

STREET TREES UPDATE

Environmental Quality & Public Works Committee

February 4, 2020



LEXINGTON



Topics

- **Background on Street Trees in Lexington**
 1. City Maintained
 2. Privately Maintained
- **Overview of Street Tree Requirements**
 1. Article 6-10, Land Subdivision Regulations, Zoning Ordinance
 2. Chapter 17B, Code of Ordinances, Street Tree Ordinance
 3. LFUCG Planting Manual
- **Urban Forestry Organizational Chart**
- **Ordinance Compliance and Enforcement**
 1. Hazardous Street Tree Removals
 2. Traffic Sign Blockages, Public Safety, Emergencies
 3. Street Tree Pruning for Clearance
 4. Removal/Planting without a Permit
- **Future Needs/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.
- There are many established trees along rural roads.

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 for vehicles/pedestrians
 - Tree roots impacting sidewalks
 - Overhead and underground utility conflicts in utility strips
 - Disease, pest, and age related die-off
 - Leaf collection
 - Ice storms



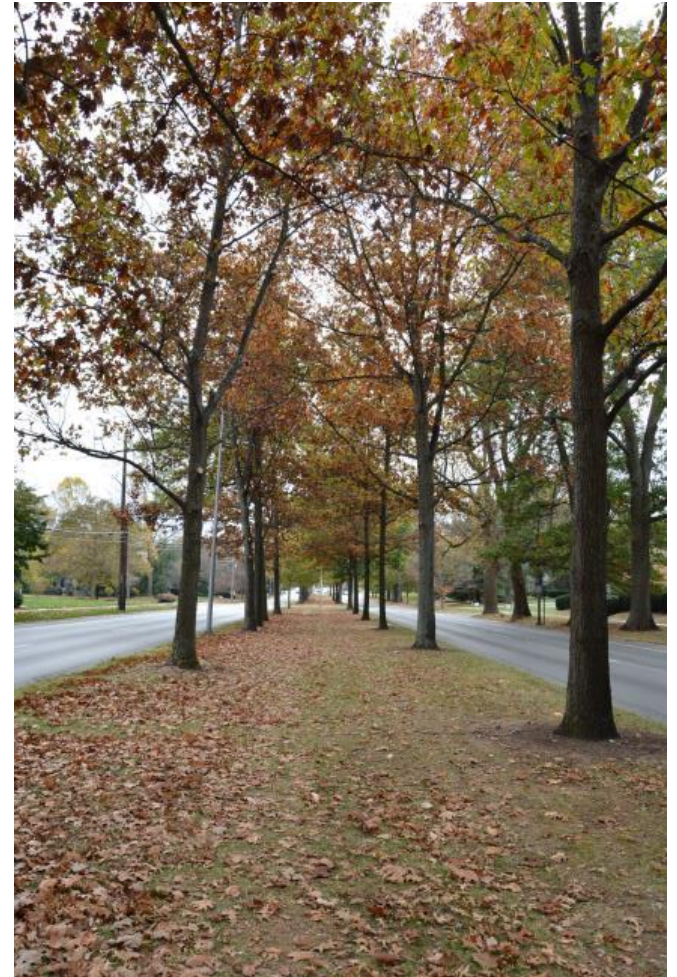
Background on Street Trees in Lexington

- Challenges with Street Trees
 - “Wrong Tree – Wrong Place” vs.
“Right Tree – Right Place”
 - Intersection sightlines
 - Street lights and signs, fire hydrants, driveways
 - Prohibited tree species
 - Too large for space



Background on Street Trees in Lexington

- Last street tree inventory, funded in 2005, found 55,000 street trees



Background on Street Trees in Lexington

1. City Maintained Street Trees (~10%)

- Active planting, mulching, pruning, and removals in urban areas where city is responsible for the trees:
 - Medians
 - Major corridors such as Alumni Drive, Man O' War Blvd., Virginia Avenue, Polo Club, etc.
 - Downtown streetscapes
 - Corridors Commission Projects
- Rural road trees are managed for hazards only
 - Removal of dead/diseased trees and dead wood pruning



