

TREE ORDINANCE

TOWN HALL MEETING

December 8, 2014

PURPOSE OF THIS MEETING

- **Obtain Constructive Feedback on the Proposed Tree Ordinance.**
- **What do you like; what do you not like; and what should be considered that is not being considered?**
- **Ground Rules:**
 - **Respect others opinions and the right to state their opinions.**
 - **This is not a debate, it's a community forum for feedback.**
 - **We are not here to challenge another persons rationale or thought process.**
 - **We are here to listen and receive feedback from everyone who wishes to speak.**
 - **Hold all presentation questions until the end of the presentation.**
- **If you do not wish to speak tonight can you still participate? YES!**
 - **Tree.feedback@cityofsafetyharbor.com**
 - **Index Cards**
 - **Future scheduled Planning and Zoning and City Commission Public Hearings, TBD.**

BRIEF HISTORY

- **2007 Grand Tree Ordinance Adopted-**
 - **All trees over 26 inches (DBH) require a certified arborist evaluation on “Grand Tree” status. If the tree meets the evaluation criteria it is determined to be a Grand Tree if not the property owner proceeds with the County Permit Process.**
 - **Since 2007 one “Grand Tree” has been permitted for removal. (SW corner of Main Street and 13th Avenue South)**
- **2014 CC Goal and Priority Workshop, Natural Environment:**
 - **Protect the City’s tree canopy from unwarranted removal.**
 - **Develop a local tree ordinance to include Grand Trees and lot canopies.**
- **Summer 2014 the City Commission began review and discussion of the County’s current Tree Ordinance, our Grand Tree Ordinance and several like ordinances from Pinellas County and one from CA.**
- **City Commission has held more than half a dozen workshops to discuss the current DRAFT Tree Ordinance.**
- **November 3, 2014 the City Commission Adopts a Tree Moratorium Ordinance which will expire on April 1, 2015 or at the adoption of a new comprehensive tree ordinance.**

CITY COMMISSION GUIDING CRITERIA

- **Replace the Grand Tree Ordinance, which is confusing to residents and cumbersome for staff, with a general Tree Ordinance that protects all trees greater than 4 inches DBH, has “teeth” and is simple to understand, educate and enforce.**
- **Create an ordinance that does not require a certified full-time arborist to administer or comprehend.**
- **Implement with existing staff and/or addition of a part-time employee.**

Overview

The purpose of City's Tree Protection and Preservation Ordinance is to establish regulations that will have the effect of protecting, promoting, and maintaining a healthy, diverse, and mature canopy of native and naturalized hardwood and evergreen tree species.

Trees preserve the ecological balance of the environment, control erosion, sedimentation and storm-water runoff, provide shade, reduce heat and glare, reduce flooding, enhance property values and aesthetics, abate noise pollution, and buffer incompatible land uses.

Who to contact?

For more information, please visit City Hall or contact the Safety Harbor Building Department at 727-724-1555.



City of Safety Harbor

780 Main Street • cityofsafetyharbor.com • 727.724.1556

Tree Protection & Preservation



FREQUENTLY ASKED QUESTIONS

What is a protected tree?

Any tree having a DBH of 4 inches or greater that is not specifically excluded from protection including all mangroves, Sabal Palms, and Cabbage Palms.

What is DBH?

Diameter Breast Height ("DBH") means the diameter, in inches, of a tree measured at 4.5 feet above the existing grade.

Do I need a permit to remove a protected tree?

Yes. It shall be unlawful for any person, without first obtaining a permit, to cut down, damage, top, poison, replace, replant, or effectively remove through excessive injury, or in any manner destroy or cause to be destroyed any protected tree.

What criteria is used to determine if a permit will be approved?

City Staff shall approve a permit only when one or more of the following criteria are met:

1. Necessity to remove trees which pose a safety hazard to pedestrians or vehicular traffic, threaten to cause disruption of public services, or which pose a safety hazard to persons or buildings;
2. Necessity to remove diseased trees or trees weakened by age, storm, fire or other injury;
3. Necessity to remove trees in order to construct proposed improvements as a result of:
 - a. Need for access immediately around the proposed structure for construction equipment;
 - b. Need for access to the building site for construction equipment;
 - c. Essential grade changes;
 - d. Surface water drainage and utility installations; or
 - e. Location of driveways, buildings or other permanent improvements.

What trees are exempt from permitting?

Any tree listed on the Florida Exotic Pest Plant Council most recent Invasive Plant Lists; as well as any of the following tree species may be removed from private property without a permit: Acacia, Australian pine, Avocado, Brazilian pepper, Cherry Laurel, Chinaberry, Chinese Tallow, Citrus, Ear, Eucalyptus, Ficus, Italian cypress, Jacaranda, Jerusalem thorn, Loquat, Mango, Monkey Puzzle, Norfolk Island pine, Orchid, Palms (except Cabbage, Sabal, Palmetto, & Royal), Poinciana, Punk, Silk Oak, Toog, and Woman's Tongue.

Do I need a permit to prune or trim a protected tree?

No. The trimming of trees as normal maintenance is exempt from permitting provided such trimming does not result in mutilation, death, or removal of the tree. Topping, excessive pruning, or the removal of more than one-third (1/3) of the tree's leaf canopy is prohibited without a permit.

How much does a tree removal permit cost?

The application fee for residential parcels is \$25 and for all other parcels \$100.

Do I have to replace trees being removed?

