



SUBJECT:	Tree Replacement Table
ACTION REQUESTED:	Adoption of Ordinance 2015-09, on second reading, amending the tree replacement table within Section 153.07(D)(1) of the Land Development Code
REQUESTED BY:	City Commission
SUPPORTING DOCUMENTS:	Yes

SUMMARY

On March 16, 2015 the City Commission adopted the Tree Ordinance, resulting in the transfer of habitat permitting from Pinellas County to the City. At the meeting, the City Commission requested staff draft an amendment to the tree replacement table in the Land Development Code, Section 153.07(D)(1) to separate the fees into two tiers, including one tier for properties with a homestead exemption for ad valorem tax purposes and one for all other properties. The fees for homesteaded properties are proposed at half the amount of the fees for other properties.

On April 8, 2015, the Planning and Zoning Board held a public hearing and received no public comment. They unanimously recommended approval of the draft ordinance. Staff recommends adoption of Ordinance No. 2015-09 on second reading.

ORDINANCE NO. 2015-09

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, AMENDING THE FEE TABLE IN SECTION 153.07(D)(1) OF ARTICLE X, DEVELOPMENT REGULATIONS, OF THE CITY OF SAFETY HARBOR COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE; PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF LAW; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has recently adopted substantial amendments to the Land Development Code establishing comprehensive regulations and procedures for trees and tree removal within the City; and

WHEREAS, the City's tree regulations are aimed at protecting the tree canopy currently in existence in the City; and

WHEREAS, the City Commission finds that homestead residential properties are not similarly situated with other properties within the city and that such properties foster pride of ownership and are therefore more likely to preserve the existing tree canopy than non-residential properties and residential properties that do not meet the requirements for the homestead exemption for ad valorem tax purposes; and

WHEREAS, recognizing this distinction, the City Commission desires to amend the fee for tree removal as it relates to such properties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. Article X, Section 153.07(D)(1) of the City of Safety Harbor Comprehensive Zoning and Land Development Code is hereby amended as follows:

153.07 Permit Conditions.

(D) Except as specifically provided in this Section, all Protected Trees Removed pursuant to a Tree Removal Permit shall be replaced as follows: Tree Replacement Ratio based on the DBH inch of Protected Tree Removed or, where a suitable location for replanting on the property is not available, a fee in lieu thereof shall be paid in the amount calculated pursuant to subsections (1) through (6) below. Replacement trees shall be of a size as outlined in Section 154.02(A) and (B). If replacement trees are installed on developed properties, the applicant shall guarantee the survival of the replacement trees and a follow-up, on-site inspection by City Staff at yearly intervals for two (2) years after planting may be conducted to ensure compliance. All replacement trees shall be regulated as Protected

Trees regardless of whether they are less than four (4) inches at DBH. Failure to comply with these provisions will subject the applicant to penalties under this Section 153.10 and all applicable civil penalties as well as replanting and additional monitoring of replacement trees if necessary. Fees collected in lieu of replacement shall be placed in a fund established as the "City Tree Bank." Such fees are established as follows:

(1) All properties:

DBH Tree Removed	Tree Replacement Ratio	<u>Inch Per Inch Tree Replacement Fee For Properties with Homestead Exemption for Ad Valorem Tax Purposes</u>	<u>Inch Per Inch Tree Replacement Fee For All Other Properties</u>
4 inch to less than 10 inch	1:1	<u>\$10.00</u>	\$20.00
10 inch to less than 20 inch	2:1	<u>\$20.00</u>	\$40.00
20 inch to less than 30 inch	3:1	<u>\$30.00</u>	\$60.00
30 inch to less than 40 inch	4:1	<u>\$40.00</u>	\$80.00
40 inch and greater	5:1	<u>\$50.00</u>	\$100.00

SECTION 2. This ordinance shall be published in accordance with the requirements of law.

SECTION 3. Each provision of this ordinance shall be deemed separate and severable and if any section or part thereof is held to be invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

SECTION 4. This ordinance shall become effective immediately upon its passage and adoption.

PASSED ON FIRST READING APRIL 20, a.d. 2015.

PASSED ON SECOND AND FINAL READING MAY 4, a.d. 2015.

APPROVED AS TO FORM:

Alan S. Zimmet, City Attorney

ATTEST:

Karen Sammons, CMC, City Clerk

Mayor – Commissioner

Vice Mayor – Commissioner

Commissioner

Commissioner

Commissioner