



WILDWOOD

August 5, 2019

Planning and Zoning Commission
City of Wildwood, Missouri
16860 Main Street
Wildwood, Missouri 63040

Re: Policy regarding Replacement of Existing Street Trees (Wards – All)

Commission Members:

Background >>>

During March and April of this year, the Administration and Public Works Committee (Admin/PW) of City Council held discussions on several topics relating to street trees and their use in the City of Wildwood. Shortly thereafter, the Planning and Parks Committee of City Council also considered this matter as well, but only a single component of it. This singular component related to the replanting of street trees in the established and designated tree lawn areas that are three (3) feet or less in width. The Administration and Public Works Committee had made a change this specific component to eliminate the replanting of existing street trees in these tree lawn areas that were three (3) feet or less in width. This action was reversed by the Planning and Parks Committee and endorsed by the City Council thereafter. Without this reversal in policy on this item, many existing residential subdivisions that had been planted at the time of their development with street trees in these three (3) foot or less in width tree lawn areas would now not be replanted, when these plantings were lost to accident, disease, or death. With this decision not to replant in the tree lawn areas, the character of the streets and roadways would change radically. Street trees are very important to the character of these residential areas.

It is important to note that street trees were one (1) of the first actions the new City undertook, when it incorporated, thereby allowing these types of plantings in public rights-of-way areas again, given St. Louis County had prohibited their use due to concerns about damaging sidewalks. St. Louis County had drawn criticism for this change in its policy, when made, since many residential subdivisions in the 1970's and 1980's did have street trees and they added to the character and ambience of the projects. Thereafter, St. Louis County required a tree be planted in the front yard of each new dwelling and lot, as close in proximity as possible to the sidewalk associated with it. The issues with this approach are no County official could be assured the tree that was required was retained in the private yard area, after inspection, and, in some instances, which tree was the required street type, if more than one (1) planting was included on the lot.

The City rejected this approach and noted the benefits of street trees to the community, where they are planted from an aesthetic standpoint, an environmental benefit, a cooling and shade offering, and a place for wildlife habitat as well. Street trees were required, as a component of the City's Subdivision Code, then Subdivision and Development Regulations. Thereafter, when the City's first Tree Preservation and Restoration Code was adopted in 1996, it included a Tree Manual that also identified street trees and established types of species and planting requirements as well. The allowance for street trees was

thoroughly discussed, intentional, and consistent with a community initially criticized by some as a group of ‘tree huggers.’

When considering the changes that had been introduced earlier in the year by the Administration and Public Works Committee of City Council, the Planning and Parks Committee, at its July 2019 meeting, noted the installation of street trees is an important component of the Town Center Streetscape Requirements as well as part of every residential and commercial project therein. These trees, in some instances, placed in grates, as part of the sidewalk system of Town Center Area, form part of the outdoor room intended to be created in combination with the buildings’ architecture, public spaces, and the roadways themselves. These street trees have offered benefits and challenges in this environment, given some have not thrived as well as hoped in the grates and more urban street environments.

Also, during many of the early residential projects the City inherited from St. Louis County, issues arose relative to retrofitting them with street trees, while also wanting to reduce grading that had been authorized within them by this previous jurisdiction. One (1) approach that was used was to allow a lesser right-of-way width for streets and, thereby, lessen the depth of the grading from the centerline of the roadway, when front setback distances were applied to each of the proposed lots. The concept was to keep as much of the grading on the ridgeline and not push it down the slope of the associated valleys. This approach led to trees being placed in tree lawn areas that were not at optimum widths to protect sidewalks from root growth (tree lawn is the area between the front edge of the sidewalk and the curb of the street). This consequence was understood, but the City Council, the Planning and Zoning Commission, and the community, all agree that root damage to the sidewalk would take many years and the trees were the priority.

