

Trees!

Crafting Decatur- Appropriate Regulations

City Commission
Work Session

April 7, 2014



Tonight's Agenda

- Review Proposed Amendments to the January 21st Ordinance
- Approve a Timeline for Public Input
- Review Proposed Implementation



Background

Fall 2013

New tree ordinance developed and moratorium enacted

January 2014

Proposed ordinance tabled

March 2014

City Commission recommends ordinance revisions

April 2014

Amended ordinance prepared for review



Reasons for Updating the Tree Ordinance



- Goal 13A: Strategic Plan 2010
- Aging tree population
- Urban/human impacts to soil and trees
- Development pressures
- Majority of tree canopy is on private property
- New best management practices for tree conservation



Proposed Amendments to Tree Ordinance



Amendments presented in January 2014

- Moved HDSF to Residential
- Revised Violations and Appeals
- Added “intentional” damage
- Updated bond/escrow section
- Updated “moderate to high” risk of failure
- Fixed tree swing issue by adding “public tree”



Amendments Requested in March 2014

- Canopy Coverage:
 1. Community Goal of 50% to be listed in Master Plan
 2. Residential Requirement of No Net Loss
 3. Commercial Requirement of 45%



March 2014 Amendments Continued

Residential:

1. Allow up to 3 tree removals every 18 months. Must file a Tree Information Permit.
2. Every project that requires a land disturbance permit triggers a no net loss requirement.



March 2014 Amendments Continued

Commercial:

1. Change canopy requirement to 45%.
2. Change trigger for replanting requirement to 15% increase in impervious cover or gross floor area.