Trees removed shall be replaced as follows: One DBH inch for each DBH inch removed or, where a suitable location for replanting on the property is not available, a fee in lieu thereof shall be paid. For example, if you remove an 8 inch protected tree, then you must replant 8 inches of trees or pay the appropriate replacement fees.

What are the replacement fees?

The following fees shall apply unless the required replacement trees are planted on the site:

1. Individual single-family residential lots presently occupied by the owner:
 - a. 4 inch to less than 10 inch DBH, \$10.00 per inch removed.
 - b. 10 inch to less than 20 inch DBH, \$20.00 per inch removed.
 - c. 20 inch to less than 30 inch DBH, \$40.00 per inch removed.
 - d. 30 inch and greater DBH, \$60.00 per inch re-moved.
2. All other developments or properties:
 - a. 4 inch to less than 8 inch DBH, \$25.00 per inch removed.
 - b. 8 inch to less than 15 inch DBH, \$50.00 per inch removed.
 - c. 15 inch to less than 25 inch DBH, \$100.00 per inch removed.
 - d. 25 inch and greater DBH, \$150.00 per inch removed.

Can the replacement fees be waived?

Yes, for residential properties, if one or more of the following conditions is found to exist:

1. The tree is endangering existing structures so that its continued presence will ultimately cause damage and no economically practicable remedy exists;
2. In the City's professional opinion the tree is substantially endangering existing pavement or utility services in a manner that threatens to damage property or life;
3. The tree creates unsafe visibility which pruning will not rectify; or
4. It is found by the City to be in the interest of the general public's health, safety, and welfare that the trees be removed.

WHAT IS A PROTECTED TREE?

- Any **tree** having a DBH of 4 inches or greater that is not specifically excluded from protection including all mangroves, Sabal Palms, and Cabbage Palms.
- **CC Discussion, how to determine the trees to protect, Section 154.02**

WHAT IS DBH?

- Diameter Breast Height (“DBH”) means the diameter, in inches, of a tree measured at 4.5 feet above the existing grade.

- **City Staff shall approve a permit only when one or more of the following criteria are met:**

1. Necessity to remove trees which pose a safety hazard to pedestrians or vehicular traffic, threaten to cause disruption of public services, or which pose a safety hazard to persons or buildings;

2. Necessity to remove dead trees or trees weakened by age, storm, fire or other injury;

3. Necessity to remove trees in order to construct proposed improvements as a result of:

- a. Need for access immediately around the proposed structure for construction equipment;
- b. Need for access to the building site for construction equipment;
- c. Essential grade changes;
- d. Surface water drainage and utility installations; or
- e. Location of driveways, buildings or other permanent improvements;

WHAT TREES ARE EXEMPT FROM PERMITTING?

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DO I NEED A PERMIT TO PRUNE OR TRIM A PROTECTED TREE?

- **No. The trimming of trees as normal maintenance is exempt from permitting provided such trimming does not result in mutilation, death, or removal of the tree. Topping, excessive pruning or the removal of more than one-third (1/3) of the tree's leaf canopy is prohibited.**

DO I HAVE TO REPLACE TREES BEING REMOVED?

- **Trees removed shall be replaced as follows: One DBH inch for each DBH inch removed or, where a suitable location for replanting on the property is not available, a fee in lieu thereof shall be paid. For example, if you remove an 8 inch protected tree then you must replant 8 inches of trees or pay the appropriate replacement fees.**
- **CC Discussion, Inch for inch or tree for tree?**

WHAT ARE THE REPLACEMENT FEES?

REPLACEMENT FEE SCHEDULE – SAFETY HARBOR

(1) Individual single-family developed residential lots:

- (a) 4 inch to less than 10 inch DBH, \$10.00 per inch removed.**
- (b) 10 inch to less than 20 inch DBH, \$20.00 per inch removed.**
- (c) 20 inch to less than 30 inch DBH, \$40.00 per inch removed.**
- (d) 30 inch and greater DBH, \$60.00 per inch removed.**

(2) All other developments or properties:

- (a) 4 inch to less than 8 inch DBH, \$25.00 per inch removed.**
- (b) 8 inch to less than 15 inch DBH, \$50.00 per inch removed.**
- (c) 15 inch to less than 25 inch DBH, \$100.00 per inch removed.**
- (d) 25 inch and greater DBH, \$150.00 per inch removed.**

CAN THE REPLACEMENT FEES BE WAIVED?

Yes, if one or more of the following conditions is found to exist:

- **The tree is endangering existing structures so that its continued presence will ultimately cause damage and no economically practicable remedy exists;**
- **In the City's professional opinion the tree is substantially endangering existing pavement or utility services in a manner that threatens to damage property or life;**
- **The tree creates unsafe visibility which pruning will not rectify; or**
- **It is found by the City to be in the interest of the general public's health, safety and welfare that the tree be removed.**

Topics that will require more discussion and direction by the City Commission.

- **Replacement Fees, applied to who...all properties treated the same or two categories?**
- **Exceptions, replacement fees can be waived when.....**
- **Inch for Inch vs. Tree for Tree, which methodology to apply?**
- **Which species of trees to protect?**

Tentative Schedule

- **CC Workshop** **January**
- **Planning and Zoning Board** **February**
- **City Commission 1st Public Hearing** **March**
- **City Commission 2nd Public Hearing** **March**
- **Tree Moratorium** **Expires April 1, 2015**

Questions?