

# STREET TREES UPDATE

*Environmental Quality & Public Works Committee*

*November 15, 2016*



**LEXINGTON**

## Topics

- Background on Street Trees in Lexington
- Overview of Street Tree Requirements
  - Article 6-10, Land Subdivision Regulations, Zoning Ordinance
  - Chapter 17B, Code of Ordinances, Street Tree Ordinance
  - Div. of Planning Planting Manual
- Ordinance enforcement
- Path Forward
- Questions?



## Background on Street Trees in Lexington

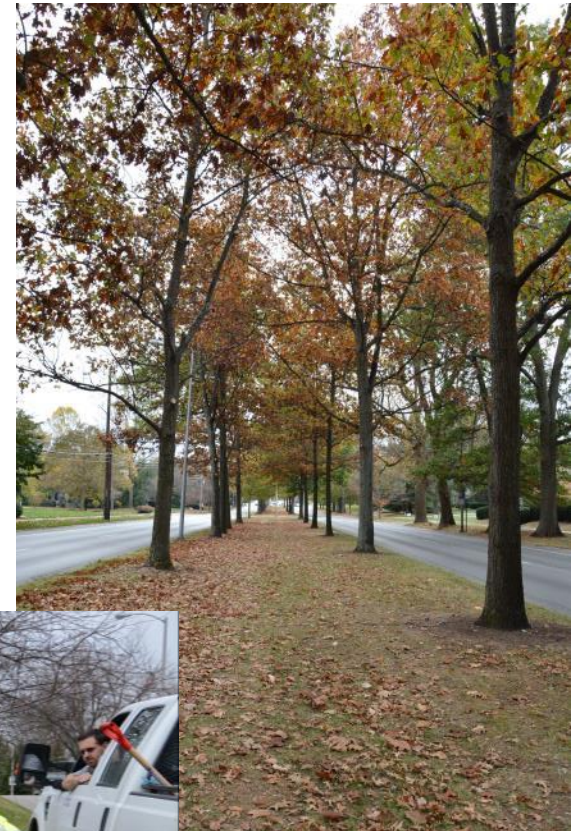
- Definition of a Street Tree: “any tree within the urban county government right-of-way or designated tree planting easement, except those trees regulated pursuant to Article 18 of the Zoning Ordinance or the Downtown Street Tree Ordinance”.
- Street Trees have been planted in Lexington since the 1920s.
- Since 1978 required to be planted as part of residential new development.
- New Development regulations require street trees be installed either in the utility strip or in a street tree easement behind the sidewalk.



## Background on Street Trees in Lexington

- Estimate of +/- 55,000 street trees in Lexington
- Approximately 10% are publicly maintained
  - Division of Environmental Services City Arborist leads management of city's street trees
  - Locations
    - Majority are median trees
    - Trees planted in some rights-of-way on major corridors such as Alumni Drive, Man O' War Blvd.
    - Downtown streetscapes (in partnership with Parks staff)
  - Funding
    - Environmental Services' budget
    - Corridors Commission for trees on corridors
    - Council member fund balance projects

# Background on Street Trees in Lexington







## Background on Street Trees in Lexington

- Estimate 50,000 street trees in front of private property
- Example of Street Trees planted in the 1930-40s



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# Background on Street Trees in Lexington

- Example of Street Trees planted in the 2000s





## Background on Street Trees in Lexington

- Example of Street Trees planted in a Street Tree Easement





# Background on Street Trees in Lexington

- Benefits of Street Trees
  - Beautification
  - Traffic Calming
  - Crime Reduction
  - Increased Property Values
  - Stormwater Runoff Reduction
  - Cleaner Air
  - Wildlife Habitat
  - Reduced Heat Island



# Background on Street Trees in Lexington

- Challenges with Street Trees
  - Road and sidewalk clearance
  - Large tree roots impacting sidewalks
  - Overhead and underground utility conflicts in utility strips
  - Leaf collection
  - Ice storms





# Background on Street Trees in Lexington

- Challenges with Street Trees
  - “Wrong Tree – Wrong Place” vs.  
“Right Tree – Right Place”
    - Sightline at intersections
    - Distances to street lights and signs, fire hydrants, driveways
    - Allowable Tree Species vs. Prohibited Tree Species
    - Appropriate tree size (full-grown) for planting area available
    - Trees planted prior to current requirements or incorrectly





## Overview of Street Tree Requirements

- Article 6-10 of the Land Subdivision Regulations, Zoning Ordinance
  - Regulates planting of new street trees as part of new residential development
  - Developer selects tree locations and tree species following regulations and Planting Manual
    - Utility strip or street tree easement
    - Maintain 50 ft. gap from intersections
    - Large tree species
      - » In 7 ft. width or greater utility strip - 1 tree every 45 feet
    - Medium trees
      - » 5 ft. width or greater utility strip - 1 tree every 35 feet
    - Small trees
      - » 7 ft. width or greater utility strip - 1 tree every 25 feet
  - Developer installs trees and maintains through 1-year warranty
  - Recorded on subdivision final record plat
  - Once installed, HOAs often enforce deed restrictions related to street trees that are more stringent than city ordinances.





