

ORDINANCE NO. 2026-09

AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CODE OF ORDINANCES CHAPTER 1 – GENERAL PROVISIONS, BY REPEALING ARTICLE 1.13.05 TITLED “TREES ON PRIVATE PROPERTY”, SECTIONS 1.13.05.01-1.13.05.05 AS ATTACHED IN EXHIBIT A AND REPLACING IT WITH CHAPTER 14 - BASTROP DEVELOPMENT CODE ARTICLE 14.06 TITLED “TREE PRESERVATION AND MITIGATION” SECTIONS 14.06.001 – 14.06.011; AS ATTACHED IN EXHIBIT B; AND PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, CODIFICATION, EFFECTIVE DATE, PROPER NOTICE, AND MEETING.

WHEREAS, the City of Bastrop, TX (the “City”) is a home rule municipality located in Bastrop County, Texas acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

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 add clarity and consolidate all tree preservation regulations into one cohesive section.

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 and its residents.

WHEREAS, the City finds that this Ordinance was passed and approved at a meeting of the City Council of the City of Bastrop held in strict compliance with the Texas Open Meetings Act at which a quorum of the City Council Members was present and voting.

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 the Bastrop Code of Ordinances, Chapter 1, Chapter 1 – General Provisions Section 1.13.05 Trees on Private Property is hereby repealed in accordance with Exhibit “A” and Chapter 14 – Bastrop Development Code Article 14.06 Tree Preservation and Mitigation Code is hereby amended and shall read in accordance with Exhibit “B”, 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.** Codification. The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City’s Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.
- Section 5.** 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 6.** 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.
- Section 7.** Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

READ & ACKNOWLEDGED on First Reading on this the 24th day of March 2026.

READ & ADOPTED on Second Reading on this the 14th day of April 2026.

[Signature page to follow]

APPROVED:

by: 
Ishmael Harris, Mayor

ATTEST:


Michael Muscarello, City Secretary

APPROVED AS TO FORM:


City Attorney
Denton Navarro Rocha Bernal & Zech, P.C.



~~ARTICLE 1.13.05 TREES ON PRIVATE PROPERTY~~

~~Sec. 1.13.05.001 Created and established.~~

~~There is hereby created and established a private tree care article to provide the city with legal authority over the care of all trees, plants and shrubs located within privately owned property, which will aid in the establishment of a tree preservation program and will enhance the public health and beauty of the city.~~

~~(Ord. No. 2025-28, § 2(Exh. A), 4-8-25)~~

~~Sec. 1.13.05.002 Authority.~~

~~The City Manager shall have oversight authority and responsibility for the implementation of this article.~~

~~(Ord. No. 2025-28, § 2(Exh. A), 4-8-25)~~

~~Sec. 1.13.05.003 Establish a process for mitigation.~~

- ~~(a) The City Manager, in conjunction with the Parks and Recreation Director, shall create a process and procedure for mitigating the removal of trees on private property by creating a permit process for tree removal.~~
- ~~(b) Upon inspection by the City Arborist, or a designated third party arborist, persons seeking to remove a tree on the protected preferred plant list, that is over ten (10) inches in caliper four and one half (4.5) feet from the ground, shall be required to obtain a mitigation permit that is assessed a four hundred dollars (\$400.00) per caliper inch.~~
- ~~(c) This fee shall not be assessed to residents if: (1) is located on a property that is an existing one family or two family dwelling that is the person's residence; and (2) is less than ten (10) inches in diameter at the point on the trunk four and one half (4.5) feet above the ground.~~
- ~~(d) Replacement trees shall be from the approved preferred plant list and shall be the same number of caliper inches removed from the site.~~
- ~~(e) Failure to replace caliper per caliper will result in less mitigation fee credits.~~
- ~~(f) If the City Arborist, or 3rd party Arborist, establishes that the tree must be removed for health, safety, protection from damage to surrounding property or structures, or other public safety reasons, the City Manager shall have the authority to assess no mitigation fees; however:
 - ~~1. On non-residential property, the replacement trees in equal caliper inches must be replanted on the site.~~
 - ~~2. On a property that is an existing one family or two family dwelling that is the person's residence, no fee or replacement is required.~~
 - ~~3. If the property owner removes a tree(s) that does not meet the requirements of the above and is ten (10) inches in caliper measured four and one half (4.5) feet from the ground and is on the preferred plant list as native and does meet the definition of a protected or a heritage tree the property owner will be required to replant one plant from the preferred plant list for each tree removed.~~~~

