

MEMORANDUM

DATE: January 4, 2002

TO: Thomas M. Markus, City Manager

FROM: _____
Patricia McCullough, Community Development Director

APPROVED: _____
Thomas M. Markus, City Manager

SUBJECT: Tree Preservation Ordinance Development

In the summer of 2001, the Planning Board established a Landmark Tree Preservation and Protection Subcommittee to examine the possibility of creating an ordinance to protect trees in the City. The Subcommittee consists of two Planning Board members, the co-chair of the Parks and Recreation Board, and staff from the Community Development Department and the Department of Engineering and Public Services. The committee held their first meeting on November 1st, 2001. Subsequent meetings were held on November 8th, November 27th, December 6th, and 14th.

The Subcommittee has established a mission statement and a number of goals.

Mission Statement

The purpose of this committee is to promote the health, safety, welfare, and quality of life of the residents of the City of Birmingham, through the protection of trees on both private and public property, and the establishment of standards for removal, maintenance, and planting of trees. In establishing these procedures and standards, it is the committee's intent to encourage the protection and preservation of trees for the benefit and enjoyment of present and future generations. In addition, these regulations will further enhance the City's status as a Tree City USA as recognized by the National Arbor Day Foundation

Goals

To develop a tree preservation ordinance that:

1. Strives to establish and maintain a healthy, vigorous, and well-managed community forest;
2. Establishes provisions for protecting trees during all construction activities;
3. Creates a review and approval process to include the acceptable mitigation of removed or damaged trees;
4. Establishes standards for the appropriate selection, location, and maintenance of trees on both private and public property to recognize maximum environmental and financial benefits while minimizing potential for damage to utilities and structures;

5. Promotes the ongoing education of both residents and developers, fostering community support for the urban forestry program and encouraging tree management on privately-owned property.

The following list outlines the achievements of the subcommittee to-date. We began the process of developing a proposed ordinance by examining our existing ordinance as well as similar ordinances established in other communities. We have looked at ordinances from Michigan communities including Franklin, Grosse Point Woods, Green Oak Township, and Farmington Hills. There are also a number of communities outside Michigan with tree preservation ordinances. The subcommittee has looked at those from Palo Alto, CA, and Glen Ellyn, IL, among others. The subcommittee has also reviewed model ordinances and technical material on the protection of trees during construction.

After examining this material, a working draft of the ordinance was prepared. Both the subcommittee and staff have begun reviewing various components of the draft. The highlights of the proposed ordinance to-date include:

- ?? Protection measures for all trees greater than 6" diameter breast height (to be known as "protected" trees)
- ?? Greater protection measures for certain trees identified by the sub-committee (to be known as "landmark" trees)
- ?? Identification of "nuisance trees", whose planting will be discouraged
- ?? Permitting process to include the review of protected and landmark trees on private property
- ?? Ability for staff arborist to require tree surveys under certain circumstances
- ?? Tree surveys to be tied to the site plan review process for permits
- ?? Requirement to protect tree trunks during construction
- ?? Requirement to replace trees which are removed on a sliding scale
 - o Smaller trees replaced on a 1:1 ratio
 - o Larger trees require replacement with a greater number of trees
 - o Landmark trees replaced in consultation with staff arborist
- ?? Ability to replace trees on-site, off-site, or via a replacement fund, with preference given in that order

It is the goal of the subcommittee to have a draft ready to submit to the Planning Board by February. The Planning Board would then make a recommendation to the City Commission.

Public support for this ordinance is absolutely vital in order for success. It is the hope of the subcommittee that the ordinance will be introduced in conjunction with National Arbor Day on April 26, 2002. It is felt that this day will assist in raising awareness for the need to protect trees and promote a healthy and vital community forest.

The subcommittee's goal is to launch a public education program that will include the participation of the elementary school's, or youth groups. This could include activities such as donating trees to each school for planting, a planting ceremony, or other community

based events. It has also been suggested that the City take advantage of available technology and prepare a CD-ROM or DVD that would indicate proper planting methods, construction practices (as they relate to tree preservation), and ways to care for and maintain trees once they are planted.