



Meeting Date: Jan 11, 2016

From (Dept.): Community Development

Signature: [Signature]
Department Director

Approved for
Agenda: [Signature]
City Manager

Official Use Only

Reviewed by
City Attorney: _____

Council Action: _____

Date: _____

Subject: PZ1415-096 After-the-Fact Tree Removal, Sally Chesterfield for Two Rivers Inn

Request for Approval:

Summary Explanation and Background:
A water oak was removed without permit. Property manager was notified and subsequently submitted the application and presented to the Tree Board on 11/24/2015.

Fiscal Information:

_____ - _____ - _____
Project No.
(If applicable)

Amount: _____

Procurement Method: _____

Purchase Requisition Number: _____

Recommended Action: Board passed motion to recommend approval, no fines, pay commercial fee \$125.

Initiated by: tam / ls

DRAFT

CITY OF DUNNELLON TREE BOARD MINUTES TUESDAY, NOVEMBER 24, 2015, 4:30 P.M.

Call to Order – Chair, Paul Marrifino, 4:30 p.m.

Pledge of Allegiance – led by Chair, Paul Marrifino

Roll Call:

Members Present: Paul Marrifino, Jan DeWitt, Candy Craig

Member Absent: Jack Baird

Staff Present: Lonnie Smith

Proof of Publication: Posted on City's website and City Hall bulletin board on Tuesday, November 24, 2015

2. OLD/NEW BUSINESS

PZ1415-096 TWO RIVERS INN TREE REMOVAL FOR COUNCIL 1/11/16

After-the-Fact, Water Oak, Heritage – Lonnie Smith provided background, city employee notice removal of the tree, took pictures, contacted property owner and notified of permitting requirements and board review. Representative of the property owner, Sally Chesterfield, provided information that lead to removal of the tree. A large branch had fallen. When the tree company went up to trim, cracking was observed and she asked them to cut it down. Members reviewed photos and commented on condition of tree as observed from the stump. Mr. Marrifino reported that the requisite number of trees is met, and the tree was a safety hazard.

Jan DeWitt made the motion to recommend that Council approve the recommendation for no penalties and approve the after-the-fact removal and charge the basic commercial fee of \$125.00. Candy Craig, seconded. The motion was passed by unanimous vote, 3-0.

PZ1516-014 11535 E BLUE COVE DRIVE, WALK-ON

Live Oak, Heritage - Chris Haigh with CMH Landscape reported the 22" D.B.H. live oak has been butchered by the power company by 30 to 40 percent. The homeowner wants the tree removed as it presents a threat to property. There are 4 to 5 mature trees on the property near the canal. Members reviewed the permit application and photos noting the nearness to the house and if nothing is done the tree will continue to decline or become

more hazardous. Discussion of replacing the tree with an ornamental tree. Considering the size of the lot, the property will contain enough trees to meet requirements. Jan DeWitt made the motion to recommend Council approve the permit to remove the tree with no additional requirements. Candy Craig, seconded. The motion was passed by unanimous vote, 3-0.

PZ1516-002 HILTON TREE REMOVAL

Water Oak, Heritage, 34.39 DBH – Lonnie Smith reported that of the two trees, one is administrative approval. The Board is requested to review the water oak that is 34.39" D.B.H. Property owners are concerned about the tree falling on their or the neighbor's home. Members discussed the application and reviewed the trees still remaining on site. Jan DeWitt made the motion to recommend Council approve of the application to remove the tree as requested. Candy Craig, seconded. The motion was passed by unanimous vote, 3-0.

1. CHAIR'S COUNCIL REPORT

Mr. Marraffino reported on the Council's current focus on land use, conservation, public facilities and aquifer comprehensive plan changes. The conservation and land use elements received the more passionate response from the public and council. A set has been approved and sent to Tallahassee. Assuming no objections, the submission will pass. The 150 foot setback was left in the comprehensive plan. The lots platted before 2007 will be exempt from certain requirements. Regardless of how this comes out, it will impact the tree ordinance. This committee will have much to do next year to add clarity to the ordinance and make it less ominous.

