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# Tree Preservation Ordinance



# Updates since November 7<sup>th</sup> Workshop

## Revised exemption:

- Trees that the Director of Community Development or their designee determine are dead, diseased, in severe decline, or deemed a safety hazard. The property owner or developer can elect to hire a certified Urban Forester, Landscape Architect, or Arborist to confirm or reverse the City's determination.



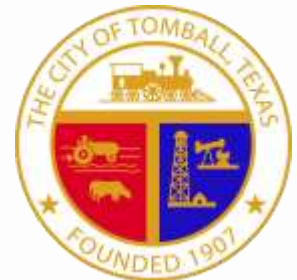
# Updates since November 7<sup>th</sup> Workshop

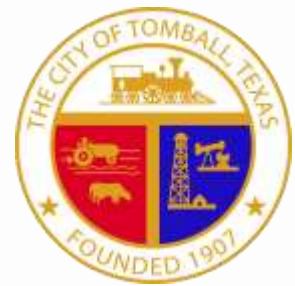
- Critical root zone replaced with drip line:
  - Drip line. An imaginary line extending from the external boundary of a tree's canopy to the ground.
  - Tree protection fencing to be installed at the edge of the tree's drip line instead of critical root zone (1" trunk diameter to 1' critical root zone radius).
- Magnolia tree added to the City of Tomball Tree List.



# Updates since November 7<sup>th</sup> Workshop

- Only trees less than 10 inches in diameter are exempt from tree mitigation fees on single-family and two-family residential properties. (Texas Local Government Code 212.905).
  - Protected trees are proposed to be 18 inches in diameter and larger.
- Single-family and two-family residential properties are **NOT** exempt from Tree Removal Permits as the ordinance is currently drafted.





# Purpose

To preserve, protect and enhance existing trees and mitigate the effects of tree removal within the city. Trees, particularly native species, add natural beauty and distinct local character, add shade, promote water conservation, provide locations for habitat, and increase property values.



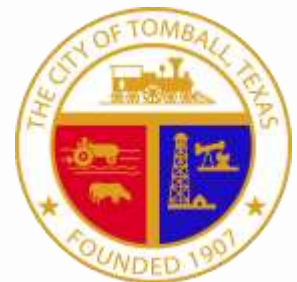
# Exemptions to tree protection/mitigation

- Trees deemed dead, diseased, or a safety hazard
- Where public streets, easements, or fire lanes are required



# Protected trees

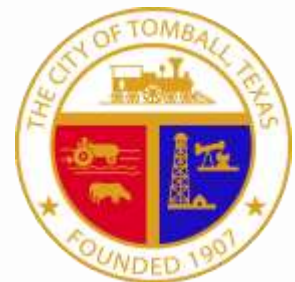
- Any tree species listed in the City of Tomball Tree List that measures 18 inches in diameter or larger (measured 4.5' above grade)
- A tree removal permit is required for protected trees
  - A tree survey is required prior to the removal of any protected tree.





# City of Tomball Tree List (Protection and Replacement)

City of Tomball Tree List	
American Elm	Overcup Oak
American Holly	Pecan
American Sycamore	Pin Oak
Aristocrat Pear	Possumhaw Holly
American Sweetgum	Redbud
Arizona Cypress	Red Maple
Bald Cypress	River Birch
Black Gum	Sawtooth Oak
Boxelder	Shumard Oak
Bradford Pear	Slippery Elm
Bur Oak	Southern Magnolia
Cedar	Southern Sugar Maple
Cedar Elm	Swamp Chestnut Oak
Eastern Black Walnut	Sweet Gum
Eastern Red Cedar	Sycamore
Green Ash	Texas Red Oak
Lacebark Elm	Tulip Tree
Laurel Oak	Tulip Tree Liriodendron
Leyland Cypress	Water Oak
Live Oak	White Ash
London Plane Tree	White Oak
Magnolia	Willow Oak



# Alternatives to tree survey

- Affidavit provided by Urban Forester, Arborist, or Landscape Architect indicating no protected trees are on the property or if all protected trees are diseased or dead.
- Establishment of a tree preservation area
  - Must include extensive tree canopy and be at least 20% of the parcel area.



# Forested buffer zones

- 18-foot reserve along boundaries between new development and single-family zoned properties.
  - 15 feet if parallel abutting easements exist
- Preservation of all trees and underbrush.
- Exemptions include:
  - New subdivisions (plats) less than 5 acres.
  - Replats where the boundary is not changed and where additional lots are not being created along the boundary.



# Example



# Tree replacement/mitigation

- Mitigation 1:1 replacement to removal
- Minimum 4-inch caliper for replacement trees (measured 1 foot above grade)
- Replacement within 90 days
- Minimum 8-inch trees that are preserved count towards replacement credit
- Replacement trees must be on the City of Tomball Tree List



# Alternative mitigation methods

- If replacement trees are not possible onsite:
  - Fee-in-lieu of replacement towards tree replacement fund per the master fee schedule
  - Offsite mitigation (parks or other public spaces)



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# Discussion

