



AGENDA
TREE BOARD/BEAUTIFICATION ADVISORY
COMMITTEE MEETING
CITY OF ST. AUGUSTINE BEACH
THURSDAY, MAY 12, 2016
7:00 PM.

City Hall
2200 A1A South
St. Augustine Beach, FL 32080

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPROVAL OF MINUTES FO MARCH 24, 2016

V. TREE BOARD MATTERS

A. Discussion of Ocean Ridge Development Ms. Lombardi

B. Urban Forestry Grant for 2016 Update by Mr. Gatchell

C. Planting Trees on Plazas: Update by Mr. Thomson

D. Discussion of Other Locations on Public Property Where Trees can be Planted

E. Selection of Types of Trees for Arbor Day 2017 Giveaway

F. Other Tree Board Matters

VI. BEAUTIFICATION ADVISORY COMMITTEE MATTERS

A. Beautifying Plaza in Front of Café 11: Report by Ms. Palmquist

B. Board Being Granted Authority by City Commission to Approve or Disapprove
Landscape Plans for New Commercial Businesses City Manager

C. Developing Five-Year Beautification Plan for A1A Beach Boulevard

D. Replanting Plan for City-Owned Property Ms. Palmquist

E. Other Beautification Committee Matters

VII. SCHEDULING DATE FOR NEXT MEETING

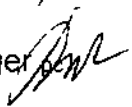
VIII. ADJOURNMENT

NOTICES: In accordance with Florida Statute 286.0105, If any person decides to appeal any decision made with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities act, persons needing a special accommodation to participate in this proceeding should contact the City Manager's Office not later than seven days prior to the proceeding at the address provided, or telephone 904-471-2122, or email sahadmin@cityofsab.org.

MEMORANDUM

TO: LeaAnn Lombardi, Chairman
Tanya Frantzen, Vice Chairman
Ann Palmquist
Mary Beth Hutchinson
Craig Thomson
Jeanette Smith (Alternate)

FROM: Max Royle, City Manager 

DATE: May 3, 2016

SUBJECT: Information for Your May 12th Meeting

A TREE BOARD MATTERS

1. Discussion of Ocean Ridge Subdivision Development

Mr. Lombardi has requested that this topic be on the agenda. We're not certain what, exactly, the Board can decide or recommend concerning Ocean Ridge. The developer/owner of it, Mr. Jay McGarvey, has a final development plan that was approved by the Planning Board in 2006. The plan was extended by the Commission for ten years in 2008, and won't expire until February, 2018.

The City Attorney, Mr. Jim Wilson, has advised the Commission that Mr. McGarvey has vested rights and that the development of Ocean Ridge isn't regulated by the current Land Development Regulations, but by the Regulations that were in effect in 2006.

Mr. Wilson's advice is supported by Section 1.02 02 B of the Land Development Regulations, which states "Previously approved development orders. Projects with development orders that have not expired at the time this Code or an amendment thereto is adopted, and on which development activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved, must meet only the requirements of the regulations in effect when the development plan was approved. If the development plan expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this code or amendments thereto."

For your review, we've attached as pages 5-8 the tree regulations that were in effect in 2006 and that apply to the Ocean Ridge development. Attached also are the current tree regulations (page 9-12).

Please note Section 5.01 02 (page 5) of the 2006 tree regulations. It states instances when the Building Official shall issue a permit for the removal of a tree. One of the instances is cited on page 6 in Section 5.01 02.A.2, which reads "Removal of the tree is necessary to construct proposed improvements in order to comply with a final development order issued

pursuant to Section 12.02.04 or 12.02.10 [of the Land Development Code] .” As Mr. McGarvey has an approved final development order for Ocean Ridge, the Building Official is allowed to issue a permit for the removal of trees where the subdivision's roads and other infrastructure improvements, such as drainage ponds, are to be located.

2. Urban Forestry Grant

Mr. Howell has decided not to apply for one this year. Mr. Gatchell can provide an update concerning this

3. Planting of Trees on Plazas

Mr. Thomson has marked new locations on plazas where trees can be planted. He can provide an update.

4. Discussion of Other Locations on Public Property Where Trees can be Planted

Mr. Thomson and Mr. Gatchell may have other locations on public property where trees could be planted

5. Selection of Species of Trees for 2017 Arbor Day Giveaway

Though the next Arbor Day is 11 months away, you may want to select the species of trees to give away next year, so that Mr. Gatchell can order them well in advance.