Background on Street Trees in Lexington

2. Privately Maintained Street Trees (~90%)

Example of Street Trees planted in the 1930-40s



Catalpa

2016/10/26

Background on Street Trees in Lexington

2. Privately Maintained Street Trees (~90%)

Example of Street Trees planted in the 2000s



Background on Street Trees in Lexington

2. Privately Maintained Street Trees (~90%)

Example of Street Trees planted in a Street Tree Easement



Pinecrest Way

2016/10/26



Overview of Street Tree Requirements

1. Article 6-10 of the Land Subdivision Regulations, Zoning Ordinance

- Regulates planting of street trees in **new residential developments**
- Developer selects tree locations/species following requirements
 - *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
- HOAs often enforce deed restrictions related to street trees that are more stringent than city ordinances.



Overview of Street Tree Requirements

2. Code of Ordinances: Chapter 17B – Street Trees

- Regulates maintenance, removal, and planting of existing street trees
- Establishes abutting property owner as responsible party
- Establishes permit approval requirements for tree planting/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

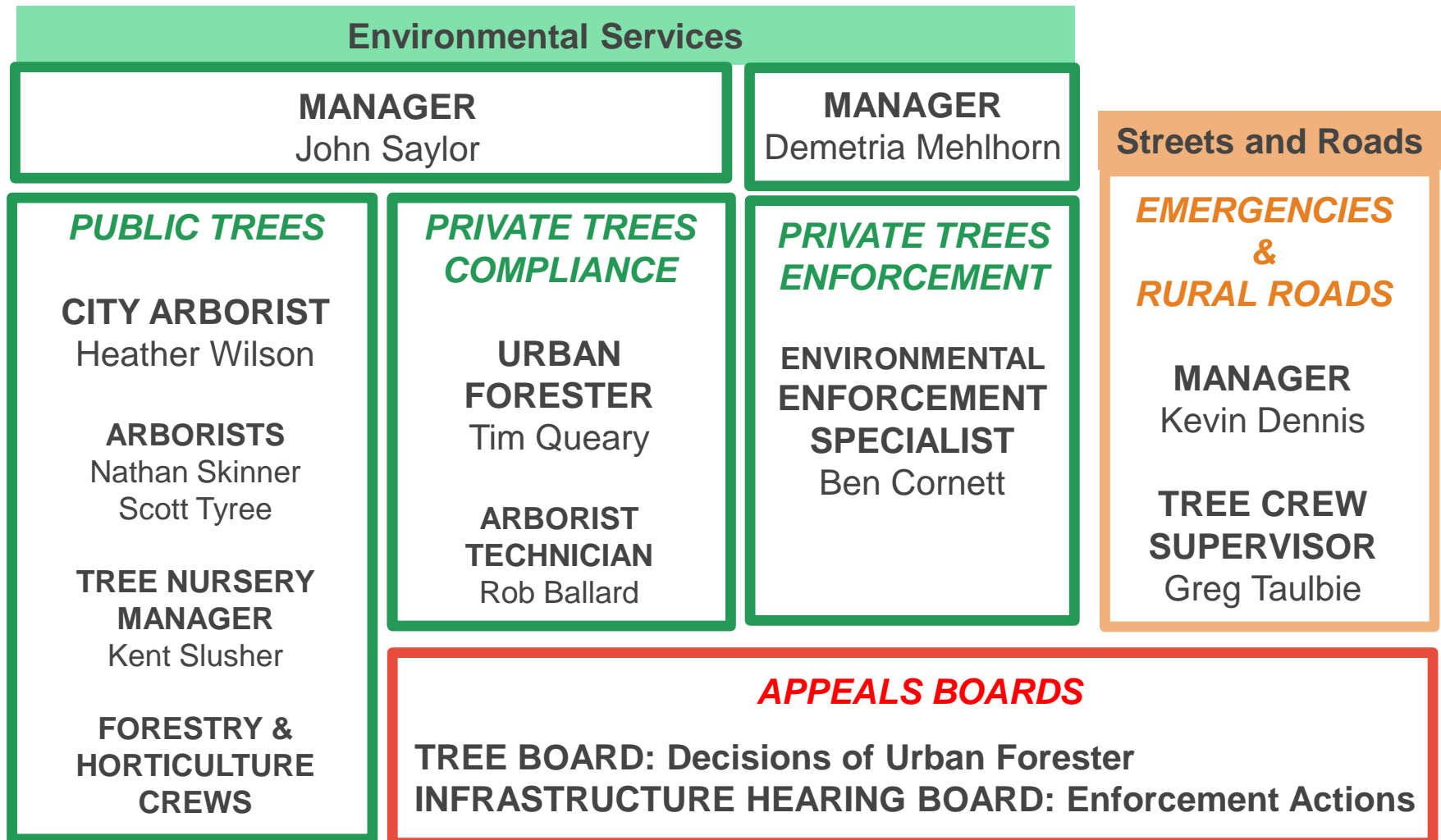
3. Planting Manual

- Acceptable and Prohibited Species
- Proper Planting and Maintenance Techniques
- Last updated in 2015
- Available on city website





Urban Forestry Organizational Chart





Ordinance Compliance and Enforcement

- Citizen requests (e.g. Lexcall, website), staff identified
- Education and compliance assistance first
- Addressing violations:
 1. Hazardous Street Tree Removals
 2. Traffic Sign Blockages, Public Safety, Emergencies
 3. Pruning for Clearance
 4. Tree Planting or Removal without a Permit

Ordinance Compliance and Enforcement

1. Hazardous Street Tree Removals

Ordinance Definition of a Hazardous street tree: “any street tree that is dead, diseased, or insect infested such that it poses a health threat to neighboring trees or creates a threat to the public safety or to property.”





