



**DRIPPING SPRINGS**  
Texas

Tree Preservation and  
Landscaping  
Ordinance –  
*Approved*

Laura Mueller, City Attorney

## Current issues that prompted this revision:

- Community focus on natural environment
- Clear-cutting of development sites
- Low (perceived) value to keeping existing urban canopy by some applicants
- Low financial barrier to creating bare pad sites
- Focus on paying rather than preservation
- Water Conservation



DRIPPING SPRINGS  
Texas



## Approved Ordinance

- Two Scopes:
  - Residential homeowners and small projects with 4 units or less (Divisions 1 & 2)
  - All other projects including Residential Subdivisions and Commercial Projects (Divisions 3, 4, & 5)
- Added a host of definitions, which will further refine meaning to key terms and concepts
- Water Conservation Incentives including installation of drip irrigation and requirement for less grass turf



## Tree Preservation – Approved

- Limits removal of trees during development of commercial and larger residential projects.
- Protects certain species of trees that are 18 inches and larger for all lots.
- Requires tree preservation plans for new projects (on platting)
- Requires mitigation for all tree removal in excess of allowed with an emphasis on planting a variety of preferred tree types over paving.
- Prohibits removal of healthy Heritage Trees (18” caliper or larger) except with waiver approval including only certain species and excluding non-native trees.
- Prohibits removal of Heritage Trees on any property, including individual residential lots, in the City.

## Tree Preservation -- Prior

- Applies removal of any tree 8 inch or larger to all lots.
- Protects all species of trees.
- Requires landscape plan and tree survey but no tree preservation plan.
- Requires mitigation for all trees removed 8 inches or larger or \$6,000 an acre.
- Protects all species of trees that are 8 inches or larger.

## Water Conservation -- Approved

- **210 Reuse Discount for installing drip irrigation**
- **Turf Grass Areas**
  - Use of grass limited to Zoysia, Bermuda, Buffalograss, Habiturf, or other drought-tolerant turf grass varieties.
  - Single-family residential home subdivision: turf grass areas shall be limited to a maximum of 50% of the total provided landscaped area, except that up to 75% of the areas can be turf if supported by drip irrigation.
  - In all other developments, turf grass areas shall be limited to a maximum of 25% of the total provided landscaped area, except that up to 50% of the areas can be turf if supported by drip irrigation in lieu of spray irrigation.
  - All lots—no sprinkling on sidewalks, curbs, or streets

## Water Conservation – Prior

- No incentive for drip or other irrigation
- **Turf Grass Areas**
  - Use of grass limited to Zoysia, Bermuda, or Buffalo
    - Limitations apply to all lots
  - No limitation on amount of live turf grasses.

## Residential Homeowners Violations

- Applies in City Limits (28.06.003)
- Class C Misdemeanor
  - Cannot cut down any Heritage Tree without a waiver
    - Certain trees as listed
  - Cannot Damage trees that are protected by the ordinance
- Civil Remedies
  - Injunctive Relief
  - Civil Penalties
- Mitigation for Tree Removal
  - Replace removed trees
  - Relocate removed trees
  - Preservation in excess of requirements including ashe juniper, huisache, and mesquite
  - Payment of tree mitigation fees
  - Combination of methods required

Tree Classification	Tree Diameter Removed (DBH)	Tree Planting: Aggregate TC in inches of trees removed	Mitigation Fee per inch (TC) of tree removed
Heritage	18.0" or greater	3:1	\$200



## Site Development: Larger Residential Subdivisions (more than 4 units) and all Commercial Projects Violations

- Class C Misdemeanor
  - Removal of damage of protected trees
  - Death of adjacent trees due to construction
  - Use of unauthorized landscape material
  - Paving over the critical root zone
- Civil Remedies
  - Injunctive Relief
  - Civil Penalties
- Mitigation for Tree Removal
  - Replace removed trees
  - Relocate removed trees
  - Preservation in excess of requirements including ashe juniper, huisache, and mesquite
  - Payment of tree mitigation fees
  - Combination of methods required

<u>Tree Classification</u>	<u>Tree Diameter Removed (DBH)</u>	<u>Tree Planting: Aggregate TC in inches of trees removed</u>	<u>Mitigation Fee per inch (TC) of tree removed</u>
<u>Standard</u>	8.0" -17.9"	1:1	\$100
<u>Heritage</u>	18.0" or greater	3:1	\$200



