

# Proposed Structure for Revised Ordinance

## 06.08.11

### ARTICLE II: TREE PROTECTION

#### Division 1: General Provisions

1. *Authority*
2. *Policy, purpose, and intent*
3. *Scope*
  - a. *Exceptions*
4. *Definitions*
5. *Enforcement*
6. *Penalties*
  - a. *Imposition of civil fees*
  - b. *Recompense and replacement*
  - c. *Additional actions and penalties*

#### Division 2: Tree Conservation Commission

1. *Establishment; appointment of members*
2. *Terms; vacancies; compensation*
3. *Functions; powers; duties*
4. *Meetings; clerk; court reporter; rules of procedure*
5. *Appeals of Tree Conservation Commission decisions*

#### Division 3: Tree Trust Fund

1. *Establishment and purpose*
2. *Administration and review*
3. *Recompense to be paid to fund*
4. *Authorized expenditures*
5. *Relationship to urban forest master plan*

#### Division 4: Planning, Design, and Conservation

1. *Urban forest master plan*
  - a. *Purpose and scope*
  - b. *Required components*
  - c. *Implementation; updating and revision*
2. *City staff reports to Tree Conservation Commission*
3. *Education and outreach*
4. *Fee simple donation of land for conservation purposes*
5. *Conservation easements*
6. *Easements for private property planting by City*
7. *Parking lot requirements*
8. *Site plan required for construction*
  - a. *General requirements*
  - b. *Boundary trees*

## **Division 5: Tree Removal**

1. *Policy; tree preservation encouraged*
2. *Protection of trees during construction*
  - a. Tree protection fencing required
  - b. Wetlands, floodplains, and environmentally-sensitive areas
3. *Removal, destruction, or injury of healthy trees*
  - a. Permit for construction, renovation, demolition
  - b. Permit for removal of tree based upon proximity to dwelling unit
  - c. Permit for removal of trees for landscaping improvements
  - d. Permit for removal of trees for silvicultural improvements
  - e. Criteria for removal or destruction permits
  - f. Permit application
  - g. Permit review and approval
  - h. Minor amendments to permit
  - i. Appeals of permit decisions
4. *Unhealthy or hazardous trees*
  - a. Permit to remove dead, dying, or hazardous tree
    - i. Submittal requirements
    - ii. Permit approval
    - iii. Appeals
    - iv. Exemptions from other sections of Article
  - b. Removal of trees posing an imminent hazard
    - i. Immediate removal authorized
    - ii. Imposition of penalties
  - c. Nuisance
    - i. Generally
    - ii. Notice to owner to remedy conditions; failure to comply
    - iii. Hearing; failure to comply
    - iv. Emergency abatement
5. *Preconstruction conference and inspection*
  - a. Purpose
  - b. Conditions of waiver
6. *Certificate of Occupancy*

## **Division 6: Tree Replacement and Recompense**

1. *Standards for tree replacement and afforestation*
  - a. Minimum tree cover
  - b. On-site replacement
    - i. Replacement trees; private property
    - ii. Replacement trees; public property
  - c. Offsite replacement
  - d. Size and quality of replacement trees
  - e. Type of replacement trees
    - i. Recommended Tree List
    - ii. Prohibited replacement trees
  - f. Planting priority
    - i. Heat islands

- ii. Soil stabilization
  - iii. Other planting
- 2. *Tree replacement plan*
- 3. *Maintenance of replacement trees required*
- 4. *Exemptions from replacement requirements*
- 5. *Recompense to address tree losses*
  - a. Intent
  - b. Application
    - i. Exceptions
  - c. Recompense formula
  - d. Maximum recompense
    - i. New subdivisions, new lots of record, and vacant lots
    - ii. Streets and infrastructure
  - e. Adjustments to recompense
    - i. Affordable housing
    - ii. Conservation easements
    - iii. Fee simple donation of land for conservation purposes
  - f. Appeal of recompense decision

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