Ordinance Compliance and Enforcement

1. Hazardous Street Tree Removals

- a) Initial contact about **Hazardous 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 \$150,000 in FY2020)
- 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 Arborist Technician prior to reimbursement



Ordinance Compliance and Enforcement

1. Hazardous Street Tree Removals

- a) Owner-occupied urban residential properties - **Hazardous Street Tree Cost Share Program**
- b) Enforcement Process for rental properties or non-response
 - Notice(s) of Violation
 - Citations
 - 1st Citation with fine between \$75 - \$200
 - 2nd Citation with fine between \$150 - \$300
 - 3rd Citation with fine between \$225 - \$450
 - 4th Citation with fine between \$300 - \$500
 - Abatement
 - Liens



Ordinance Compliance and Enforcement

1. Hazardous Street Tree Removals

Hazardous Street Tree Cost Share Program

- Owner occupied urban residential properties only
- Provides 50/50 cost share for hazardous tree removal and replacement (funded at \$150,000 in FY2020)
- Low income assistance available
- Requires removal and replacement with acceptable tree in a suitable location (flexibility provided)
- Property owner obtains competing quotes from City pre-qualified certified arborist vendors, gets approval from Urban Forester, then has work performed
- Follow-up inspection by Arborist Technician prior to reimbursement



Hazardous Street Tree Cost Share Program

- Last 5 years - 854 trees removed with 811 replaced
- Last 5 years - \$505,000 budget; avg. \$591/tree paid by city funds
- FY 2020 - \$150,000 budget; 67% allocated to date

FY2015 – FY2019 Statistics by Council District

	1	2	3	4	5	6	7	8	9	10	11	12	TOTAL
FY2015	2	8	4	1	40	22	1	-	21	20	15	39	173
FY2016	-	10	4	8	19	50	15	5	4	9	13	20	157
FY2017	2	7	5	10	21	40	18	-	34	7	16	24	184
FY2018	2	1	4	5	33	45	7	3	20	13	7	23	163
FY2019	3	6	16	-	39	29	12	4	9	16	7	36	177
TOTAL:	9	32	33	24	152	186	53	12	88	65	58	142	854