## **Tree Preservation: Larger Residential Subdivisions (more than 4 units) and all Commercial Projects (Divisions 3, 4, & 5)**

### Residential Subdivision (5 or more dwelling units):

- 100% of all Heritage trees
- 35% of all Standard trees (Can remove up to 65% and all unprotected trees)
- Heritage may be removed with a waiver where they are located within potential infrastructure areas

### Commercial, Industrial, and Multi-Family Subdivision:

- 100% of all Heritage trees
- 40% of all Standard trees (Can remove up to 60% and all unprotected trees)
- Heritage trees may be removed with a waiver where they are located within potential infrastructure areas



## Protected Trees



Tree	Heritage Size	Legacy Size	Standard Size	Notes
Texas Persimmon ( <i>Diospyros texana</i> )	12 inch	5 inch	3 inch	
Texas Redbud (var. <i>texensis</i> )	12 inch	5 inch	3 inch	
Texas Mountain Laurel ( <i>Sophora secundiflora</i> )	12 inch	5 inch	3 inch	
Condalia ( <i>Condalia hookeri</i> )	12 inch	5 inch	3 inch	
Possum Haw ( <i>Ilex decidua</i> )	12 inch	5 inch	3 inch	In floodplain only
Hawthorne ( <i>rataegus texana</i> )	12 inch	5 inch	3 inch	



**Plus Hardwood Trees:**  
Texas Ash, Bald Cypress, American Elm, Cedar Elm, Texas Madrone, Bigtooth Maple, All Oaks, Pecan, Arizona Walnut, Eastern Black Walnut, and other designated hardwood trees.



## Tree Preservation Incentives – Residential Subdivisions and Commercial Projects

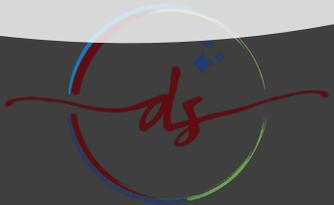
- Parking Space Reduction
- Sidewalk Waivers
- Additional tree preservation credit for Tree Clusters
- Landscape Credits
- Minimum lot size and setbacks





# Tree Preservation Exceptions

- Rebuild after natural disaster or damage to trees from fire or natural disaster
- Diseased or dying trees
- Exempted tree species
- Right of way including sight lines and opening up of traffic lanes



## Non-Native Trees – Not Protected

- Chinese Pistache (*Pistacia chinensis*)
- Chinaberry (*Melia azedarach*)
- Chinese Tallow (*Sapium sebiferum*)
- Tree of Heaven (*Ailanthus altissima*)
- Salt Cedar (*Taxodium species*)
- Japanese Ligustrum (*Ligustrum japonicum*)
- Nandina (*Nandina domestica*)
- Paper Mulberry (*Broussonetia papyrifera*)



## Next Steps:

- Newspaper Publication on March 14, 2024
- April 13, 2024 Effective:
  - All Residential Requirements
  - Street Tree changes
  - Landscape Buffer changes
  - Parking area landscaping changes
  - Maintenance requirement changes
  - Screening changes
- June 12, 2024
  - Commercial:
    - Tree Preservation including protection of Heritage Trees and a percentage of Standard Trees
    - Tree Mitigation
  - Exceptions
  - Water Conservation and Turf Grass

### **This Ordinance shall be effective as listed below:**

- (a) Ninety (90) days after date of publication:**
  - (1) Sections 28.06.079 – .081 Tree Preservation**
  - (2) Division 3. Generally – Commercial and Subdivision Landscaping and Tree Preservation**
  - (3) Division 5. Standards – Commercial and Subdivision Interior Lot Landscaping**
- (b) Thirty (30) days after date of publication:**
  - (1) All other sections in the ordinance.**



## Town Center Meeting on Landscape Ordinance:

- Town Hall Zoom Meeting – Landscape Ordinance
  - March 21, 2024 at 4 p.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/83944993431?pwd=QmIraVV6ZmtpY3Y2V3M0MWWYydmNyUT09>

Meeting ID: 839 4499 3431

Passcode: 516722

---

One tap mobile

+13462487799,,83944993431#,,, \*516722# US (Houston)

+17193594580,,83944993431#,,, \*516722# US

**E-Mail Questions or Concerns to Kevin Campbell at  
kcampbell@cityofdrippingsprings.com**



DRIPPING SPRINGS  
Texas

