

Regional city comparison of building area regulations and tree removal.

<u>City</u>	<u>Building Area Regulation</u>	<u>Permits for Trees</u>	<u>Replacement</u>	<u>Comment</u>
Plano	Definitions - <b>Building Area</b> : Portion of a lot exclusive of required yard areas on which a structure or building improvements may be erected. <b>Building Pad</b> : The actual foundation area of a building and ten-foot clear area around the foundation necessary for construction and grade transitions. For <b>SF construction</b> , the <b>building area</b> is exempted, plus the area needed to establish the proper drainage, public street rights-of-way, and public utility easements. <b>Nonresidential</b> : the <b>building pads</b> plus proposed street rights-of-way, public utility easements, and the private property off-street parking areas, driveways, fire lanes, and drive aisles are exempt. Sufficient area for normal operation of construction equipment is also exempt.	The Tree Preservation Plan acts as the tree removal permit. Hackberry (C. occidentalis), bois d'arc, and cottonwood trees are exempt from regulations except when in a floodplain or watercourse. <b>No tree eight inches or larger may be removed unless it is located in areas specifically exempted.</b> These trees must be preserved unless the health and condition of the tree warrants removal as determined by the city.	Trees at 8 to 30 inches shall be replaced at 1:1 rate. Trees larger than 30 inches shall be replaced at 1.5:1 rate. Trees identified in the Tree Preservation Plan (in building area) but were damaged or destroyed during construction, must be replaced. Trees must be minimum of 4 inches for replacement.	A detailed <b>Tree Preservation Plan</b> is required and acts as the tree removal permit. In nonresidential areas, the building pad plus paved vehicular areas, utility easements, and construction operation areas are exempt. <b>No tree eight inches and larger outside of the exempted area may be removed</b> , except in certain conditions. Detailed preliminary vegetation surveys are required and may hold construction until approved.
McKinney	Definitions - <b>Building pad</b> : The actual base of a building and an area not to exceed six feet around the foundation necessary for construction and grade transitions. For <b>Nonresidential</b> : Protected trees are exempted from tree replacement in 'specific' areas of development where protected trees must be critically altered to: install utility lines, dedicate public ROW, construct streets (at minimum required width only), provide required easement, fire lanes, sidewalks, swimming pools, required parking at minimum required width, <b>building pad</b> site, hike/bike trails, any portions of golf course, park or school playing field, but not including buildings, additional parking, club houses or ancillary buildings, and cut and fill drainage areas in a master construction plan.	A tree removal permit is required before a building permit is issued. Trees at 27" or greater with SF uses may not be removed. Tree in a perimeter tree zone may not be removed, most floodplain trees, and 42" or greater specimen trees may not be removed.	All other areas of development shall be subject to tree replacement requirements except that tree replacement in areas reclaimed from the flood plain and used for nonresidential development shall be limited to one three-inch caliper tree for each protected tree removed.	Trees at 27" or greater with SF uses may not be removed. <u>Other than in exempted areas on the lot</u> , trees 6-16" must be mitigated at a 1:1 rate with a minimum 4" tree. Trees greater than 16" are mitigated at 2:1 with a minimum 6" tree. No construction permit will be issued without a tree removal permit or affidavit declaring no trees.