B. BEAUTIFICATION ADVISORY COMMITTEE MATTERS

1. Beautifying Plaza in Front of Café 11

At your March 24th meeting, you approved Mr. Thomson's motion to allow Ms. Palmquist to contact the owners of Café 11, to see if they're still interested in beautifying the plaza. Ms. Palmquist can inform you about what the owners want to do.

2. Board Being Granted Authority by the Commission to Approve or disapprove Landscape Plans for New Businesses

At your March 24th meeting, you approved Mr. Thomson's motion concerning this request. The request is on the agenda for the Commission's May 9th meeting. The City Manager can report the Commission's decision concerning the request.

3. Development Five-Year Beautification Plan for the Boulevard

The Committee hasn't upgraded the plan it adopted nearly two decades ago: beautification of the plazas and the Avenue of Palms project. You may have ideas for a new plan.

4. Replanting Plan for City-Owned Property

Ms. Palmquist is working on this. She can provide an update on her progress.

C. SUPPLEMENTAL INFORMATION

1. Money As of the end of April, there's \$4,184 in the beautification projects account of the Road/Street Department's budget, and \$8,661 in the beautification fund.
2. Tree report. Mr. Larson's monthly report, dated April 18, 2016, is attached as page 13.

D SCHEDULING DATE FOR NEXT MEETING

There are five Thursdays in June, if you want to continue to meet on a Thursday. The meeting room won't be available on Wednesday, June 1st, because of a Commission meeting, and Tuesday, June 21st, because of a Planning Board meeting.



**MINUTES
TREE BOARD/BEAUTIFICATION
ADVISORY COMMITTEE
CITY OF ST. AUGUSTINE BEACH
THURSDAY, MARCH 24, 2016
7:00 PM.**

City Hall
2200 A1A South
St. Augustine Beach, FL 32080

I. CALL TO ORDER

Chairman Lombari called the meeting to order at 7:00 pm.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Present: Chairman LeaAnn Lombari; Vice Chairman Tanya Frantzen; Craig Thomson; Mary Beth Hutchinson; Jeanette Smith and Ann Palmquist

Also Present: Max Royle, City Manager; Ken Gatchell; Assistant Public Works Director; and April Haskins, Secretary.

IV. APPROVAL OF MINUTES OF FEBRUARY 10, 2016 MEETING

MR. THOMSON MADE A MOTION TO APPROVE THE MINUTES OF FEBRUARY 10th, 2016. Ms. Frantzen seconded. The Motion passed with a unanimous voice vote.

V. TREE BOARD MATTERS

A. Condition of Marriott Tree

Mr. Chuck Lippi addressed the Tree Board regarding the steps that were taken to try and save the Oak Tree located at the Marriott property before and during construction of the hotel.

B. Arbor Day: Selection of Winning Posters and Other Matters

The Board reviewed all of the posters that were submitted for Arbor Day 2016. The following were chosen as winners:

First Place: Cosette Bryndal
Second Place: Max Gibbs
Third Place: Giavanna Flaherty

The Board read the report sent to them by the City's Events Coordinator. Ms. Hala Laquidara and finalized all of the details for the Arbor Day event.

C. Update on Applying for Urban Forestry Grant

Joe Howell provided a report to the Board regarding the Urban Forestry Grant.

The Board is requesting that Public Works Director apply for the Urban Forestry Grant. If the grant is awarded the Board would like to purchase hardwood trees to replenish the tree canopy due to all of the building that has been taking place in the City.

D. Other Tree Board Matters

Rebecca Romaine from 28 Ocean Pines Drive and Jodie Kotrady Hatton from 27 Sea Oaks Drive addressed the Board regarding some concerns they have with development of the Ocean Ridge Subdivision. The residents of Sea Oaks have noticed that there is some type of construction beginning, however they have not been informed as to what exactly is taking place at the moment.

Mr. Gatchell and Mr. Royle informed them that the only thing the contractors are doing at the time of this meeting is cutting in the roads for the subdivision.

Mr. Thompson recommended to the ladies that they address their concerns with the Building Department and the City Commission. He also asked that they please report back to the Board any information they obtain.

Ms. Romaine and Ms. Hatton wanted to publically thank Mr. Royle for taking their calls and assisting them with their questions.

E. Mr. Thomson gave a report regarding the D Street Plazas.

He informed the Committee that he has located several areas on D Street that would be suitable to plant trees that will not be affected by the power lines.