3. PUBLIC COMMENT:

Mr. Williams inquired as to permitting to complete removal of a tree that was cut up by a tree company and the power company. Lonnie Smith will notify Mr. Williams of the requirements.

Lonnie Smith noted staff's interest in changing this board to be the final decision maker on tree removal applications. The board would be amenable for streamlining the process, but Council may not want to relinquish its authority. It was agreed that a more efficient system would be good for the public.

4. ADJOURNMENT – The meeting was adjourned at 5:20 p.m.

MINUTES APPROVED AS SUBMITTED TREE BOARD MTG 12/22/2015.

Paul Marraffino, Chair

Teresa Malmberg, Admin. Coordinator



Staff Report

From: Lonnie Smith, Community Development

To: Dunnellon Tree Board

Subj: "After the fact" tree permit application

Date: November 23, 2015

Background: During a routine trip by a city employee, they discovered that a tree had been cut down at the Two Rivers Inn. The employee called the permitting department and asked if a permit had been applied for to cut a tree at this location. The employee was informed that there was not a permit and was instructed to take some pictures and get a measurement of the stump. The collected information was submitted to Community Development for further review. The violator was called and informed of the situation and was instructed to apply for the tree permit.

Discussion: This incident is being treated as an after the fact tree permit. The following is the city code in relation to cutting down a tree without a permit:

Sec. 74-63. - Tree removal permit requirements and procedures.

(3) Anyone who fails to obtain a permit before removing or relocating a protected tree shall be subject to a penalty of \$25.00 per inch of DBH. However, the fine for unauthorized removal of a champion or heritage tree shall be \$100.00 per inch DBH of the removed tree, up to the maximum penalty allowed by law. Where the size of the champion or heritage tree cannot be determined, the minimum penalty shall be \$3,600.00 and the maximum penalty shall be provided by law. The removal of a champion or heritage tree without a permit shall be considered irreversible and irreparable in nature. Violators who fail to replace trees within the applicable time period set forth in this ordinance shall be considered guilty of a separate violation, and a fine shall be imposed for each day the violation exists, calculated from the date of unauthorized removal until the required replacement trees are installed.

(4) Violators must replace trees removed without a permit at triple the replacement ratio required for trees removed pursuant to a permit, except that the replacement ratio for champion and heritage trees shall be as provided in [section 74-68](#).

Sec. 74-68. - Specific standards for champion and heritage trees.

(a) Champion trees are those defined by the Florida Department of Agriculture and Consumer Services, Division of Forestry, or the American Forestry Association as being the largest of their species with the State of Florida or within the U.S. and shall include all trees, other than prohibited trees, 36 inches or more DBH.

(b) Heritage trees are trees defined by the City of Dunnellon as native trees, 20 inches or more DBH, except for water oak, laurel oak, sweet gum, and loblolly pine, which must be 30 inches or more to be defined as a heritage tree.

(c) Champion trees and heritage trees are protected trees and shall require a tree removal permit prior to removal, except that approval for removal of champion and heritage trees shall only be granted by the city council.

(d) The unauthorized removal of a champion or heritage tree shall require that replacement trees are installed on the basis of four inches DBH for each inch DBH of the removed champion or heritage tree, in addition to any other penalty or enforcement action by the City of Dunnellon. The minimum size of trees installed to replace champion or heritage trees shall be eight inches DBH. Replacement trees shall be of the same species as the removed champion or heritage tree.

The applicant has applied for the tree permit and is asking for leniency based on not being aware of the tree code and also that they felt the tree was endangering others in its present condition.

Recommendation: The applicant should pay the “after the fact” penalty for the permit. In addition, we ask that the Tree Board review all the facts leading up to the incident and grant leniency on the fine for the applicant.