Flower Mound	<b>Buildable Area</b> : All portions of a development site inclusive of footprint of building or structure and projected ten feet outside of each structure. Also, areas on a required <u>site plan</u> which are necessary for the construction of other improvements including: driveways, parking areas, pools, detention ponds, tennis courts, and accessory buildings, and to allow for the normal operation of construction equipment. Also, it includes all new commercial and residential rights-of-way and easements as shown on newly approved plats.	<b>Residential lots &lt; 1 acre (94-10)</b> - protected/non-protected trees may be removed without permit. <b>Permits are required for removing specimen and historic trees. All other development (94-10)</b> : A permit is not required for the removal of protected trees and non-protected trees in the buildable area, but may not be removed until building conditions are met. A permit is required for trees removed outside the buildable area and must be submitted through a committee of the Town Council.	<b>Inside the buildable area (94-17) - Replace each protected tree removed with one 2.5-3" tree. Outside the buildable area (94-17)</b> - Replace protected trees having a total caliper width equivalent to 1.5 times that of the trees removed (10"=15" replaced). Replacement for the removal of <b>specimen trees</b> : Provide replacement trees having a total caliper width equivalent to 2 times the trees removed.	<b>Protected tree</b> - Small, medium, and large trees measured at 6" and greater and on private property. <b>Specimen tree</b> - Any small, medium, and large trees on the protected tree list measured at 13" for a small tree, 19" for medium, and 25" for a large tree with specific protection requirements. <b>Although a permit is not required for the removal of protected trees, the development process must be completed before removal. The trees in the buildable area must be replaced on a tree for tree basis instead of the replacement of removed inches.</b>
Frisco	Exceptions apply to hazardous trees, a tree that hinders or obstructs construction, maintenance, repair, and/or replacement of City streets, water and sewer lines, and drainage storm sewer, in a right-of-way, hinders or obstructs the construction, repair, maintenance and/or replacement of public improvement projects, or acts of nature.	<b>A tree removal permit is required for the transplanting and removal of all trees</b> in Frisco, regardless of size or species, except for trees located in SF and Duplex lots with plat for record and certificate of occupancy.	Development of golf courses and pedestrian trails shall be responsible for fifty percent of the normal requirements for replacement trees. Rates of replacement range from 100 to 300 percent the size of the tree. Protected trees shall be replaced on the property.	A building area exemption is not applicable in this city, but various exemptions do apply for public infrastructure and other purposes. Mitigation is required at a higher percentage of replacement than in Dallas.
Dallas	Proposed: <b>Defenses to prosecution (10.140)</b> apply to dead and diseased trees, interference with a public utility in the public right-of-way, interference with construction of a public utility or public right-of-way, street paving and grading in the public right-of-way, storm drainage easements, detention or retention ponds, or bridge construction. <u>Old-field</u> designation through a forest stand delineation may remove many trees from mitigation in the measured tree stand area. <u>Single family and duplex uses on residential district lots less than 2 acres are exempted from application of the ordinance. Unrestricted zones</u> , defined by a line or setback, provide an area of exemption from mitigation on single family and duplex construction in residential districts on lots 1 acre and less. Tree canopy cover assessment of preserved tree canopy for all single family and duplex construction may be applied to reduce or remove mitigation. <b>Sustainable Development Incentives (SDI) were created to authorize the substantial reduction of tree mitigation based on an owner implementing voluntary sustainable design, construction, and landscaping practices which would be applied to the property. In return for the effort of attaining the tree canopy cover goal for the property, tree mitigation requirements would be reduced by the percentage of achievement of that canopy cover goal. If the full canopy cover goal was achieved, the tree mitigation requirements would be met regardless of the level of mitigation. The results of the SDI process would be the same as it would be for a 'building area' exemption process which uses sustainable development in Dallas as a qualifier.</b> For instance, if a property had a 30% canopy goal, and the site had substantial (or little) tree mitigation, the protection and/or planting of the 30% goal by a development under SDI requirements fully achieves the same level of tree mitigation as would be required in a building area exemption. The exempted trees become secondary to the end goal of keeping and expanding our Dallas urban forest canopy in our most vulnerable heat island and public health locations.	A tree removal permit or building permit is required for the removal of protected trees of eight inches or larger. A tree survey or forest stand delineation (which determines area coverage and the tree survey) is required along with a tree protection plan prior to construction under a building permit.	Protected trees must be replaced according to their species classification and location to determine required replacement inches. <u>Alternative methods of replacement</u> are provided to allow for sustainable development investment to be placed into the property and community. Mitigation reductions are provided for in conservation easements, transplanting, and forest canopy conservation. <u>Sustainable Development incentives with Green Site reductions</u> encourage a development to upgrade its landscape quality with broader and healthier soil environments and maintenance to offset tree mitigation through the planting of legacy trees and preservation of existing trees, especially significant trees.	The City of Dallas does not mandate the preservation of trees on private property, nor the retention of tree canopy cover, as many other cities do. It does require areas for new landscaping suitable for maintenance and growth. It encourages the preservation of trees, and the conservation of sensitive land areas, to complement and enhance development according to the public interest. These initial design choices are left to the owner while working within zoning and building code regulations and limitations determined for the community. <b>Building areas</b> would not typically be defined by city staff but by designers working within regulations to fulfill site use objectives which may, or may not, meet the goals of this ordinance. If Dallas is to implement building area reductions, SDI is currently optional, but could need to be considered mandatory in some scenarios.