Mr. Thomson also discussed with the Board ordering trees with the additional money left from this year's budgeted amount for tree planting projects. The Board discussed the sizes, pricing and availability with Mr. Gatchell.

CHAIRMAN LOMBARI MADE A MOTION TO ORDER 10 6" CALIBER OAK TREES FOR THE D STREET PARKETTES, Ms. Palmquist seconded. The motion passed with unanimous voice vote.

F. Request from Ms. Palmquist regarding Café 11

Ms. Palmquist requested that she be able to speak with the owners of Café 11 and invite them to return to the next meeting to discuss coming up with an alternate beautification plan with the Board regarding the beautifying of the City owned plaza. Previously the Board denied a beautification plan because it included invasive species.

MR. THOMSON MADE A MOTION TO ALLOW MS. PALMQUIST PERMISSION TO CONTACT THE OWNERS OF CAFÉ 11 TO SEE IF THEY ARE STILL INTERESTED IN BEAUTIFYING THE PLAZA. Ms. Lombardi seconded. The motion passed with a unanimous voice vote.

VI. BEAUTIFICATION ADVISORY COMMITTEE MATTERS

A. Review of Responsibilities of the Beautification Advisory Committee/Tree Board

After reviewing background information that Mr. Royle had provide regarding the Committee's responsibilities, the members had questions. Specifically, the role they play in approving or denying beautification plans for new construction businesses. The Committee had previously denied a beautification plan for the Marriott Hotel, and the plan was implemented anyway. As a result the Committee would like clarification from the City Commission as to their role.

MR. THOMSON MADE A MOTION TO ASK THE CITY COMMISSION TO VERIFY WHETHER THE BEAUTIFICATION COMMITTEE OR THE PLANNING AND ZONING BOARD HAVE THE RESPONSIBILITY TO APPROVE OR DENY LANDSCAPE PLANS FOR NEW COMMERCIAL BUSINESSES. Chairman Lombardi seconded. The motion passed by unanimous roll call vote.

Mr. Royle informed the Beautification Committee does not have the authority to deny any plans as they are an advisory board only.

MR. THOMSON AMENDED HIS MOTION AS FOLLOWS: THE BOARD WOULD LIKE TO BE GRANTED THE AUTHORITY TO APPROVE OR DENY LANDSCAPE PLANS FOR NEW COMMERCIAL BUSINESSES. Chairman Lombardi seconded. The motion passed by unanimous voice vote.

B. Update Report by Mr. Gatchell on Beautification of Additional Plazas

This item was not discussed.

C. Report by Ms. Palmquist on Replanting Plan for City-Owned Property

This item was not discussed

D. Consideration of Developing a Five-Year Beautification Plan for A1A Beach Boulevard

This item was not discussed

E. Review of City-Owned Properties

This item was not discussed

F. Other Beautification Committee Matters

This item was not discussed

VII. SCHEDULING DATE FOR NEXT MEETING

Arbor Day will be held on April 15, 2016 at 5:30 p.m.

The next regularly scheduled meeting will be held May 12th, 2016.

VII. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

LeaAnn Lombardi- Chairman

ATTEST _____
City Manager

Sec. 5.01.00. Trees.**Sec. 5.01.01. Removal of trees.**

A. Removal of a tree includes any act which will cause a tree to die, such as damage inflicted upon the root system by heavy machinery, changing the natural grade above the root system or round the trunk, damage, including fire damage, inflicted on the tree permitting infection or pest infestation.

B. It shall be unlawful for any person, organization, society, association or corporation or any agent or representative thereof, directly or indirectly, to cut down, destroy, remove or move, or effectively destroy through damaging any tree located on any property without obtaining a permit.

C. No authorization for the removal of a protected tree shall be granted unless the developer demonstrates the reason for removal of trees and is in accordance with the submitted site plan. (Ord. No. 91-7, § 2, Ord. No. 03-13, § 1, 7-7-03)

Sec. 5.01.02. Conditions for tree removal.

A. The city building official shall issue the permit for removal of a tree if one of the following reasons for removal is found to be present:

1. The condition of the tree with respect to disease, insect attack, age, or other dam-

age creates a danger of falling, or otherwise causes the tree to have an adverse impact on the urban or natural environment, or

2. Removal of the tree is necessary to construct proposed improvements in order to comply with a final development order issued pursuant to section 12.02.04 or 12.02.10 hereof; or

3. The presence of the tree will cause a substantial likelihood of structural damage to a building.

(Ord. No. 91-7, § 2; Ord. No. 98-11, § 1, 6-1-98)

Sec. 5.01.03. Replacement.

