COMMUNITY DEVELOPMENT DEPARTMENT
120 S. MCKENZIE STREET
Foley, Alabama 36535
www.cityoffoley.org
(251) 952-4011

June 24, 2024

Mayor and City Council
City of Foley
407 East Laurel Avenue
Foley, AL 36535

RE: Subdivision Regulation Amendments

Dear Mayor Hellmich and City Council Members,

The City of Foley Planning Commission held a meeting on June 19, 2024 and the following action was taken:

Agenda Item: <u>Subdivision Regulation- Amendments</u>

Planning Commission Action:
Commissioner Engel made a motion to approve the requested Subdivision Regulation Amendments. Commissioner Mixon seconded the motion. All Commissioners voted aye.

Motion to approve the requested Subdivision Regulations Amendments passes.

Please let me know if you have any questions or concerns.

Respectfully,

Melissa Ringler
Planning & Zoning Coordinator
mringler@cityoffoley.org

Proposed Amendment to the City of Foley Subdivision Regulations

Title: Street Tree Planting

All frontages, public or private, must provide street trees as outlined herein unless prohibited by law or regulation of another governmental entity with jurisdiction over the subject property.

A) General

1. All developments must establish planting strips along all rights of way within the public frontage of a subdivision, unless otherwise specified by the Planning Commission.
2. In the case of private development, street trees are required as specified herein along primary drive aisles and at the perimeter of parking areas.
3. If immediate planting of required trees in the right-of-way/public frontage is not in the public's best interest, a minimum of two trees per lot frontage maybe allowed when physical conditions dictate a hardship, as determined by the Planning Commission.
4. All installation of street trees must be performed prior to a final inspection as provided for in Section 4.6 of the City of Foley Subdivision Regulations.
5. Street trees for minor subdivisions, as defined by City of Foley Subdivision Regulations, will be considered on a case-by-case basis depending on location, character of the area, and physical site constraints. If constraints and/or conditions are identified that prove the public frontage cannot accommodate street trees, as approved by the Planning Commission, street trees may be moved to the private frontage as close to the street frontage as practicable. All plantings must be installed and inspected prior to final plat signature and recording.
6. These standards represent minimums and are not intended to limit additional tree plantings approved by the City.

B) Location

The intent of this section is to create a safe and aesthetically pleasing street environment for drivers and pedestrians and promote healthy, thriving streetscapes, accommodating different modes of travel.

1. Canopy shade trees will be planted in the area between the sidewalk and curb line or edge of the roadway, approximately every 50 feet apart on center within the planting strip, except where an alternative design is approved by the Planning Commission (See Appendix A Street Cross Sections).

- Note: Planting strip width may vary based on street width, right-of-way width and street functional classification but in no case shall they be less than 10’ in width unless approved by the Planning Commission when conditions warrant.

2. Canopy trees at maturity should have canopies that nearly touch and should be spaced at intervals that create a consistent canopy over the streetscape.
3. Street trees will not be located within:
   - Twenty feet of a streetlight;
   - Ten feet of all utility mains, services, and appurtenances;
   - Ten feet of a fire hydrant, manhole, or sewer inlet;
   - Thirty feet of an intersection;
   - An area blocking the view of traffic signs;
   - Ten feet of a driveway;
   - The valley of a drainage swale.
     - Distance measurements must be from the trunk of the tree at ground level to the object.
     - Exceptions to the above standards will occur within cul-de-sacs, elbows, and similar areas, with approval from the City.
4. Understory trees shall be planted in substitution for canopy shade trees where it has been demonstrated that overhead utility lines and fixtures would interfere with the normal maturing of canopy trees as approved by the Planning Commission.
5. Understory trees may be required between larger canopy trees to create diversity in scale and counteract gaps in density caused by streetlights, utilities, or driveway separation requirements. The minimum number of street trees must be maintained.
6. Trees shall be placed at the following set intervals: a. Canopy shade trees: 50' on center b. Understory trees: 35' on center
   - When site constraints interfere with the required planting intervals, they may be adjusted with approval from the City upon a written request specifying the constraints accompanied by a proposed planting plan.

C) Species Diversity

1. All street tree planting must adhere to the following regulations to prevent uniform insect and disease damage and provide visual interest to the street. This species diversity standard is a minimum only. Extensive use of one tree species is prohibited.

