimen tree (established size criteria according to species) located on adjoining property with a >10% root zone encroachment into the permitting property. If the boundary tree is found to be dead, dying or hazardous it does not meet the requirements of a specimen tree and can not be classified as a boundary tree. **(Support: Tree Board & Staff)**
  - Conifer Tree – Added the definition of conifer tree to replace the definition of a softwood tree. **(Support: Tree Board, Staff & Developers)**
  - Critical Root Zone – Modified the definition to meet the proposed root zone reduction from 1.5’ per 1” DBH to 1’ per 1” DBH. The proposed reduction to the CRZ is to help with tree preservation by increasing buildable area on the lot. **(Support: Tree Board, Staff & Developers)**
  - DBH – Modified the definition to address the measurement of multi-trunk species per ASCA Plant Appraisal Guide. **(Support: Tree Board & Staff)**
  - Dead Trees – Added a definition for what is classified as a dead tree. **(Support: Tree Board, Staff & Developers)**

- Density Factor – Eliminated definition and replaced with Tree Density Factor. **(Support: Tree Board & Staff)**
- Development Activity – Modified the definition to remove forest management program from the list of items as considered development activities and added grading activity, soil removal and stock piling to the list of items considered as development activity. **(Support: Tree Board & Staff)**
- Hazard Tree – Add a sentence to the definition to clarify specifically what is a hazard tree. **(Support: Staff)**
- Landscape Easement – Added a definition to describe a landscape easement. **(Support: Staff)**
- Mulch – Added a definition for mulch. The definition calls for the use of organic mulch and prohibits the use of synthetic mulches. **(Support: Staff)**
- Overstory Tree – Modified definition to classify overstory tree based on canopy coverage as opposed to tree height. **(Support: Tree Board & Staff)**
- Plantable Area – added a definition to describe the pervious surface area needed for the preservation or the planting of trees. **(Support: Staff)**
- Pruning – Added a definition of pruning in accordance with arboricultural standards. **(Support: Staff)**
- Qualified Professional – Added a definition to identify specific certifications for tree care and plan design. **(Support: Tree Board, Staff & Developers)**
- Recompense – Added a definition to clarify the term recompense. **(Support: Staff)**
- Replacement Planting – Added definition to clarify replacement planting are required by code. **(Support: Staff)**
- Responsible Party – added definition as too who is responsible for meeting the provisions of the tree ordinance as it relates to permitting and/or violations. **(Support: Staff)**
- Softwood Tree – Elimination of this definition because it is no longer needed. **(Support: Staff)**
- Specimen Tree – Modified definition to clarify stands of trees and to add location of historical significance. **(Support: Tree Board & Staff)**
- Street Tree or Streetscape Tree – Modified the definition to clarify the location of the street tree along the right-of-way and allow for location adjustments due to site issues. **(Support: Staff)**
- Tree – Modified the definition to provide a clearer definition of a tree. **(Support: Staff)**
- Tree Care prescription – Added definition to describe a prescription plan and identify who is allowed to create it. **(Support: Tree Board, Staff & Developers)**
- Tree Density Factor – New definition to replace Density Factor. The definition provides the minimum requirement and describes how existing and plated trees are counted. **(Support: Staff)**
- Tree Removal – Modified the definition to include “best management practices and technical standards” the pruning section and pruning roots into the structural root plate. **(Support: Staff)**
- Tree Planting List – Added a definition to identify preferred tree species in different scenarios and to provide a location of the lists in the technical standards. **(Support: Staff)**

- Tree Protection Area – Modified definition to clarify the purpose of tree protection areas. **(Support: Staff)**
- Tree Save Area – Modified the definition to state the tree save area shall be left undisturbed. **(Support: Staff)**
- **Section 106-30 – General criteria for the determination of specimen trees or stand of trees.**
  - Subsection (a)(1) provides the minimum specimen tree size requirements based on tree species. The size requirements are 10” for small ornamental and flowering trees, 20” for coniferous trees, 24” for overstory trees, and 36” for pine trees. The adjustments in the sizes and species were to make the ordinance easier to understand and to capture all the common species around the metro area. **(Support: Tree Board & Staff)**
  - Subsection (a)(2) eliminates tree condition standards specimen trees. A tree cannot be considered a specimen tree if its classified as hazardous, dead, dying or diseased according to ISA standards. **(Support: Tree Board, Staff & Developers)**
  - Subsections (a)(3), (a)(4) and (b)(3) replace Director of Community Development with official title of Community Development Director. **(Support: Staff)**
  - Subsection (C) replaces ISA certified arborist with Qualified Professional to allow for more opportunity and flexibility with respect to specimen tree assessments. **(Support: Tree Board, Staff & Developers)**
  - Subsection (d) eliminates the tree bonding requirements for specimen trees with CZR encroachment that count towards the minimum tree density requirements. The developer would have to ask the Community Development Director to count the tree towards the density requirement as well provide a pre-paid tree prescription plan for the maintenance and care of the tree during the development process. The tree prescription plan and proof of purchase would be submitted to the city prior to any work beginning on site. **(Support: Tree Board, Staff & Developers)**
- **Section 106-31 – Minimum tree density requirements.**
  - Subsection (a) restates the purpose and intent of these requirements is to maintain a minimum density of trees on-site and maintain tree canopy coverage. Also, changed the recompense for specimen trees from 100” per project to 50” per acre. This change addresses the advantage larger properties had over smaller properties with respect to specimen tree recompense. The 100” per project requirement was much more punitive to smaller projects than it was to larger project because the larger project had less to recompense and could spread the cost across a larger development. Finally, a requirement was added to allow 3” understory trees to be use for recompense to provide flexibility in compliance. **(Support: Tree Board, Staff & Developers)**
  - Subsection (b) was amended to eliminate the requirement of one tree on a single-family or duplex lot at time of CO and replace it with a requirement for a minimum of 12” per residential lot with a minimum ratio of overstory and understory trees. This amendment will help spread the planted trees throughout the lots within a development and keep the developer from concentrating trees in landscape buffers and around detention facilities. It would create more uniform coverage throughout the development. **(Support: Tree Board & Staff)**
  - Subsection (c) added “and Invasive” to the Undesirable Tree Species List. **(Support: Staff)**

