



Applicability:	Policy/Regulation
<p style="text-align: center;">Town's General Approach to Existing Tree Preservation (applies to all land use types)</p>	<p>A. Staff Has Discretion: The Town Planner and the Town Engineer, acting jointly, shall be given the authority to make field decisions regarding removal of trees when same are dead, injured, unsafe, a threat to the public health, safety, or welfare, or for other practical reasons, without the necessity of having to present a revised tree plan to the Planning Commission. [1]</p> <p>B. Existing Trees Linked to Grading Permits: Collierville does not issue tree removal permits; however, a grading permit shall be required for all grading, earthmoving, changing of elevation of property or removal of 15% or more of trees eight inches or greater in a diameter at a point four and one-half feet above the ground level. Per § 151.270, prior to the issuance of a permit for grading or tree removal, an applicant must submit a development plan to the Planning Commission with a written statement of the proposed work to be accomplished and a site plan. [3]</p> <p>C. Relationship of Existing Trees to Limited Grading: §151.269, it shall be unlawful to remove any tree or to commence any grading, earthmoving or changing of elevation of property without first having applied for and received a permit in accordance with the provisions of §151.269. [3]</p> <p>D. Trees and Right-of-Way: No trees shall be removed from any development unless the trees are within a dedicated street right-of-way, within a recorded utility or drainage easement or are required to be removed in accordance with grading plans approved by the Town's development staff. [3] Collierville does not require mitigation <i>only</i> for trees removed from rights-of-way to improve roads in accordance with the Metropolitan Planning Organization Plan or Collierville's Major Road Plan; however, Collierville requires tree mitigation for the entire right-of-way for trees removed to construct local roads and other roads that are interior to a development. [4]</p> <p>E. For Planned Developments: For Tree Mitigation Procedure within Planned Developments, the BMA (with a PC recommendation) will then have the final decision on what the tree mitigation ratio is for the development and will have to add a condition of approval for the mitigation requirement during the review of the Outline Plan. If the BMA does not set this at that time, the PC shall set the mitigation rate. [5]</p> <p>F. Protection of Existing Trees During Construction: Prior to any tree removal or commencement of construction, all trees on public or private construction sites that are scheduled for preservation shall be flagged by a colored ribbon and be guarded by a temporary barrier and shall remain until completion of work. The temporary barrier shall be placed a minimum of three feet high and shall protect as much as possible the drip-line of any protected tree or cluster of trees. Grading, filling and trenching should be adjusted to reduce root or soil compaction. No materials, trailers, vehicles, equipment or chemicals shall be stored, operated or dumped within the protected area. When removing branches from protected trees to clear for construction or pruning to restore the nature shape of the tree, the guidelines of the National Arborist Association Pruning Standards shall be followed. Protected trees shall be pruned, sprayed and fertilized as necessary to compensate for any loss of roots and to stimulate root growth and prevent disease. Any damage to tree crowns or root systems shall be repaired immediately after damage occurs. [3]</p> <p>G. Future Zoning/Design Guidelines Amendments Are Allowed: Nothing herein shall prohibit the Town of Collierville from amending the existing tree preservation requirements of §151.265 To § 151.271 of the Town Code of Ordinances (Zoning Ordinance) further...so long as such additional amendments are not inconsistent with the amendments required by the 1999 Court Order. [1]</p> <p>H. Subdivision of Land: Whether a residential or nonresidential subdivision, for Construction Drawings for a Major Subdivision, a "Tree Survey and Conceptual Tree Preservation & Protection Plan" is required as part of the Preliminary Subdivision Plat application. The tree mitigation ratio will be set by the PC with a tree replacement plan illustrating the proposed location of all mitigation trees provided on site. The DRC will approve the exact location, species, and size of on-site replacement trees. The Construction Drawings, which will include the tree replacement plan and mitigation. will be made part of a Development Agreement between the developer and the BMA. [7]</p>
<p style="text-align: center;">Site Plans and Plans for Common Open Spaces</p> <p>Applications that fall under scope of either the Design Review Commission or Historic District Commission:</p> <ul style="list-style-type: none"> • Common Open Space (COS) areas or community facilities within single family developments; • Commercial and industrial zoning classifications; and • Duplex and multi-family residential structures and developments. 	<p>I. Work with the Land: The existing topography and vegetation shall be preserved intact as much as possible to minimize disruptions in drainage. [2]</p> <p>J. Large Trees: Large existing specimen trees and existing forested areas shall be incorporated into site design to the extent possible, and features such as mature woods and riparian areas shall be retained. [2]</p> <p>K. Tree Protection/Replacement: Trees greater than eight inches in caliper that are proposed to be protected as part of the Tree Protection Plan shall be protected. When removal of these trees is unavoidable, replacement with a similar species, number, and size is required. [2]</p> <p>L. Mitigation: Mitigation trees are trees that the Planning Commission requires a developer or applicant to plant to mitigate for trees removed to develop a site. The mitigation ratio typically approved by Planning Commission is 1 tree replaced for every 2 existing trees removed. [2][6]</p> <ul style="list-style-type: none"> • Mitigation trees must be planted in addition to other landscaping already required, including street trees, entryway landscaping, building foundation landscaping, parking lot landscaping, site perimeter landscaping, screening, and, in residential developments, the two trees required to be planted in each residential front yard. [2] • Mitigation trees may include trees planted in Common Open Space, medians, or around detention and retention basins. [2] • When there is not sufficient space on site to plant all of the required mitigation trees, there are opportunities to mitigate trees in Town parks, public medians, or other property through the Town's Tree Bank program (required fee of \$300 per required mitigation tree, this money will be deposited into an account for use by the Town of Collierville for tree planting and preservation). [2][5][6] • Should any tree that is designated to remain as a part of the approved "tree plan" be removed or die during construction, whether by accident, intentional removal or due to death of the tree as a result of construction actions, the property owner or developer shall be responsible for replacement through one of the above measure. Replacement for a preserved tree will be at a rate of caliper inch-for-inch. [5]
<p style="text-align: center;">Single-family Residential Lots</p>	<p>M. Lots Excluded from Tree Removal Ordinance: Residential lots of one (1) acre or less shall be excluded from the operation of the existing tree preservation requirements of §151.265 to § 151.271 of the Town Code of Ordinances (Zoning Ordinance). Homebuyers not desiring trees shall be permitted to submit a waiver request in writing to the Building Department; provided, however, that the Town of Collierville shall not be obligated to agree to such a waiver. [1]</p> <p>N. New Trees Required for New Lots: Per, §151.268, in new residential subdivisions where front yard setbacks are void of trees, the developer/builder shall install street trees. The minimum tree planting requirements within the required front yard setback shall include a deciduous tree two inch caliper measured at a point six inches above the ground level (American Association of Nursery Standards of Measurement) for every 40 feet of frontage. A maximum of two trees shall be required per lot with the actual number depending on lot width as specified on the final subdivision plat [3]; however, for <u>new</u> residential lots, whether such trees are already existing or are newly planted:</p> <ul style="list-style-type: none"> • Lot under forty (40) feet wide – no trees will be required [1] • Lots forty-one feet (41) wide to eighty (80 feet wide – only one (1) tree required [1] • Lots greater than eighty feet wide – two (2) trees required [1]