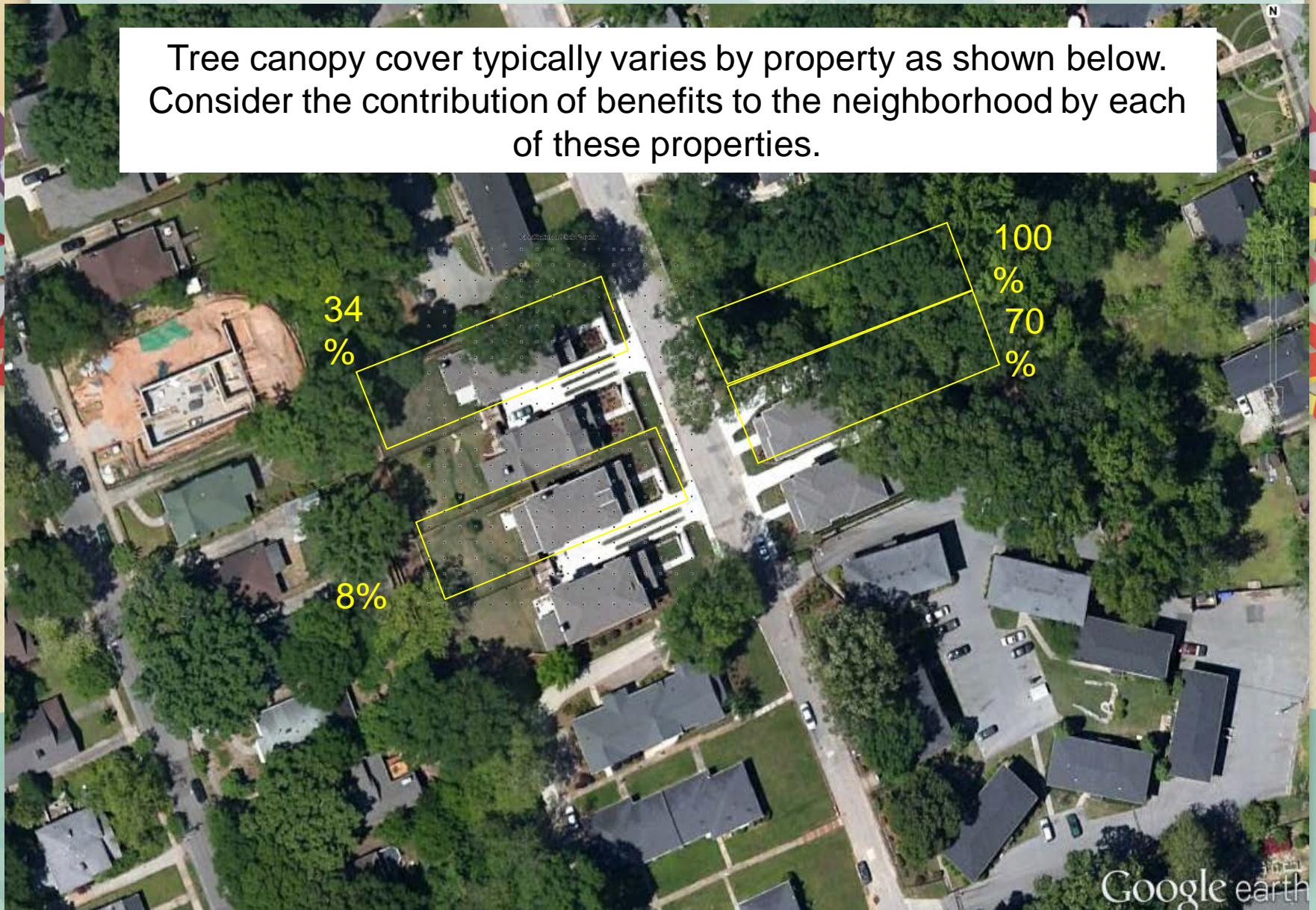


March 2014 Amendments Continued

1. Removed City Arborist salary as allowable expense for tree bank funds.
2. Clarified Tree Maintenance requirements to explain that they are for the establishment period of protected trees.



Tree canopy cover typically varies by property as shown below.
Consider the contribution of benefits to the neighborhood by each
of these properties.



Protected Trees

- Any public tree, any tree of any size conserved or planted to meet tree ordinance requirements AND any tree 6 inches dbh or greater including boundary trees.



Boundary Trees

- A tree growing on a property boundary line between two lots resulting in joint ownership by the adjacent property owners or a tree where at least 20% of the critical root zone extends onto an adjoining property.
- If the boundary tree is a protected tree, then it must be included in the Tree Conservation Plan.
- 3 year escrow established for impacted boundary trees for cost of removal, replacement and value.



Appeals

Opportunity to Appeal Determination of the City Arborist

- Arborist -ZBA
- Established Standards for Appeal



Application of Ordinance

For all residential and commercial projects:

If the trees involved are not in protected class

And/Or

Less than 20% of critical root zone is impacted

then

No requirements for protection or replanting



Application of Ordinance- Commercial

Are either of the following increasing by more than 15%

- Impervious surface of site-
- Floor area of existing structures-

No

☐

CONSERVATION PLAN

☐

Protection for all impacted trees

☐

Removal permit required with onsite replacement for no net loss

☐

Tree bank not offered as option

Yes

☐

CONSERVATION PLAN

☐

Protection for all impacted trees

☐

Entire site must be brought into compliance with canopy goal of 45%

☐

Tree bank can be used for up to 75% of requirement



Application of Ordinance- Residential

TREE INFORMATION PERMIT

Healthy Trees are being removed at the property owners request OR a dangerous tree is being removed

- Owners can remove up to 3 healthy trees every 18 months
- The permit will track the canopy cover that is being removed
- There will be no fee for the permit and the City Arborist will recommend replanting options if the owner is interested



Application of Ordinance- Residential

TREE REMOVAL PERMIT

Healthy Trees are being removed at the property owners request -either the 4th tree within 18 months or as part of a land disturbance permit.

- Permit requires support narrative from a certified arborist.
- Narrative must detail the rationale for tree removal and provide an estimate of canopy cover on property after removal.
- Site's canopy coverage must maintain no net loss.



Application of Ordinance- Residential

TREE DISTURBANCE PERMIT

Trees are being impacted or removed as part of another project which requires a permit.

- Tree Conservation Plan prepared by a certified arborist.
- Assess the canopy and potential tree impact.



Example- 131 Mt. Vernon



Example-209 Lamont Drive



Outstanding Tasks:

- Create permit forms
- Set fees
- Update Administrative Standards



Implementation Timeline 2014

- April 8th: Ordinance Posted for Public Comment
- May 2nd: Public Comment closed
- May 5th: City Commission Work Session
- May 19th: City Commission Vote on Ordinance
- May 2014: Arborist Hired
- June/July: Coordination with UDO, Staff Training, Community Forest Plan presented
- July 7th: New Ordinance becomes effective
- September: UDO Adoption

