

#### 4. Applicable City Code (Jenny Hodgekins's assistance appreciated )

The City of Austin ordinances, Section 25-8-602, defines a protected tree as "a tree with a circumference of 60 inches or more, measured four and one-half feet above natural grade." The following provisions relate to removal of protected trees.

#### §§ 25-8-621 PERMIT REQUIRED FOR REMOVAL OF PROTECTED TREES; EXCEPTIONS.

(A) Except as otherwise provided in this section, a person may not remove a protected tree unless the Watershed Protection and Development Review Department has issued a permit for the removal under this division.

(B) A person may, without a permit, remove a damaged protected tree that is a hazard to life or property if the tree is removed within seven days of being damaged. The Watershed Protection and Development Review Department may extend this deadline for widespread and extensive storm damage.

(C) A person may, without a permit, remove a protected tree if the tree is identified for removal on an approved preliminary plan or site plan.

(D) A person may, without a permit, remove a protected tree if the tree is identified for removal in a capital improvement project when the project is approved by Council.

Source: Section 13-7-46; Ord. 010329-18.

#### §§ 25-8-622 APPLICATION FOR REMOVAL.

(A) For a protected tree located on public property or a public street or easement, an application for removal of the tree may be filed by:

(1) a City department, public utility, or political subdivision with the authority to install utility lines or other public facilities in or above the property, street, or easement; or

(2) the owner of property adjoining the site of the tree.

(B) For a protected tree located on private property, an application for removal of the tree may be filed by:

(1) the owner of the property on which the tree is located; or

(2) the city arborist, if the tree is seriously diseased or is a safety hazard.

(C) An application for removal of a protected tree must:

- (1) be filed with the director; and
- (2) include the information prescribed by the Administrative Manual.

(D) An application fee is not required if the application is for removal under Subsection 25-8-624(A)(3), (4), or (5) (Approval Criteria).

Source: Section 13-7-47; Ord. 010329-18.

§§ 25-8-623 INSPECTION BY CITY ARBORIST.

The city arborist shall promptly inspect a tree for which removal is requested.

Source: Section 13-7-41(a).

§§ 25-8-624 APPROVAL CRITERIA.

(A) The Watershed Protection and Development Review Department shall approve an application to remove a protected tree after determining that the tree:

- (1) prevents reasonable access to the property;
- (2) prevents a reasonable use of the property;
- (3) is a hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree;
- (4) is dying or dead;
- (5) is diseased, and:
  - (a) restoration to sound condition is not practicable; or
  - (b) the disease may be transmitted to other trees and endanger their health; or

(6) for a tree located on public property or a public street or easement:

(a) prevents the opening of necessary vehicular traffic lanes in a street or alley; or

(b) prevents the construction of utility or drainage facilities that may not feasibly be rerouted.

(B) If an application filed by a political subdivision of the state is approved under Subsection (A)(2), the Land Use Commission may, in its discretion, review the approval.

(C) For an application to remove a protected tree located on private property, an applicant must request a variance from the Board of Adjustment if the variance would eliminate the reason for removal of the tree.

(1) The application to remove the protected tree may not be approved unless the variance is denied.

(2) An application fee is not required for a variance request required by this subsection.

(3) This subsection does not apply to an application that may be approved under Subsection (A)(3), (4), or (5).

(D) The Watershed Protection and Development Review Department may require mitigation, including the planting of replacement trees, as a condition of application approval. A removal permit may not be issued until the applicant satisfies the condition or posts fiscal security to ensure performance of the condition within one year.

Source: Section 13-7-41(b), (c), (d), and (f); Ord. 010329-18.

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