


# Late Backup

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**Briefing on Proposed  
Tree Ordinances**

Watershed Protection  
Development Review

Austin City Council  
June 11, 2009

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**Proposed Tree Ordinances**

- Greater protection for our most valuable trees
- More shade in large parking lots
- Reforestation of residential subdivisions

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**Tree Policy Background**

- Landscape Ordinance (1980)
- Protected Tree Ordinance (1983)
- Urban Heat Island Resolution (2005)
- Tree Taskforce Recommendations (2006)

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Tree Ordinance Comparison	
Protected Tree	Heritage Tree
<ul style="list-style-type: none"> <li>• 19-Inch Diameter</li> <li>• All Species</li> <li>• Exception for dead/diseased or damaged trees</li> <li>• Administrative approval based on criteria</li> <li>• Tree replacement may be required</li> </ul>	<ul style="list-style-type: none"> <li>• 24-Inch Diameter</li> <li>• Superior Species</li> <li>• Exception for dead/diseased or damaged trees</li> <li>• Administrative variance based on additional criteria</li> <li>• Tree replacement mandatory</li> </ul>

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### Heritage Trees

Trunk – 24 inches in diameter or greater, and one of the following species:

ASH, Texas	OAK, Lacey
CYPRESS, Bald	OAK, Live
ELM, American	OAK, Post
ELM, Cedar	OAK, Shin
MADRONE, Texas	OAK, BlackJack
MAPLE, Bigtooth	OAK, Texas Red
OAK, Bur	PECAN
OAK, Chinquapin	WALNUT, Arizona
OAK, Durand	WALNUT, Easter Black
OAK, Red	

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### Heritage Tree

- Creates a higher bar for removal of a Heritage Tree
- Requires an administrative variance for Heritage tree removal - findings are similar to environmental variances
- Allows requestor to appeal denial to the Land Use Commission

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## Removal Criteria Contrast

Protected Tree	Heritage Tree
<ul style="list-style-type: none"> <li>Prevents reasonable access</li> <li>Prevents reasonable use</li> <li>Poses a high risk of property damage or personal injury</li> <li>Poses a high risk of inability to provide utility service</li> <li>Is dead or dying, or is irreparably diseased or damaged</li> <li>If on public property, it prevents traffic safety improvements or utility construction, or</li> <li>Requires other variance alternatives to be considered</li> </ul>	<ul style="list-style-type: none"> <li>Protected tree criteria plus all of the following</li> <li>Removal is not based on condition caused by method chosen by applicant to develop the property</li> <li>Requiring preservation of the tree would deprive applicant of privilege given to owners of similarly situated property with contemporaneous development, and</li> <li>Variance is minimum change necessary to avoid the deprivation of a privilege given to other property owners and allow reasonable use of the property</li> </ul>

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## Parking Lot Landscaping

Modifies existing large parking lot ordinance by requiring more medians to enhance shading



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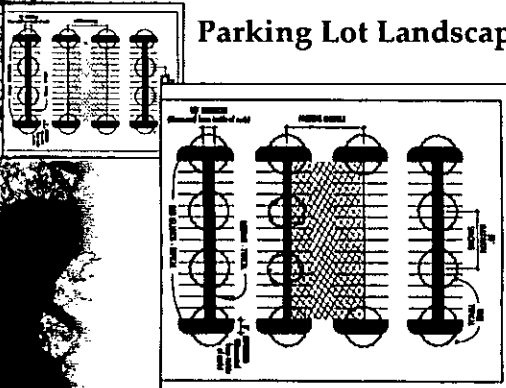
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## Parking Lot Landscaping