# Overview of Street Tree Requirements

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- 17B – Street Tree Ordinance
  - Regulates maintenance, removal, and planting of street trees (outside of new development areas)
  - Establishes abutting property owner as responsible party
  - Establishes permit approval requirements for tree planting and removal by Urban Forester
  - Establishes prohibited distances from fire hydrants, stop signs, etc.
  - Establishes pruning clearance heights
    - 7' on sidewalk side
    - 12' on road side
    - 14' for truck routes
  - References Planting Manual for allowable species, specifications
  - Prohibits Street Tree topping
  - Establishes penalties for violations
  - Establishes Tree Board as Appeals Board for Urban Forester decisions and Infrastructure Hearing Board for citation appeals

# Overview of Street Tree Requirements

- Planting Manual
  - Acceptable and Prohibited Species
  - Proper Planting and Maintenance Techniques



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## Ordinance Enforcement

- Compliance & Enforcement Lead – Urban Forester
- Citizen requests (e.g. Lexcall, website), staff identified
- Education and assistance first
- Addressing violations:
  1. Hazardous Street Tree Removals
  2. Traffic Sign Blockages, Public Safety, Emergencies
  3. Pruning for Clearance
  4. Tree Replacements and/or Working without a Permit

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## Ordinance Enforcement

### 1. Hazardous Street Tree Removals – Owner Occupied

- a) Initial contact about Street Tree Cost Share Program – Owner occupied urban residential properties only
- b) Provides 50/50 cost share for hazardous tree removal and replacement (funded at \$95,000 in FY2017)
- c) Low income assistance available
- d) Property owner obtains quotes from City pre-qualified certified arborist vendors
- e) Requires removal and replacement with acceptable tree in a suitable location (flexibility provided)
  - HOAs often enforce deed restrictions related to street tree replacements that are more stringent than city requirements.
- f) Follow-up inspection by city arborist prior to reimbursement



## Ordinance Enforcement

### 1. Hazardous Street Tree Removals –Rental

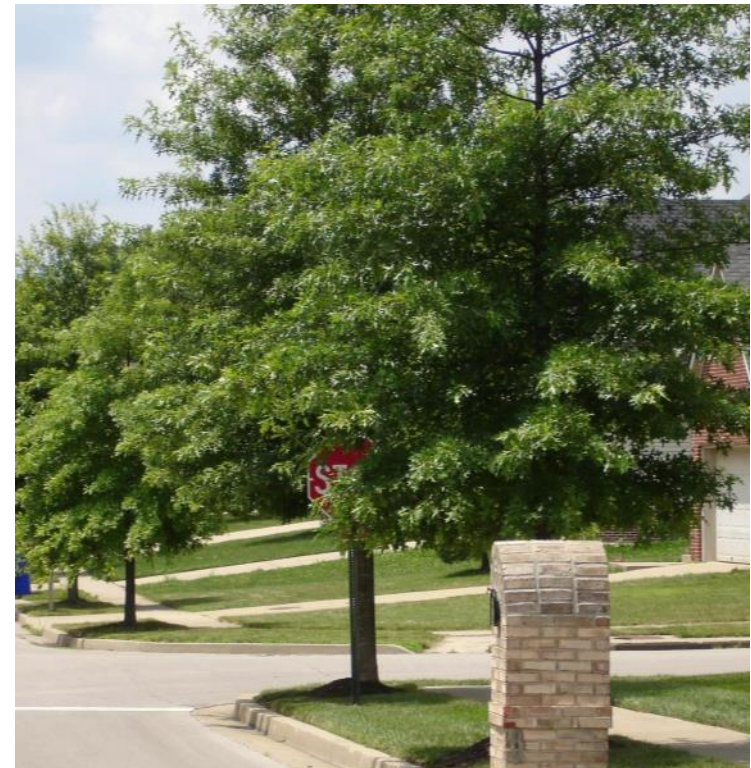
- a) Notice(s) of Violation
- b) Citations
  - 1<sup>st</sup> Citation with fine between \$75 - \$200
  - 2<sup>nd</sup> Citation with fine between \$150 - \$300
  - 3<sup>rd</sup> Citation with fine between \$225 - \$450
  - 4<sup>th</sup> Citation with fine between \$300 - \$500
- c) Abatement



## Ordinance Enforcement

### 2. Traffic Sign Blockages, Public Safety, Emergencies

- a) Resolved by city staff at inspection
- b) Property owner informed of work via doorhanger





# Ordinance Enforcement

## 3. Pruning for Clearance

### a) Standard approach

- Compliance doorhanger
- Follow-up inspection
- NOV
- Follow-up inspection...

### b) Revised approach

- Compliance doorhanger with information about assistance
- Follow-up courtesy pruning by city staff or contractor using Env. Services funds if required





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## Ordinance Enforcement

4. Tree Replacements and/or Working Without a Permit
  - a) Full compliance built into Street Tree Cost Share Program
  - b) HOAs take lead in their areas





## Path Forward

- Maintain current urban forestry resources.
- Work to increase education and reduce enforcement issues.
- Review of ordinances and regulations:
  - Address conflicting or unclear language.
  - Review Article 6-10 of the Land Subdivision Regulations related to where and how many street trees are required.
  - Review process for layout of new development tree placement.
  - Tree Board recommends review of minimum utility strip width to 7 ft.
  - Consider revising pruning clearance requirements to 14' on more streets in addition to truck routes.
  - Review Street Tree Cost Share Program.
- Environmental Services will continue implementing pro-active compliance programs – goal for all backlog completed within 3 years.
- Complete street tree inventory and identify promising areas for street tree plantings and enhancements.

# Questions?



**LEXINGTON**