



**23-0004M**

**TITLE:** Conduct a Public Hearing to Consider/Discuss/Act on Amendments to New Article 4, entitled “Tree Preservation,” to Chapter 150, entitled “Unified Development Code,” of the Code of Ordinances

**COUNCIL GOAL:** Direction for Strategic and Economic Growth  
(1C: Provide a strong economy by facilitating a balance between industrial, commercial, residential and open space)

**MEETING DATE:** August 22, 2023

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Aaron Bloxham, AICP, Principal Planner  
Jennifer Arnold, AICP, Director of Planning

**APPROVAL PROCESS:**

- The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for consideration at the September 19, 2023 meeting.

**RECOMMENDED ACTION:**

- Staff recommends approval of the proposed amendments.

**ITEM SUMMARY:**

- Staff proposes amendments to the city’s tree preservation processes and requirements in order to improve the function, administration and overall usability of the standards. This includes the creation of a new Article 4 (Tree Preservation) of the Unified Development Code (UDC) and updates to the following:
  - tree permitting requirements;
  - limited purpose tree permit procedures; and
  - violations and penalties.
- The proposed amendments will bring the McKinney code into better alignment with our sister cities, allow for a more consistent and fair application of the

standards and penalties, and improve the city's overall ability to administer the code.

## **PROPOSED AMENDMENTS**

### Reorganization

- Staff proposes to reorganize the standards for Tree Preservation into the following sections: Administration, Tree Preservation Standards, Tree Protection Measures, Tree Removal Procedures, Tree Mitigation and Replacement, Violations, and Tree Reforestation Fund.

### Tree Permit Requirements

- Staff proposes to expand the tree permitting requirements, expand the exemption/exception allowances, and clarify the use of limited purpose tree permits.
- Currently, tree permits are only required for the critical alteration (i.e. removal) of a protected tree. There is currently no clear process for critically altering trees as part of typical, maintenance activities or activities that should otherwise be exempt from tree permitting requirements.
- As proposed, tree permits will now be required for the critical alteration (i.e. removal) of any tree. However, Staff proposes to expand the list of activities for which this requirement may be exempt and improve the usability of a limited purpose tree permit for certain activities.
- These proposed changes will bring the McKinney code into closer alignment with our sister cities and will allow for improved administration and compliance with tree preservation standards.

### Enforcement and Penalties

- Staff proposes an update to the way in which penalties are calculated. Currently, penalties for violating the tree preservation standards are calculated based on the number of protected trees that are critically altered or based on the area of quality trees removed (when individual trees cannot be identified). Under the area calculation, the penalty is \$30 per square foot of (protected) trees removed.
- Staff proposes to update the calculations so that penalties will now be determined based on the area of tree canopy removed. As proposed, the penalty would be \$2,000 for every 1,200 square feet of tree canopy removed.

**BACKGROUND INFORMATION:**

- On November 15, 2022, City Council adopted an ordinance that updated the City's development regulations as part of the New Code McKinney initiative. The initiative focused on improving and updating functionality, processes, and development standards of the code and consolidated all of the development regulations into a single document, known as the Unified Development Code (UDC).
- As part of the ongoing implementation and administration of the new UDC, Staff has been monitoring the code to ensure that necessary amendments, improvements, and updates are noted and considered on an annual basis.

**OPPOSITION TO OR SUPPORT OF REQUEST:**

- Staff has received no emails or phone calls in support of or opposition to the proposed amendments.

**SUPPORTING MATERIALS:**

[Presentation](#)

[Proposed Article 4 Tree Preservation - redlines](#)

[Proposed Appendix A - Schedule of Fees - redline](#)

[Proposed Article 4 Tree Preservation - clean](#)

[Proposed Appendix A - Schedule of Fees - clean](#)