

Chapter 7. Tree Preservation Ordinance

Notes

Section 7.1 Purpose

The purpose of this Section is to establish rules and regulations governing the protection of trees within the City of Bedford and to encourage the protection of healthy trees.

Section 7.2 Definitions:

"Buildable area": That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected, and including the actual structure, driveway, parking lot, pool, and other construction as shown on a site plan.

"Drip line": A vertical line run through the outermost portion of the crown of a tree and extending to the ground.

"Tree": Any self-supporting woody perennial plant which has a trunk diameter of three inches (3") or more when measured at the point of four and one-half feet (4 1/2') above ground level and which normally attains an overall height of at least twenty feet (20') at maturity usually with one (1) main stem or trunk and many branches. It may appear to have several stems or trunks as in several varieties of oak.

"Yard area": The front, side and rear yard areas as required under the City of Bedford Zoning Ordinance and the zoning district requirement applicable thereto.

"Undesirable trees": Trees that have been evaluated by the City and identified by the Texas Forest Service and/or Texas Agricultural Extension Service as being considered undesirable type trees, for lack of shade and/or aesthetic value.

Undesirable Trees	
Scientific Name	Common name
Acer negundo	Box Elder
Ailanthus altissima	Tree of Heaven
Albizia julibrissin	Silktree
Catalpa spp.	Catalpa
Celtis laevigata	Sugarberry
Celtis occidentalis	Common Hackberry
Crataegus spp.	Hawthorns
Eleagnus angustifolius	Russian Olive
Firmiana simplex	Chinese Parasol
Maclura pomifera	Bois d'Arc
Melia azedarach	Chinaberry
Morus rubra	Red Mulberry
Parkinsonia aculeata	Palo Verde
Populus spp.	Cottonwood & Poplar
Prosopis glandulosa	Honey Mesquite
Prunus blireiana	Ornamental Plum
Robinia pseudoacacia	Black Locust
Salix spp.	Willow
Tamarix spp.	Tamarisk
Thuja spp.	Arborvitae
Ulmus pumila	Siberian Elm
Ziyphus jujube	Jujube



"Desirable trees": All other trees not specifically listed by the city as undesirable.

Section 7.3 Applicability

The terms and provisions of this Section shall apply to real property as follows:

- (1) All vacant and undeveloped property.
- (2) All unimproved property.
- (3) All easements and rights-of-way except those included in a plat approved by the Planning and Zoning Commission.

Section 7.4 Permit Required

No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any tree situated on property described above without first obtaining a tree removal permit unless an exception specified herein is met.

Section 7.5 Application

Permits for removal of trees covered herein shall be obtained by making application on a form prescribed by the City to the Building Department and shall pay a non-returnable fee of five dollars (\$5.00) for each acre or fraction thereof for a maximum of two hundred dollars (\$200.00). The application shall be accompanied by a preliminary plat showing the exact location, size (trunk diameter and height), common name of all trees to be removed. The application shall also be accompanied by a written document indicating the reasons for removal of trees and two copies of a legible site plan drawn to the largest practicable and shall indicate the following:

- (1) Location of all existing or proposed structures, improvements and site uses, properly dimensioned and referenced to property lines, setback and yard requirements.
- (2) Existing and proposed site elevations, grades and major contours.
- (3) Location of existing and proposed utility easements.
- (4) The location of trees on the site to be removed.
- (5) Tree information required above shall be summarized in legend form on the plan and shall include the reason for the proposed removal.
- (6) Aerial photographs, at an appropriate scale, may be substituted, at the discretion of the Building Official, for a site plan if adequate site information is supplied on the aerial photographs.



Section 7.6 Application Review

Upon receipt of a proper application, the Building Official shall review the application and consider the effect of the removal or relocation of any tree upon the drainage, topography, safety hazards, health of tree, and the natural resources prior to the granting or denying of any application. Said review may include a field inspection of the site, and the application may be referred to such department as deemed appropriate for review and recommendations. If the application is made in conjunction with a site plan submitted for approval, the application will be considered as part of the site plan, and no permit shall be issued without site plan approval.

