

## ARTICLE X – ALTERNATIVE TREE MITIGATION OPTIONS AND STANDARDS

3/1/2019

### SEC. 51A-10.134. REPLACEMENT OF REMOVED OR SERIOUSLY INJURED TREES.

(a) In general. Except as provided in this section, if a **tree removal application is approved**, a **building permit is issued**, an **unauthorized tree removal occurs**, or when a **tree is removed from a public right-of-way in conjunction with a private development**, one or more healthy replacement trees must be planted in accordance with the requirements in this article.

### SEC. 51A-10.135. ALTERNATIVE METHODS OF COMPLIANCE WITH TREE REPLACEMENT REQUIREMENTS.

(a) In general. If the building official determines that, due to restrictive site conditions, it would be impracticable or imprudent for the responsible party to plant a replacement tree on the tree removal property, the responsible party shall comply with one or more of the mitigation methods in this section. (10.135 REFERS TO ALL USES)

## **SINGLE FAMILY AND DUPLEX LOTS**

1. Single-family or duplex use refers to properties with existing structures being actively used, or used immediately prior to being vacated, for residential purposes. The exception in Section 51A-10.131(a)(1) for single family and duplex uses applies in residential districts only.
2. The residential property is considered subject to enforcement (no exception provided) when an application for a demolition permit for the residential structure is submitted for approval. The status remains until the application is revoked by the owner with structure intact, the active permit is closed, or a certificate of completion is provided for a new finished structure.

### **10.134(b) Exception. Unrestricted Zone.**

#### **UNRESTRICTED ZONE (lots one acre or less in residential district)**

Trees removed with a building permit for construction of a single family or duplex dwelling on a **lot one acre or less in a residential district** are not required to be replaced if the tree was located in the **unrestricted zone** on the tree removal property. Trees not in the unrestricted zone are subject to replacement.

(1) For front and rear yards, the unrestricted zone does not include required setbacks or the area 15 feet from the property line, whichever is greater.

(2) For side yards, the unrestricted zone does not include required setbacks or the area five feet from the property line, whichever is greater.

### **10.135(e) Tree canopy cover credit for single family and duplex uses and (b) Legacy trees.**

#### **TREE CANOPY COVER CREDIT (any single family or duplex construction building site)**

To reduce tree replacement requirements, a portion of existing tree canopy coverage over a single family or duplex construction building site must be preserved.

(1) The tree canopy cover goal is 40 percent of the building site.

(2) Healthy large and medium trees preserved on the building site, including boundary trees, may be included in tree canopy cover calculations. Invasive trees and trees located within 20 feet on center of the nearest overhead public electric line are not included in the calculation.

(3) Each large and medium nursery stock tree planted as landscaping may also qualify as 300 square feet of tree canopy cover. If the tree canopy cover goal is met, additional landscape trees are not required, except that one tree must be provided in the front yard.

(4) Healthy large and medium trees preserved in the required front yard setback may qualify for double the total square footage of preserved tree canopy coverage.

**MITIGATION BY LEGACY TREE (10.135(b)) – must meet qualifications for legacy tree in 10.104.**

Credit provided for legacy tree planted in the portion of the lot that abuts a street and in front of the building.

**ALL OTHER TREE REMOVAL PROPERTIES**

**10.135(g) Use of Other Property**

**Use of other property for tree replacement.** Replacement trees that cannot be planted on the tree removal property, and for which credit is not given through a conservation easement, may be replaced by the methods in this subsection. The applicant may:

**REPLACEMENT TREE ON CITY PROPERTY (all property)**

Provide a replacement tree to a city department for planting on city property, with the approval of the director of the city department. (After July 1, 2018, all city departments managing property are eligible to receive trees for installation. The applicant must coordinate with the department for installation and maintenance plans. The building official must give final approval of the tree mitigation plan that complies with the ordinance.)

**REPLACEMENT TREE WITHIN FIVE MILES OF THE TREE REMOVAL PROPERTY (all property)**

Requires written approval of the building official and provision of 1) location site plans and 2) a written agreement between the receiving party and the responsible party transferring responsibility of maintenance with assurance that planting and maintenance complies with the requirements of this ordinance.

**10.135(b) and (d) Additional Credit for Planting On-Site and Sustainable Development**

**MITIGATION BY LEGACY TREES (Lots or artificial lots smaller than five acres, not using SDI)**

Each tree planted and designated as a legacy tree is given a 12-inch diameter replacement credit. All legacy trees must meet the requirements specified in Sec. 51A-10.104.