A In respect to removal of trees to allow construction of improvements on property, and as a condition to granting of a permit, replacement, shall be required of only those trees located outside of the footprint of the building and paved driveway or parking areas to be constructed; provided, however, that replacement shall be required within the footprint of the building and paved driveway or parking area to the extent that the lot or lots for which a permit is sought shall fail to meet the minimum requirements set forth below. The applicant, however, shall not be required to replace such trees if credits allowed for trees which are preserved meet the following minimum requirements:

1. Minimum six (6) credits for lots of under ten thousand (10,000) square feet in area.
2. Minimum twelve (12) credits for lots of ten thousand (10,000) square feet in area.
3. One (1) additional credit for every one thousand (1,000) square feet in excess of ten thousand (10,000) feet of lot area.

B Credit for trees.

1. Trees which are replaced shall receive credit against landscape requirements according to the following schedule:

Juvenile trees: Between one and one-fourth (1¼) inches and two (2) inches in diameter at six (6) inches above ground

½ credit

Small trees: Between two (2) inches and six (6) inches diameter at six (6) inches above ground

1 credit

Medium trees: Between six (6) inches and twelve (12) inches in diameter at six (6) inches above ground

2 credits

2. Trees which are preserved shall receive credit against the landscape requirements according to the following schedule:

Large trees: Greater than twenty-four (24) inches in diameter at four and one-half (4½) feet above ground

5 credits

Large trees: Greater than twelve (12) inches in diameter but less than twenty-four (24) inches in diameter at four and one-half (4½) feet above ground

4 credits

Medium trees: Between six (6) inches and twelve (12) inches in diameter at four and one-half (4½) feet above ground

2 credits

Small trees: Between two (2) inches and six (6) inches at four and one-half (4½) feet above ground

1 credit

C The owner of any lot within the city that does not have at least one (1) specimen tree in the front setback area as a condition for the issuance of a building permit for any structure on such lot shall be required to plant one (1) specimen tree no less than three (3) inches in diameter at breast height. Any tree planted shall be classified as salt

tolerant. Recommended species for replacement are Yaupon Holly, Southern Red Cedar, Wax Myrtle, White Oak, Live Oak or Japanese Pagoda trees.

(Ord. No. 91-7, § 2; Ord. No. 99-16, § 1, 10-4-99; Ord. No. 03-13, § 2, 7-7-03)

Sec. 5.01.04. Protection of root structure of specimen trees.

A. As used in this section the following terms shall have the meanings set forth:

1. "Specimen tree" shall mean a tree that has a total number of points, as computed

in subsection 5.01.04B., equal to seventy (70) percent or more of the points attributable to the state champion trees (1999) for the same species as set forth in subsection 5.01.04C., except that the total points for Laurel Oak, Live Oak, Southern Magnolia and southern Red Cedar shall be fifty (50) percent or more of the points attributable for such species.

2. "Protected area" shall mean the area directly below the crown of specimen tree.

B. Total points attributable for a specimen tree shall be determined by using the following formula:

(Average crown spread in feet) divided by 4 + (circumference in inches) + (Height in feet) = Total Points

Example: Crown spread maximum 68 feet
Crown spread minimum 52 feet
120 total = 60 feet average
60 feet/4 = (15) + Circumference (135 inc) = Height (41 ft.) = (191 Total Points)

C The following are the points for state champion trees (1999):

Green Ash	<i>Fraxinus Pennsylvanica</i>	224
Loblolly Bay	<i>Godonia Lasianthus</i>	274
Redbay	<i>Persea Borbonia</i>	242
Southern Magnolia	<i>Magnolia Grandiflora</i>	308
Sweetbay Magnolia	<i>Magnolia Virginiana</i>	216
Pecan	<i>Carya Illoinensis</i>	360
Pignut Hickory	<i>Carya Glabra</i>	309
Florida Elm	<i>Ulmus Americana Var. Floridana</i>	240
Winged Elm	<i>Ulmus Alata</i>	276
Laurel Oak	<i>Quercus Laurifolia</i>	366
Live Oak	<i>Quercus Virginiana</i>	485
Shumard Oak	<i>Quercus Shumardii</i>	284
Sweet Gum	<i>Liquidambar Styraciflua</i>	305
River Birch	<i>Betula Nigra</i>	196
Red Maple	<i>Acer rubrum</i>	259
Sugarberry	<i>Celtis Laevigata</i>	322
Sycamore	<i>Platanus Occidentalis</i>	305
Cherry Laurel	<i>Prunus Caroliniana</i>	188
American Holly	<i>Ilex Opaca</i>	179
Southern Red Cedar	<i>Juniperus Sillicola</i>	283
Coastal Plain Willow	<i>Salix Caroliniana</i>	91
Red Mulberry	<i>Morus Rubra</i>	270

