

Current Ordinance #745

- Protection:
 - Requires 1 tree / 2,000 sq ft of the lot area – exclusive of land in Harris County Flood Control or utility easement
 - If a lot has less than the number of trees required, keep the trees larger than three (3) inches in diameter in descending size until minimum is met
 - Requires demolition, construction, additions, or swimming pool projects to plant trees as necessary to meet the minimum tree requirement whether removing trees or not
 - Prohibits destruction or damage to trees on public property

Commented [CS1]: Residential lot sizes, exclusive of HCFCF area, range from 7,000 sq ft (4 trees) to 25,858 sq ft (13 trees)

Does not require trees to be planted in the front yard. Suggesting a requirement for at least (1) tree to be in the front.

Commented [CS2]: If no current survey is available, we can research the square footage using HCAD Real Property Records land use data. Maps are available using the Parcel Viewer program for the manual addition of tree locations and types.

- Removal:
 - Permit required per tree if:
 - Tree is >8" in diameter
 - Tree is <8" in diameter AND
 - is required to meet the minimum tree requirement OR
 - was planted as a replacement for a previously removed tree
 - Prohibits damage or intentional killing of trees
 - Requires durable protective fencing for the duration of construction projects as appropriate (building inspectors check weekly as part of job site maintenance)
 - Permit will be issued if one of these conditions exists:
 - Lot will satisfy the minimum tree requirement after removal
 - *Tree is diseased, dying, or dead
 - Construction is planned where the tree is
 - *Tree is a safety hazard
 - *Good arbor management indicates removal will benefit surrounding trees
 - Permit requirements:
 - Application including certification that the required number of trees exists after removal or that replacement(s) will be planted.
 - Pay the permit fee
 - Waived if a tree is diseased, dying, or dead or if after removal the lot has more than the minimum tree requirement
 - City shall have 3 days to review the permit application
 - *City may require the owner to submit a certification by an arborist
 - Allows for emergency removal without a permit so long as the owner applies for a permit
 - City may require a damaged, dead, or dying tree to be removed, gives the owner 14 days after receipt of notice to remove the tree
 - Removal can be done by the owner or contractor, but the owner should ensure that the proper insurance is in place

Commented [CS3]: Does the council want a requirement that trees be cut so that the stump is level with the ground?

Commented [CS4]: Have not historically been charging per tree, however, most permits are issued for just one tree removal.

Commented [CS5]: Owners can remove trees for any reason as long as the minimum number for their lot size remains

Commented [CS6]: No fee for the permit means there is no revenue to cover an inspection by the arborist
-Can ask building official if they perform tree counts but they would likely only be verifying count by diameter, not health or quality of tree

Commented [CS7]: The current language states the City shall have a reasonable amount of time "not less than 3 days" to review the application but I think it should say "not more than 3 days"
We have been able to issue the majority of permits same day, with delays typically due to lack of proof of insurance

Commented [CS8]: Could the certification be required to include a site map and tree disposition chart?

Commented [CS9]: Emergency implies a safety hazard, which means no permit fee but also not likely to have an arborist certification. We accept, but currently do not require, photos of the tree before and cut showing the rot/damage justifying the removal.

Commented [CS10]: Insurance required for the permit, either from the contractor or homeowner

- Replacement:
 - Requires replanting within 120 days at least 3" in diameter at 6" above grade until the minimum is met, does not count if planted in HCFCF or utility easement
 - Nothing else in the ordinance prevents plantings (or removal) in HCFCF or utility easements

- With city arborist approval can stray from the approved tree list, if a request is not approved then the owner can appeal to the council
 - encourages species native to Texas Gulf Coast
 - city can help source replacements if there is a financial hardship

Commented [CS11]: Some cities have a short list of trees commonly requested that do not qualify. We do not often have rejected substitute requests and when we do there isn't much pushback
Examples: Palm, Italian Cypress

- Tree Survey

- Required for demolition, construction, addition, and swimming pool projects
- If construction requires the removal of any tree larger than 8" then replacement is required from the approved tree list
- Shall be prepared by an architect, engineer, arborist, or surveyor
- Shall include:
 - Location, type, and diameter of each tree greater than 8"
 - Improvements (current and/or planned), fences, utilities
 - Tree protection fencing
 - Scale, north arrow, information on the survey preparer
 - Site identifying information
 - Location of HCFCD or utility easements and square footage, and remaining lot square footage

- Certificate of Occupancy (CO) Requirements:

- Final inspection and approval by the city inspector
 - May – September a provisional CO can be issued if the owner agrees to meet the minimum, and will remain provisional until compliance

Commented [CS12]: Does not require the city arborist, but that is who we request to perform these final inspections

Commented [CS13]: No time frame was established; however, October is mentioned in the next section so we can use that as a precedent.

- Exemptions

- trees within a utility easement
- trees trimmed or removed by the city on public property or within right-of-way including drainage easements and roadway easements
- trees to be planted between May – September can be delayed until October of the same year

- Enforcement.