2. Depending on the number of trees planted in the entire development, the following maximum percentage of any one species will be used:

Number of Trees	Minimum Number of Species
5-39	2 species
40-69	3 species
70 or more	4 species

3. A single species will be placed in no more than four consecutive locations on any one side of the street.
4. Species will be determined from the approved street tree list found in Appendix B.

D) Context and Character-Based Tree Planting

1. Depending on the location, context, and character of the area and the roadway design, a boulevard or median may be provided with trees in place of trees along the sidewalk, with the approval of the Planning Commission.
2. The applicant shall design a street tree plan corresponding to the subdivision's or developments character. In grid-like and traditional subdivision designs, trees should be planted formally and consistently, using trees of similar size and shape at regular intervals. In subdivisions of a semi-rural character with curvilinear streets, trees may be planted in informal patterns to mimic the randomness of nature through a staggered street tree plan.

E) Street Trees in the Downtown Overlay

1. Street trees shall be located in a planting bed not less than five feet wide by eight feet long between the street curb or edge of paving and the sidewalk. A minimum of 48 square feet of surface area per tree shall be provided.
2. Tree planting separation may be reduced in the pedestrian-oriented downtown area. A higher mix of understory trees may be required in downtown areas to reduce sidewalk root interference while providing appropriate aesthetic appeal and shading for pedestrian comfort.
3. Decorative planting bed barriers or fences may be required consistent with a style determined by the City.

F) Procedure, Installation, and Maintenance

These regulations ensure the efficient creation of the desired community environment, preventing costs to the developer for tree removal, replacement, or relocation, and preventing costs to the property owner or city for future maintenance or repair of avoidable damages.

Street trees shall be provided in addition to other planting requirements mandated by other ordinances or regulations.

1. A detailed landscape plan shall be submitted with the site plan approval, plat, or land development permit construction plans, depending on the nature of the application, consolidating the tree planting plan showing the locations of street trees, tree species, all utilities, manholes, fire hydrants, light posts, driveways etc. to ensure proper placement. Particular care should be taken to locate driveway locations to ensure trees are not altered, damaged, or removed during the construction process.
2. The City will inspect the locations and species variation on-site to affirm adherence to the approved street tree plan and must approve any alterations or departures from the originally approved plan.
3. Each street tree will be centered in the planting strip unless the parkway is used as a vegetated drainage swale. If a swale is indicated, the species and location will be determined by the City.
4. In the event of tree failure, replacement will be required.

Installation

1. All tree plantings shall be installed in accordance with American Standard for Nursery Stock (ANSI Z60.1) standards.
2. Trees selected for planting must be free from injury, pests, disease, nutritional disorders, or root defects, and must be of good vigor to ensure a reasonable expectation of survivability.
3. Canopy trees at the time of planting shall measure a minimum of three (3) inches in diameter, four (4) feet above grade, and shall measure a minimum of eight (8) feet in clear trunk.
4. Understory trees shall have an initial caliper diameter of at least one (1) inch and shall measure a minimum of five (5) feet in clear trunk.

Maintenance

All maintenance of trees must be performed in accordance with the American National Standards Institute (ANSI) A300 Tree Care standards.

1. The developer shall maintain all trees until the subdivision infrastructure has been accepted for maintenance by the City Council. Street trees shall be considered vegetation for purposes of maintenance bonds pursuant to the City of Foley Subdivision Regulations Section 4.5.b. Irrevocable Performance Bonds/Letter of Credit/Line of Credit.

2. For developments with private frontages (primary drive aisles) that will not be accepted for maintenance by the City, all plantings must be maintained in perpetuity. Damaged or diseased trees must be replaced.

G) Tree Protection Measures during Construction

In an effort to protect trees during home construction, commercial development, and other land development activities after planting, the following tree protection measures are designed to ensure the health and preservation of trees and to minimize construction impacts on them.

1. A Tree Protection Zone (TPZ) must be established based on the size of the existing tree at a minimum of 2 feet per inch of Diameter at Breast Height (DBH). For example, a tree with a 3-inch DBH requires a TPZ with a radius of 6 feet from the base of the tree.

Tree Protection Measures

1. Fencing:
    - TPZ fencing must be installed before construction begins and maintained throughout the construction period. Fencing must be located and placed as to not harm the root system.
    - Fencing must be highly visible, at least 4 feet high, and constructed of durable materials.
    - Signage of 6 square feet shall be placed on the exterior of the fencing indicating the tree protection zone.
    - The fencing should be placed at the edge of the TPZ and maintained throughout the duration of the construction or until a Certificate of Occupancy is issued.