Regardless of the actions in this regard, the City Council, along with the Department of Planning, realized the optimum width of this tree lawn area was five (5) feet or more, but to protect mature trees at the back of planned lots, the accommodation was made. The root growth causes sidewalks to buckle up and creates a trip hazard for users. Oftentimes, when this situation arises, the sidewalks must be replaced, and the roots pruned according to standard practices. This process occurs regularly in Wildwood today.

[Recent Actions of the City >>>](#)

As mentioned in the ‘Background’ of this Memorandum, the City Council recently changed several components of the ‘City Street Tree Removal and Replacement Policy.’ The changes that were adopted are summarized below:

- Re-Planting - Street trees will be replaced only twice. The first replanting will be at the expense of the City. If the tree dies after replanting, a second replanting will be approved if the homeowner or HOA agrees to pay half the cost for the replacement tree.
- Size -New street trees shall be a minimum of 2 to 2.5-inch caliper at 6 inches above the root.
- Tree Lawn Width – Street trees required, as part of any new residential subdivision, will not be replanted, where the tree lawn width is three (3) feet or less. *Where street trees currently exist in three (3) foot or less tree lawn area, they will be replaced, subject to the components of the present policy regarding their replanting.*

These changes were finally acted upon by the City Council and led to the need for the City’s Tree Advisory Board to receive, file, and endorse them for the purposes of its role in a healthy, City forest and street environments.

Intent of Presentation at Tonight's Meeting >>>

In regards to changes of this nature, the Department of Planning would note that, as part of any discussion regarding street trees and streetscape components of Town Center Area, the City must be cognizant of the "Tree City" requirements, which stipulated the establishment of a Tree Advisory Board, which is the Planning and Zoning Commission, as the local oversight authority. The changes that occurred earlier this year were not reviewed by the Planning and Zoning Commission, as the City's Tree Advisory Board. Therefore, to follow the requirements of the City and administer the 'Tree City' stipulations in this regard, the Department is now presenting these changes, and the revised policy to the Tree Advisory Board, for its consideration.

The changes that have been incorporated into the previous policy on street trees in public rights-of-way areas are being prompted by practical and budgetary considerations relating to the large number of these plantings that are the responsibility of the City, the competing priorities for funding, the desire to encourage greater homeowner participation in the care of the tree, particularly after their initial plantings, and the need to ensure compliance to all applicable City codes in this regard. Given these considerations, the additions can be viewed as consistent with them, while allowing more flexibility to the City to strategically understand where problem trees are located, which allows actions to compensate in this regard.

Accordingly, the Department is supporting the changes the City Council has introduced into the current street policy of the City and recommending the same for the Planning and Zoning Commission, as part of its consideration of these modifications as well. This support reflects a balanced approach to plantings of street trees in a variety of locations, environments, and acceptances, while also facing weather changes. The policy changes still prioritize street trees in the City of Wildwood, but recognizes the City does have limitations, as its inventory in this regard increases in number.

Summary and Conclusion >>>

If any of the Commission Members should have any questions or comments regarding this information, please feel free to contact the Department of Planning and Parks at (636) 458-0440. A presentation is planned on this matter at tonight's meeting. The Department of Planning appreciates the opportunity to present this information to the Planning and Zoning Commission on this important matter.

Respectfully submitted,
CITY OF WILDWOOD

Joe Vujnich, Director
Department of Planning

Cc: The Honorable James R. Bowlin, Mayor
John A. Young, City Attorney
Steve Cross, Co-Interim City Administrator
Rick Brown, P.E. and P.T.O.E., Director of Public Works
Kathy Arnett, Assistant Director of Planning and Parks
Travis Newberry, Planner

<<< **Current Policy regarding the City's Street Tree Removal and Replacement Policy – July 2019** >>>

City Street Tree Removal and Replacement Policy - It is a City Goal to maintain neighborhoods with exceptional curb appeal. To achieve this goal, it is an objective of the Department of Public Work so retain healthy, attractive street trees within the City's street network. Each year, it becomes necessary to remove certain trees due to storm damage, disease or other causes. In such instances, this Department Policy establishes the procedures for street tree removal, replacement and restoration within the City right-of-way:

