

## ORDINANCE NO. 749

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS AMENDING CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, ARTICLE VII, TREES, SECTIONS 14-241, DEFINITIONS; AND 14-249, SPECIES OF TREES APPROVED AS REPLACEMENT TREES OF THE HEDWIG VILLAGE CODE OF ORDINANCES, TO CLARIFY DEFINITION OF PROTECTED TREES WITHIN THE CITY OF HEDWIG VILLAGE, TEXAS**

**WHEREAS**, an amendment to Chapter 14 of the Hedwig Village City Code is necessary to clarify the trees portion of the building code, resolve inconsistencies, adopt industry standard measurements, and to ensure conformance with State Law in regards to the protection of trees within the City; and

**WHEREAS**, the City of Hedwig Village recognizes the importance of trees, in regards to the enjoyment of residents, visitors, and those employed within the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS THAT:**

**Section 1.** The Recitals set forth above are found to be true and correct and are adopted as the findings of fact of the City.

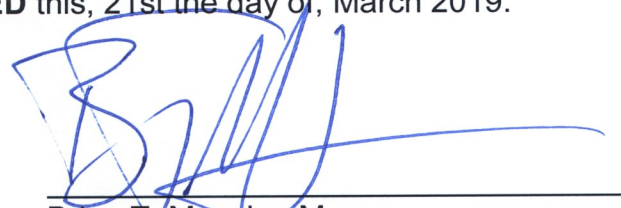
**Section 2.** Chapter 14, Buildings and Building Regulations, Article VII, Trees, Sections 14-241, Definitions; and 14-249, Species of Trees Approved as Replacement Trees of the Hedwig Village Code of Ordinances is amended to read as set out in Appendix A, attached hereto. All other portions of Chapter 14 not specifically amended hereby remain in full force and effect.

**Section 3.** All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

**Section 4.** If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

**Section 5.** The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

**PASSED, APPROVED and ADOPTED** this, 21st the day of, March 2019.



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Brian T. Muecke, Mayor  
City of Hedwig Village, Texas

**ATTEST:**



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Kelly Johnson, City Secretary  
City of Hedwig Village, Texas

## CHAPTER 14

### CHAPTER – BUILDINGS AND BUILDING REGULATIONS

#### Article VII. –

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#### Sec. 14-241. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Caliper* means the diameter of a tree as measured at a point on the tree that is 12 inches above the ambient grade. Caliper inches are utilized only for replacement or new trees.

*Diameter at Breast Height (DBH)* means the diameter of the trunk of a tree measured at a height of four and one-half feet above the ground using an ordinary tape measure or diameter tape. If the tree has unusual swells in the trunk at measurement height, measurement shall be taken either below or above the swell at the smallest trunk diameter as close to four and one-half feet as possible. DBH is utilized for identification and measurement of protected trees.

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*Minimum required density* means, for a particular lot:

- (1) Seven protected or replacement trees, of which at least three must be located in the front yard, plus one additional protected or replacement tree for every 1,000 square feet of area in excess of 22,500 square feet, up to a maximum of seven additional protected or replacement trees per lot, provided, however, that where a lot contains areas that are not suitable for the location of trees because of topology or other natural features, those unsuitable areas shall not be included in calculating the number of additional protected or replacement trees required in addition to the first seven; and
- (2) A protected or replacement tree that is located within the public street right-of-way shall not be counted in determining whether a lot has the minimum required density of protected or replacement trees.

*Protected tree* means any existing tree that has a DBH of 10 inches or more.

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*Tree survey* means a survey of the protected trees on a site. A tree survey must be prepared by a professional and must include:

- (1) The location, size, and species of all existing protected trees on the site;
- (2) A designation, by species, size in DBH, dripline and location, of all protected trees proposed to be removed or destroyed;
- (3) A designation of all proposed new and/or replacement trees by species, size and location;

- (4) Outlines of all existing and proposed structures, paved surfaces, swimming pools, fences, sprinkler systems, utilities and other improvements and structural features on the site;
- (5) A scale, north arrow, name, address, phone number, and profession or occupation of the person who prepared the tree survey; and
- (6) The name of the owner of the site and/or the builder or developer of the site.

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**Sec. 14-249. - Species of trees approved for use as replacement trees.**

The following species of trees are approved for use as replacement trees. The city forester may approve the use of species that are not on this list if the city forester determines that the species is suited to the local climate, likely to grow into a protected tree, and not likely to create nuisance conditions.

Approved Tree List of Hedwig Village

<b>Common Name</b>	<b>Species</b>	<b>Family Name</b>
Chalk maple	Acer leucoderme	Aceraceae
Drummond red maple	Acer rubrum var drummondii	Aceraceae
American hornbeam	Carpinus caroliniana	Betulaceae
American beech	Fagus grandifolia	Fagaceae
White oak	Quercus alba	Fagaceae
Swamp white oak	Quercus bicolor	Fagaceae
Southern red oak	Quercus falcata	Fagaceae
Sand live oak	Quercus geminata	Fagaceae
Laurel oak	Quercus hemisphaerica	Fagaceae
Swamp laurel oak	Quercus laurifolia	Fagaceae
Overcup oak	Quercus lyrata	Fagaceae
Bur oak	Quercus macrocarpa	Fagaceae
Sand post oak	Quercus margaretta	Fagaceae
Swamp chestnut oak	Quercus michauxii	Fagaceae
Chinkapin oak	Quercus muhlenbergii	Fagaceae
Water oak	Quercus nigra	Fagaceae
Nuttall oak	Quercus nuttallii	Fagaceae
Willow oak	Quercus phellos	Fagaceae
Shumard oak	Quercus shumardii	Fagaceae
Post oak	Quercus stellata	Fagaceae
Black oak	Quercus velutina	Fagaceae
Live oak	Quercus virginiana	Fagaceae
Sweetgum	Liquidambar styraciflua	Hamamelidaceae
Pecan	Carya illinoensis	Juglandaceae
Black hickory	Carya texana	Juglandaceae

<b>Common Name</b>	<b>Species</b>	<b>Family Name</b>
Sassafras	Sassafras albidum	Lauraceae
Southern magnolia	Magnolia grandiflora	Magnoliaceae
Sweet bay magnolia	Magnolia luidiviana	Magnoliaceae
Black gum	Nyssa sylvatica	Nyssaceae
Shortleaf pine	Pinus echinata	Pinaceae
Longleaf pine	Pinus palustris	Pinaceae
Loblolly pine	Pinus taeda	Pinaceae
Weeping willow	Salix babylonica	Salicaceae
Bald-cypress	Taxodium distichum	Taxodiaceae
Montezuma cypress	Taxodium mucronatum	Taxodiaceae
Winged elm	Ulmus alata	Ulmaceae
Scan elm	Ulmus Americana	Ulmaceae
Cedar elm	Ulmus crassifolia	Ulmaceae

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