

COMPARATIVE MATRIX BETWEEN CURRENT AND PROPOSED CODE

SUBJECT	EXISTING REGULATIONS	PROPOSED REGULATIONS
General	Two (2) separate regulations for landscaping and land clearing/ tree protection. Conflicting and duplicative regulations.	Combines landscaping, land clearing and tree protection into one regulation; Removes conflicts and duplications. Net reduction in text.
Definitions	Two (2) sets of definitions; often vague; some important terms not defined; some terms not consistent	One set of consistent definitions; illustrations added for clarity where needed.
Exemptions	Individual Single-Family Lots < 1 acre exempt from Tree Protection and Canopy Preservation; Agricultural activities	<ul style="list-style-type: none"> • Individual Single-Family Lots \leq 1.25 acres exempt from Tree Protection and Canopy Preservation as long as min. landscaping requirements are met; • Single Family Lots that are more than 1.25 acres but less than or equal to 2.5 acres are exempt as long as Heritage Tree, Specimen Tree and minimum landscaping requirements are met and maintained. • Single Family Properties that are 2.5 acres or less that have a Cert. Of Occupancy are exempt as long as minimum landscaping and tree preservation requirements are met and maintained. • Linear public projects; • Agricultural activities;
NonNative Noxious Invasive Plants	<ul style="list-style-type: none"> • Administrative Waiver required for clearing. • Removal and re-growth prohibited up to 2.5 acres for 7 species. <p style="text-align: center;">NOTE: Excludes Australian Pine</p>	<ul style="list-style-type: none"> • Exempt from requirements except within shoreline protection buffers and wetlands. • Removal and re-growth prohibited up to 5 acres for over 90 species. • Uses state approved, scientifically based standards <p style="text-align: center;">NOTE: Includes Australian Pine</p>
Agricultural Land Clearing	No tree protection or canopy requirements if converted to non-agricultural uses	Canopy and tree protection required if converted to non-agricultural use within 3 years.

Violations and Penalties	\$500 per Protected Tree; \$500 per ¼ acre of clearing; Restoration not required. Inconsistent with other Codes	Restoration and replacement required; Stop Work orders authorized; Violations resolved prior to permit or CO issuance. Schedule of fines established by resolution. Consistent Process.
Application Process	Unclear and duplicative application processes	Consolidated process with One-Stop Permitting and subdivision/site plan reviews.
Canopy Preservation	Canopy preservation of 25% of site; few standards for preservation areas; no consideration for site constraints.	Canopy percentage dependent on land use and can be achieved through preservation or a combination of preservation and plantings; minimum preservation % established for each land use type; no more than 50% of planted trees can be of any one major type like oak or pine; credit given for extra preservation.
Tree Protection	Ten (10) inches dbh on mainland; 1.5 inches dbh on barrier islands; no actual definition; vague requirement for protection during construction.	Hardwoods- 10” dbh mainland; 1.5” dbh barrier islands Softwoods- 14” dbh; 1.5” dbh on barrier islands Scrub Oaks- 1.5” dbh mainland and barrier islands Protection requirements during construction clarified with specific examples provided.
Landscaping Performance Standards	Minimum tree stds. Single-family- 1” dbh, 6 feet tall All others- 2.5” dbh, 12 feet tall Landscaping based on point system	Minimum tree stds. Single-family- 1” dbh, 8 feet tall All others- 3” dbh, 12 feet tall Landscaping based on minimum standards per buildable acre Incentives, density bonuses and credits for extra preservation of canopy, protected trees, specimen or heritage trees, rare or endangered plants
Xeriscape and Water-Wise Landscaping	Not addressed	Establishes criteria for use; allows for incentive reductions in landscaping requirements
Mitigation	Not permitted	Allowable when on-site replacement and relocation standards cannot be met Allows for in kind offsite mitigation and compensation mitigation
Waivers	Administrative; parking requirements reduced up to 30%	Administrative; parking requirements reduced up to 30%; tree planting requirements can be reduced for preservation
Alternative Plans	Allowed “betterment plan” but no criteria for evaluation, Option did not adequately address adverse site conditions or hardships	Alternative plans allowable when adverse site conditions or hardship; establishes criteria for review; requires (1) on-site relocation/replacement, (2) off-site mitigation, (3) compensation, in order of preference.