

ORDINANCE NO. 2025-11

AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CODE OF ORDINANCES CHAPTER 14, THE BASTROP BUILDING BLOCK (B3) CODE, ARTICLE 6.3 GENERAL LOT STANDARDS, 6.3.004 PROTECTED & HERITAGE TREES ADDING (C) AND (D) (1), (2), (3), AND (4); 6.3.004 PROTECTED & HERITAGE TREES CHANGING (E) (1), (4), AND ADDING (4) (A) AND (B), AND (6); 6.3.004 PROTECTED & HERITAGE TREES CHANGING (F) (1), (4), AND ADDING (4) (A) AND (B) AND (6); 6.3.004 PROTECTED & HERITAGE TREES ADDING (G)(1) (A), (B) AND (C) AND (H) (1) AND (2); 6.3.004 PROTECTED & HERITAGE TREES ADDING (I) (2); AS ATTACHED IN EXHIBIT A; AND PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, CODIFICATION, EFFECTIVE DATE, PROPER NOTICE, AND MEETING.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City Council of the City of Bastrop has general authority to amend an ordinance that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code Chapters 211, 212, 214, and 217 the City Council of the City of Bastrop has general authority to regulate planning, zoning, subdivisions, trees and the construction of buildings; and

WHEREAS, this amendment seeks to improve tree protection by adding requirements for a tree survey, specifications for replacement trees, and also adding penalties when not followed.

WHEREAS, the City Council find that certain amendments to the aforementioned ordinances are necessary and reasonable to meet changing conditions and are in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, THAT:

Section 1. Finding of Fact: The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Amendment To Bastrop Building Block Code (B3), Section 6.3.004 of the Bastrop Building Code is hereby amended and shall read in accordance with Exhibit "A", which is attached hereto and incorporated into

this Ordinance for all intents and purposes. Any struck-through text shall be deleted from the Code, as shown in each of the attachments.

Section 3. Severability. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

Section 4. Repeal. This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Bastrop, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinances, are hereby repealed.


Section 5. Effective Date. This Ordinance shall take effect immediately after its final passage and any publication in accordance with the requirements of the City of Bastrop and the laws of the State of Texas.

READ & ACKNOWLEDGED on First Reading on this the 11th day of February 2025.


READ & ADOPTED on Second Reading on this the 25th day of February 2025.

APPROVED:

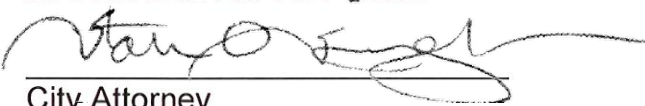
by:


John Kirkland, Mayor Pro Tem

ATTEST:


City Secretary
Victoria Psencik, Assistant City Secretary

APPROVED AS TO FORM:


City Attorney



SEC. 6.3.003 BUILDING PLACEMENT

- (a) Principal buildings shall be positioned on a Lot in accordance with Section 6.5.003 Building Standards per Place Type.
- (1) The First Layer is the area of land between the Frontage Line and the Build-to-Line. The First Layer is measured from the Frontage Line.
 - (2) The required Build-to-Line is the minimum percentage of the front Building Facade that must be located within the First Layer, measured based on the width of the Building divided by the width of the Lot.
 - (3) A Building Facade must be placed within the First Layer for the first 30 feet along the Street extending from any Block corner.
- A. All Structures and encroachments customarily allowed on the Lot are permitted in the First Layer, with the exception of parking.

SEC. 6.3.004 PROTECTED & HERITAGE TREES

- (a) Tree Determinations: Protected or heritage tree designations are determined by measuring at the height of the tree at 4.5 feet above the ground or Diameter at Breast Height (DBH), for various tree species for purposes

of applying the Standards of this section. Multi-trunk trees are to be measured with the largest trunk counting for full DBH inches plus 50 percent of the DBH sum of the additional trunks, if the tree is classified as protected or heritage.

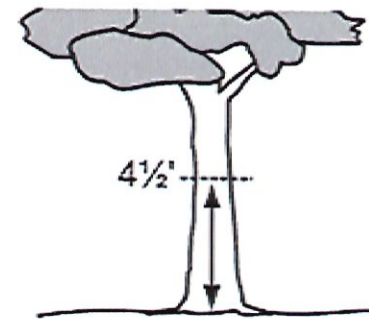
Measuring Tree Size for Existing Trees

Figure 6.3A

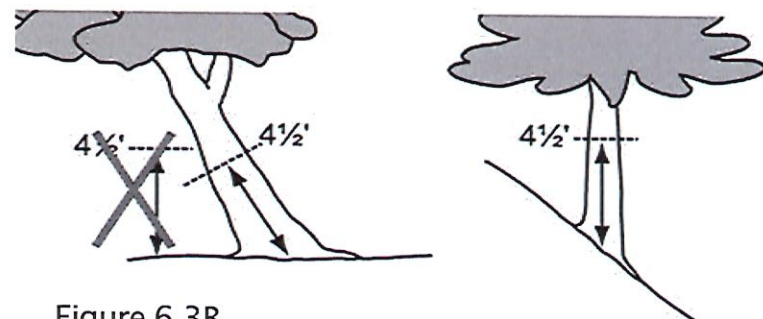
Measuring Existing Trees with an Angle or on Slope

Figure 6.3B

(b) When the trunk branches or splits less than 4.5 feet from the ground, measure the smallest circumference below the lowest branch. See Figure 6.3B. If the tree has a branch or a bump at 4.5 feet, it is better to measure the diameter slightly below or above the branch/bump.

