

Tree Preservation Ordinance Amendment

RECOMMENDATION ON UDC CHAPTER 125, ARTICLE VII

OCTOBER 20, 2025

Context

- Last Updated in 2020
- Difficult to understand
- No caps
- Can constrain landowner's ability to use their land
- Several Developments have not move forward due to tree mitigation costs

Noted Concerns



In-Lieu Fee: same rate -
removing a 6" or 18"
protected tree
\$250/caliper inch



38" or larger
Oaks/Pecans can't be
removed unless law
allows



Restitution for Violations
– \$250/inch + 200%, so
3 times base fee



No caps meaning fees
could be more than land
is worth



Appeal process is long,
and fines keep
occurring during
process

Why Update the Ordinance

- To Establish Cost Predictability
- To Enhance Process Efficiency
- To Allow for Balanced Flexibility
- To Establish Fair Penalties

All while continuing to Protect Tree Canopy

What's Changing?

QUICK COMPARISON CHECK



Current Ordinance

In-Lieu - \$250/inch

No base removal, fees start immediately

No Significant Tree Variance except thru City Council

Restitution at 300%
No Caps, fees could exceed land value

In-Lieu – Tiered (\$100-200)

10% of total caliper inches removed before fee starts

Provides both Admin & Council Variance Paths

Restitution at 200%
Caps at 30% of unimproved land value



Amended Ordinance

Changes to Base Fee and Payment In-Lieu

1. Why a 10% Base Removal Helps

- Acknowledges Site Realities
- Reduces Administrative Burden
- Fairness for smaller projects
- Predictability for Developers

2. Why Tiered Fees Make Sense:

- Reflects Truer Costs
- Encourages Large Tree Preservation
- Fairer for Developers
- Predictability for All

3. Significant Tree Variance

Planning Director may authorize the removal of 1 Significant Tree or up to 10% of the total Significant Tree caliper inches if the following applies:

- **Site Constraint Hardship** – site can't be developed unless tree is removed; site must maintain 75% of predevelopment canopy levels and mitigation is at least 1.5" per 1" removed.
- **Public Safety & Infrastructure** – tree poses a hazard to public health/safety, utilities, conflict with planned public infrastructure, or is certified as dying, diseased, or structurally unsound.
- **Public Benefit/Community Amenities** – a dedication of at least 10% of the site (min. of 15 acres) is made as public green space with enhanced landscaping is made

Variance Requests beyond 10% require City Council Approval.

Restitution and Caps

4. Why change Restitution from 300% for Violations to 200%:

- Fairness & Proportionality
- Improved Compliance
- Predictability

5. Why Capping the value at 30% of Land is better than No Cap:

- Prevents Disproportionate Costs
- Balances Development + Preservation
- Legal Defensibility
- Unpermitted removal raises cap to 50%

Review Process & Next Steps

SPAC
Review

P&Z Public
Hearing
(10/20/25)

City Council
Public
Hearing
(11/18/25)

Amendment Reflects:

- Protection of the right trees
- A Predictable Process
- Measured Results
- Fairness
- Big Picture – Aligns with Westside Master Plan & Development Services Strategic Plan.

City Council
Adoption w/
2nd Reading
(12/16/25)