**SUSTAINABLE DEVELOPMENT INCENTIVES (Lots two acres or greater with general commercial uses, and no residential uses except multifamily and shared access development uses).**

The site must meet pre-qualifications. Legacy tree and tree conservation credit provided by tree canopy coverage, and the sustainable site qualifies for landscape (Green Site) incentive credits. **REFER TO SDI REVIEW.**

**10.135(c) and (f) Land Conservation**

**HABITAT PRESERVATION AND RESTORATION AREAS (all property)**

Every 1200 square feet of habitat preserved that is not under a tree canopy may be counted as 12-inches diameter of tree replacement credit. The areas must be actively monitored and managed under an approved maintenance plan. Maximum credit applies to 2400 square feet (24”), or 20% of the tree canopy cover goal for the property, whichever is greater.

**CONSERVATION EASEMENT (all property)**

Mitigation requirements may be reduced by granting a conservation easement to the city.

The easement area must contain:

1. Protected trees with a combined diameter equal to or exceeding the classified diameter inches for which tree replacement credit is being requested.
2. A minimum land area of 20 percent of the size of the development impact area on the tree removal property.

The conservation easement conditions of 51A-10.135(f) must be fully met to qualify for mitigation reductions. The deed restriction must be filed with the county property records with two copies of the filed document submitted to the arborist before reductions are applied to the property.

**10.135(h) Fee Payment In-Lieu of Replacement**

**REFORESTATION FUND (all property)**

Mitigation may be met by making a payment into the special city account, the Reforestation Fund.

The amount of the payment required is calculated by using a formula derived from the formula for appraising the value of a tree as identified in the Guide for Plant Appraisal. The base rate at 1:1 replacement: \$193.00.

Apply values for reduction to trees based on tree classification listed in Sec. 51A-10.132(c)(1).

## 10.132(f) Development Impact Area Waiver (DIA)

### **DEVELOPMENT IMPACT AREA WAIVER (tree removal under building permit for construction only).**

**Not applicable to 10.131 exception lots, all single family and duplex dwellings, and 10.121 exception lots.**

Qualifications vary for properties two acres and larger and properties less than two acres.

A property two-acres or greater must meet the qualification requirements for Sustainable Development Incentives (10.135). All removed significant trees must be fully mitigated. **REFER TO SDI REVIEW.**

**NOTE: Denial of the waiver.** The building official shall deny a development impact area waiver if the building official determines that the owner is in violation of any of the applicable requirements of this division during the period between initial review and final tree mitigation or landscape inspection. If a waiver is denied, the required tree replacement must be completed in accordance with Section 51A-10.134.

## 10.134(b)(4) Forest Stand Delineation (FSD) Exceptions and Special Conditions

### **EXCEPTIONS FOR OLD-FIELD AND UNDEVELOPED LOTS (lots 2 acres and larger)**

Mitigation is excepted for a tree stand designated in a FSD with 1) at least 60% of the trees in the stand as Class 3, eastern redcedar, or unprotected species, 2) the average tree diameters in the stand are less than 12 inches DBH, and 3) significant trees must be fully mitigated. The assessment requirements of 10.132 must be followed. Baseline documentation must be accurate and presented for building official approval.

### **CONDITIONS FOR LOTS WITH INSTITUTIONAL OR RECREATIONAL USES (lots five acres and larger)**

The tree removal property must maintain or increase tree canopy coverage of the property.

Significant trees in the development impact area must be replaced according to their classification.

A replacement tree that dies within five years of planting date must be replaced by another replacement tree.

The FSD is applicable to address tree canopy coverage for site management.

## 10.133.1 Transplanted Trees

### **TRANSPLANTED TREES CREDIT (all property)**

Established and healthy protected trees on a tree removal property may be transplanted within the city. The process must conform to operational and safety standards stated in ANSI A300 (Part 6) and with ISA Best Management Practices for Tree Planting, as amended. The project must meet documentation requirements specified in ordinance.

## 10.132 Tree Classification and Unprotected Trees

### **TREE CLASSIFICATION FOR MITIGATION**

The minimum total caliper of replacement must equal or exceed the total classified diameter inches of the protected trees removed or seriously injured.

- (i) Historic trees: 3:1 (Council approved with full preservation status.)
- (ii) Significant: 1.5:1 (Large specimen of regional native trees.) – Tree list in Definitions.
- (iii) Class 1: 1:1 (Protected trees in Primary Natural Areas)
- (iv) Class 2: 0.7:1 (Reduction to 70% of baseline.)
- (v) Class 3: 0.4:1 (Reduction to 40% of baseline.) – Tree list in Definitions.

**UNPROTECTED TREE** means the following:

- (A) Callery pear (all cultivars).
- (B) Chinaberry.
- (C) Chinese tallow.
- (D) Ilex species (except for yaupon holly and Possumhaw holly.)

City of Dallas Landscape and Tree Manual

- (E) Palm (all plants in Palmae).
- (F) Tree-of-heaven or Ailanthus.
- (G) Other trees listed as invasive plants.
- (H) Trees with a diameter of less than 10 inches at the point on the trunk 4.5 feet above the ground, located on a lot with an existing single family or duplex use that is occupied at the time of removal.