(c) No grading or tree removal shall take place on any undeveloped property without obtaining a permit unless exempted from this code.

(d) Tree Survey

(1) A tree survey and preservation plan for all areas of soil disturbance and construction activity including all work within rights-of-way and easements shall be submitted within a zoning concept scheme application. If rezoning is not applicable for a property, then this document shall be submitted at the time of public improvement plans or site development plans, whichever is first.

(2) The tree survey and preservation plan shall be approved and signed by an ISA certified Arborist and licensed surveyor and the information submitted shall not be older than two years.

(3) The tree survey and preservation plan must be reviewed

(4) The requirement of a tree survey and preservation plan may be appealed to the Planning and Zoning Commission. If sufficient information is provided to review the various provisions of this Code and the Commission determines that a tree survey and

preservation plan is not necessary, the Commission may recommend that this requirement may be waived by the City Council. The City Council shall make the final decision on whether a tree survey and preservation plan is necessary for development.

(e) Protected Trees:

(1) Tree species listed in the Preferred Plant List in the B3 Technical Manual (with the exception of the invasive plants listed) with a ~~13~~ 10 caliper inch diameter or greater measured at the DBH.

(2) Protected trees must be preserved, protected, and integrated in the Development of the property.

(3) Proposed Removal of healthy protected trees must be submitted for approval to the DRC.

(4) Granted Removal of protected trees shall be replaced by planting trees from the Preferred Plant List in the B3 Technical Manual (with the exception of the invasive plants listed), on the property equal to the total caliper inches of the trees removed, measured at 12 inches in height from the ground.

(A) Said replacement trees shall be a minimum of two- inch (2") diameter (measured at twelve-inch [12"] above ground) and five-feet (5') in height when planted.

(B) If an ISA certified arborist deems a replacement as

dead or dying, it must be replaced by another tree replacement tree in compliance with this code in perpetuity.

- (5) Alternative compliance may be submitted to the DRC for approval or a fee in lieu shall be paid if the Site can not meet the Standards of this section. See the City Fee Schedule for tree replacement cost.

- (6) This mitigative measure is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives, which could save more existing trees, have been evaluated and reasonably rejected.

(f) Heritage Trees:

- (1) Tree species listed in Preferred Plant List in the B³ Technical Manual (with the exception of the invasive plants listed) with a 24-caliper inch circumference or greater measured DBH.
- (2) Heritage trees must be preserved, protected, and integrated in the Development of the property.
- (3) Proposed Removal of healthy heritage trees must be submitted for approval to the DRC.
- (4) Granted Removal of protected trees shall be replaced by planting trees from the Preferred Plant List in the

B3 Technical Manual, (with the exception of the invasive plants listed) on the property equal to the total caliper inches of the trees removed, measured at 12 inches in height from the ground.

- (A) Said replacement trees shall be a minimum of two- inch (2") diameter (measured at twelve-inch [12"] above ground) and five-feet (5') in height when planted.

- (B) If an ISA certified arborist deems a replacement tree as dead or dying, it must be replaced by another replacement tree in compliance with this code in perpetuity.

- (5) Alternative compliance may be submitted to the DRC for approval or a fee in lieu shall be paid if the Site can not meet the Standards of this section. See the City Fee Schedule for tree replacement cost.

- (6) This mitigative measure is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives, which could save more existing trees, have been evaluated and reasonably rejected.

(g) Tree Preservation Credits.

(1) For every healthy protected tree ten (10) inches caliper or larger) located outside of the flood plain that is preserved, the developer shall be given credit, according to the following chart. When interior parking lot landscaping is also required, only those trees preserved in the parking area shall be considered for credit for the parking area, according to the following:

(A) Trees ten (10) inches to twenty-four (24) inches caliper: one and one-half (1½") inches credit for each one (1) inch preserved.

(B) Trees over twenty-four (24) inches caliper: Two (2) inches credit for each one (1) inch preserved.

(C) Healthy unprotected trees, over twelve (12) inches in size, located outside the flood plain, may be considered for tree credits only when individually field inspected and approved by a designated representative of the City of Bastrop.

(h) Replacement of Trees

(1) In the event it is necessary to remove a tree ten (10) inches caliper or larger, the developer, builder or property owner shall be required to replace the tree to be removed with comparable or better spacious trees somewhere within the planned development or subdivision. The City Council may allow such trees to be located to other areas in the City if it is deemed necessary by City staff, and space is available. Otherwise,

the developer, builder or property owner shall, at the City's option, escrow funds sufficient to meet the requirements of this Ordinance.

(2) Trees planted to satisfy landscape requirements that are indicated herein, and successfully transplanted trees, shall count toward the tree replacement requirements, inch for inch. Transplanted trees must successfully survive if an ISA certified arborist deems replacement tree as dead or dying the tree has to be replaced in perpetuity.

(i) Exempt Trees:

(1) Any protected or heritage trees determined to be diseased, overly-mature, dying or dead, by an ISA certified arborist are exempted from the Standards of this Code.

(2) All invasive species identified by an ISA certified arborist will receive invasive species credits, ½ credit for every inch of invasive tree being remove