



City of Gainesville
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TO: City Plan Board **Item Number:**

FROM: Planning & Development Services Department **DATE:** December 12, 2019
Staff

SUBJECT: Single-family tree mitigation policy. Staff will present potential options for the City's single-family tree mitigation policy, including a recommendation from the Tree Advisory Board and an alternative option.

Applicant

N/A

Recommendation

The City Plan Board provide a recommendation regarding the proposed options for the City's single-family tree mitigation policy.

Discussion

The purpose of this item is to discuss options and seek direction from the City Plan Board regarding potential options for the City's single-family tree mitigation policy.

Prior to 2017, the Land Development Code specified that on properties within single-family residential zoning districts, only heritage and champion trees required a permit for removal. Mitigation was at a reduced rate of inch-for-inch diameter replacement for high-quality heritage trees and two-for-one replanting for heritage trees of other than high quality species. In 2017, the Land Development Code was updated to change the basis for reduced single-family tree mitigation from "single family zoning districts" to "single family dwellings" in order to allow single-family homeowners in planned development zoning to have reduced tree mitigation. However, new single-family construction, regardless of zoning, is now subject to the same tree mitigation requirements as multifamily and commercial development.

On March 21, 2019, the Tree Advisory Board presented a letter to the City Commission recommending that the reduced single-family tree mitigation should apply in all cases where the final property use is a detached single-family home or lot. The Tree Advisory Board also recommended that all lots in new subdivisions be configured to allow at least one tree of a high-quality species to establish in the front, back, or side yard in addition to the required street tree. The Commission directed staff to work with the Tree Advisory Board on this issue.

On June 10, 2019, the City Commission and City Plan Board heard a presentation on the current referral list of potential Land Development Code amendments, including the tree mitigation policy

for new single-family dwellings, and ranked the potential amendments by priority. The prioritized code amendments list was approved at the June 13, 2019 General Policy Committee meeting with the modification of moving single-family tree mitigation from the medium-priority list to the high-priority list.

On July 10, 2019, the Tree Advisory Board approved a motion to apply the following recommendations to single-family tree mitigation:

- 1) All single-family residential tree removals should be mitigated by the inch-for-inch mitigation process. This applies to existing homes and new construction.
- 2) Saving high-quality trees should be incentivized by reducing mitigation payments for removal of undesirable species. Inch-for-inch removals should apply to desirable species only.
- 3) Code language should be enhanced to encourage and incentivize saving high-quality heritage trees.

The Tree Advisory Board also approved a motion to incentivize affordable housing by reducing tree mitigation impacts.

Staff have identified another option to consider in lieu of the first recommendation, which is to allow single-family residential tree removals to be mitigated for at the reduced rate of inch-for-inch replacement of high-quality heritage trees and two-for-one replacement of non-high-quality heritage trees, with the exception of construction in new subdivisions. Existing homes and new construction in established neighborhoods would be subject to the reduced tree mitigation rate.

At the October 9th City Plan Board meeting, the Board continued the item and requested staff to revise the draft code amendments. The draft code amendments, found in the attached Exhibits 1 and 2, have been revised to 1) provide greater inclusivity of single-family properties eligible for the reduced tree mitigation assessment; 2) include a definition of affordable housing and clarify that affordable housing must comprise 100% of a development to allow for reduced mitigation for heritage trees; and 3) for the staff recommendation, change the determining factor for a subdivision to become “established” and eligible for reduced single-family tree mitigation from to 85% buildout.

Respectfully submitted,

Liliana Kolluri
Environmental Coordinator

List of Exhibits

Exhibit 1: Proposed amendments to Sec. 30-8.7 – Permits for Tree Removal; Mitigation – Tree Advisory Board Recommendation

Exhibit 2: Proposed amendments to Sec. 30-8.7 – Permits for Tree Removal; Mitigation – Staff Alternative

Exhibit 1: Proposed amendments to Sec. 30-8.7 – Permits for Tree Removal; Mitigation – Tree Advisory Board Recommendation

Section 30-8.7. Permits for Tree Removal; Mitigation.