SOURCES:

- [1] Consent Order of Dismissal with Prejudice No. 109319-2 (February 5, 1999)
- [2] Collierville Design Guidelines III.E.2 Preservation Of Existing Natural Features (last updated May 9, 2011). The Historic District Design Guidelines have general advisory policy about the preservation of existing trees, but preservation of trees is not covered within the scope of the HDC for a Certificate of Appropriateness, but other policy (subregs, zoning ord) still applies.
- [3] §151.265 To § 151.271 of the Town Code of Ordinances (Zoning Ordinance)
- [4] Policy on Trees Based on Feedback from the Planning Commission at a Work Session Held on April 7, 2003 (Text Added January 28, 2004 for Clarification)
- [5] Policy created and administered by staff such as the "Tree Policy" (2004) and the "Policy Regarding Tree Replacement Methods" (2006)
- [6] Tree mitigation ratio typically approved by Planning Commission is 1 tree replaced for every 2 existing trees removed. Mitigation ratios are handled on a case-by-case basis. The fee schedule resolution approved by the Board of Mayor and Aldermen sets the "fees in lieu" payment for the tree bank. The fee in-lieu-of tree mitigation/preservation is \$300/tree Resolution 2013-30 (to Amend Resolution 98-28) updated July 2013.
- [7] Collierville Subdivision Regulations, Article IV