Section 7.7 Tree Removal Permits

- (1) No tree removal permits shall be issued unless one of the following conditions exist:
 - a. The tree is located where structures, buildings, utilities, or other improvements are to be placed and the removal of such tree is essential for the proper development of the tract and the relocation of the tree is not feasible.
 - b. The tree is dead, diseased, injured, in danger of falling, interferes with utility service, creates unsafe vision clearance, dangerously close to existing or proposed structures or buildings, undesirable, or conflicts with other ordinances or regulations.
 - c. Under no circumstances shall there be clear cutting of trees on a property prior to the issuance of a tree removal permit.
- (2) Upon issuance of a tree removal permit, the developer shall be allowed to remove trees located on the buildable area of the property. Desirable trees located in required yard areas, buffers and open space areas shall be maintained. The buildable area shall include sufficient adjacent area to allow the normal operation of construction equipment as determined by the Building Official.
- (3) A permit for tree removal not issued in connection with a building permit or a site plan shall become void ninety (90) days after the issue date on the permit. Permits for tree removal issued in connection with a building permit or site plan shall be valid for the period of that building permit's or site plan's validity.

Section 7.8 Replacement

- (1) In the event that it is necessary to remove any desirable tree(s) outside the buildable area, the developer, as condition to issuance of a tree removal permit, may be required to replace the desirable tree(s) being removed with comparable trees somewhere within the site.
- (2) A sufficient number of trees shall be planted to equal, in caliper, the diameter of the tree removed. Said replacement trees shall be a minimum of three inch (3") caliper and seven feet (7') in height when planted, and shall be a desirable tree as defined herein.
- (3) At the time of application review, the person responsible for replacement, time of replacement and location will be determined by the Building Official.

Section 7.9 Tree Protection

- (1) During any construction or land development, the developer shall clearly mark all trees to be maintained and all such trees or groups of trees. The developer shall not allow the

movement of equipment or the storage of equipment, materials, debris or fill to be placed within the drip line of any tree.

- (2) During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy drip line of any tree or group of trees to remain. Neither shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or group of trees to remain.
- (3) No attachments or wires of any kind, other than those of a protective nature, shall be attached to any tree.
- (4) No structure or impervious paving shall be located within a six inch (6") radius of a trunk perimeter of any tree.

Section 7.10 Appeals

Any person aggrieved by a decision of the Building Official under this Section of the Subdivision Ordinance shall have the right to make an appeal to the Building Commission, or any successor thereof, as provided in the City of Bedford Code of Ordinances.

Section 7.11 Exceptions

- (1) In the event that any tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety and require immediate removal without delay, authorization may be given by the Building Official and the tree may then be removed without obtaining a written permit as herein required.
- (2) During the period of an emergency such as a tornado, storm, flood, or other act of God, the requirements of this Ordinance may be waived as may be deemed necessary the Building Official.
- (3) All licensed plant or tree nurseries shall be exempt from the terms and provision of this Section only in relation to those trees planted and growing on the premises of said licensee which are so planted and growing for the sale or intended sale to the general public in the ordinary course of said licensee's business.
- (4) Utility companies franchised by the City may remove trees which endanger public safety and welfare by interfering with utility service, except that where such trees are on owner-occupied properties developed for one-family use, disposal of such trees shall be at the option of the property owner. Utility companies shall file with the Building Official the standards and specifications used by such company for the removal and/or pruning of trees. Such standards and specifications must be filed with the Building Official within thirty (30) days after the enactment of this Ordinance. If such plans and specifications are approved by the Building Official, a utility tree removal permit shall be issued. Such utility removal permit shall be good for any tree removal or pruning work of the utility company for a period of one year from the issuance date.
- (5) The provisions and requirements of this Section of the Subdivision Ordinance shall not apply to projects of the City of Bedford, provided, however, that all City of Bedford projects that may affect trees shall preserve, replace, and relocate trees whenever feasible.