- A. *Removal or relocation permits.* Except as provided below, no living regulated tree may be removed or relocated without a removal permit and mitigation as provided for in this section. Only the tree advisory board may approve or deny the removal, relocation or replacement of champion trees.
- B. *Exemptions.*
1. On [single-family zoned properties, properties in single-family use, or properties to be developed in single-family use as evidenced by a building permit](#) ~~property with single-family dwellings~~, permits shall be required only for the removal of champion or heritage trees.
 2. [Developments in which 100% of housing is affordable to low income households may mitigate for removal of high-quality heritage trees through inch-for-inch replacement rather than payment of the tree appraised value. Low income households are defined as households that make less than 80% of the Gainesville area median income adjusted for family size. Affordable housing means housing where the total monthly cost of that housing including taxes, insurance, and utilities, is less than 30% of the household's total monthly income.](#)
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- D. *Removal and mitigation of regulated trees subject to subdivision or development plan approval.* When tree removal or relocation is contemplated in conjunction with any development requiring approval of a development plan or subdivision plat, such removal or relocation shall be considered and either approved or denied at the same time a development plan or plat is approved or denied, based upon the criteria specified in Subsection F of this section. No separate tree removal permit is required. All of the required plans, data or other information required with the application shall be included on the proposed development plan or on the supporting documents submitted with the plan or the plat. The following requirements apply:
1. Decisions on tree removal shall be based on a tree survey or a qualitative tree survey. The landscaping plan shall show all trees to be preserved, provide for protective tree barriers that meet the requirements of Section 30-8.8, and specify the details of the mitigation required in this section.
 2. Construction drawings shall be submitted to the building department and application for building permits made before any trees are removed.
 3. [Subdivisions shall be designed to maximize preservation of high quality heritage trees. The owner shall avoid or minimize removal of high-quality heritage trees by implementing practicable design alternatives including, but not limited to:](#)
 - i. [Limiting the scope, degree, or magnitude of the proposed project;](#)
 - ii. [Exploring alternative on-site locations to avoid or reduce impacts to heritage trees;](#)
 - iii. [Designing open-space common areas to incorporate high quality heritage trees;](#)

iv. Configuring lots to include high quality heritage trees along the sides of the lot, rather than in the center where removal is necessary for construction;

v. Preserving trees along roadways as street trees.

4. After a certificate of occupancy has been issued for a development, any additional tree removal shall require either a tree removal permit or a development plan amendment. Failure to obtain a tree removal permit before removing or relocating any existing regulated tree or any tree that was planted to comply with the approved development plan shall be subject to the measures for enforcement specified in Section 30-8.43.

5. The requirements for mitigation of regulated trees approved for removal as part of development plan or subdivision plat review are as follows:

CATEGORY	MITIGATION
High quality heritage trees, in fair or better condition.	Mitigation payment based on tree appraised value, limited to three trees per acre averaged over the entire site. If more than three trees per acre in this category are located on the site then the trees with the highest tree appraised value throughout the site shall be used to calculate the payment. High quality heritage trees proposed for removal in excess of the overall average of three per acre shall require mitigation trees on an inch-for-inch on a diameter basis.
<u>High quality heritage trees in 100% affordable housing developments as defined by Section 30-8.7.B.2.;</u> heritage trees of other than high quality species, in fair or better condition, excluding laurel oaks and water oaks.	Mitigation trees on an inch-for-inch diameter basis.
Any heritage trees in less than fair or better condition; any heritage laurel oak or water oak; and any other regulated tree.	Mitigation trees consisting of two trees of high quality shade species established for each tree removed.

E. *Removal and mitigation of regulated trees not part of subdivision or development plan approval.* Any person desiring to remove or relocate a regulated tree, except tree removal approved as part of subdivision or development plan approval, shall file a tree removal permit with the City Manager or designee. As a condition to granting a permit, the applicant shall mitigate each tree being removed. The following requirements apply:

1. Permit applications shall include the name of the property owner, address from which tree will be removed, tree species and diameter, and reason for removal of the tree. The permit application shall be signed by the property owner and, if applicable, its authorized agent. Applications for tree removal shall also include a scaled drawing of the site showing tree size and location, and a statement of how any other regulated trees are to be protected during any

approved tree removal and any associated construction or clearing, or grade changes. The City Manager or designee shall attempt to verify the information contained in the application and shall either approve or deny the application as to each regulated tree proposed to be removed.