**CITY OF DUNNELTON
TREE REMOVAL PERMIT**

RECEIVED

SEP 18 2015

CITY OF DUNNELTON
COMMUNITY DEVELOPMENT

Tree City USA

Applicant Information:

Permit Number: PZ1415-096

Date: 9/18/15

Type: Commercial Residential

Zip: 34431

Email: _____

Zip: _____

Phone: _____

Applicant Name: Sally Chesterfield
Business Name: Two Rivers Inn-Davis Motor Ct
Business Address: 20814 W Pennsylvania Ave
Phone: 352-489-2300 Cell: 209-6534
Location Address: Same
Contact Person if other than above: _____

Tree Information

Species / Diameter 4.5 ft. above ground <u>Oak Tree</u> <u>32" - DBH</u>	To be replaced with: <u>N/A</u>
<u>After the fact</u>	

Reason for removal:
The tree was in bad shape and during a storm recently a branch broke and lodged in another bad branch. This was hanging over river road. I was afraid of all this falling on a car or on a person and that was a the reason for removing this tree. IF I had known I would have gotten a permit.

If Applicable:
Contractor Name Davie Tree Removal License # _____
Phone: () _____ City Reg. # _____
Address: _____
Contractor Signature: Tree Beard _____
11/24/15

Tree Permits: Commercial and Residential

Application Checklist:

- a) Completed and signed application
- b) Tree Sketch - Use an existing property survey to show:
 - i) Location, species and diameter of the trees to be removed
 - ii) Location, species and size of replacement trees.

If no survey is available please use Site Plan Sketch below showing property boundaries, adjacent roads and location of house and driveway.

City Code exempts removal of dead or significantly damaged, trees removed for personal use, or trees endangering property, from a permit fee, however, a permit is still required AND an Administration Fee of \$50.00 is payable for securing ANY permit

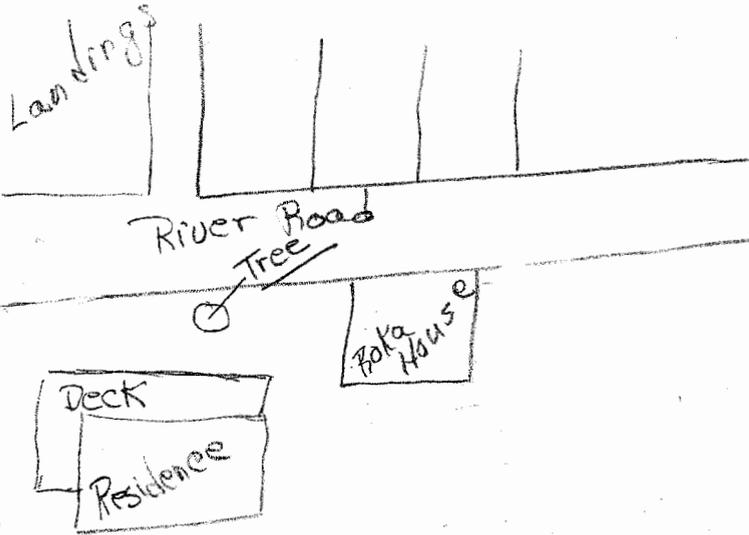
FEE: Permit \$ 75.00
Administration Fee \$ 50.00
TOTAL \$ 125.00

Waived Y N

\$125.00 + ATF penalties

Site Plan Sketch

**Indicate North



I understand that this is an application for tree removal and that the application must be reviewed and approved prior to any removal taking place. I also understand that if I do not plant appropriate replacement trees within 60 days of removal I may be in violation of the City of Dunnellon's minimum 16 trees per acre requirement and subject to enforcement action.