- The city has the authority and right to inspect any property to ensure compliance with this article.
- The city may require any lot owner to prove that the owner is in compliance with this article.
- The city may withhold, revoke, or suspend any tree removal permit or building permit if any condition or requirement of this article or such permit is not fulfilled.
- The city may order an immediate stop to the removal of any tree, any activity that is likely to cause serious damage or death to any tree, or any demolition or construction of a building if such activity is being done in violation of this article.
- The city has the authority to hire a tree inspector for advice in conjunction with enforcing this article.

- Appeal
 - Anyone whose request has been denied may appeal to the city council by filing a written notice of appeal with the city.

Sec. 7.713. - Approved Tree List.

	Common Name	Scientific Name	Growth	Characteristics
1	American Elm (White Elm)	<i>Ulmus americana</i>	Rapid	Texas native, reliable fall color, seeds or fruit eaten by wildlife. Deep green leaves turn bright yellow in fall. Fast-growing, vase-shaped shade tree that tolerates a wide range of conditions. Dutch elm disease not too bad in Texas; extensive, shallow root system.
2	Bald Cypress	<i>Taxodium distichum</i>	Moderate	Deciduous conifer with feather-like leaves, round seed balls, and fibrous bark. Adapted to many soil and moisture conditions. Grows well in wet areas. Woody 'knees' develop on wet sites. (Has very aggressive roots—do not plant near house or sewer lines).
3	Black Walnut	<i>Juglans nigra</i>	Moderate	Texas native, seeds or fruit eaten by wildlife. Distinctive shade tree for open spaces. Fruits can be extremely messy. Webworm can be a problem. Leaves drop early in the fall.
4	Blackgum (Black Tupelo)	<i>Nyssa sylvatica</i>	Moderate	Texas native, reliable fall color, attractive seeds or fruit, seeds or fruit eaten by wildlife. Prefers acid soils. Bright, shiny foliage turns red and purple early in the fall. Shallow- rooted.
5	Bur Oak (Mossycup Oak)	<i>Quercus macrocarpa</i>	Slow	Texas native, reliable fall color, attractive seeds or fruit, seeds or fruit eaten by wildlife. Unique leaf shape; large acorn is enclosed in a fuzzy cap. Excellent, drought-tolerant native tree, with rough texture and large acorn.
6	Bitternut hickory (swamp hickory)	<i>Carya cordiformis</i>	Moderate	Large pecan hickory with commercial stands located mostly north of the other pecan hickories.

	Common Name	Scientific Name	Growth	Characteristics
7	Carolina Basswood (Linden)	<i>Tilia caroliniana</i>	Rapid	Texas native, showy or fragrant flower, attractive seeds or fruit. Large, oval shade tree with interesting winged fruits. Flowers are a favorite of honeybees. Needs plenty of room.
8	Cedar Elm	<i>Ulmus crassifolia</i>	Moderate	Texas native, reliable fall color. Fine textured leaves turn yellow in fall. Tough, drought-tolerant shade tree, well-adapted to a variety of conditions.
9	Cherrybark Oak	<i>Quercus falcata var. pagodifolia</i>	Moderate	Texas native, reliable fall color, seeds or fruit eaten by wildlife. Excellent native shade tree for a variety of planting situations.
10	Chinkapin Oak	<i>Quercus muehlenbergii</i>	Moderate	It is also planted widely as a shade tree suitable for limestone soils. Occurs from northeast Texas to Central Texas and south to the Guadalupe River, and also in the mountains of West Texas, growing on mostly limestone soils, especially at the base of bluffs and along stream courses.
11	Green Ash	<i>Fraxinus pennsylvanica</i>	Rapid	Texas native, reliable fall color. Tolerates a wide range of soil conditions. Needs pruning to develop strong branch structure.
12	Laurel Oak (swamp laurel oak, diamond-leaf oak, water oak, obtusa oak)	<i>Quercus laurifolia</i>	Moderate	Native to the southeastern and south-central the United States, from coastal Virginia to central Florida and west to southeast Texas.
13	Live Oak (Encino)	<i>Quercus virginiana</i>	Rapid	Texas native, seeds or fruit eaten by wildlife. Glossy, deep green leaves remain all winter; long-lived shade tree. Allow plenty of room; can develop surface roots.
14	Loblolly Pine	<i>Pinus taeda</i>	Rapid	Texas native. Medium-length green needles and large, brown cones in the fall. Tolerates a wide range of site conditions, but prefers good drainage.

