

Tree Preservation Ordinance Comparison Summary, Current vs Administration Proposed vs Councilor Proposed -- 9-15-2022

Current	Administration Proposal	Councilor Malakie/Norton Proposal
Sec. 21-80 Findings, intent, and purpose.		
	No Substantive change	Lengthy explanation added to this section. See proposed draft for language.
Sec. 21-81. Definitions.		
Allows lots of four families and less to be exempt under many circumstances as long as the property is not being sold for at least 18 months following the completion of construction	Eliminates Exempt Lots	Same as Administration Proposal
One group of protected trees. All trees 8" in diameter and larger	Drops protected tree size to 6" in diameter and larger	Same as Administration Proposal
	Adds different size classes of trees which relate to other requirements and replacement requirements later in other sections of the ordinance. Protected tree = 6" and larger; Significant Tree 25" to 39"; Landmark Tree 40" to 54"; Legacy tree 55"+	Same as Administration Proposal
		Creates new definition, "Environmental Mitigation Payment". Outlines cross sectional area calculation for determining monetary value of a tree.
		Added definition of a Lot
References City Tree Manual for certain standards	Replaces language referencing Tree Manual with language to specifies current industry standards to insure the most up to date protocols are being used.	Same as Administration Proposal
	Adds specific language and specific standards to be used to when determining the risk level an existing tree poses. Insure current standards are being followed and creates a base line all are to follow.	Same as Administration Proposal
	Detailed requirements for Tree Plan are added to insure uniformity for applicants and assists the City in its review.	Same as Administration Proposal
Requires protection around an existing tree within the drip line of the tree. Does not protect trees on adjacent lots that are impacted by construction.	Defines Tree Protection Plan and Tree Save area. This will standardize protection measures, uses industry standards and insures a base line for all to follow. Also increases the area of protection around a tree and requires protection to trees on adjacent lots.	Same as Administration Proposal

Sec. 21-82. Applicability

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Applies to all private property in the City but has certain exemptions.	Applies to all private property in the City. (City property is addressed under Chapter 21-72 - 21-80,)	Applies to all private property in the City as well as City property.
Residential properties 4 family or less are exempt from needing a permit or replacing trees if no exterior work (needing a permit) is to take place and the lot is legally inhabited and owned by the same person for at least three months.	Single and two family homes where no construction will take place for two years will not be required to replace trees if removed when under 55 inches in diameter but will be required to get a permit to remove any tree 6" in diameter or larger.	Rules apply to all private and City lots. No exceptions of any kind.
Sec. 21-83. Permit application.		
Permit application fee \$150	Permit application fee \$200	Same as Administration Proposal
Requires site plan showing size, location and type of trees and which ones are to be removed and which ones remain	Requires more details in the proposed tree location plan and delineation of work limits and tree save area.	Same as Administration Proposal
Requires trees be protected	Enhanced language that clearly states expectations for the protection of any trees to remain on site. Requires that industry standards for tree protection be followed. Requires applicant to provide documentation from a Certified Arborist. Prohibits Exterior work until Certified Arborist confirms tree protection measures are in place.	Same as Administration Proposal
		Requires large projects, which require a special permit, to include a tree protection plan that has been submitted to the City a minimum of 21 days prior and reported on to the Land Use Committee.
Fee for processing tree permit \$150.	Fee for processing tree permit \$200. No fee for dead or significantly compromised trees not part of exterior construction.	Same as Administration Proposal
Requires Tree Permit review in ten days or less	Same as Current	Requires Tree Permit review in twenty days or less
Allows Inspectional Services to accept a building permit application if Tree Permit is not acted on within ten days.	Same as Current	Prohibits Inspectional Services from accepting an application for building permit without an approved tree permit.
		Requires notification of abutters within 500 feet of the lot the application is received from.
For a tree permit to be issued protected tree (s) must be relocated or replaced on site; or a payment in lieu of planting replacement trees is made; or the tree interferes with existing infrastructure; or is dead, diseased, or in danger of falling; or no protected trees are being removed.	Similar to current version but adds additional requirements for documentation from a certified arborist that a tree is in poor condition; also requires additional documentation if an existing tree is damaging existing infrastructure.	Same as Administration Proposal