~~(g) Individuals commencing tree removal without a permit, shall be assessed double the mitigation fee, and must meet the requirements to replace trees on a caliper per caliper inch basis.~~

~~(Ord. No. 2025-28, § 2(Exh. A), 4-8-25)~~

~~Sec. 1.13.05.004 Penalty for non-compliance~~

~~(a) Any individual who removes trees without a permit, or does not comply with the mitigation requirements of 1.13.05.03 shall be subject to a five hundred dollars (\$500.00) to two thousand dollars (\$2,000.00) fine, per tree, per offense and shall be charged with a misdemeanor offense.~~

~~(Ord. No. 2025-28, § 2(Exh. A), 4-8-25)~~

~~Sec. 1.13.05.005 Administrative relief~~

~~(a) An individual may request relief to any part of this section to the City Manager.~~

~~(b) If the appeal is denied, the individual may appeal to the Tree Advisory Board. The decision of the board shall be final.~~

~~(Ord. No. 2025-28, § 2(Exh. A), 4-8-25)~~

ARTICLE 14.06 TREE PRESERVATION AND MITIGATION

Sec. 14.06.001 Purpose and Intent

- A. Conserve and enhance the City's trees to protect neighborhood character, public health, stormwater management, urban heat mitigation, and wildlife habitat.
- B. Establish clear standards for tree surveys, preservation zones, critical root zone protections, mitigation, and enforcement.
- C. Provide reasonable flexibility to accommodate other development standards when doing so resulting in measurably better tree preservation outcomes.

Sec. 14.06.002 Applicability and Relationship to Other Codes

- A. Applicability. This Article applies to all public and private development, redevelopment, and site work requiring a development permit, building permit, grading/clearing permit, or plat approval within the City limits (and ETJ where allowed by law).
- B. Conflicts. Where this Article conflicts with another adopted City standard, the Director may authorize the least-deviation solution that best preserves protected trees while meeting public safety, flood, and utility requirements.
- C. The procedures of the Tree Preservation and Mitigation Section are authorized under the authority granted by Texas Local Government Code Chapter 212.

Sec. 14.06.003 Permit Requirement and Validity

- A. Permit. A Tree Removal Permit is required before removing a Protected Tree or conducting a Tree Impact Activity.
- B. Validity. A Tree Removal Permit is valid for six (6) months from issuance.

Sec. 14.06.004 Submittals: Tree Survey and Removal/Preservation Plan

- A. Tree Survey, sealed by a Certified Arborist or Landscape Architect:
 - 1) Vicinity map; property boundaries and acreage.
 - 2) Existing/proposed streets, drainage, and utility easements on/adjacent to the property.
 - 3) Required preservation/buffer zones.
 - 4) Location, tag number, species, DBH, and condition of each preserved individual Protected Tree; identify Heritage/Significant Trees.
 - 5) Identification of areas proposed for clearing.
 - 6) Recent aerial imagery depicting pre-development conditions.
 - 7) All trees starting at 8 inches in diameter must be surveyed, if credit for preserved trees that are 6 inches in diameter or bigger is wanted, 6-inch diameter trees will also need to be surveyed.
 - 8) The information on the survey shall not be older than two years.

Exhibit B

9) The tree survey and preservation plan is required for all areas of soil disturbance and construction activity including all work within rights-of-way and easements. The detailed tree survey shall be submitted at the time of public improvement plans, site development plans, or land disturbance, whichever is first.

However, if the site is larger than 5 acres, a preliminary tree survey will also be required at the time of a rezoning application, or PDD.

a) The preliminary tree survey shall include aerial photos and sampling.

1. Recent color aerial (dated within 12–24 months), at 1"=100' or similar.
2. Overlaid with: property boundaries, limits of work, major tree stands, and any proposed non-disturbance areas.
3. Said Sample or sampling techniques should be representational of the site or wooded area and should comprise at least fifteen percent (15%) of the total site or wooded area and the sampling technique shall be approved by the Director of Development Services or designee prior to conducting the sample.

B. Tree Removal & Preservation Plan (drawn to site plan scale) must:

- 1) Overlay building footprints, drives, parking, detention, and utilities.
- 2) Delineate CRZ fencing and protection measures.
- 3) Identify mitigation, replacement, and/or Payment in Lieu option.
- 4) Provide irrigation plans for new plantings where required.

Sec. 14.06.005 Credits

A. For every healthy protected tree six (6) inches caliper or larger located outside of the flood plain that is preserved, the developer shall be given credit, according to the following chart.

