

ORDINANCE NO.

2015-252

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, AMENDING SECTION 35.13.7.A.7.e OF THE DENTON DEVELOPMENT CODE, PERTAINING TO USE OF THE TREE FUND; PROVIDING FOR A PENALTY CLAUSE WITH A MAXIMUM FINE AMOUNT OF \$2,000.00 FOR EACH VIOLATION THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 2002-040, the City Council of the City of Denton, Texas adopted the Denton Development Code (the "Development Code"); and

WHEREAS, Subchapter 35.13 of the Development Code provides for the use of Tree Fund deposits for tree mitigation, and the City desires also to use such deposits for the public purpose of increasing the tree canopy within the City; and

WHEREAS, after providing notice and after conducting a public hearing on the 18 day of August, 2015, as required by law, the Planning and Zoning Commission recommended approval of changes to Subchapter 35.13 of the Development Code as described herein; and

WHEREAS, after providing notice and after conducting a public hearing as required by law, the City Council finds that the subject changes to the Development Code are consistent with the Denton Plan; and

WHEREAS, the City Council has determined that the proposed amendment for the use of the Tree Fund is in the best interest of the health, safety, morals, and general welfare of the City of Denton, and accordingly is of the opinion and finds that said amendment is in the public interest and should be granted as set forth herein; NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference as true.

SECTION 2. Subchapter 35.13.7.A.7.e of the Denton Development Code is amended as underlined to read as follows:

Section 35.13.7.A.7.e:

e. Tree Fund.

- i. The City shall administer the Tree Fund. Tree Funds shall be used to purchase, plant, and maintain trees ~~on public property~~, to preserve wooded property ~~that remaining~~ in a naturalistic state in perpetuity, to perform and maintain a City-wide tree inventory, and to educate citizens and developers on the benefits and value of trees, all within the City of Denton. The Tree Fund may also be used to support programs for the public purpose of increasing the tree canopy within the City of Denton as approved by City Council.


- ii. Proceeds from the Tree Fund shall not be used to meet any requirements for preservation, mitigation, landscaping, buffering, streetscaping, or similar requirements in the Denton Development Code and the Denton Code of Ordinances.
- iii. The applicant shall pay the fees established by City Council and published in the Development Review Fee Schedule in the Application Criteria Manual. The fee shall be based on the fair market value of materials and labor at the time of planting and the reasonable estimated cost for maintenance and irrigation for a period of three (3) years.
- iv. Fees contributed to the Tree Fund shall be paid prior to the issuance of a Clearing and Grading Permit on all Commercial, Industrial, or Multi-Family Residential developments, prior to final approval of a Gas Well Development Plat and prior to filing a Final Plat in the Denton County Clerk's Office for all Single-family Residential Subdivisions.
- v. Voluntary contributions for tree preservation shall be placed in the Tree Fund.

SECTION 3. Any person, firm, partnership, corporation or other entity violating any provision of this ordinance shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine in a sum not exceeding \$2,000.00 for each offense. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

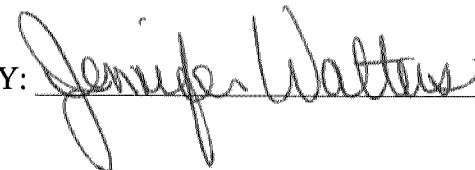
SECTION 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of other provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 5. In compliance with Section 2.09(c) of the Denton Charter, this ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

PASSED AND APPROVED this the 18 day of August, 2015.


CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

BY: Jennifer W. DeCub
Deputy City Attorney