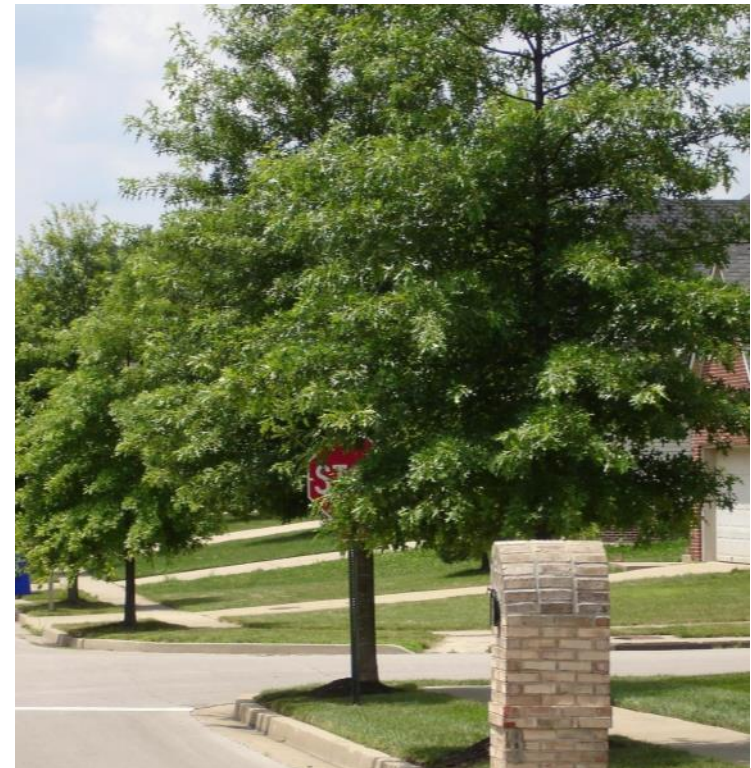
Hazardous Street Tree Cost Share Program – A Compliance Success Story

- Significant reductions in:
 - ✓ Hanging/falling limbs
 - ✓ Lexcalls related to dead and dying trees
 - ✓ Time from identification of hazard to removal of hazard
 - ✓ Staff time and costs related to street tree enforcement
- Many positive comments from citizens
- Low Income Assistance is essential to providing safe environments

Ordinance Compliance and Enforcement

2. Traffic Sign Blockages, Public Safety, Emergencies

- a) Emergencies resolved by city staff at inspection when possible
- b) Zoning Enforcement, Code Enforcement, and Env. Services coordinate on who has jurisdiction



Ordinance Compliance and Enforcement

3. Pruning for Clearance

- a) Old approach
 - Compliance doorhanger
 - Follow-up inspection
 - NOV
 - Follow-up inspection...

- b) New Approach started in 2017 – **Street Tree Courtesy Pruning Program**

Problem areas identified by Arborist Technician and contracted for pruning





Postcard sent
to all residents
in neighborhood
prior to initiation
of pruning

Why prune?

To protect trees, pedestrians and vehicles, it is important that street trees are pruned to the required minimum clearance of 12 feet on the street side and 7 feet on the sidewalk side. (See diagram on reverse.)

When?

The city has hired a professional arborist to prune the street trees in your neighborhood at no cost to you. You don't need to do anything to receive this service. If you have questions about this service, call 859.425.7500.

Learn more.

Information about how to properly prune can be found at www.LexingtonKY.gov/Prune.

Please disregard this notice if you do not have a street tree.