H) Enforcement

Removal or damage of plantings is considered a violation and may be remedied as provided by law, including but not limited to fines, stop work orders, or additional replanting.

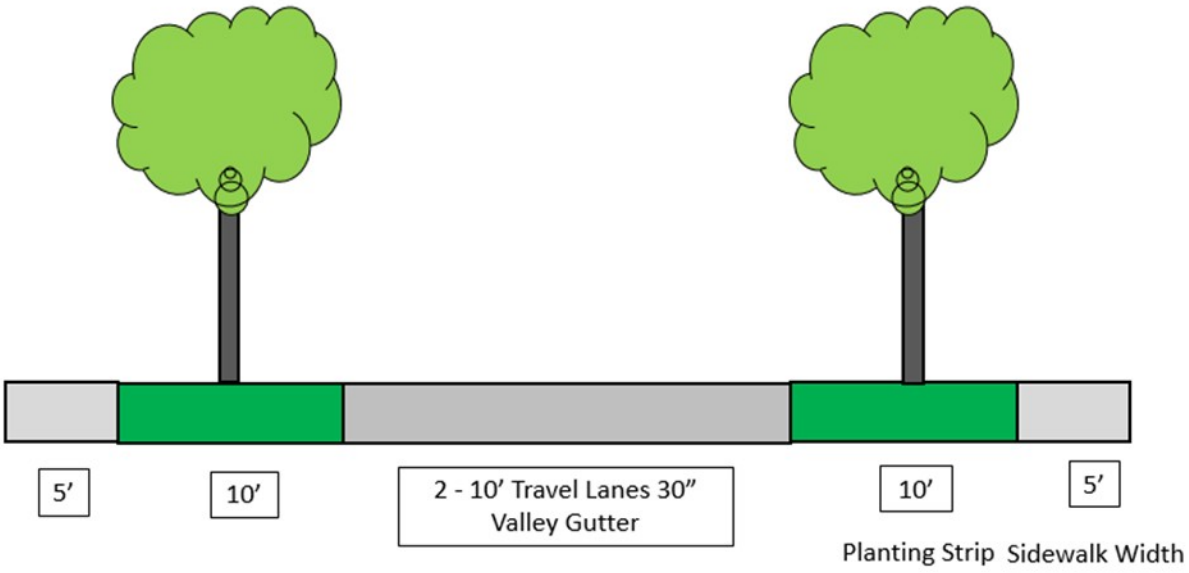
I) Definitions

1. American National Standards Institute (ANSI): ANSI A300: The industry-developed, national consensus standards of practice for tree care in the United States.
2. American Standard for Nursery Stock (ANSI Z60.1): The industry-developed standard for commercial transactions providing standards and common techniques for:
    - Measuring plants,
    - Specifying and stating the size of plants,

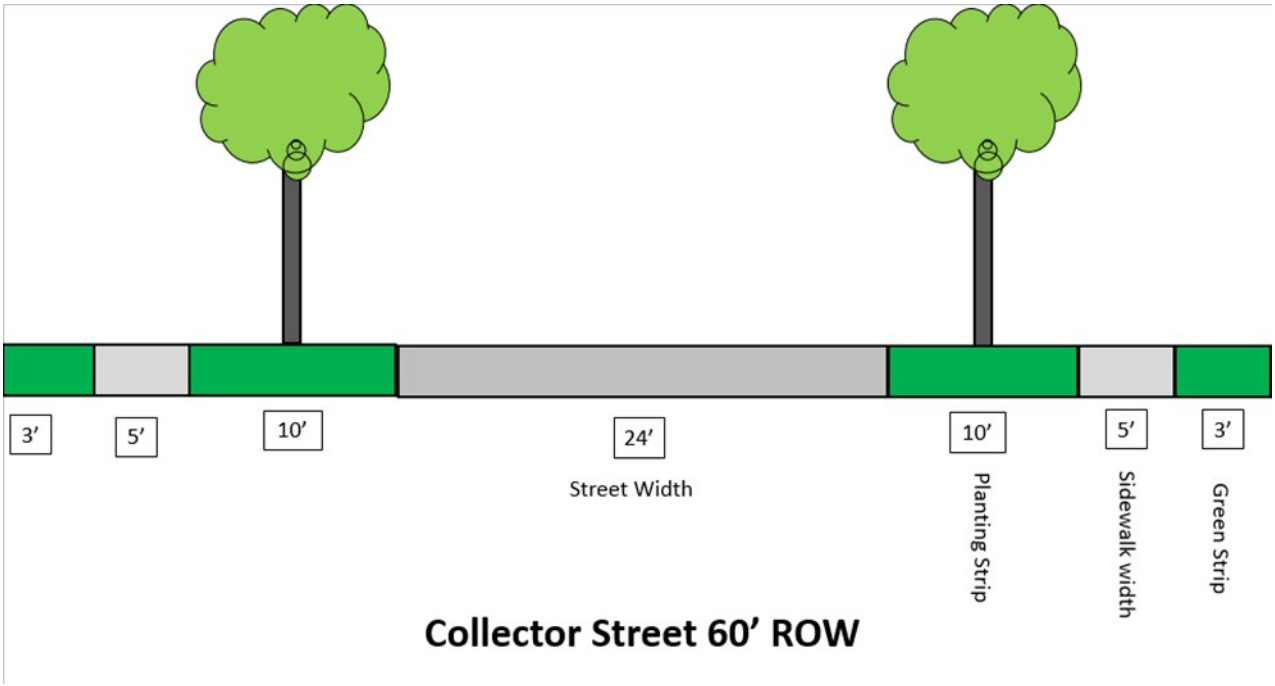
- Determining the proper relationship between height and caliper, or height and width,
- Determining whether a root ball or container is large enough for a particular size plant.