2. Where construction is associated with the tree removal, construction drawings shall be submitted to the building department and application for building permits made before any trees are removed.
3. The requirements for mitigation of regulated trees not associated with development plan or subdivision plat review are as follows:

CATEGORY	MITIGATION
<u>Single-Family Zoned Properties, Properties in Single-Family Use, or Properties to be Developed in Single-Family Use as Evidenced by a Building Permit</u> Single-Family Dwellings	
High quality heritage trees, in fair or better condition, wherever they are located on the property.	Mitigation trees on an inch-for-inch diameter basis, with a minimum of two shade trees of high quality species planted on site for each tree removed.
Heritage trees of other than high quality species and high quality heritage trees in less than fair or better condition, wherever they are located between the property lines and legal setbacks.	Mitigation trees consisting of two shade trees of high quality species planted on the site for each tree removed.
All Other Uses	
High quality heritage trees, in fair or better condition.	Mitigation payment based on tree appraised value, and mitigation trees consisting of a minimum of two shade trees of high quality species planted on site for each tree removed.
<u>High quality heritage trees in 100% affordable housing developments as defined by Section 30-8.7.B.2.;</u> heritage trees of other than high quality species, in fair or better condition; and high quality heritage trees, in fair or better condition, which are causing structural problems to buildings or underground utilities.	Mitigation trees on an inch-for-inch diameter basis, with a minimum of two shade trees of high quality species planted on site for each tree removed.
Any heritage trees in less than fair or better condition; and any other regulated tree.	Mitigation trees consisting of two shade trees of high quality species planted on the site for each tree removed.

Exhibit 2: Proposed amendments to Sec. 30-8.7 – Permits for Tree Removal; Mitigation – Staff Alternative

Section 30-8.7. Permits for Tree Removal; Mitigation.

A. *Removal or relocation permits.* Except as provided below, no living regulated tree may be removed or relocated without a removal permit and mitigation as provided for in this section. Only the tree advisory board may approve or deny the removal, relocation or replacement of champion trees.

B. *Exemptions.*

1. On [properties in single-family use and single-family lots platted before \(effective date\) ~~property with single-family dwellings~~](#), permits shall be required only for the removal of champion or heritage trees. [In subdivisions platted after \(effective date\) at 85% buildout or greater, permits shall only be required for the removal of champion or heritage trees within the remaining single-family lots.](#)
2. [Developments in which 100% of housing is affordable to low income households may mitigate for removal of high-quality heritage trees through inch-for-inch replacement rather than payment of the tree appraised value. Low income households are defined as households that make less than 80% of the Gainesville area median income adjusted for family size. Affordable housing means housing where the total monthly cost of that housing including taxes, insurance, and utilities, is less than 30% of the household's total monthly income.](#)

D. *Removal and mitigation of regulated trees subject to subdivision or development plan approval.*

When tree removal or relocation is contemplated in conjunction with any development requiring approval of a development plan or subdivision plat, such removal or relocation shall be considered and either approved or denied at the same time a development plan or plat is approved or denied, based upon the criteria specified in Subsection F of this section. No separate tree removal permit is required. All of the required plans, data or other information required with the application shall be included on the proposed development plan or on the supporting documents submitted with the plan or the plat. The following requirements apply:

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3. [Subdivisions shall be designed to maximize preservation of high quality heritage trees. The owner shall avoid or minimize removal of high-quality heritage trees by implementing practicable design alternatives including, but not limited to:](#)
 - vi. [Limiting the scope, degree, or magnitude of the proposed project;](#)
 - vii. [Exploring alternative on-site locations to avoid or reduce impacts to heritage trees;](#)
 - viii. [Designing open-space common areas to incorporate high quality heritage trees;](#)

ix. [Configuring lots to include high quality heritage trees along the sides of the lot, rather than in the center where removal is necessary for construction;](#)

x. [Preserving trees along roadways as street trees.](#)

4. After a certificate of occupancy has been issued for a development, any additional tree removal shall require either a tree removal permit or a development plan amendment. Failure to obtain a tree removal permit before removing or relocating any existing regulated tree or any tree that was planted to comply with the approved development plan shall be subject to the measures for enforcement specified in Section 30-8.43.

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3. The requirements for mitigation of regulated trees not associated with development plan or subdivision plat review are as follows:

CATEGORY	MITIGATION
<u>Properties in Single-Family Use, Single-Family Lots Platted before (effective date), and Single-Family Lots within Subdivisions Platted after (effective date) at 85% Buildout or Greater</u> Single-Family Dwellings	
High quality heritage trees, in fair or better condition, wherever they are located on the property.	Mitigation trees on an inch-for-inch diameter basis, with a minimum of two shade trees of high quality species planted on site for each tree removed.
Heritage trees of other than high quality species and high quality heritage trees in less than fair or better condition, wherever they are located between the property lines and legal setbacks.	Mitigation trees consisting of two shade trees of high quality species planted on the site for each tree removed.
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