



# CITY COMMISSION AGENDA REQUEST



DATE August 23, 1995  
 SUBJECT Tree Removal Policy  
 AMOUNT N/A  
 SOURCE N/A  
 OMB N/A

- Bid/Contract/Lease
- Change Order
- Budget Transfer/Suple. Approp.
- Status Report
- Policy/Discussion
- Other (Specify): \_\_\_\_\_

REQUEST ACTION ON: August 30, 1995

## HISTORY

A Tree Removal Policy (#702CP) was adopted by the City Commission on November 13, 1991, and revised on September 9, 1992. The policy addresses the removal of trees protected under the EMO from City property. It is similar to the original policy which was adopted by the Commission in the mid 1980's and the current policy's intent has remained the same. The original policy was adopted at a time when Leon County was the responsible for permitting the removal of protected trees inside the City.

The Code of Ordinances, City of Tallahassee, Chapter 24, Trees and Shrubs, which references the Code of 957, also regulates tree removal in the City. Chapter 24 includes provisions regulating removal or injuring of trees and shrubs on City property.

The City and County Commissions, sitting as the Metropolitan Planning Organization (MPO), on August 23, 1993, adopted various recommendations of the Canopy Roads Citizens Committee (CRCC), including to amend Section 34 of the EMO, Removal of Protected Trees. The CRCC recommended that tree removal requests for protected trees in the canopy road protection zone be reviewed by the City Commission. As of this date, the EMO has not been amended to implement the recommendation but it has been used through administrative policy.

## RECOMMENDED ACTION

- 1A) Direct Growth Management to process city departments' tree removal permits using the current permitting process used for private property.
- 2A) Direct staff to prepare an ordinance amending the Environmental Management Ordinance to address those issues in Chapter 24 which are not currently addressed and eliminate Chapter 24.
- 3A) Direct staff to process tree removal applications in accordance with the canopy road protection zone regulations in the EMO which gives Growth Management the authority to issue permits within the CRTPZ and delegate Commission authority for approval of protected tree removal permits in the right-of-way to the Growth Management Department.

H. L. Holshouser, Jr.  
 Director, Growth Management

Steven C. Burkett  
 City Manager

## FACTS AND ISSUES

The purpose of the agenda item is to develop a new unified policy to process tree removal permits in an efficient manner. Staff is requesting the delegation of the Commission's authority to administratively process the permits.

### **Tree Removal Policy (#702CP):**

The current approved policy states that prior to the issuance of a Tree Removal Permit for protected trees on City property (projects), by City agencies, the City Commission must approve the tree removal. The intent of the original policy was "to establish a process, when trees were to be removed for Utility and Public Works type projects, to determine if other methods could be used to avoid the removal of the trees" (excerpt from the March 26, 1985, Commission minutes). This policy only applies to City Departments.

Currently, individuals who propose to remove a protected tree on private property are required to submit a Tree Removal Permit Application to the Growth Management Department. The application, along with a narrative of purpose and the site plan, is reviewed and followed by a site visit and possibly meetings with the City's Urban Forester and/or applicant. From this comprehensive review, the submitted application is either denied, approved, or approved with conditions by the Growth Management Department.

When protected trees to be removed are located on City property or within the Canopy Road Tree Protection Zone (CRTPZ), additional staff time and preparation are required to take the permit requests to the City Commission. A formal presentation, in the form of an Agenda Item, has to be prepared for City Commission review. This entails, in addition to normal review, the formalized rewriting of all review notes; additional meetings between the Growth Management's Landscape Architect, Urban Forester, and Applicant to coordinate statistical input; the reduction of site plans for presentation; the collection and reproduction of all related materials from the files and Applicant; the typing and processing of all items into the required format; and additional staff time to allow employees to be present at all City Commission meetings during presentation of these agenda items. The preparation of information for an agenda item increases the time expended on a Tree Removal Application by an estimated sixty percent and adds an additional three to six weeks to the permitting process.

The initial intent of policy #702CP was to allow the City Commission to oversee tree removal proposed by City Departments and to offer alternative proposals where possible. When the policy was originally approved, City staff did not include a Registered Landscape Architect, Urban Forester, and a Certified Arborist who now review and recommend the approval or denial of all protected tree removal applications. Since these professional staff positions have been added, the City Commission's decisions on tree removals have been consistent with the recommendations of the Growth Management Department.

The goal of this policy was to provide a comprehensive review on the impact to protected trees by City projects. Staff believes that this goal can be maintained and the costs associated with this policy be reduced if the current policy is revised to give staff the authority to administratively process tree removal permits.