D On sites where grade cuts are necessary under specimen trees proper root pruning shall be required. Within a specimen tree's protected area all excavation shall be by hand and roots two (2)

inches and larger shall be evenly cut. When underground utilities serving new construction, but not existing structures, are necessary under specimen trees, tunneling shall be required. The

underground utility tunnel shall begin at the tree's protected area and shall be a minimum of four (4) feet deep and in no case shall such tunnel interfere with a tree's tap root. No open vertical trenches shall be allowed within a specimen tree's protected area

(Ord. No. 00-08, § 1, 4-3-00)

Sec. 5.01.05. After-the-fact permits.

A. Any person who shall remove a tree without first having applied for and received a permit therefore as required by section 5.01 01B. of these Land Development Regulations, shall within thirty (30) days after notice by the building official, apply for and obtain an after-the-fact permit for each tree removed. The fee for each permit shall be five hundred dollars (\$500.00) to off-set the cost to the city of investigation and enforcement of the city's ordinances relating to tree removal and landscaping. Failure to obtain a permit within thirty (30) days after service of notice, unless stayed as hereafter provided, shall constitute a continuing violation of this Ordinance and shall subject the violator to a fine of up to two hundred fifty dollars (\$250.00) for the first day and five hundred dollars (\$500.00) for each day thereafter, to be levied by the local code enforcement board as authorized by general law.

The determination of the building official that a tree has been removed without a permit may be appealed to the comprehensive planning and zoning board within thirty (30) days after service of the notice.

B. Notice of the requirement to obtain an after-the-fact permit shall be given by the building official to the owner of the property upon which the removed tree shall have been located as shown by the most recent tax rolls of St. Johns County by hand delivery or by certified mail addressed to the owner at the address as shown by such tax rolls. In the event that removal of the tree shall appear to have been done in conjunction with the construction of an improvement for which a building permit has been issued, such notice may be given by certified mail to the owner as shown by the building permit or notice of commencement.

C. An appeal taken within thirty (30) days of the service of the notice given by the building official shall stay the requirement of obtaining an after-the-fact permit until there has been a final determination of the comprehensive planning and zoning board. The planning and zoning board shall only have authority to determine if the after-the-fact permit is required pursuant to the provisions of this section. In the event the comprehensive planning and zoning board shall determine that a permit is required, it may, upon a showing of good cause, make a recommendation to the city commission that the fee for the after-the-fact permit be reduced. The granting of a reduction of the fee for the after-the-fact permit by the city commission shall be a matter of legislative grace by the city commission and not as a matter of right.

D. The issuance of an after-the-fact permit, as herein required, shall not relieve the owner of property upon which a removed tree shall have been located from the requirement of replacement or compliance with the landscaping provisions of these Land Development Regulations.

(Ord. No. 02-07, § 1, 7-1-02)

Sec. 5.01.00. Trees.

Sec. 5.01.01. Removal of trees.

A. Requirement of a Tree Removal Permit. It shall be unlawful for any person, organization, or corporation or any agent or representative thereof, directly or indirectly, to cut down, destroy, remove or move, or effectively destroy through damaging any existing appropriate index tree that is six (6) inches or larger in diameter (Diameter breast height, "DBH") without first obtaining a Tree Removal Permit.

B. Removal defined. Removal of a tree includes any act which will cause a tree to die or decline, including but not limited to damage inflicted upon the root system by heavy machinery, changing the natural grade within the dripline of the tree, damage, including fire damage, inflicted on the tree. Severe pruning resulting in the removal of thirty-three (33%) percent or more of the canopy and branches is also considered removal. Seasonal variation in leaf coverage will be taken into account.

C. Tree and Landscape Manual. There is hereby adopted the St. Augustine Beach Urban Forestry Standards and Specifications Manual, a copy of which shall be on file in the office of the city manager and in the office of the director of planning and zoning.