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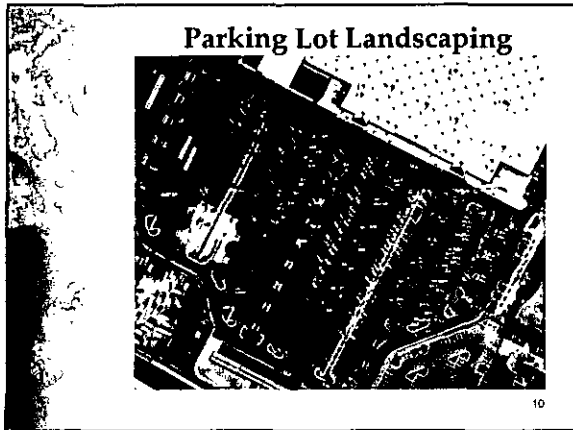
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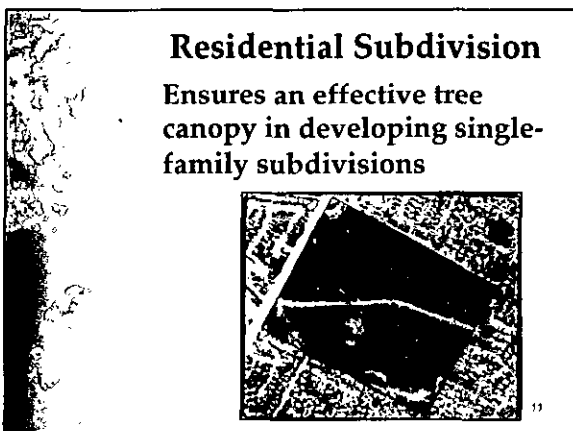
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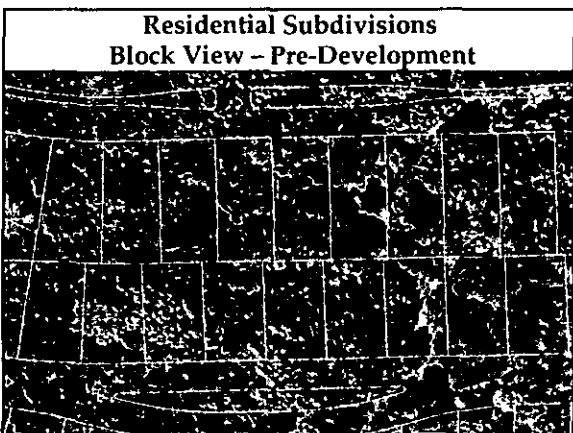
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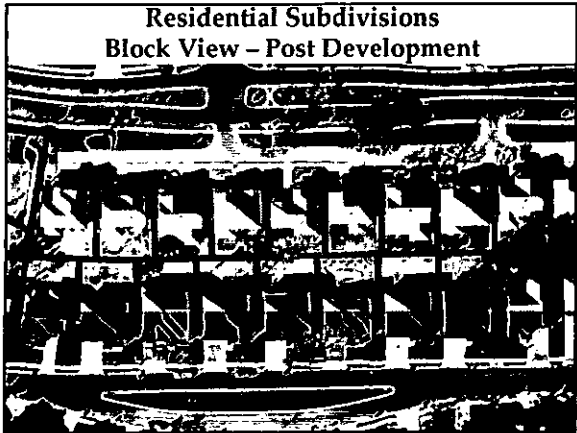
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**Residential Subdivisions**

- Requires 3 trees to be preserved or planted per lot
- Requires native/adapted species
- Incentive to preserve under-story trees which do not grow to be protected size
- Alternative compliance available
- Protected and heritage trees preservation regulations also apply

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**Stakeholder Groups**

- Tree Taskforce
- Home Builder's Association
- Real Estate Council of Austin
- Austin Contractors & Engineer's Assoc.
- Urban Forestry Board
- Environmental Board
- Planning Commission

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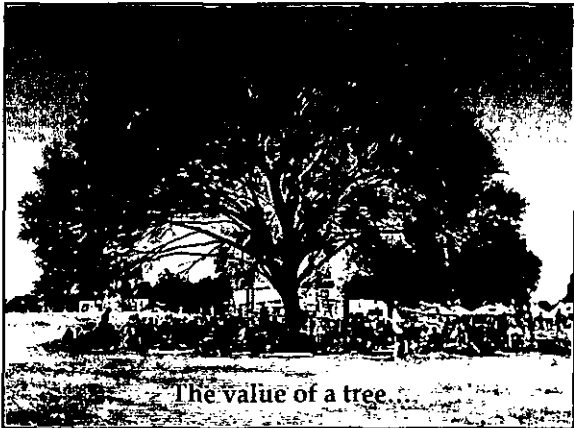
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### Areas of Concern from Stakeholders

- Public process
- New protected tree criteria
- Heritage tree variance criteria
- Citizen notification and appeal process
- City Arborist decisions may be overturned
- Tree planting area on small residential lots
- Impacts on residential affordability
- Property rights

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## Miscellaneous

- Adds final plats to applications requiring protected tree review
- Provides a standard for utility service incompatible with trees
- Requires a complete application and clarifies timeline for review

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## Public Process

- 9/13/2007 Presentation to Greater Austin Contractors and Engineers Association Exposition
- 4/16/2008 Presentation to Real Estate Council of Austin (RECA)
- 4/28/2008 Presentation to Home Builders Association (HBA)
- 7/7/2008 Proposed Criteria quarterly meeting with stakeholders
- 9/2008 Tree Taskforce Supported
- 9/2008 Urban Forestry Board Supported
- 9/10/2008 Environmental Board Supported
- 9/11/2008 Met with Mayor's office, RECA and HBA
- 10/2008 Follow-up meeting with RECA
- 12/1/2008 Planning Commission Supported followed by monthly to Codes & Ordinances Subcommittee updates
- 3/17/2009 Update on amendments and direction request to PC C&O
- 3/2009 Follow-up with HBA
- 4/15/2009 Amendments supported by Urban Forestry Board
- 4/2009 Follow-up with RECA
- 4/14/2009 Follow-up meeting with HBA
- 5/2009 Amendments supported by Environmental Board
- 5/29/2009 CM Leffingwell with Council-aides, Tree Taskforce & Urban Forestry Board

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