



Date: September 23rd, 2022
To: Mayor and Town Council
From: Azure Botts, Code Enforcement
Re: Discussion of tree requirements in PUDs.

Objective:

Address resident concerns regarding the effects of having a large canopy tree in their front yard.

Summary:

Earlier this year the town staff had discussed the removal of many street trees within Venezia. Approximately 70 properties were documented as missing the required street tree.

Currently, there is a requirement for one canopy tree to be planted within the front yard on properties that were constructed under the Town's current Land Development Code (LDC), adopted in 2011. The required canopy tree within the front yard must be a "street tree" and the LDC only defines Live Oak and Southern Magnolia as such. Additionally, the Venezia developer's agreement amended by Town Council on July 14th, 2014 requires three canopy trees for each lot (LDC requires one of the three canopy trees as a street tree). A canopy tree defined per the LDC is a tree, usually with one main trunk, which develops an elevated crown and provides, at maturity, a minimum shade crown of thirty feet (30') in diameter or greater. These street trees must be planted at least 5 feet away from the sidewalk, but no more than 8 feet.

Extensive research was conducted to find other suitable alternative canopy trees that would keep the intention of the LDC, section 07.08.01: "These trees will help to form a canopy over the sidewalk and street sides."

Some of the characteristics of these considered alternative trees were not desirable, such as low branching system, surface/shallow root systems and/or weak wood.

Research also produced a list of the many benefits canopy trees provide including but not limited to: reducing storm water runoff, roots filtering more water, removing a greater amount of carbon dioxide, removing a greater amount of air pollutants, producing a greater quantity of oxygen, reducing peak temperatures, increasing property value, and providing aesthetic benefits.

Cities such as West Palm Beach and Miami are or have already begun initiatives to plant more canopy trees rather than other trees because of these benefits.

Research suggests planting live oak trees 15 to 20 feet away from a structure and Southern magnolia at a 50-foot separation from structures. A solution to the concerns of foundation damage and driveway/sidewalk damage was found during research. A root barrier/guard is a protection system that addresses a possible damaging root system. The barrier, when properly installed, directs roots to grow deeper into the soil before spreading out. The barriers

can be installed along the front of a foundation or the appropriate distance around a tree. This method has been successfully used for quite some time and in many different situations.

For these reasons, Code Enforcement proceeded with the enforcement of the LDC and the Developer's Agreement.

Code Enforcement personally spoke with, and hand delivered, courtesy letters to most property owners (others were mailed). Many concerns were raised during these conversations. The property owners were encouraged to attend a council meeting to address their concerns.

Analysis:

Approximate measurements have been taken of the front yards in violation. Out of the 196 lots within Venezia, nine lots have been identified as large lots, defined as having 30 feet from front plane wall to the sidewalk: these are mainly corner lots or lots with large side yards. Six lots have been identified as having less than 20 feet from front plane wall to the sidewalk. These lots were approved to have a 15.5 foot setback from the sidewalk. 48 lots have been identified as having between 20 to 25 feet from front plane wall to the sidewalk.

After evaluating the concerns brought to Town Council regarding the required canopy tree and the lot sizes, staff has produced a list of selected trees as a proposed alternative for a street tree, to accommodate the more confined lots. Several of the listed selected trees are currently approved in the LDC, along with a few requested trees, and have been identified as closely meeting the definition of a canopy tree. The trees mentioned in the recommendation do not have an invasive root system, can handle full sun, and can be planted 15 feet or less, away from a structure. These selected trees would need to be planted at least five feet from the sidewalk but no more than 8 feet to produce the desired shade over the sidewalk and street.

Although the staff recommendation is not consistent with the LDC and is not in accordance with the Venezia South and Venezia North developer's agreement, it does however address the concerns of residents while keeping the intent of the LDC by providing some shade along the sidewalks and streets.

Fiscal Impact:

There is no fiscal impact.

Staff Recommendation:

Town staff recommends allowing the selected list of alternate trees to be planted within the front yard of lots with inadequate room for a street tree. Lots with inadequate room are determined by the footage from the front plane wall of the structure to the sidewalk. Below are the recommendations for the lot sizes.

- Lots greater than 26 ft from the front plane wall to the sidewalk are required to plant one street tree per the LDC.
- Corner lots or lots greater than 100 ft wide at the sidewalk are required to plant 2 street trees.
- Lots with 20 to 26 ft are required to plant one of the following selected trees
 - Natchez Crape myrtle (need to be added to LDC)
 - Purpleleaf plum (need to be added to LDC)
 - Flowering dogwood
 - Sweet bay magnolia
 - Weeping bottlebrush
- Lots with less than 20 ft are recommended for a variance to alleviate the requirement to plant a street tree if the two required understory trees are in place, per LDC.

Existing, well-established trees in addition to the required understory trees may be counted as a alternative tree. This will be addressed on a case-by-case basis.

Alternative canopy trees, which would serve to fulfill the requirement for a canopy/street tree, when the distance between the front plane wall and the sidewalk is less than 26 feet will be distinguished with two asterisks on the LDC approved tree list.