3. Canopy Tree: A tree whose mature canopy height is at least 35 feet.
4. Diameter at Breast Height (DBH): The measurement of the width of the trunk of the tree at four and one-half (4½) feet above the existing grade. For multi-trunk trees, the DBH shall be the sum of the diameter of the trunks.
5. Primary Drive Aisle: For the purposes of street tree planting within private developments a primary drive aisle is defined as the main vehicular route that connects the entrance of the development to individual units and key amenities. This drive aisle resembles a traditional street, supporting the highest traffic volume and providing primary access throughout the development.
6. Private Frontage: The area of private property that directly abuts the public frontage.
7. Protective Barrier: A physical structure limiting access to a protected area, composed of wood or other suitable materials which assure compliance with the intent of this article.
8. Public Frontage: The space between the curb of the street and the property line of the adjacent land.
9. Semi-rural: The transition area between the more intensely developed municipal incorporated areas and the unincorporated County, characterized by a density exceeding 1 dwelling unit per acre.
10. Tree Protection Zone (TPZ): Restricted area around a tree to prevent damage.
11. Understory Tree: A tree whose mature canopy height is between 15 and 35 feet.

Appendix A: Street Cross Sections



Local Street 50’ ROW



Collector Street 60’ ROW

Appendix B: Approved Native Species for Planting

Canopy Trees:

1. American Beech (Fagus grandifolia)
2. American Hornbeam (Carpinus caroliniana)
3. American Sycamore (Platanus occidentalis)
4. Atlantic White Cedar (Juniperus virginiana)
5. Bald Cypress (Taxodium distichum)
6. Black Gum (Nyssa sylvatica)
7. Mockernut Hickory (Carya tomentosa)
8. Nuttall Oak (Quercus nuttallii)
9. Overcup Oak (Quercus lyrata)
10. Pignut Hickory (Carya glabra)
11. Red Maple (Acer rubrum)
12. Shumard Oak (Quercus shumardii)
13. Southern Magnolia (Magnolia grandiflora)
14. Southern Red Oak (Quercus falcata)
15. Sweetgum (Liquidambar styraciflua)
16. Swamp Chestnut Oak (Quercus michauxii)
17. Tulip Poplar (Liriodendron tulipifera)
18. 'Sand' Live Oak (Quercus geminata)
19. White Oak (Quercus alba)
20. Willow Oak (Quercus phellos)

Understory Trees:

1. American Holly (Ilex opaca)
2. Carolina Buckthorn (Frangula caroliniana)
3. Chickasaw Plum (Prunus angustifolia)
4. Eastern Redbud (Cercis canadensis)
5. Fringe Tree (Chionanthus virginicus)
6. Red Buckeye (Aesculus pavia)

7. Sassafras (Sassafras albidum)
8. Serviceberry (Amelanchier arborea)
9. Wax Myrtle (Myrica cerifera)

These species were selected based on their root growth habits and their suitability for the coastal Alabama environment. Native species not listed may be used with the approval of the City, provided that the species are generally less aggressive in their root spread to protect hardscape from damage and will achieve the desired effect as provided herein.