DBH Class	Credit
6.0"–9.9"	1.0
10.0"–23.9"	1.5
≥24.0"	2.0

B. Healthy unprotected trees, over twelve (12) inches in size, located outside the floodplain, may be considered for tree credits only when individually field inspected and approved by the Parks Director or assignee.

Sec. 14.06.006 New and Replacement Tree Standards

A. Species. Select from the Preferred/Protected Species List in Appendix A. The Parks Director or assignee may approve of comparable species.

Sec. 14.06.007 Root Protection Zones

A. Protection Intent. Root zones shall remain protected and undisturbed for preserved trees, and new plantings shall be sited and detailed to provide appropriate soil volume and space for healthy root establishment and growth.

Exhibit B

- B. Root Protection Zone (RPZ). For purposes of this Code, the RPZ is a circular area with a radius equal to one (1) foot for each inch of trunk caliper, centered on the trunk, unless a Tree Protection Plan prepared by an ISA - Certified Arborist establishes a different radius based on species and site conditions.
- C. Protection Fencing. Prior to any land disturbance, the RPZ of all preserved trees shall be enclosed with four (4) foot-high chain-link or welded-wire fencing supported by steel posts at eight (8) feet on center, with "Tree Protection Area – Keep Out" signage posted at one per 50 feet of fence or minimum one per tree. Fencing shall remain in place until Final landscape inspection unless released in writing by the Director.
- D. Prohibited Activities Within the RPZ. Within the RPZ, the following are prohibited: grading; cuts or fills; trenching; compaction by vehicles or equipment; parking or materials storage (including soil, rock, equipment, or dumpsters); concrete wash-out; fuel, paint, or chemical mixing; fires; and installation of utilities, footings, slabs, or pavements.
- E. Limited Encroachments (Methods). Where the Director determines that an encroachment into the RPZ is unavoidable, the following methods shall be used, and only to the minimum extent necessary:
 - 1) Hand digging or pneumatic excavation (no mechanical trenchers) within the outer one-third of the RPZ.
 - 2) Tunneling or directional boring for utilities beneath roots at a minimum twenty-four (24) inches below existing grade (or below the majority root plate if known).
 - 3) Root pruning only as necessary to complete the work, with clean cuts performed by or under the supervision of an ISA-Certified Arborist; cut surfaces shall be immediately backfilled and watered.
 - 4) Total encroachment area shall not exceed thirty (30) percent of the RPZ.
 - a) Any encroachment into the RPZ shall be the minimum extent necessary and must be approved by the Director after determining unique site constraints result in unavoidable encroachment.
 - b) Encroachments greater than 30% into the RPZ may be approved by the City Arborist and/or the Director of Parks and Recreation only when the Applicant submits an enhanced tree care plan, and the Director of Parks and Recreation and/or City Arborist determines the plan is adequate to protect tree health and long-term viability.
- F. Grade Changes Over Roots. No cuts are permitted within the RPZ. Fills over the RPZ are limited to three (3) inches of pervious topsoil and mulch combined; impermeable surfaces are prohibited unless a Tree Protection Plan provides engineered aeration/soil-cell measures approved by the Director.
- G. Remediation for Accidental Compaction or Disturbance. If compaction or disturbance occurs within the RPZ, the Director may require remediation consisting of pneumatic soil decompaction or radial trenching (8–12 inches deep) and incorporation of compost at 2–4 inches over disturbed areas, followed by deep watering and mulch.
- H. New Tree Planting Required Soil Volume and Space. New trees shall be located and detailed to provide adequate, contiguous soil volume: 600 cubic feet per canopy tree and 300 cubic feet per understory tree minimum (which may be shared by adjacent trees if volumes are contiguous). In parking lots or other

Exhibit B

constrained or paved areas, equivalent volumes may be provided via structural soil, soil cells, or root paths beneath pavements. Minimum planter widths: eight (8) feet for canopy trees and five (5) feet for understory trees, unless a Tree Protection Plan demonstrates equal or better performance.

