



MEMORANDUM

TO: Planning Board

FROM: Mark Jackson, Sustainability Coordinator

DATE: January 8, 2021

SUBJ: Council member edits to Agenda Item 21-00050 Proposed Ordinance 47-20

A Council member has submitted edits to the Proposed Tree Ordinance before the Planning Board. The staff has reviewed these edits and found appropriate places for them to be added. Attached is the appropriate amended section in which each edit would be placed.

Thank you.

Attachment
Council member edits

Section 12-6-2(D) Heritage trees. A protected tree identified by species in Appendix A of this chapter which is four (4) times the minimum Diameter Breast Height (DBH) thirty-four (34) inches or greater in diameter as measured at Diameter Breast Height (DBH). Heritage trees are protected in all the zoning districts listed in section 12-6-2, and for all land uses and are considered natural resources. Removal, cutting or pruning of heritage trees on proposed development sites may be permitted upon approval of a landscape and tree protection plan (section 12-6-4). Removal, cutting or pruning of heritage trees on developed property may be authorized ~~upon issuance of a permit~~ per section 12-6-7. A permit will be required for removal or pruning of a heritage tree in all zoning districts listed in section 12-6-2, and for all land uses, including single-family or duplex as set out in section 12-6-7.

Section 12-6-4(D) *Notice.* If removal is sought for ~~two~~one (12) or more heritage trees or for more than ten (10) protected trees (including heritage trees sought to be removed) and/or if removal of more than fifty (50) of existing protected trees is sought within any property in any zoning district identified in section 12-6-2, a sign shall be posted no further back than four (4) feet from the property line nearest each respective roadway adjacent to the property. One (1) sign shall be posted for every one hundred (100) feet of roadway frontage. Each sign shall contain two (2) horizontal lines of legible and easily discernable type. The top line shall state: "Tree Removal Permit Applied For." The bottom line shall state: "For Further Information Contact the City of Pensacola at 311 (or other number as designated by the Mayor or his or her designee)." The top line shall be in legible type no smaller than six (6) inches in height. The bottom line shall be in legible type no smaller than three (3) inches in height. There shall be a margin of at least three (3) inches between all lettering and the edge of the sign. The signs shall be posted at by the applicant at their expense, and shall remain continuously posted for two (2) weeks prior to until the requisite building, site work, or tree removal permit is has issued. The City's designated arborist will notify the councilperson in which district the permit has been applied for upon the receipt of the request.

Exception: This provision does not include any tree located on a currently occupied, residential property so long as the City's designated arborist has determined the tree meets the qualifications as a diseased or weakened tree as specified in Section 12-6-6(B)(2)€, or, in the alternative, documentation of danger to person or property has been submitted to the City's designated arborist in advance of removal. For purposes of this provision, "documentation" means a completed two-page Tree Risk Assessment Form, which should be completed according to the standards found within Best Management Practices: Tree Risk Assessment, Second Edition, by E. Thomas Smiley, Nelda Matheny, and Sharon Lilly, and distributed by the International Society of Arboriculture Society; further, consistent with ISA standards and tree risk assessment, a tree or tree part is a "danger" when two conditions exist: 1) the failure of the tree part or of the tree is imminent or impact is likely, and 2) the consequences of that failure are high or extreme.

Section 12-6-6(H) *Heritage trees.* No person or agency shall cut, remove, prune or in any way damage any heritage tree in any zoning district without first obtaining approval of a landscape and tree protection plan per section 12-6-4 for new development sites or a permit from the ~~park and recreation department~~ City's designated arborist as specified in section 12-6-7 for developed property; provided, however, that currently occupied residential property may qualify for removal or pruning of a heritage tree without incurring the cost of a permit so long as documentation of danger to person or property has been submitted to the City's designated arborist in advance of removal. For purposes of this provision, "documentation" means a completed two-page Tree Risk Assessment Form, which should be completed according to the standards found within Best Management Practices: Tree Risk Assessment, Second Edition, by E. Thomas Smiley, Nelda Matheny, and Sharon Lilly, and distributed by the International Society of Arboriculture Society; further, consistent with ISA standards and tree risk assessment, a tree or tree part is a "danger" when two conditions exist: 1) the failure of the tree part or of the tree is imminent or impact is likely, and 2) the consequences of that failure are high or extreme. In the case of lot splits for single family and duplex uses, trees shall be evaluated to determine whether the lot split will have a negative effect on any heritage tree. A tree survey shall be provided to the Planning Services department along with the lot split application, and the size of proposed lots shall be evaluated to determine if any heritage tree will be required to be removed as a result of the lot split. ~~The provisions of this subsection related to pruning do not apply to existing single-family and duplex uses.~~

Section 12-13-1 – Definitions enumerated. The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Lot, nonconforming means any lot that does not meet the requirements for minimum lot area, lot width, preservation of Heritage trees not subject to removal under this Code, or yard requirements for any use, for the district in which such lot is located.

Appendix A

PROTECTED TREE LIST*

Species Type A (Small, 4" + diameter trunk)	
1.	Dogwood (<i>Cornus florida</i>)
2.	Redbud (<i>Cercis canadensis</i>)
3.	Crape Myrtle (<i>Lagerstroemia indica</i>)
4.	Fringe Tree (<i>Chionanthus virginicus</i>)
5.	Flatwoods Plum (<i>Prunus umbellata</i>)
6.	Crabapple (<i>Malus angustifolia</i>)
7.	Sand Oak (<i>Quercus geminata</i>)
Species Type B (Medium, 6" + diameter trunk)	
1.	American Holly (<i>Ilex opaca</i>)
2.	Dahoon Holly (<i>Ilex cassine</i>)
3.	Southern Magnolia (<i>Magnolia grandiflora</i>) **
4.	Eastern Red Cedar (<i>Juniperus virginiana</i>) **
5.	Southern Red Cedar (<i>Juniperus silicicola</i>) **
6.	White Cedar (<i>Chamaecyparis thyoides</i>)
7.	River Birch (<i>Betula nigra</i>)
<u>8.</u>	<u>Long Leaf Pine (<i>Pinus palustris</i>)</u>
Species Type C (Large, 8" + diameter trunk)	
1.	Live Oak (<i>Quercus virginiana</i>)**

2.	Laurel Oak (<i>Quercus laurifolia</i>)**
3.	Sweet Gum (<i>Liquidambar styraciflua</i>)**
4.	Sycamore (<i>Platanus occidentalis</i>)**
5.	Pecan (<i>Carya illinoensis</i>)**
6.	Red Maple (<i>Acer rubrum</i>)**
7.	Hickory (<i>Carya spp.</i>)**
8.	White Oak (<i>Quercus alba</i>)**
9.	Southern Red Oak (<i>Quercus falcata</i>)
10.	Florida Sugar Maple (<i>Acer barbatum</i>)
11.	Black Tupelo (<i>Nyssa sylvatica</i>)
12.	Silver Maple (<i>Acer saccharinum</i>)