1. Definition, Street Tree: A woody plant that grows mostly upright as a single or multi-stem that may eventually attain a height of fifteen feet or more, and that was planted within the City right-of-way by the City of Wildwood, or by others as specifically required by the City of Wildwood Subdivision and Development Regulations on streets dedicated to the City of Wildwood for maintenance.
2. Only Street Trees as defined under this policy are subject to the procedures of the policy. Trees planted without the approval of the City of Wildwood are not the City's responsibility.
3. Once the Department is advised of a street tree requiring removal and replacement, the Superintendent of Streets shall inspect the street tree to determine if it is eligible for removal and replacement under this policy.
4. If a street tree is determined to be an immediate public safety hazard, the hazard shall be eliminated within 24 hours.
5. If a street tree is determined to be generally eligible for removal and replacement, the removal of the tree shall be prioritized and scheduled accordingly.
6. Tree removal shall include the removal of the entire tree to a depth 8 inches below grade. The removal location shall be restored with grass seed and fertilizer. The adjacent homeowner shall water the restoration area to establish new turf.
7. A new street tree shall be planted at a location as close to the old tree location as practical, unless otherwise agreed to by the City of Wildwood. New tree locations shall not interfere with existing traffic signs, streetlights or other existing structures authorized in the right-of-way.
8. The new street tree species shall be selected by the City of Wildwood and shall follow any existing planting scheme for the street or neighborhood. If no planting scheme exists, the City shall seek the input of the adjacent property owner on the selection of the new street tree species. The new street tree species shall be listed on the attached Exhibit 1. Species not on the list may be used with approval from the Director of Planning and Director of Public Works.
9. Replacement street trees shall be planted between October 15th and May 15th.
10. The adjacent homeowner shall provide watering, pruning and other general care to ensure the vitality of the newly planted street tree.
11. Street trees will be replaced only two times by the City. The first tree replacement will be completed at the expense of the City. If the first replacement tree dies, the City will replace the tree for a second time, if the homeowner (or HOA) is responsible for half the cost of the replacement.

12. New street trees shall be a minimum of 2 to 2.5-inch caliper at 6 inches above the root.
13. Tree Lawn Width – Street trees required, as part of any new residential subdivision, will not be replanted, where the tree lawn width is three (3) feet or less. *Where street trees currently exist in three (3) foot or less tree lawn area, they will be replaced, subject to the components of the present policy regarding their replanting.*

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AN ORDINANCE AMENDING CHAPTER 400, ARTICLE 1 (CHAPTER 400.700 DUTIES OF THE PLANNING AND ZONING COMMISSION), AND CHAPTER 120, ARTICLE 1 (SECTION 120.060 OFFICE OF DIRECTOR OF PLANNING), OF THE CITY OF WILDWOOD MUNICIPAL CODE TO ADDRESS REQUIREMENTS RELATING TO THE CITY'S NEW DESIGNATION AS A 'TREE CITY USA', PER THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION CONTAINED IN THEIR LETTER ON THIS MATTER DATED MAY 16, 2011 (P.Z. 3-11 City of Wildwood Planning and Zoning Commission c/o Department of Planning). Ward All

WHEREAS, the City of Wildwood is proud of its natural environment and strives to conserve, preserve, and protect its resources; and

WHEREAS, City of Wildwood was recently recognized as a 'Tree City USA' and, as part of this designation, needs to change certain procedures and processes to meet the criteria established by the National Arbor Day Foundation for this purpose; and

WHEREAS, these necessary changes related to the establishment of a Tree Advisory Board, as well as creating the position of Arborist for the City of Wildwood; and

WHEREAS, the responsibilities associated with the Tree Advisory Board relate to developing and administering a comprehensive Tree Management Program for the City; and

WHEREAS, the responsibilities associated with the arborist position relate to the assistance in making decision relating to public trees, along with providing support to the Tree Advisory Board on matters of budgeting for their maintenance, care, removal, and replacement; and

