

Sec. 21-95. Tree save requirements for single-family development.

(a) *Percentage of area required.* Whenever the existing tree canopy of a single-family development site is at least ten (10) percent of the total property area, a tree save area equal to ten (10) percent of the total property area must be saved during development of the site. If the existing tree canopy of the site is less than ten (10) percent but more than five (5) percent, a tree save area equal to ten (10) percent of the total property area must be achieved by saving the entire existing tree canopy and planting new trees to reach the required percentage area. Single-family development sites with an existing tree canopy of less than five (5) percent of the total property area must have a tree save area equal to five (5) percent of the total property area, which may be achieved by saving the existing tree canopy and planting new trees.

(b) *Tree Save Area Method for calculation.*

(1) Square footage for existing and dedicated road rights-of-way and utility easements and for existing ponds and lakes will be subtracted from the total site area before the required percent of the tree save area is calculated. Where there are groups of trees that have areas within the group that are not expected to fill in with time, additional trees can be planted, pursuant to City approval, so that the entire area can qualify as a tree save area. A planted shade tree shall be equivalent to 2,500 square feet of saved area and new trees must be planted at a rate of eighteen (18) per acre. If root disturbance or construction activities occur within the drip line of any tree designated as protected in the tree protection plan, only the area actually being protected will be included in the calculated tree save area. Credit received for trees designated as heritage or specimen trees will be one and one-half (1½) times the actual square footage of the drip line. The City may adjust applicable land development standards to protect and preserve Heritage or Specimen Trees.

(c) *Criteria for new trees.* New trees planted in common open spaces to satisfy the requisite tree save area requirement must be at least three-fourths (3/4) inch-caliper shade trees. New trees planted within individual lots to satisfy the requirement must be at least one and one-half inch (1½) caliper trees. Trees planted for mitigation where the existing tree canopy must be removed due to conflicting design criteria or hardship approved by the City must be planted in accordance with this section to obtain the required percentage.

(d) *Heritage trees.* A person requesting to remove a Heritage tree must obtain a permit from the City before the activities commence. Owners and persons who remove a Heritage tree without a permit are subject to the civil penalties set out in section 21-124. For purposes of this subsection, a landscape plan approved by the City constitutes a permit. Permits for the removal of Heritage trees will be granted only where:

(1) The tree is located in the buildable area or yard area where a structure or improvement may be placed and there is no other reasonable location and/or preservation would unreasonably restrict use of the property.

(2) The tree is diseased, injured, in danger of falling, creates unsafe sight distance or conflicts with other sections of this Code or provisions of other ordinances or regulations.

(3) One five (5) inch caliper tree or three (3) two (2) inch caliper trees are planted in mitigation for the removal of each healthy tree under this subsection.

(e) *Incentives for increasing area.* Incentives for increasing tree save areas are designed to achieve the specific objective to:

(1) Enhance the city's tree canopy in residential settings.

(2) Improve the overall quality of life within the larger residential areas.

(3) Further the land use policies of the city, including encouragement of open spaces and the preservation of wooded sites.

(4) Discourage clear cutting of sites before and during construction of single-family development.

(f) Incentive limits.

(1) *Reduced Yards.* For single family residential lots requiring a tree save area, setback requirements as specified in Sections 12.805(3) (a), (b), and (c) of the zoning ordinance are reduced as follows:

(a) Front setbacks can be reduced to a minimum of fifteen (15) feet for all lots; front loaded garages must maintain a minimum setback of twenty (20) feet.

(b) Rear yards can be reduced to thirty (30) feet on all internal lots. Rear yards forming the outer boundary of a project must conform to the minimum rear yard of subsection 9.025(1) (g) for the zoning district in which the development is located.

~~(c) Internal side yards can be reduced to a minimum of three (3) feet provided all fire code requirements are satisfied.~~

(2) *Density Bonus.* Single-family development projects may be granted a density bonus provided the entire tree save area is dedicated to common open space. Such dedication must be to a homeowners' association or a public or private agency that agrees to accept ownership and maintenance responsibilities for the space. The density bonus is calculated as follows: the entire dedicated tree save area in acres multiplied by the maximum residential density number of the underlying zoning district.

(3) *Reduced Lot Sizes.* A development need not meet the minimum lot area and lot width requirements set forth in table 9.205 of the zoning ordinance if it complies with one of the following incentives:

(a) Sites with more than ten (10) percent and up to twenty-five (25) percent of tree save area or areas in common open space may apply the cluster provisions for lot size and lot width of that zoning category.

(b) Sites with greater than twenty-five (25) percent of tree save area or areas in common open space may apply the cluster provisions for lot size and width of the next lower zoning category as shown in the following table and in accordance with section 9.205(5) of the zoning ordinance.

	R-3	R-3 Cluster	R-4	R-4 Cluster	R-5	R-5 Cluster	R-6	R-6 Cluster
Min. Lot Area	10,000	8,000	8,000	6,000	6,000	4,500	4,500	3,500
Min. Lot Width	70'	60'	60'	50'	50'	40'	40'	40'

(g) *New supplemental plantings.* If the existing tree canopy is insufficient to meet the desired incentive level, new supplemental plantings may be used to reach the desired level. This only applies for sites that have less than ten (10) percent existing tree canopy prior to development or for sites that have more than ten (10) percent existing tree canopy and the entire canopy is being saved.