



CITY OF CASTLE HILLS

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ARCHITECTURAL REVIEW COMMITTEE HEARING APPLICATION AND INFORMATION FOR TREE REMOVAL

The ARC shall meet monthly, or on call as needed. All formal ARC meetings shall be open to the public and posted in accordance with the Open Meetings Act and with notification as stipulated in §8.49 Notice of hearing before ARC and §8.50 Posting notice on property required of the Castle Hills Code of Ordinances.

The ARC shall make a recommendation to City Council for approval, approval with modifications, or disapproval of all requests for protected or heritage tree removal.

Heritage tree means any tree attaining a circumference of one-half of the state record for that tree species, as defined by the state forest service, or having a trunk circumference of 75 inches or more (about 24 inches in diameter).

Protected tree means any tree having a trunk circumference of 25 inches or more (about eight inches in diameter). As used in the text of this article, the term "protected tree" includes all heritage trees.

Though not all-inclusive, issues to be addressed by the Architectural Review Committee to remove a tree(s) on a commercial property:

- (a) That is so located as to prevent access to the property or as to preclude reasonable and lawful use of the property; or
- (b) That is dead, dying or diseased such that recovery is not practicable, or that an infestation threatening other trees is likely, and the tree is a hazard to life or property which cannot be mitigated without its removal.

MINIMUM REQUIREMENTS FOR SUBMISSION TO THE ARCHITECTURAL REVIEW COMMITTEE FOR TREE REMOVAL

- (a) A request for tree removal must be in writing and provide, at a minimum, the following information:
 - (1) an explanation of the need to remove the tree(s);
 - (2) A scaled drawing, survey, or plat identifying the improvements on the property; the locations of existing trees by species or common name indicating the diameters of the trunks and drip-lines of each tree with a trunk circumference greater than six inches and the location, species or common name, and diameter of the trunk and drip-line of each tree to be removed; and
 - (3) such other information as may be required by the ARC.
- (b) The ARC may require a professional arborist's report that defines the impact of any development upon existing trees affected by proposed construction. This report shall further define methods of tree protection during construction, impervious cover

limitations adjacent to existing trees, proposal for tree replacement, maintenance requirements for new planting, and related tree preservation and care information.

- (c) Failure to provide any of information required by this ordinance shall constitute the sole grounds for denial of the permit.

ACTION ON APPLICATION FOR TREE REMOVAL

Tree removal requests shall be filed on an approved form approved by the architectural review committee and filed with the city manager accompanied by an application fee **(\$200)**, paid in full. All requests must be complete with all documentation and fee payments and submitted to the city manager in accordance with the application submission and hearing dates established for the architectural review committee. The architectural review committee shall make a written recommendation to the city council for each tree removal request.

Within five working days of acceptance by the city manager of the request for tree removal, the applicant requesting a hearing by the architectural review committee shall post a uniform sign furnished by the city which includes the date of the hearing. The sign shall remain on the property until after the completion of the hearings. A sign must be visible from each street that borders the property and shall be posted within 5 days of filling of the complete application and fee payment and be maintained until the day after the city council hearing at which the request is either approved or denied. Sign location shall be subject to city approval.

The sign shall be of durable material, placed on private property so as not to obstruct vision of pedestrian or vehicular traffic at corners or when entering or leaving the property, and be clearly visible from each street that borders the property.

The sign must remain in place and in good condition until after the city council meeting unless the council postpones action until the following council meeting. In that event, the sign must have the hearing date changed and remain in place until the final action by city council.

The sign may be removed immediately after final action by council, but must be removed and returned to the city no later than five calendar days after final council action.

CITY COUNCIL PROCEDURE

- (a) Upon receipt of the findings and recommendations from the architectural review committee, the city council will take one of the following actions:
 - (1) Deny a tree removal permit;
 - (2) Authorize the city manager to issue a tree removal permit as recommended by the architectural review committee;
 - (3) Authorize the city manager to issue a conditional tree removal permit subject to council conditions, directives and requirements; or
 - (4) Defer action or send the recommendation back to the architectural review committee for additional consideration and recommendations.

This process shall continue until the city council approves, conditionally approves, or denies the tree removal permit.

- (b) If a tree removal request is denied by city council, no additional application for tree removal shall be accepted for the same property, or any portion thereof, for a period of 3 months from the date of city council denial. The 3-month waiting period applies to all land within the property lines of the entire lot or tract as was shown on the tree removal application.
- (c) If a tree removal request is approved by city council, with or without conditions, the tree removal permit must be applied for, complete and with all fees paid, within 30 calendar days of council approval. All trees authorized for removal in the permit must be removed and all replacement trees planted within 150 calendar days from approval of the permit by the city manager or 180 calendar days from city council approval, whichever is less.
- (d) Failure to meet any of the time requirements of this section for acting on the council's approval will void the authorization of city council, rescind any permits issued, constitute a denial by city council of the tree removal request, and require that all trees removed be replaced with an equal number of trees of the same size and species as those removed unless some or all of the removed trees were not on the list of approved trees provided in this article, in which case the replacements for each of those trees shall be a comparable size of an approved tree. Replacement of all trees due to failure to meet any time requirements shall be on a one-to-one basis in all cases with no credit applied as otherwise permitted in this article.

NOTICE AND REPORTS

(A) Notice of the Hearing by the Architectural Review Committee shall be given as required by the Open Meetings Act. Additionally, notice of such hearing shall be mailed at least ten calendar days prior to the date of the hearing to the applicant and to owners of real property within 200 feet of the exterior boundary of the property involved as such owners of record are shown on the tax roll. Compliance with the procedures set forth in this section shall constitute a good faith effort to provide notice, and the failure of any owner to receive notice shall not prevent the city from proceeding with the hearing or from taking any action or affect the validity of any action. Typographical and/or publishing errors shall not invalidate any action of the Architectural Review Committee.

THE APPLICANT OR HIS REPRESENTATIVE MUST APPEAR AT THE ARC HEARING AND THE CITY COUNCIL MEETING TO PRESENT THE APPLICATION.

**GENERAL INFORMATION
FOR ARCHITECTURAL REVIEW COMMITTEE HEARING**

(Please retain pages 1-4 for your information and return pages 5 - 6 and page 7 if applicable)

APPLICANT'S NAME ADDRESS & PHONE #

PROPERTY ADDRESS LEGAL DESCRIPTION

PROPERTY OWNER ADDRESS & PHONE #

PROPOSED USE OF PROPERTY

Please provide your written request for the Hearing below:

Approved as to form by City Manager

Date

CITY OF CASTLE HILLS
ARCHITECTURAL REVIEW HEARING
MINIMUM REQUIREMENTS

1. _____ Completed Application
2. _____ Proof of ownership of property or letter of authorization from property owner.
3. _____ \$200 filing fee
4. _____ Submit one (1) original set plus 19 copies of completed application and:
_____ A. 8-1/2" x 11" or 11" x 17" Plat of tree survey showing types of trees - existing trees and/or removal
_____ B. Photographs showing existing property

If any of the above listed information is not included with this application, then the application will be returned to the applicant and will not be accepted until all information is resubmitted.

_____ I have verified that all required information is submitted with the Architectural Review Application.

_____ I understand a sign must be posted on the property in question advising the public of the hearing date (must be posted within five (5) days of acceptance of the application).

Signature

Date

Date of Hearing

OWNER AUTHORIZATION
(Please return with application)

I, _____
owner of subject property at _____
authorize (applicant) _____
to pursue a request before the City of Castle Hills Architectural Review
Committee for tree removal for the following described project:

Printed Name of Property Owner

Signature of Property Owner

Date