D. Exotic invasive. Any species of tree or plant defined as a "Category 1" pest plant by the Florida Exotic Pest Plant Council (EPPC) or invasive plant list by the Institute of Food and Agricultural Sciences of the University of Florida shall be removed upon development of the site and cannot be used in the landscaping of the site.

E. Minimum permit requirements. The following is a list of the minimum requirements of the city's Tree Removal Permit:

1. Any tree removal request shall include a site diagram indicating the location of the tree on the site in relation to infrastructure and other trees to be removed and preserved, the size (diameter) of the tree, the condition (health and structure) of the tree, and to the extent possible, the genus and species of oak tree not just the genus, for example, not "oak" but "live oak" (*Quercus virginiana*) or "laurel oak" (*Quercus laurifolia*).
2. Site plan. No authorization for the removal of a protected tree outside the footprint of the building driveway or other structural feature shall be granted unless the property owner or developer demonstrates the reason for removal of trees and is in accordance with the submitted site plan. All existing index trees designated as remaining in their original placement as a part of the landscape plan shall be protected during construction and land clearing from permanent damage to any part of the tree including roots, trunk and canopy. The city recommends retaining the services of a certified arborist to protect the trees where possible.
3. Tree Removal Manual. Any tree removal shall be in compliance with the St. Augustine Beach Urban Forestry Standards and Specifications Manual.
4. The city's Tree Removal Permit Application Form may be amended from time to time by resolution of the city commission.

F. Permit Decision. When issuing a Tree Removal Permit, the city building official shall make the decision regarding tree removal. If the permit is denied, the owner may retain the services of a certified arborist to evaluate the denial of a permit. The city building official may issue a permit without the opinion of an Arborist when the city building official determines that one of the reasons for removal is clearly met or, should it be unclear, the city building official shall require the

applicant for a permit to submit a written opinion from a certified arborist for consideration by the city building official

(Ord. No. 91-7, § 2, Ord. No. 03-13, § 1, 7-7-03; Ord. No. 08-07, § 1, 5-5-08; Ord. No. 11-14, § 1, 12-5-11)

Sec. 5.01.02. Conditions for tree removal.

A. The city building official shall issue the permit for removal of a tree if one of the following reasons for removal is found to be present:

1. The tree is diseased, injured, in danger of falling or is endangering existing structures, utility services or creates unsafe vision clearance; or
2. Removal of the trees is necessary to construct proposed improvements in order to comply with a final development order issued pursuant to section 12.02.04 or 12.02.10 hereof; or
3. The presence of the tree will cause a substantial likelihood of structural damage to a building, swimming pool, sidewalk, driveway, or similar improvement.
4. The tree is located in an area where a structure or improvement may be placed in accordance with other development provisions in the City Code, and retention of the trees and such that no reasonable economic use can be made of the property without removal of the tree, and the tree cannot be reasonably relocated on or off the property because of its age or size.
5. The tree or tree cluster is less than twenty (20) inches DBH, is located within the primary building pad, primary roof line, primary foundation line, swimming pool and swimming pool patio pad, or the portion of the driveway within fifteen (15) feet of the garage or carport entrance and these structures cannot be relocated
6. It is found to be in the interest of the general public's health, safety and welfare that the tree or trees be removed.
7. Notwithstanding the preceding conditions, if the tree is designated as a historic

tree removal shall require permit approval from the comprehensive planning and zoning board.

8. Notwithstanding the preceding conditions, if the tree is providing habitat to legislatively designated endangered or protected bird species during nesting season even though the tree meets the criteria of this section removal shall require permit approval from the comprehensive planning and zoning board.
9. The tree is shown to be blocking the installation or proper working condition of a solar energy system (this does not authorize a property owner to remove a tree from neighboring property). Trees permitted to be removed pursuant to this subsection shall not require Replacement under section 5.01.03. For a new solar energy system installation, any permit issued shall be issued conditionally and only become effective upon review by a certified arborist and upon the installation and final inspection of the solar energy system being properly working and permitted.
10. Notwithstanding the preceding conditions, any tree having a trunk greater than thirty (30) inches in diameter shall require permit approval from the comprehensive planning and zoning board.
11. The tree is a palm tree or group of palm trees. A property owner may in any twelve-month period remove up to ten percent (10%) of the palm trees located on their property or at least one (1) palm tree without having to be subject to the requirements of section 5.01.03.

B. Any tree removal shall be in compliance with the St. Augustine Beach Urban Forestry Standards and Specifications Manual.

