



Legislation Details (With Text)

File #: 17-631 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 7/14/2017 **In control:** City Commission
On agenda: 8/2/2017 **Final action:** 8/2/2017
Title: ORDINANCE NO.19-17: REPEALING SECTION 4.6.19, "TREE PRESERVATION, PROTECTION, ENFORCEMENT, AND MAINTENANCE" AND READOPTING SAME, AS REVISED IN ORDER TO PRESERVE, PROTECT, ENFORCE AND MAINTAIN TREES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF SECTION 4.6 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Sponsors: Planning & Zoning Department

Indexes:

Code sections:

Attachments: 1. Tree Ordinance Board Item Backup-P&Z, 2. 2nd Reading - Tree Preservation Ord No. 19-17

Date	Ver.	Action By	Action	Result
8/2/2017	1	City Commission	approved	

TO: Mayor and Commissioners
FROM: Timothy R. Stillings, Director of Planning, Zoning & Building
THROUGH: Chief Neal de Jesus, Interim City Manager
DATE: August 2, 2017

ORDINANCE NO.19-17: REPEALING SECTION 4.6.19, "TREE PRESERVATION, PROTECTION, ENFORCEMENT, AND MAINTENANCE" AND READOPTING SAME, AS REVISED IN ORDER TO PRESERVE, PROTECT, ENFORCE AND MAINTAIN TREES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF SECTION 4.6 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommended Action:

Motion to Approve Ordinance No. 19-17 on second reading .

Background:

The amendments to the LDRs are City-initiated to address the concerns raised about the removal and replacement of trees in the community. The proposed amendments to the LDRs are as follows:

- Throughout Section 4.6.19, an emphasis is placed on applying this code to all trees greater than four (4) inch Diameter at Breast Height (DBH). The current code emphasized protection from four (4) inch to twelve (12) inch DBH and above twenty-four (24) inch DBH. Note: Corrections were made throughout the document to change "caliper" to "DBH". Caliper is used for nursery trees and DBH is for trees that exist on a property.

- Throughout the document, an emphasis is placed on, first and foremost, preserving in place trees greater than four (4) inch DBH. Second priority is for re-locating trees on-site. Third priority is for locating trees off-site, to a location agreed upon by the City. Last option is for mitigation for tree removal.
- Under LDR Section 4.6.19(D), a better description is proposed for palm replacements (equal to overall height).
- Under LDR Section 4.6.19(D)(2), examples are given for “flexible site design options” to allow for preservation of trees through the plan review process.
- Under LDR Section 4.6.19(E), a description is given for performing a “condition assessment” by a certified arborist. This will allow for the proper determination of the condition of existing trees for preservation, relocation or removal.
- Under LDR Section 4.6.19(E)(5)(b), a better description is given for tree mitigation to assure replacements are made within the city standards for hardwood trees and palms. Trees and palms shall comply with LDR Section 4.6.16. “Trees: Shall be species having an average mature spread of crown greater than twenty (20) feet and having trunks which can be maintained in a clean condition with over six (6) feet of clear mature wood. Tree species shall be a minimum of sixteen (16) feet in overall height at the time of planting, with a minimum of six (6) feet of single straight trunk and eight (8) feet of clear trunk, and a seven (7) foot spread of canopy. Palms: Shall be considered trees. Palm species which do not have a mature crown of at least fifteen (15) feet shall be grouped in threes, and three (3) palms shall equal one (1) shade tree. Palms must have an overall height of a minimum of sixteen (16) feet and a minimum of eight (8) feet of clear trunk at the time of planting.”
- Under LDR Section 4.6.19(5)(e), language is added to allow trees to be removed for existing single family homes, if their location interferes with the proposed addition to an existing structure or for the development of an accessory structure.
- Under LDR Section 4.6.19(E)(8)(c), a description is added for “canopy replacement” of trees, with a graduated value for replacement, based on the size of the canopy. Three-hundred-fifty dollars (\$350) per one-hundred (100) square feet for trees with canopy under four-hundred (400) square feet up to one-thousand dollars (\$1000) per one-hundred (100) square feet for trees one-thousand-six-hundred (1,600) square feet and greater.
- Under LDR Section 4.6.19(E)(8)(d), a description is added for the escalation of in-lieu fees for the removal of all trees. The in-lieu fee was increased from \$350/DBH inch to \$450/DBH inch for trees up to eight (8) inch DBH and a graduated increase was added. For trees from eight (8) inch DBH to twelve inch (12”) DBH they are calculated at \$650/DBH inch; twelve + (12+) inch DBH to eighteen (18) inch DBH they are calculated at \$850/DBH inch and trees eighteen (18) inch DBH and greater are calculated at \$1000/DBH inch. (Currently the fee is \$450.00/DBH inch for all trees greater than eight (8) inch DBH.) A diagram was created (Figure 4.6.19.E.5.d) to visually emphasize the new fee schedule.

Additional revisions are included as “clean-up” to clarify the intention of the regulations.

Minor edits to the ordinance were made after first reading. These changes are indicated with a highlight.

City Attorney Review:

Approved as to form and legal sufficiency.

Finance Department Review:

N/A

Funding Source:

No funding required.

Timing of Request:

N/A