

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Jennifer Brahier

SUBJECT:

REFERRAL TO THE PLANNING BOARD – PROPOSED AMENDMENT TO SECTION 12-6-6 (8) OF THE LAND DEVELOPMENT CODE

RECOMMENDATION:

That City Council refer to Planning Board for review and recommendation a proposed amendment to the Land Development Code Section 12-6-6 (8).

HEARING REQUIRED: No Hearing Required

SUMMARY:

The City of Pensacola has a long history of prioritizing the protection of trees and recognizes their value as both an environmental and aesthetic amenity. To demonstrate the City's commitment to being a steward of the environment, the City of Pensacola created and codified tree/landscape regulations that provide protection of trees throughout the City of Pensacola. These regulations provide guidance to both community members and developers, the permitting process for which they can have the trees removed and provide enforcement authority to the City for failure to comply.

While there are protections for heritage trees, there is also an opportunity to protect more than just the trees by including Sensitive Protected Natural Resources which would include not only trees, their dripline and areas such as wetlands. These proposed amendments encompass the circumstance where there is a lot split for single family and duplex use; stating that the "land" shall be evaluated to determine whether a lot split will have a negative effect on any sensitive protected natural resource, including but not limited to heritage trees. This language will help ensure that the totality of the circumstances are reviewed in a view to protect the land, including heritage trees.

PRIOR ACTION:

February 11, 2020 – City Council approved, on first reading, other proposed amendments to Section 12-6 – Tree and Landscape Regulations of the Land Development Code.

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Amendments to Section 12-6-6 (8) of the Land Development Code

PRESENTATION: No

- (8) *Heritage trees, including their driplines.* 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 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 the land~~ shall be evaluated to determine whether the lot split will have a negative effect on any heritage tree(s), including their driplines. 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 for the purpose of ensuring that a lot split will not require the removal of any heritage tree or damage the tree's dripline as a result of that lot split.

8. 21-00180 APPOINTMENT - WEST FLORIDA PUBLIC LIBRARY BOARD OF GOVERNANCE

Sponsors: Jared Moore

Indexes:

Attachments: Application of Interest - Bradley Vinson

Ballot

Approved

REGULAR AGENDA

9. 21-00196 REFERRAL TO THE PLANNING BOARD - PROPOSED AMENDMENT TO SECTION 12-6-6 (8) OF THE LAND DEVELOPMENT CODE

Sponsors: Jennifer Brahier

Indexes:

Attachments: AS REVISED DURING COUNCIL MEETING Proposed Amendment to 12-6-6(8) LDC
Proposed Amendment to Section 12-6-6(8) Of the Land Development Code

Approved

Yes: 7 - Moore, Hill, Jones, Wiggins, Brahier, Myers, and Broughton

10. 21-00130 DEVELOPMENT OF COMMUNITY MARITIME PARK PARCELS (LOTS 3 THROUGH 9)

Sponsors: Grover C. Robinson, IV

Indexes:

Attachments: Kuhn Realty CMP Contract
EMAILING REVENUE INFO FROM FINANCE DIRECTOR
COUNCIL MEMBER BRAHIER HANDOUT

Approved

Yes: 3 - Moore, Jones, and Myers

No: 4 - Hill, Wiggins, Brahier, and Broughton

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