LEXINGTON
The Green

500 E. Main St.
Lexington, KY 40502



@LiveGreenLex

#LexTrees
LexingtonKY.gov/Parastre



Street Tree Courtesy Pruning Program

- 13,662 street trees pruned for clearance from 2016 – 2019
- \$148,318 spent in 2016 – 2019; average of \$10.85/tree
- Certified Arborists on contract perform the work
- Work occurs mostly in the winter
- FY2020 budget is ~\$75,000
- Now averaging ~ 7,000 trees pruned/year

2016 – 2019 Statistics by Council District

	1	2	3	4	5	6	7	8	9	10	11	12	TOTAL
2016							94					-	94
2017	1				207	104	151					-	463
2018	318	2832	-	367	96	1133	275	284	245	220	347	-	6117
2019	-	1138	-	-	-	1468	3061	-	787	116	418	-	6988
TOTAL:	319	3970	-	367	303	2705	3901	284	2445	2368	765	-	13662



Street Tree Courtesy Pruning Program – Another Compliance Success Story

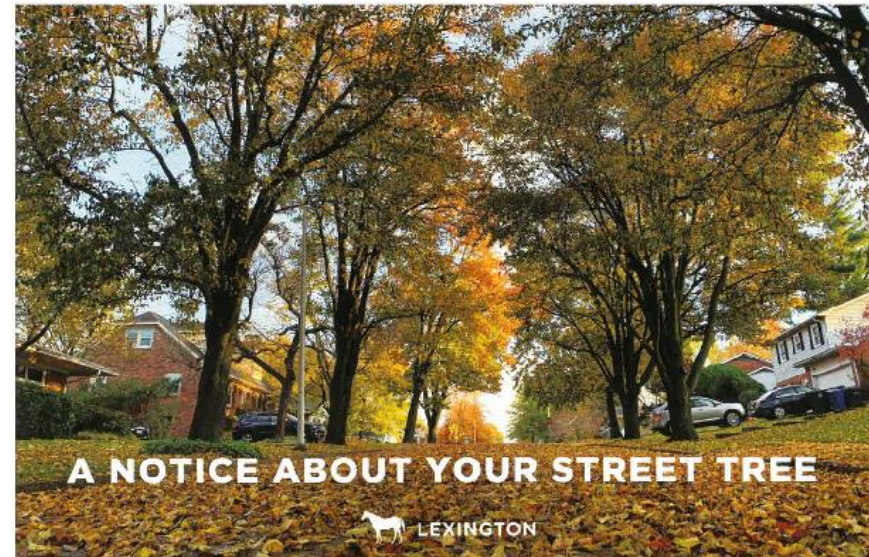
- Significant reductions in:
 - ✓ Storm damage response and overtime expenditures in neighborhoods where pruning has occurred
 - ✓ Lexcalls related to trees blocking roads and sidewalks
 - ✓ Incidents of auto-pruning
 - ✓ Damage to waste trucks
 - ✓ Staff time and costs related to street tree enforcement

- Many positive comments from citizens – few complaints

Ordinance Compliance and Enforcement

4. Tree Planting or Removal without a Permit

- Inform property owner of their responsibilities
- Tree replacements should occur in a timely manner
- If prohibited tree species is planted, it must be removed
- Full compliance built into Street Tree Cost Share Program
- HOAs take lead in their areas



Street trees play an important role in keeping Lexington's neighborhoods beautiful and healthy. A permit is required to remove a street tree. Removed trees must be replaced with an approved species within a year per city ordinance.

Your tree was removed without a permit. The city will work with you to provide one retroactively. Please complete the application at: www.LexingtonKY.gov/street-trees. You can use the same form to apply for the permit to replace the tree. The permits are free.

Limited financial assistance may be available for removing and replacing street trees. Details can be found at the website referenced above.





Future Needs/Path Forward

- Continue implementing pro-active compliance programs.
- Evaluate enforcement mechanisms and penalty structure for ordinance violations.
- Initiate a new street tree inventory (last one was in 2005) for budgeting purposes.
- Develop a more fail-safe process for ensuring street tree protection during utility construction.

Questions?



LEXINGTON