- I. Hardscape and Equipment Setbacks. No EV charging pedestals, transformers, or similar equipment shall be placed within required tree planting areas or within the five (5) foot clear radius around tree trunks needed for growth and maintenance. Pavement edges, curbs, and walls shall be detailed to keep mulch off trunks and maintain the visible root flare at finished grade.
- J. Utilities and Irrigation Near Roots. Irrigation mains and lateral lines shall be routed outside the RPZ where feasible; if crossing is unavoidable, lines shall be bored beneath roots as in Subsection 5(b). All utility separations and hydrant clearances remain applicable.
- K. Tree Wells and Planters (Urban Conditions). Tree wells or raised planters used to satisfy landscape requirements shall include aeration and drainage features, maintain the root flare at finish grade, and meet the soil-volume requirements in Subsection 8. Where planters are adjacent to paving, provide root paths/soil connections to adjacent landscape or soil-cell areas.
- L. Documentation and Field Verification. The Landscape Plan shall delineate RPZs for preserved trees and show fencing, boring/tunneling notes, and soil-volume diagrams for new trees. Compliance shall be verified at Pre-construction (fencing installed), during Utility rough-in (if applicable), and at Final.
- M. Damage, Survival, and Mitigation. If a preserved tree suffers decline or mortality attributable to RPZ disturbance within two (2) years of CO, the Director may require mitigation or replacement per the Tree Preservation Article and may draw on posted maintenance bonds where applicable from Subsection N(4) (ROW or accepted common areas).
- N. Alternative Compliance (Arborist Plan). The Director may approve modifications to RPZ dimensions, methods, or soil volumes only upon submittal of a Tree Protection Plan sealed by an ISA-Certified Arborist that demonstrates equal or superior long-term tree health and public safety outcomes.

Sec. 14.06.008 Mitigation, Replacement Calculation, and Payment in Lieu

- A. The City Manager, in conjunction with the Parks and Recreation Director, shall create a process and procedure for mitigating the removal of trees on private property by creating a permit process for tree removal.
- B. Upon inspection by the City Arborist, or a designated third-party arborist, persons seeking to remove a tree on the protected Preferred Plant list, that is over 10" in caliper 4.5 feet from the ground, shall be required to obtain a mitigation permit that is assessed according to the City Master Fee Schedule.
- C. This fee shall not be assessed to residents if:
 - 1) The tree is located on a property that is an existing one-family or two-family dwelling that is the person's residence; and
 - 2) If the tree is less than 10 inches in diameter at the point on the trunk 4.5 feet above the ground.

Exhibit B

- D. Replacement trees shall be from the approved Preferred Plant list and shall equal out to be the same number of caliper inches removed from the site.
- E. Failure to replace caliper per caliper will result in mitigation fees being assessed.
 - 1) If the property owner removes a tree(s) that does not meet the requirements of Sec 14.06.008(C.) and is 10 inches in caliper measured 4.5 feet from the ground and is on the Preferred Plant list as Native and does meet the definition of a protected or a heritage tree the property owner will be required to replant one plant from the Preferred Plant List for each tree removed if it is the person's residence.
- F. Individuals commending tree removal without a permit, shall be assessed double the mitigation fee, and must meet the requirements to replace trees on a caliper per caliper inch basis.
- G. Replacement Calculation (per Protected Tree removed): 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 property, planned development or subdivision.
- H. Mitigation Methods (applicant may combine): on-site replacement; off-site replacement (parks, conservation areas, selected ROW, as approved by the City Council if it is deemed necessary by Parks Director and space is available); or Payment in Lieu to the City's Tree Mitigation Fund.
- I. Invasive Removal Incentive. When the applicant eliminates onsite/off-site invasive trees per Appendix A, the Director may allow the applicant to receive invasive species credits. All invasive species identified by an ISA-certified arborist may receive an invasive species credit of 1/2 credit for every inch of invasive tree being removed.
- J. Timing & Security. Replacement trees must be planted within 1 year of permit issuance. For Payment in Lieu elections tied to later planting upon approval from Director, provide a cash escrow, bond, or letter of credit equal to the full amount; release occurs after verified planting.

Sec. 14.06.009 Appeals

An individual may request relief to any part of this section to the City Manager within 15 business days with documentation supporting the requested adjustment. If the appeal is denied, the individual may appeal to the City Council within 15 business days of City Manager's decision. The decision of City Council shall be final.

Sec. 14.06.010 Exemptions

Any tree determined to be diseased, overly mature, dying or dead, by an ISA certified arborist or if it poses an imminent or immediate threat to persons or property is exempted from the Standards of this Code.

Sec. 14.06.011 Fees and Penalties

- A. Fees shall be established by the Master Fee Schedule.
- B. Any individual who removes trees without a permit, or does not comply with the mitigation requirements of Article 14.06 shall be subject to a \$500 to \$2000 fine, per tree, per offense and shall be charged with a misdemeanor offense.