C. When issuing a permit, the city building official shall base the permit decision on the opinion of the city arborist. Should the city not have a city arborist, the city building official may

require the applicant for a permit to submit a written opinion from a certified arborist for consideration by the city building official.

D. The fee for obtaining a permit for removal of a tree shall be as set forth by resolution of the city commission. The fee shall also include an amount for the services of the city arborist, when applicable.

E. As part of the application for a permit, the applicant shall certify that the applicant has read, understands and agrees to comply with the St. Augustine Beach Urban Forestry Standards and Specifications Manual.
(Ord. No. 91-7, § 2; Ord. No. 98-11, § 1, 6-1-98; Ord. No. 08-07, § 2, 5-5-08; Ord. No. 10-04, § 1, 5-3-10; Ord. 11-14, § 2, 12-5-11)

Sec. 5.01.03. Replacement.

A. Trees removed under the provisions of section 5.01.01, Removal of trees, shall be replaced as follows: One DBH inch for each DBH inch removed or a fee in lieu thereof shall be paid. Replacement trees shall be of a size three (3) inches or greater and shrubs shall follow the latest version of the American National Standards Institute "ANSI" A300 (PART 6)- Transplanting Standards. Plant materials used in conformance with the provisions of this Code, shall conform to the Standard for Florida No. 1 or better as given in Grades and Standards for Nursery Plants, State of Florida, Department of Agriculture and Consumer Services, Tallahassee. Fees collected in lieu of replacement shall be placed in the city's Tree and Landscape Fund. Such fees are established as follows:

- a. Ten inches or less, two hundred fifty dollars (\$250.00).
- b. More than ten inches but less than thirty inches, five hundred dollars (\$500.00).
- c. Greater than thirty inches, one thousand dollars (\$1,000.00).
- e. Where the removed tree is a palm it shall be replaced by one foot clear trunk of like palm species for each clear trunk foot removed, or by one 3-inch DBH replacement tree for each three or fraction thereof palms removed, or, in lieu of replacement,

a fee of fifteen dollars (\$15.00) per clear trunk foot removed shall be collected. Palms of less than five (5) foot clear trunks shall be valued at seventy-five dollars (\$75.00).

- f. Index trees removed illegally without a permit are subject to a three to one replacement, i.e., three inches replacement for each one-inch removed, or fees payable to the tree bank in Sections A(1) and A(2) above will be tripled.
- g. The city manager, or his or her designee, may waive the requirements or replacement described in this section under one or more of the conditions listed in section 5.01.02., Conditions for tree removal, subsection B. The owner of any lot within the city that does not have at least one (1) tree from an approved list in the front setback area as a condition for the issuance of a building permit for any structure on such lot shall be required to plant one (1) tree from the approved list no less than three (3) inches DBH. Any tree planted shall be classified as moderately to highly salt tolerant. Recommended species for replacement are found in the Replacement Tree List and Landscape Manual. Section 5.01.04. Protection of root structure of index and specimen trees.

B. The owner of any lot within the City that does not have at least one (1) tree from an approved list in the front setback area as a condition for the issuance of a building permit for any structure on such lot shall be required to plant one (1) tree from the approved list no less than three (3) inches DBH. Any tree planted shall be classified as moderately to highly salt tolerant. Recommended species for replacement are found in the Replacement Tree List and Landscape manual.

(Ord. No. 91-7, § 2; Ord. No. 99-16, § 1, 10-4-99; Ord. No. 03-13, § 2, 7-7-03; Ord. No. 08-07, § 3, 5-5-08; Ord. No. 11-14, § 3, 12-5-11)

Sec. 5.01.04. St. Augustine Beach Urban Forestry Standards and Specifications Manual.

The "St. Augustine Beach Urban Forestry Standards and Specifications Manual" is hereby ad-

opted as the official manual for use in conjunction with the implementation of the city's regulations for the protection of trees. Said Manual may be amended from time to time by resolution of the city commission.

(Ord. No. 11-14, § 4, 12-5-11)

Editor's note—Prior to the reenactment of § 5 01.04 by Ord. No. 11-14, § 4, adopted December 5, 2011, section 4 of Ord. No. 08-07, adopted May 5, 2008, deleted § 5 01.04, protection of root structure of index and specimen trees, and relocated said provisions to the St. Augustine Beach Tree and Landscape Manual, on file in the office of the city clerk.