**FACTS AND ISSUES** (continued)

**City Code:**

The Code of Ordinances, City of Tallahassee, Chapter 24, Trees and Shrubs, which references the Code of 1957, contain regulations on trees and shrubs located in the City right-of-way. Most of the regulations have been included in the Environmental Management Ordinance (EMO) and are being enforced based on the EMO. The main difference between Chapter 24 and the EMO is that Chapter 24 references all trees, shrubs, and flowering plants in the right-of-way and requires City Manager approval for any work which disturbs vegetation on the right-of-way.

The following is a brief summary of each section of Chapter 24:

- 24-1: This Section prohibits trees or shrubs to be planted on City right-of-way without City Manager approval. This is not directly covered in the EMO but the EMO requires an Environmental Management Permit in most cases where trees and shrubs would be planted.
- 24-2: This Section prohibits the removal of any trees, shrubs, and flowering plants from City property without City Manager approval. The EMO protects trees above a certain diameter and all vegetation on canopy roads and wetlands. The EMO would require a permit elsewhere if the removal of vegetation was connected to development.
- 24-3: This Section prohibits attachments to trees in the City right-of-way. This is not covered in the EMO but could be added.
- 24-4: This Section protects all trees in the right-of-way from construction activities. The EMO protects trees above a certain diameter and requires a permit when development activity disturbs the right-of-way.
- 24-5: This Section prohibits raising the ground elevation or draining cleaning solutions within the drip line of all trees in the right-of-way. The EMO regulates the placing of fill and would require a permit to do so. Since the City does not allow open discharge of cleaning solutions, the EMO does not regulate it.
- 24-6: This Section protects trees in the right-of-way when paving within the drip line. The EMO covers all construction activity within the Critical Protection Zone which includes the drip line of a tree.
- 24-7: This Section protects trees in the right-of-way when excavating within the drip line. The EMO covers all construction activity within the Critical Protection Zone which includes the drip line of a tree.

Since the Code is not being used and is archaic, any language in the Code that is not currently contained in Article IV, Section 31 through 34, Tree Protection, should be added to this Section and Chapter 24 deleted from the Code of Ordinances.

**FACTS AND ISSUES** (continued)

**Canopy Road Tree Protection Zone:**

The recommendation adopted by the City Commission/Metropolitan Planning Organization on August 23, 1993, is as follows:

*The City Commission may approve a permit for removal of a protected tree in the CRTPZ if the applicant demonstrates that the removal is necessary for legal access, provided no alternative exists, or for health, safety, or welfare of the public.*

EMO Section 44(2)(e) currently states that City Commission approval is required for tree removal located in the right-of-way of canopy roads; otherwise Growth Management Department reviews and issues/denies tree removal permits. The CRCC recommendation adds additional City Commission approval for protected tree removal applications for the entire canopy road protection zone. This policy adds additional staff time to prepare an agenda item for the Commission's review and approval. Since staff includes qualified professionals which would offer recommendations to the Commission, it is Growth Management Department's recommendation that the original intent of Section 34 (1)(d) of the EMO be used and allow the Director of Growth Management to approve permits for the removal of protected trees in the CRTPZ and the City Commission delegate the authority to the Director of Growth Management to approve or deny tree removals in the right-of-way.

**OPTIONS FOR EACH ISSUE**

1. Tree Removal Policy.

- A) Direct Growth Management to process city departments' tree removal permits using the current permitting process used for private property.
- B) Direct Growth Management to process city departments' tree removal permits using the current permitting process used for private property. Also, direct staff to bring an agenda item to the Commission for consent when City projects will impact protected trees in city parks, historic areas, or when there has been significant input from concerned parties.
- C) Retain current policy and continue to bring an agenda item to the Commission for all tree removal requests.

2. Chapter 24, City of Tallahassee Code.

- A) Direct staff to prepare an ordinance amending the Environmental Management Ordinance to address those issues in Chapter 24 which are not currently addressed and eliminate Chapter 24.
- B) Retain Chapter 24 in its current form.

**OPTIONS** (continued)

3. Canopy Road Tree Protection Zone.

- A) Direct staff to process tree removal applications in accordance with the canopy road protection zone regulations in the EMO which gives Growth Management the authority to issue permits within the CRTPZ and delegate Commission authority for approval of protected tree removal permits in the right-of-way to the Growth Management Department.
- B) Direct staff to prepare an ordinance implementing the Canopy Roads Citizen Committee recommendations.
- C) Direct staff to process tree removal applications in accordance with the canopy road protection zone regulations in the EMO.
- D) Direct staff to process tree removal applications in accordance with the canopy road protection zone regulations in the EMO which gives Growth Management the authority to issue permits within the CRTPZ and delegate Commission authority for approval of protected tree removal permits in the right-of-way to the Growth Management Department, provided that the request is reviewed and approval recommended by a qualified Urban Forester, Certified Arborist or Registered Landscape Architect. This review shall ensure that the applicant follows best management practices for Urban Forestry including reviewing species' size, condition and significance on the site. Prior to the application approval, the applicant must post public notice on the site. This option was recommended by the Canopy Roads Citizens Committee on August 21, 1995.