	Common Name	Scientific Name	Growth	Characteristics
15	Montezuma Cypress (Bald Cypress)	<i>Taxodium mucronatum</i>	Rapid	Texas native, attractive seeds or fruit. Delicate, feathery foliage casts a light shade. Bark is reddish and shredding.
16	Nuttall Oak	<i>Quercus nuttallii</i>	Moderate	Grows well on heavy, poorly drained, clay soils deposited by rivers.
17	Overcup Oak	<i>Quercus lyrata</i>	Moderate	Texas native, seeds or fruit eaten by wildlife. Small acorns are an important wildlife food source. Tolerates poor drainage and heavy clay soils. (slow to leaf out in the spring).
18	Pecan	<i>Carya illinoensis</i>	Moderate	Texas native, seeds or fruit eaten by wildlife. Nuts are an important wildlife food. Mature crown is open and airy. State tree of Texas. Plant with plenty of room. (slow to leaf out in the spring. Fruit will stain sidewalk).
19	Red Maple	<i>Acer rubrum</i>	Rapid	Texas native, reliable fall color, attractive seeds or fruit. Flowers and winged fruits in spring are red. Brilliant fall color, yellow to red. (Bark is easily injured by weed eater).
20	River Birch	<i>Betula nigra</i>	Rapid	Texas native. Attractive pinkish peeling bark. Works well as multiple trunk specimen. Prefers moist sites like stream banks. Susceptible to ice damage. (Needs high nitrogen to stay healthy).
21	Shumard Oak	<i>Quercus shumardii</i>	Rapid	Texas native, reliable fall color, seeds or fruit eaten by wildlife. Young trees have "candelabra" shape; fall color is orange to deep red. Widely available; prefers well-drained soils. Seed source of trees may determine success.
22	Hybrid Magnolia	<i>Little Gem or D.D. Blanchard</i>	Moderate	Grows better than the Southern Magnolia.
23	Southern Magnolia	<i>Magnolia grandiflora</i>	Moderate	Texas native, showy or fragrant flower, attractive seeds or fruit, seeds or fruit eaten by wildlife. Large, white flowers and glossy, deep green leaves. Plant in

	Common Name	Scientific Name	Growth	Characteristics
				well-drained soil and let limbs grow to the ground. Some cultivars tolerate alkalinity.
24	Swamp Chestnut Oak (Cow Oak)	<i>Quercus michauxii</i>	Moderate	Texas native, reliable fall color, seeds or fruit eaten by wildlife. Large leaves turn deep red in fall; large acorns are popular with wildlife. Tolerates seasonal poor drainage, but prefers loamy soils.
25	Sweetgum	<i>Liquidambar styraciflua</i>	Rapid	Texas native, reliable fall color, attractive seeds or fruit. Distinctive star-shaped leaves and round, spiky seed balls. Rapid, upright growth. Fall color ranges from yellow to purple.
26	Sycamore (American Planetree)	<i>Platanus occidentalis</i>	Rapid	Texas native, attractive seeds or fruit. Old bark flakes off to reveal pale new bark. Round fruit is a mass of small seeds. Provide plenty of room and a moist site. (Mexican Sycamore better leaves)
27	Thornless Honeylocust	<i>Gleditsia triacanthos var. inermis</i>	Rapid	Texas native, reliable fall color, attractive seeds or fruit, seeds or fruit eaten by wildlife. Wildlife eat seed pods.
28	Water Oak (Pin Oak)	<i>Quercus nigra</i>	Rapid	Texas native, seeds or fruit eaten by wildlife. Dark green bell-shaped leaves form a dense canopy. This common native does best on well drained, moist sites. (after 60 years prone to insects and disease).
29	White Ash	<i>Fraxinus americana</i>	Rapid	Texas native, reliable fall color .Fall color is yellow, orange, and purple. Male trees are seedless. A relatively clean shade tree. Prefers loamy, well-drained soils.
30	White Oak	<i>Quercus alba</i>	Slow	Texas native, reliable fall color, seeds or fruit eaten by wildlife. Excellent long-lived shade tree. Wildlife eat acorns. Fall color is red. Works best on well-drained, loamy soils.

	Common Name	Scientific Name	Growth	Characteristics
31	Willow Oak	<i>Quercus phellos</i>	Rapid	Texas native, reliable fall color, seeds or fruit eaten by wildlife. Narrow, light green leaves turn yellow-brown in the fall. Fine twigs and strong branch structure. Prefers moist conditions.

TREE REMOVAL PERMIT FEES (permit fee will be doubled if work is started prior to obtaining a permit)		
TYPE OF PERMIT	FEES	MAX # OF INSPECTIONS
Tree removal for New Construction*	\$25.00	1
Tree removal - No Construction*	\$25.00	1
*Tree Survey With Drawing - Disposition Plan (approved by City). If tree dead or diseased, the \$25.00 permit fee shall be waived		

Commented [CS14]: Suggesting to increase to \$200 flat fee to cover the cost of the arborist pre-construction and final inspections for occupancy. (Currently costs \$80/inspection, including buffer for potential future cost increase)

Add a new type "Tree Removal – Minor Construction" \$25 assessed per tree for construction where the building official can verify pre-construction and final compliance in minor projects (addition, swimming pool)

Inspections for required tree protection on construction sites where no tree removal permit is needed can be done by building inspectors at the pre-construction site inspection

Commented [CS15]: Suggesting \$25 assessed per tree for removals without any related construction permit

If this fee remains the same or is waived, we will need to use building inspectors as we are not charged per inspection by them