

OVERVIEW OF PROPOSED CHANGES TO TREE ORDINANCE

CURRENT

PROPOSED

EXEMPT LOT CRITERIA

At time of tree removal
or
At time of issuance of exterior work permit

- Must be occupied (no definition of occupied)
- *No wait period required.*
- *No requirement to be occupied once trees are removed.*
- Must be owned by the same person for 12 months from date of certificate of exemption, if certificate was filed as part of exterior construction.

At time of tree removal

- Must be occupied (as defined below).
- At time of tree removal must be owned by the same person for 90 days leading up to removal .
- The existing home must remain as a dwelling with person(s) living in it for 18 consecutive months following date of tree removal.
- Must be owned by the same person for 18 consecutive months following date of tree removal.

OCCUPIED LOT CRITERIA

NO DEFINITION or CRITERIA
making enforcement nearly impossible

At time of tree removal

- Lot must have legally constructed dwelling.
- Dwelling must be a permanent structure.
- Dwelling must be used primarily as a residence.
- Dwelling is legally being lived in.
- Must have legally permitted and functioning water, sanitary sewer, and electrical service.

OTHER KEY CHANGES

- Burden of proof of occupancy will be on the property owner. Tree Warden may require proof to prove that dwelling is being lived in. Tree Warden determines criteria of appropriate proof.
- Residential properties (4 or less families) meeting Occupied Lot and Exempt Lot criteria are exempt as they are under current ordinance. The primary difference is strong language and clear criteria that must be met that makes enforcement possible, deters scofflaws, and puts in place clear steps to insure compliance.
- If existing dwelling (whose ownership has not changed for at least 90 days) is vacated or will be vacated, due to renovations, the property will no longer qualify as exempt. The property owner will be required to file an application for tree permit. The property owner may request a waiver of the tree replacement requirements by making a request in writing to the Tree Warden. To be granted this waiver the property owner must own the property for 18 consecutive months following the date it becomes legally occupied and the property must be continuously occupied during the same 18 consecutive months.
- If an Exempt Lot is sold within 18 months following tree removal the new property owner must file for a Tree Permit and must comply with replacement requirements.
- If a lot that has been granted a replacement waiver is sold or becomes un-occupied during the 18 months following occupancy the person issued the waiver will be responsible to replace trees lost.