NOTE: Failure to secure a permit will result in a \$25.00 per inch DBH. However the fine for unauthorized removal of a champion or heritage tree shall be \$100.00 per inch DBH, in addition to a requirement to pay the current tree permit fee. When the size of a champion or heritage tree cannot be determined, the minimum penalty shall be \$3,600.00. If proof that removed tree is replaced, credits will be granted upon receipt of proof that replacement is in excess of 16 trees per acre (per City of Dunnellon Ordinance 2007-04)

Sally Chestnutfeld
 Applicant's Signature

9/18/15
 Date

Approved Yes No _____ Date: _____
 Community Development Director

Reason for denial: _____









Google earth





CITY OF DUNNELLON

20750 River Drive
Dunnellon, FL 34431
(352) 465-8500
FAX (352) 465-8505

November 6th, 2015

Sally Chesterfield
Two Rivers Inn- Davis Motor Ct
20814 W. Pennsylvania Ave
Dunnellon, FL 34431

Re: Tree Removal Permit Application PZ1415-096
20814 W. Pennsylvania Ave

Dear Sally,

We are in receipt of your application to remove a Water Oak Tree from your property. In accordance with City of Dunnellon Code Sections 74-68(c), your application must be submitted to the City's Tree Board for recommendation to the City Council for approval or denial. We are aware that the tree has already been removed so the board will want you to explain the circumstances that resulted in the removal prior to permitting.

The next Tree Board meeting is scheduled for Tuesday, November 24, 2015 at 5:30 p.m. in the City Council Chambers at City Hall, 20750 River Drive, Dunnellon, Florida. We have scheduled your request for this meeting. If for any reason you are unable to attend, please contact the Community Development Department at (352) 465-8500, ext. 1011 and we will reschedule the matter to the next Tree Board meeting on December 23, 2015 at 5:30 p.m.

If you have any questions, please contact the Community Development Department at lsmith@dunnellon.org, (352) 465-8500 ext. 1011, or in writing at 20750 River Drive, Dunnellon, Florida, 34431.

Sincerely,

Lonnie Smith,
Community Development Dept.

Proof of Publication

from the
RIVERLAND NEWS
Dunnellon, Marion County, Florida
PUBLISHED WEEKLY

PZ1415-096

STATE OF FLORIDA
COUNTY OF MARION

Before the undersigned authority personally appeared

Theresa J. Savery and/or LaKeshia Brisco and/or Mary Ann Naczi and/or Mishayla Coffas

Of the Riverland News, a newspaper published weekly at Dunnellon, in Marion County, Florida, that the attached copy of advertisement being a public notice in the matter of the

457-1105 RIV PUBLIC NOTICE NOTICE OF PUBLIC HEARING CITY OF DUNNELLON TREE BOARD TO CONSIDER TREE REMOVAL REQUESTS The Tree Board will hold a public hearing for recommendation to the City Council regarding the following tree removal permit application

Court, was published in said newspaper in the issues of November 5th, 2015,

Affiant further says that the Riverland News is a Newspaper published at Dunnellon in said Marion County, Florida, and that the said newspaper has heretofore been continuously published in Marion County, Florida, each week and has been entered as second class mail matter at the post office in Dunnellon in said Marion County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Mary Ann Naczi
The forgoing instrument was acknowledged before me

This 5th day of November, 2015
By: Theresa J. Savery and/or LaKeshia Brisco and/or Mary Ann Naczi and/or Mishayla Coffas

who is personally known to me and who did take an oath.

Mishayla Coffas
Notary Public

457-1105 RIV
PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
CITY OF DUNNELLON
TREE BOARD
TO CONSIDER TREE REMOVAL REQUESTS

The Tree Board will hold a public hearing for recommendation to the City Council regarding the following tree removal permit applications: PZ1516-002 Darrell Hilton to remove one (1) Water Oak tree pursuant to the City of Dunnellon, Code of Ordinances, Subpart A, General Ordinances, Chapter 74, Vegetation, Article II, Trees, located at 12078 Palmetto Ct, Dunnellon, Florida being Parcel Number 3381-006-019 and PZ1415-096 Sally Chesterfield to remove one (1) Water Oak tree pursuant to the City of Dunnellon, Code of Ordinances, Subpart A, General Ordinances, Chapter 74, Vegetation, Article II, Trees, located at 20814 W. Pennsylvania Ave, Dunnellon, Florida being Parcel Number 3380-0428-00. The public hearing will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, November 24, 2015, at 5:30 p.m.**, or as soon thereafter as can be heard. If necessary, this public hearing may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice.