WHEREAS, the Commission reviewed the details associated with the board and associated position, as described by the Arbor Day Foundation, and held a public hearing on this matter on April 4, 2011, where it accepted comment and input relating to this important matter; and

WHEREAS, with the assistance from the Department of Planning and Parks, the Commission prepared its recommendation on these proposed changes and believed it would be the most appropriate entity to fill the role as the citizen group charged with the development and administration of a Tree Management Program for the City of Wildwood; and

WHEREAS, the Commission also believed the role of arborist was most suited for the Office of Director of Planning, given its current responsibility relating to land use codes and related matters; and

WHEREAS, the City Council received the Planning and Zoning Commission's recommendation dated May 16, 2011 and held a public hearing on the matter at its May 23, 2011 meeting, where it heard testimony in regards to these changes to the Municipal Code and at the conclusion of this discussion, directed the Department of Planning and Parks to prepare legislation to complete this process; and

WHEREAS, the City of Wildwood has adopted rules, regulations, codes, and standards for the benefit of its residents and property owners, with the intent of promoting the public's health, safety, and welfare by their application.

NOW, THEREFORE, LET IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AS FOLLOWS:

Section One. The City Council of the City of Wildwood, Missouri hereby approves the modifications to Chapter 120, Article 1, Office of Director of Planning – Section 120.060(20) and Chapter 400, Article 1, Duties of the Commission - Chapter 400.070.(k) of the City of Wildwood's Municipal Code, all being consistent with the recommendations of the Planning and Zoning Commission contained in its letter dated May 16, 2011, which are indicated below:

Chapter 400, Article 1, Duties of the Commission - Chapter 400.070.(k): The care, maintenance, removal, and planting of public trees to meet the minimum standards set forth by the Tree City USA requirements to maintain said designation. The Planning and

Zoning Commission shall be empowered to engage, through the auspices of the Department of Planning, an arborist, forester, or other similar professional to assist in decisions relating to the removal, care, maintenance, and/or planting of trees on publicly-owned lands, where circumstances dictate the need for this level of expertise.

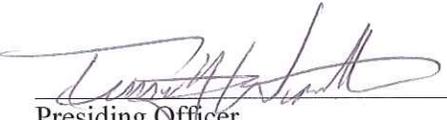
Chapter 120, Article 1, Office of Director of Planning – Section 120.060(20): Serve as the City’s Arborist as set forth by the Tree City USA requirements

Section Two. Chapters 120 and 400, amended hereby, are all adopted pursuant to the authority granted to the City Council by the Constitution of the State of Missouri through the Charter of the City of Wildwood granting the City all such powers that the General Assembly of the State of Missouri has authority to confer upon any city, including such authority relating to the regulation of housing, construction, sanitary sewers, grading and rights-of-way acceptance and management, among its other police powers, independently of any authority separately granted by State statute. Additionally, the provisions of Chapters 120 and 400, or portions thereof, are further adopted pursuant to the authority granted by Chapter 89 of the Missouri Revised Statutes relating to zoning and subdivision regulations, Missouri Revised Statutes Section 82.190 relating to control of streets and public places, and all such other powers as are granted to regulate the public health, welfare, and safety.

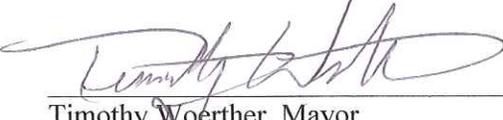
Section Three. The portions of this Ordinance and attachments hereto shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent. Nothing herein shall limit the enforceability of any amended provision for violations or activities occurring prior to its amendment.

Section Four. All other conditions of these sections remain unchanged and in full force. This Ordinance shall be effective from and after its passage and approval.

This Bill was passed and approved this 13 day of June, 2011 by the Council of the City of Wildwood, Missouri after having been read by title, or in full, two (2) times prior to passage.



Presiding Officer



Timothy Woerther, Mayor

ATTEST:


City Clerk



City Clerk