**RECOMMENDATIONS**

- 1A) Direct Growth Management to process city departments' tree removal permits using the current permitting process used for private property.
- 2A) Direct staff to prepare an ordinance amending the Environmental Management Ordinance to address those issues in Chapter 24 which are not currently addressed and eliminate Chapter 24.
- 3A) Direct staff to process tree removal applications in accordance with the canopy road protection zone regulations in the EMO which gives Growth Management the authority to issue permits within the CRTPZ and delegate Commission authority for approval of protected tree removal permits in the right-of-way to the Growth Management Department.

**ATTACHMENTS**

- A. Tree Removal Policy.
- B. Code of Ordinances, Chapter 24.
- C. Recommendation from the Canopy Roads Citizens Committee, Section 34(1)(d).



## CITY COMMISSION POLICY

POLICY TITLE: Tree Removal Policy		CITY COMMISSION POLICY NUMBER: 702CP  DATE ADOPTED: 11/13/91  DATE OF LAST REVISION: 09/09/92
702.01	<p><u>Authority</u></p> <p>City Commission action on March 26, 1985, November 13, 1991, and May 27, 1992.</p>	
702.02	<p><u>Scope and Applicability</u></p> <p>This policy shall apply at any time a City Department has reason to remove a tree, that is protected under the provisions of the Environmental Management Ordinance, from City property.</p>	
702.03	<p><u>Policy Statement</u></p> <p>Prior to the City Environmental Management Division issuing a permit to remove a tree, protected under the provisions of the Environmental Management Ordinance, the City Commission shall approve the tree removal.</p>	
702.04	<p><u>Definitions</u></p> <ol style="list-style-type: none"> <li>1. City Property - Any roadway right-of-way or property for which the City has a fee simple title or any roadway or utility easement in the City's name.</li> <li>2. Protected Tree - Any tree that would require a permit to remove, including: <ol style="list-style-type: none"> <li>a) any tree having a diameter of eighteen (18) inches DBH or greater,</li> <li>b) any tree within a canopy road tree protection zone which extends 100 ft. on both sides of the centerline,</li> <li>c) any tree planted to meet the landscape requirements (Article III) or tree mitigation requirements (Article IV) of the EMO,</li> <li>d) any tree in a wetland.</li> </ol> </li> </ol>	
DEPARTMENT Growth Management Department		DEPARTMENT HEAD SIGNATURE <i>M. M. M. M. M.</i>



CITY COMMISSION POLICY

POLICY TITLE: Tree Removal Policy	DEPARTMENT Growth Management	PAGE Two
702.05	<p><u>Exceptions</u></p> <p>This policy does not apply to protected trees that are dead, dying or diseased or that present an eminent hazard to the safety of the public, either as certified by the City or County Urban Forester.</p>	
702.06	<p><u>Action</u></p> <ol style="list-style-type: none"><li data-bbox="565 863 1518 1108">1. For any approved Capital project that requires an environmental assessment, under Section 61 of the EMO, the Environmental Services Division shall review and approve the removal of any "protected tree(s)" as a part of the approval of the Part II Environmental Assessment for the project. The Part II approval shall occur prior to the completion of the project design and the filing of an application for an EMO permit for the project.</li><li data-bbox="565 1150 1518 1255">2. The responsible department shall apply for a tree removal permit from the Growth Management Department, either separately or as a part of an overall EMO permit for the project.</li><li data-bbox="565 1297 1518 1507">3. The Growth Management Department shall review the permit application and tentatively approve or deny the tree removal. This review shall include an evaluation by the Urban Forester as to the health of the tree(s) and feasible mitigation measures that may be suggested. The Growth Management Department shall hold the permit pending City Commission action on the tree removal.</li><li data-bbox="565 1549 1518 1780">4. The responsible department shall prepare an agenda item for a regularly scheduled City Commission meeting that includes the species, size, condition and location of the tree to be removed; the reason for the removal; options to the removal; and a recommendation from the Growth Management Department. The agenda item will request authorization from the City Commission to remove a protected tree(s).</li></ol>	



COMMISSION POLICY

POLICY TITLE: Tree Removal Policy	DEPARTMENT Growth Management	PAGE Three
	<ol style="list-style-type: none"><li>5. The agenda item will be placed on the consent agenda for action by the City Commission.</li><li>6. The responsible department shall notify the Growth Management Department of the City Commission action.</li><li>7. The Growth Management Department shall either issue or deny a tree removal permit according to the City Commission direction.</li></ol>	
702.07	<u>Procedures</u>  Not applicable.	
702.08	<u>Administration</u>  The City Department responsible for the maintenance of the City property on which the protected tree is located.	
702.09	<u>Sunset Review</u>  November 13, 1996	
702.10	<u>Effective Date</u>  September 9, 1992	