The applications, filed under application number PZ1516-002 submitted by Darrell Hilton and PZ1415-096 submitted by Sally Chesterfield, together with any back-up materials may be reviewed during normal business hours 8:00 a.m. to 4:00 p.m. at Dunnellon City Hall. For further information please contact the Community Development Department at (352) 465-8500, ext. 1010.

APPEAL: NECESSITY OF RECORD: Notice is given that if any person desires to appeal any action taken by the Tree Board at the above hearing, a verbatim record of the proceedings may be necessary pursuant to Florida Statutes, 286.0105. The City assumes no responsibility for furnishing said record; however, the hearings will be audio recorded by the City for public use.

If any accommodations are needed for persons with disabilities, please contact the Office of the City Clerk at 352-465-8500.

Published November 5, 2015.

 **MISHAYLA COFFAS**
MY COMMISSION #FF177190
EXPIRES November 18, 2018
(407) 398-0153 FloridaNotaryService.com

CITRUS PUBLISHING
ATTN: LEGAL DEPARTMENT
1624 N MEADOWCREST BLVD.
CRYSTAL RIVER, FL 34429
352-726-0902 PHONE
352-726-9603 FAX

Riverland News - INVOICE

Dear Customer: *10079093 City of Dunnellon*

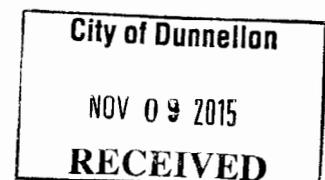
This is an invoice to process your payment for the enclosed ad. Please include Order #12840779 on your check and send payment of \$25.30 directly to the Legal Department at the above address. If you have paid previously, then disregard this invoice or keep for your records. REMEMBER: Payment is due in full within 20 days.

RE: 457-1105 RIV PUBLIC NOTICE NOTICE OF PUBLIC HEARING CITY OF DUNNELTON TREE BOARD TO CONSIDER TREE REMOVAL REQUESTS The Tree Board will hold a public hearing for recommendation to the City Council regarding the following tree removal permit application

Ad publication dates:
November 5th, 2015,

Thank you for your business,

Theresa J. Savery and/or LaKeshia Brisco and/or Mary Ann Naczi and/or Mishayla Coffas
Legal Representative



Page : 1 of 1 10/29/2015 14:30:26
Order Number : 12840779
PO Number : PZ1516-002/PZ1415-09
Customer : 10079093 zzCity of Dunnellon Legals
Contact : Dawn M. Bowne, C.M.C., City Cl
Address1 : 20750 River Drive
Address2 :
City St Zip : Dunnellon FL 34431
Phone : (352) 465-8500 x23
Fax : (352) 465-8505
Credit Card :
Printed By : Mary Ann Naczi
Entered By : Mary Ann Naczi
Keywords : 457-1105 RIV PUBLIC NOTICE NOTICE OF PUBLIC HEARI
Notes :
Zones :

Ad Number : 12953365
Ad Key :
Salesperson : 05 - Mary Ann Naczi
Publication : Riverland Legals
Section : Legals
Sub Section : Legals
Category : 995E-Miscellaneous Notices
Dates Run : 11/05/2015-11/05/2015
Days : 1
Size : 3 x 3.42, 38 lines
Words : 314
Ad Rate : 99GOV
Ad Price : 25.30
Amount Paid : 0.00
Amount Due : 25.30

*DNB
01515-30491*

457-1105 RIV
 PUBLIC NOTICE
 NOTICE OF PUBLIC HEARING
 CITY OF DUNNELLON
 TREE BOARD
 TO CONSIDER TREE REMOVAL REQUESTS

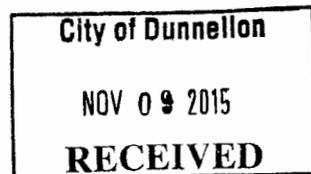
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cc: T/S