

## AGENDA STATEMENT

# City of Bellaire

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**MEETING:** Building Standards Commission

**PREPARED BY:** Kevin Taylor

**DEPARTMENT:** Development Services

### ITEM TITLE:

Discussion of possible amendments to Chapter 9, Article XI, to amend the following section: *Section 9-352. New construction, remodeling, demolition, and lot clearing to require the removal of undesirable trees during lot clearing and new construction.*

### RECOMMENDATION:

The Building Official recommends approval of the proposed changes to Chapter 9, Article XI, Section 9-352 of the City of Bellaire Code of Ordinances to require the removal of undesirable trees during clearing or new construction within the City.

### BACKGROUND/SUMMARY:

The City of Bellaire currently requires tree disposition plans for lot clearing, demolition, new construction, and remodeling. This item is to add the additional requirement for the removal of undesirable trees when a property is undergoing lot clearing and new construction. This proposal will further protect the City's tree canopy and further limit the ability for these invasive species to propagate in the City.

Red lines of the proposed the Code amendment are attached.

### CITY ATTORNEY REVIEW:

Yes  No

Section 9-352. New construction, remodeling,  
demolition and lot clearing.

**Sec. 9-352. - New construction, remodeling, demolition and lot clearing.**

Trees on residential or institutional property, which is undergoing new construction, remodeling, demolition or lot clearing, shall only be removed after obtaining a tree removal permit in accordance with the requirements of this section.

- A. *Tree removal permit is required for:*
  - 1. The removal of a tree on residential, commercial, or institutional property with a caliper greater than or equal to four inches, and;
  - 2. The removal of a tree of a variety other than a designated "undesirable tree".
- B. *Tree removal permit is not required for the following conditions:*
  - 1. The removal of a tree on residential, commercial, or institutional property with a caliper less than four inches; or,
  - 2. The removal of a designated Undesirable tree of any size; or
  - 3. The property owner provides documentation from a landscape architect, landscape designer, horticulturist, or other person or firm approved by the building official of the City of Bellaire, Texas, that the tree is diseased, dying, or is endangering persons or property.
- C. *Public right-of-way:*
  - 1. A tree which is located in a public right-of-way and has a caliper of greater than four inches may not be removed, except under the following circumstances:
    - a. The tree is a designated undesirable tree;
    - b. The tree is in the path of utility installation, driveways, sidewalks or streets and no other reasonable accommodations can be made; or,
    - c. The property owner provides documentation from a landscape architect, landscape designer, horticulturist, or other person or firm approved by the building official of the City of Bellaire, Texas, that the tree is diseased, dying, or is endangering persons or property.
  - 2. The removal of any tree with a caliper of greater than four inches which does not meet the exceptions set forth in section 9.352(C)(1) above requires a tree removal permit.
- D. *Tree disposition plan.*

The property owner or the building contractor shall be responsible for developing a tree disposition plan for the preservation and replacement of trees on the property. A sample tree disposition plan will be available from the Bellaire Community Development Department. The code enforcement officer will verify the tree disposition plan.

1. *Tree disposition plan and tree removal requirements:*

	Tree Disposition Plan	Time	Tree Removal Permit	<u>Removal of Undesirable Trees</u>	Replacement
Lot clearing	✓	Prior to clearing	✓	✓	Prior to final inspection and certificate of

					occupancy
Demolition	✓	At time of demolition permit	✓		Prior to final inspection and certificate of occupancy
New Construction	✓	At time of the building permit	✓	✓	Prior to final inspection and certificate of occupancy
Remodeling	✓	At the time of the building permit	✓		Prior to final inspection and certificate of occupancy

E. *Protection of trees during any construction.*

The property owner or building contractor shall provide the following protection for all remaining trees:

1. A chain link ~~or~~ wood fence, or orange safety fence not less than four feet high at the drip line of the tree.
2. A six inch layer of mulch covering exposed roots within walk areas not covered by tree fencing.
3. Construction materials or chemicals may not be stored within the drip line of the tree.
4. Except as set out in subsection E.6 of this section, vehicles or construction equipment may not be driven or parked across the drip line of the tree.
5. A clearly visible, weatherproof sign facing the street shall be placed on the construction fence. This sign shall be provided by the city to the property owner or builder. The cost of the sign shall be covered by the fee for the tree disposition plan and shall contain the following wording in both English and Spanish in a form as attached hereto and marked "Exhibit A".
6. Builders shall be entitled to a total of 20 feet of access to the construction site. Such access may or may not be continuous and every effort will be made to design access so that it does not compromise the construction protection for existing trees.

F. *Removal of undesirable trees during lot clearing or new construction.*

- 1.—During lot clearing or new construction, All-all undesirable trees must be identified on the tree disposition plan and removed prior to obtaining a certificate of occupancy.

FG. *City inspections:*

1. Inspections will be concurrent with regular construction inspections and at other times as necessary.
2. The building inspector shall be responsible for overseeing compliance with the tree disposition plan and that the construction protection for remaining trees is as required per this article.