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Unless removed from an exempt lot requires that every protected tree diameter inch be replaced with an inch. Unless the tree is determined to be dead, diseased or significantly compromised or it is compromising and existing structure. This also includes payment in lieu of planting.	Requires all protected tree inches be replaced based on the per inch replacement rules listed in the replacement section of the ordinance. Replacement can also come in the form of a per inch payment in lieu of planting. Replacements will not be required if the tree is determined to be dead, diseased or significantly compromised or it is compromising and existing structure.	Replacement planting requirements the same as Administration Proposal. Payment in lieu of planting is calculated using a different method, which includes a set base tree value and utilizing a cross sectional area calculation.
Allows Tree Warden to prescribe tree protection measures	Allows Tree Warden to prescribe tree protection measures and requires documentation from a Certified Arborist that the measures are in place	Same as Administration Proposal
	Requires Tree Permit be posted at the site	Same as Administration Proposal
		Inspectional Services must be notified that exterior work may commence
		If tree permit suspended or revoked the Commissioner of Inspectional Services is to issue a stop work order or withhold certificate of occupancy.
Any person aggrieved by decision of Tree Warden can appeal to the Mayor. The Mayor shall notify the councilors in the Ward of the appeal and the Mayor's decision	Any person aggrieved by decision of Tree Warden can appeal to the Mayor. The Mayor shall notify the councilors in the Ward of the appeal, The Mayor shall consult with the Ward Councilor in which the trees are located before making a decision.	Any person aggrieved by decision of Tree Warden can appeal to the Mayor and the Councilors in the ward in which the protected trees are located. A copy of the appeal shall be provided to the properties abutters. The Mayor and the councilors (from the Ward) shall jointly make a final decision on the matter. If there is a tie vote than the Tree Warden's original ruling stands.
Sec. 21-84. Activities not requiring a permit.		
	Same as Current	Same as Current
Sec. 21-85. Tree replacement.		
All protected trees removed requiring replacement shall be on an inch for inch basis. For every diameter inch removed a new inch needs to be planted.	All protected trees removed requiring replacement shall be based on the size class they fall under. Trees 6" to 24" require 1 inch per 1 inch removed Trees 25" to 39" require 1.5 inches per 1 inch removed Trees 40" to 54" require 2 inches per 1 inch removed Trees 55" require 3 inches per 1 inch removed	Same as Administration Proposal
	Trees planted as hedges, or bush/shrub forms shall not count as replacement trees unless otherwise permitted by the Tree Warden	Trees planted as hedges, shall not count as replacement trees

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Replacement trees must survive for a minimum of 18 months	Replacement trees will be considered Significant Trees regardless of trunk diameter, health or condition and are protected from removal in perpetuity. Removal requires compliance with tree permit process. Replacement will be required if dead at any point in future.	Replacement trees will be considered Significant Trees regardless of trunk diameter, health or condition and are protected for 10 years. Removal requires compliance with tree permit process

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Sec. 21-86. Tree replacement fund.		
Payment in lieu of planting replacement trees based on City determined cost to purchase and install trees.	Payment in lieu of planting replacement trees based on City determined cost to purchase, install and maintain trees for the first five years. Payment is calculated by multiplying the number of required replacement inches by the City's per inch cost.	Environmental Mitigation Payment will be required for all Protected Trees removed unless otherwise waved. Payment calculated by tree DBH2 x 0.785 x base value, where the base value is not less than an amount to be determined will be reduced by the cross-sectional valuation of each Replacement Tree.
Sec. 21-88. Enforcement.		
The tree warden may request the agency which has granted an exterior work permit that the activity be stopped if it might affect such protected trees.	Same as Current	The Tree Warden is to DIRECT the agency which has granted an exterior work permit that the activity be stopped if it might affect such protected trees.
Sec. 21-89. Penalties.		
Removal without a permit: Each instance in which a protected tree is removed without a permit shall constitute a violation of this article which shall be subject to a fine in the amount of three hundred dollars (\$300.00).	Same as Current	Removal without a permit: Each instance in which a protected tree is removed without a permit shall constitute a violation of this article which shall be subject to a fine in the amount of three hundred dollars (\$300.00). Each day until a Permit Application is filed shall constitute a separate offense.