- Subsection (e)(5) the amendment clarifies the required location of planted street trees. **(Support: Tree Board & Staff)**
- Subsection (g) was added to clarify that offsite boundary trees cannot be counted towards site density, recompense or screening requirements. **(Support: Staff)**
- Subsection (h) was added to clarify that trees with structural root plate impacts cannot be counted towards tree density requirements and must be removed from the site prior to the issuance of a CO. **(Support: Staff)**
- **Section 106-32 – Alternative compliance to tree density requirements.**
  - Subsection (g) was removed from this section and relocated to Section 106-30 as subsection (d). **(Support: Staff)**
- **Section 106-33 – Application requirements.**
  - Subsection (2) adds “trees counting toward density”, “limits of disturbance” and “erosion control fencing” to the list of items need for a tree protection plan. **(Support: Tree Board & Staff)**
- **Section 106-33.1 – Grading for future site development requirements.**
  - Demolition was added to the list of activities that require a tree plan. **(Support: Tree Board & Staff)**
- **Section 106-34 – Tree survey plan and inventory.**
  - Subsection (b) requires aluminum tags for surveyed specimen and boundary trees. It also requires the tagging and assessment of the trees to be done by a qualified professional as opposed to just an ISA certified arborist. **(Support: Staff)**
  - Subsection (d) allows all trees under 6” that are proposed for removal not to be reflected on the tree survey. **(Support: Staff)**
  - Subsection (e) requires approval from the Community Development Director for use of the sampling method. **(Support: Staff)**
  - Subsection (f) was removed because these areas are shown on the tree protection and replacement plans. **(Support: Staff)**
  - Subsection (g) was removed relocated to Section 106-36(e)(3) because this list should be provided with the tree protection plan. **(Support: Staff)**
- **Section 106-35 – Tree survey inspection.**
  - The tree protection plan, tree replacement plan and tree care prescription were added to the list of items needed prior to the city arborist conducting a survey inspection. This ensures all the elements of the tree plan have been completed before site inspection is scheduled. **(Support: Staff)**
- **Section 106-36 – Tree protection plan – Documents required.**
  - Subsection (c) was amended to require tree protection plans and tree replacement plans to be submitted as separate documents to reduce the clutter on each plan. **(Support: Staff)**
  - Subsection(e)(3) this item was relocated to this section from Section 106-34 (g). **(Support: Staff)**
  - Subsection (e)(4) clarifies that trees 6” or larger will be allowed to be counted towards density and must be shown on the tree protection plan. **(Support: Staff)**
  - Subsection(e)(12) was added to require the tree care prescription be attached to the tree protection plan. **(Support: Tree Board & Staff)**

- Subsection(e)(13) was added to require trees not located within a tree save or protection area must be removed. **(Support: Staff)**
- **Section 106-37 – Tree replacement plan – Standards and revegetation.**
  - Subsection (h) was removed because this item is addressed in Section 106-39 (e). It was not an item that needed to be in the tree replacement plan section. **(Support: Staff)**
  - Subsection (i) was renamed to subsection (h). **(Support: Staff)**
- **Section 106-38 – Permit procedures.**
  - Subsection (d) was amended to require tree protection measures be installed prior to the installation of erosion control devices because erosion control fencing requires trenching and will damage the tree’s root system. **(Support: Tree Board & Staff)**
- **Section 106-39 – Removal of trees – Conditions and exceptions.**
  - Subsection (d) was added to require the issuance of a tree removal permit for the removal of any tree larger than 24”. Also, it requires the planting of a 2” caliper tree on-site to replace the 24” that was removed or recompensing **\$400.00 to the Tree Bank**. If a 24” tree is removed without a permit, the property owner will need be required to provide **double** the recompense by either planting **two** 2” caliper trees or paying **\$800.00** to the Tree bank. **(Support: Tree Board & Half of Staff)**
  - Subsection (e) was removed because it was addressed in earlier sections.
- **Section 106-40 – Tree protection during construction.**
  - Subsection (b) was amended to require inspection of the tree protection barriers prior to any land disturbance activity. **(Support: Staff)**
  - Subsection (e) was added to require tree care prescriptions to be implemented during site development. The city arborist will require that the tree care prescription be pre-paid and submitted to the city prior to the issuance of a land disturbance permit. **(Support: Tree Board, Staff & Developers)**
- **Section 106-41 – Tree damage.**
  - Removal of “accepted Nations Arborist Association Standards” and replaced with “Technical Standards”. **(Support: Tree Board & Staff)**
- **Section 106-42 – Emergencies.**
  - Added tornados and earthquakes to the list of emergencies. **(Support: Tree Board & Staff)**
- **Section 106-48 – Fees.**
  - Section was amended to reflect the fees out lines in the City’s fee schedule.
- **Section 106-49 – Penalty.**
  - Removed the existing penalties and replaced with the city’s standard penalty language at the request of the City Attorney. **(Support: Staff & Developers)**
- **Section 106-51 – Tree maintenance.**
  - This section was amended to clarify that the maintenance period starts that the issuance of the CO. Also, the amendment clarifies that all trees needed to be irrigated to receive the reduction in the maintenance period from two years to one year. **(Support: Staff)**