## TREES AND SHRUBS

§ 24-6

**Sec. 24-1. Planting on streets, sidewalks, in parks.**

No trees or shrubbery shall be planted on any street or sidewalk or in a park of the city, except by and with the consent of the city manager.  
(Code 1957, § 33-1)

**Sec. 24-2. Removal, cutting, injuring public trees, shrubbery, flowers.**

It shall be unlawful for any person not an employee of the city in the performance of the duties of such employment, to cut, break, injure or remove any tree or part thereof, flower or shrubbery on the streets, avenues, thoroughfares, sidewalks, parks or cemeteries in the city without having first obtained the permission of the city commission.

(Code 1957, §§ 33-2, 33-4)

Cross reference—Molesting plants, shrubbery in cemeteries, § 8-9.

**Sec. 24-3. Attachments to public trees.**

No board, wire or other thing shall be nailed or affixed to or on any tree standing or growing on the streets, sidewalks or parks of the city.  
(Code 1957, § 33-3)

**Sec. 24-4. Protection of trees from construction work.**

Any person engaged in any building, construction, repairing, remodeling or storing of materials or supplies by or near any tree standing or growing in any of the streets, sidewalks or parks of the city is hereby required at his expense to erect, near and around any such tree, such barricades as may be reasonably necessary to protect such tree from injury or destruction by, during or on account of such building, construction, repairing, remodeling or storing of materials.  
(Code 1957, § 33-5)

**Sec. 24-5. Protecting trees when raising ground level.**

No person shall fill or raise the ground level within the drip line of the cone of any tree standing or growing on any part of the streets, sidewalks or parks in the city without taking precautions to be prescribed by the city manager to prevent suffo-

cation of or other injury to the tree. Such precautions shall include, without limiting the generality of the foregoing, that a dry well with sufficient air spaces shall be built up to the proposed new ground surface not closer than one foot beyond the place where the roots of such tree enter the ground at normal ground level, and shall be at least three (3) feet in diameter. The dry well shall be left open or shall be filled in which such a mixture of coarse sand and charcoal as may be approved by the city manager. Where soap, fuller's earth, or other cleaning solutions which may be injurious to such tree are used within close enough proximity to such tree as to drain into the dry well hereinbefore provided for, there shall be constructed around the edge of such dry well a curbing at least six (6) inches in height, so constructed as to prevent the draining into such dry well of such soap, fuller's earth or other injurious substances, and in addition to such curb there shall be extended into such dry well a pipe line and hydrant, connected with the city water system, sufficient to water such tree at such times as the city manager may require. All of the requirements provided for and required by this section shall be made and done under the direction of the city manager or building and zoning official at the expense of the persons applying for any building or repair permit.  
(Code 1957, § 33-6)

**Sec. 24-6. Protection of trees when paving within drip line.**

No person shall place or lay any pavement within the drip line of the cone of any tree standing or growing on any part of the streets or sidewalks or parks in the city without taking precautions to be prescribed by the city manager to prevent suffocation of or other injury to such trees. Such precautions shall include, without limiting the generality of the foregoing, that an open circle shall be left around the trunk of such tree not closer than one foot beyond the place where the roots of such tree enter the ground and shall in any event be not less than three (3) feet in diameter. Where soap, fuller's earth, or other cleaning solutions which may be injurious to such tree are used within close enough proximity to such tree as to drain into the open circle hereinbefore provided

# MEMORANDUM

RECEIVED  
CITY OF TALLAHASSEE  
AUG 22 1995

TO: Joe Krasinski, Landscape Architect

FROM: Larry Schenk, Planner-Urban Forester

DATE: August 22, 1995

SUBJECT: Canopy Roads Citizens Committee Motion

The Canopy Roads Citizens Committee met last night and passed the following motion regarding the "Tree Removal Policy" your Department is revising.

This wording is recommended to be added on to your option 3.A) .....provided that the request is reviewed and approval recommended by a qualified Urban Forester, Certified Arborist or Landscape Architect who is following best management practices for Urban Forestry including but not limited to species, size, condition, significance on site and upon public notice posted on site by the applicant.

If you have any questions, please call me. Thank you.

LBS/tn

Post-it® Fax Note	7671	Date	8-22-95	# of pages	1
To	JOE K.	From	L. SCHENK		
Co./Dept.	G. M.	Co.	TLCPO		
Phone #		Phone #	891-8635		