

**SUMMARY OF PROPOSED REVISIONS TO
CITY TREE PROTECTION REQUIREMENTS**

1. Three Land Development Code sections containing the tree protection requirements.

- Chapter II definitions,
- Chapter VII site plan requirements, and
- New Chapter XI, which concerns tree protection.

2. Site plan review regulations.

- Applicability - Changed to apply to all single-family dwellings (formerly didn't apply to single-family dwellings outside the Special Waterfront District).
- Time limit on construction – To be consistent with Chapter III building inspector requirement, changed time limit to commence construction from 1 year to 180 days.
- Tree protection.
 - A map showing lot boundaries; footprints of existing and proposed structures and improvements; tree species and size (inches diameter breast height) of existing protected trees; protected trees that are proposed to be removed, relocated, or substantially altered; and fences or other protective barriers that will be erected around protected trees at the tree drip lines.

3. Protected, native trees.

2011 Tree Ordinance – no minimum size	Proposed 2018 Tree Ordinance – diameter ≥ 4”
Live oak	Live oak
Magnolia	Southern magnolia
Sabal/cabbage palm	Sabal palm
Slash pine	Slash pine
Red oak	Southern red oak
White oak	White oak
	Water oak
	Eastern and southern redcedar
	Longleaf pine
	Pecan
	Bald and pond cypress
	Sycamore
	Sugarberry
	Red maple
	Loblolly pine
	Pignut hickory

4. Patriarch trees (protected trees greater or equal to 35 inches in diameter) cannot be removed or substantially altered unless:

- During a City-declared emergency or in case of imminent hazard (danger to public safety or property), the Code Enforcement Officer, City Administrator, or their designee approves or
- In a non-emergency or non-imminent hazard situation, the City Commission approves.
 - Planning and Zoning Board reviews tree application and makes recommendation to Commission.
 - City Commission approves tree permit only if not doing so would make the lot undevelopable for a principal structure (taking into consideration the location of the tree and such requirements as setbacks and minimum required size for single-family dwellings).
 - For instance, if a property owner wants to remove a patriarch tree to build a 2,000 square foot house, but building an 800 square foot house (the minimum house size allowed in zone R-1, single-family residential) could be done without the need to remove the tree, the tree application for the larger house would not be approved.

5. Substantial alteration (topping, cutting of major lower limbs (severe elevating), and significant trimming that destroys natural symmetry) of protected tree not allowed except:

- During a City-declared emergency,
- In case of an imminent hazard to public safety or property, or
- When a permit is obtained in a non-emergency or non-imminent hazard situation to eliminate limbs that encroach on an adjacent structure.

6. Tree permits (tree removal, substantial alteration, and relocation).

- Required on both private property and City property.
 - Private landowner has to obtain permit and bear cost of removal or substantial alteration of protected trees on City property adjacent to landowner's property.
 - A City department wanting to remove or substantially alter a protected tree on City property (e.g., parks, rights of way along streets) has to receive approval from the Code Enforcement Officer, City Administrator, or their designee.

7. Utility easement trimming (Duke Energy trimming along electric power lines).

- Reiterates State law requirements allowing tree management necessary for the proper maintenance of existing and new utility facilities in order to provide safe and reliable utility service.
- No trees that will get taller than 14 feet are to be planted in electric utility rights of way.
- Utility has to give City Manager at least 5 business day advance notice of tree trimming.
- Utility allowed to trim trees adjacent to lines so that in the coming 18-month period limbs won't grow closer than 4 to 6 feet of lines.

- Utility is not allowed to remove more than 25 percent of a tree’s canopy in any 18-month period.

8. Special Beautification Fund and fines.

Fund to be used for beautification and reforestation program on City property, primarily along highway corridors and in City parks (separate from \$50 administrative fee charged for processing each tree permit).

Current Tree Ordinance (adopted in 2011).

Diameter of protected tree removed (inches)	Number of <u>replacement trees</u> required	Fines for illegal removal
Less than 8	2	\$500
8 to 15	4	\$2,000
15 to 25	6	\$5,000
25 to 35	8	\$10,000

Changes to Tree Ordinance proposed in 2015, but not adopted.

Diameter of protected tree removed (inches)	<u>Value of tree or fine</u> (per tree)
4 to 8	\$200
8 to 15	\$400
15 to 25	\$600
25 to 35	\$800

Tree Committee’s current proposal.

- No replacement trees required.
- Fees for removal of protected trees - alternatives.
 - \$X per protected tree with a maximum of \$Y per lot per tree permit (e.g., \$25/tree with maximum of \$100/lot).
 - Flat fee (same fee for removal of one or many protected trees; e.g., \$100/lot).
 - Progressively increasing amount (\$X each for each of first five trees (e.g., \$25/tree), \$2X each for each of next five trees (e.g., \$50/tree), etc.).
 - Other suggestions?
- Fines.
 - Doubled application processing fee (\$100) if a person removes, relocates, or substantially alters a protected tree and receives an after-the-fact permit.
 - Up to \$500 fine for illegal removal of protected, nonpatriarch tree (Land Development Code section III.D.1). Considerably less than the \$500 to \$10,000 fines of current (2011) Tree Ordinance.
 - Up to \$25,000 fine for illegal removal of patriarch tree.