Sec. 5.01.05. After-the-fact permits.

A. Any person who shall remove a tree without first having applied for and received a permit therefore as required by section 5.01.01B. of these Land Development Regulations, shall within thirty (30) days after notice by the building official, apply for and obtain an after-the-fact permit for each tree removed. The fee for each permit shall be five hundred dollars (\$500.00) to off-set the cost to the city of investigation and enforcement of the city's ordinances relating to tree removal and landscaping plus the appropriate fee in lieu of replacement in section 5.01.03 A. Failure to obtain a permit within thirty (30) days after service of notice, unless stayed as hereafter provided, shall constitute a continuing violation of this section and shall subject the violator to a fine of up to two hundred fifty dollars (\$250.00) for the first day and five hundred dollars (\$500.00) for each day thereafter, to be levied by the local code enforcement board as authorized by general law. The determination by the building official that a tree has been removed without a permit may be appealed to the comprehensive planning and zoning board within thirty (30) days after service of the notice.

B. Notice of the requirement to obtain an after-the-fact permit shall be given by the building official to the owner of the property upon which the removed tree shall have been located as shown by the most recent tax rolls of St. Johns County by had delivery or by certified mail addressed to the owner at the address as shown by such tax rolls. In the event that removal of the tree shall appear to have been done in conjunction with the construction of an improvement for which a building permit has been issued, such notice

may be given by certified mail to the owner as shown by the building permit or notice of commencement.

C. An appeal taken within thirty (30) days of the service of the notice given by the building official shall stay the requirements of obtaining an after-the-fact permit until there has been a final determination of the comprehensive planning and zoning board. The planning and zoning board shall only have authority to determine if the after-the-fact permit is required pursuant to the provisions of this section. In the event the comprehensive planning and zoning board shall determine that a permit is required, it may, upon a showing of good cause, make a recommendation to the city commission that the fee for the after-the-fact permit be reduced. The granting of a reduction of the fee for the after-the-fact permit by the city commission shall be a matter of legislative grace by the city commission and not as a matter of right.

D. The issuance of an after-the-fact permit, as herein required, shall not relieve the owner of the property upon which a removed tree shall have been located from the requirement of replacement or compliance with the landscaping provisions of these Land Development Regulations.

(Ord. No. 02-07, § 1, 7-1-02; Ord. No. 08-07, § 5, 5-5-08; Ord. No. 11-14, § 5, 12-5-11)

Sec. 5.01.06. Tree maintenance.

Pruning standards for all tree work done in the city by any person or entity engaging in any professional or commercial tree removal or pruning business activity, whether for a fee or otherwise, shall follow the latest version of the American National Standards Institute (ANSI) A300, part 1 "pruning standards" as well as ANSI Z133.1-2000 standards for safety. (This requirement shall not apply to City Departments performing tree maintenance on city property or other public land and rights-of-way.) The personnel and companies who do the tree work shall be jointly and severally responsible for following these pruning specifications and responsible for tree damage or loss. No topping cuts or lions-tailing cuts (over-lifting) will be permitted. This section shall not apply to palm trees outside the right-of-ways within the city.

(Ord. No. 08-07, § 6, 5-5-08; Ord. No. 11-14, § 6, 12-5-11)

Memorandum

TO: Mr. Max Royle, City Manager
FROM: Gary Larson, Building Official
Date: April 18, 2016
RE: Monthly Report

TREES:

48 Ocean Court, 1 camphor, lifting concrete driveway, approved for removal.

1 14th Lane, 3 palms requested, 2 approved for removal, were into power lines, denied third unless replaced with other trees.

50 Lee Drive, 1 oak, leaning into house, 6" from touching roof, approved for removal.

120 9th Street, 2 pines, bores, approved for removal.

1108 Overdale Road, 1 scrub oak, not over 6", hazard to structure and electric lines, approved for removal.

55 Lee Drive, 1 oak, 6" from house, damage to foundation, hazard to roof, and neighbors house, approved for removal.

26 Versaggi, 1 ok, dead, approved for removal. Also approved 2nd Oak growing into power lines.

428 Ocean Drive, 1 Laurel Oak, decayed, root rot leaning to house, approved for removal, also found second red bay, overhanging roof deemed a hazard to residence.

15 Ocean Woods Drive, 1 maple, diseased with trunk rot, insect infestation, approved for removal.

704 Mickler Boulevard, 1 magnolia, encroaching into oak tree, approved for removal.