

DOCUMENT 3 - Tree By-laws in other Ontario Municipalities - Precedent Review

	City	Tree By-laws and Diameter	Permits	Fees	Public Notice	Timelines and Appeal Process	Compensation Rates and Replanting Ratios	Procedures, Processes and Policies	Incentives to Retain, Protect and Replant	Comments
1	Toronto	<ul style="list-style-type: none"> By-laws to regulate removal and injury Protects all city owned trees Protects trees with diameter of 30 cm or greater on private property 	Permit to injure or remove tree	<ul style="list-style-type: none"> Remove private tree construction/non-construction: \$351/\$117 Remove public tree construction/non-construction: \$351/\$351 Remove boundary or neighbour's tree construction/non-construction: \$736/\$245.35 	<ul style="list-style-type: none"> Notice of application to destroy tree posted on property for 14 days Staff notify neighbours of application when boundary tree is involved 	<ul style="list-style-type: none"> Applications take up to 30 days to review If urban forestry denies permit it can be appealed to City Council through Community Council 	<ul style="list-style-type: none"> City trees: Applicant pays appraised value of tree. For city projects replanting ratio is 3:1. Private trees: 1:1 ratio for non-development related tree loss and 1:3 replanting ratio for development-related tree loss Park trees: appraised value of tree plus 1:1 replanting ratio 	<ul style="list-style-type: none"> Many studies and plans required in support of an application to destroy or injure a tree Tree Protection Policy and Construction Specifications Tree appraisal procedure Clear rules about when a permit is issued versus denied Process to deal with committee of adjustment requests Urban Forestry approves landscape/replanting plan prior to permit issuance City of Toronto Act, Official plan policies, Strategic Forest Management Plan, Ravine Strategy and Shade Tree Policy support urban forestry. Tree canopy target - 40% in next 50 years 	<ul style="list-style-type: none"> Guarantees to protect retained trees Security deposit for tree planting equal to cost of maintenance/planting over 2 years For city trees security deposit based on value of appraisal Replacement trees must be 50mm or greater Cash-in-lieu where replacement is not feasible, \$583 per tree 	<ul style="list-style-type: none"> Ability to comment effectively through committee of adjustment process provides best opportunity to protect trees during development Trees must be considered early in the development process
2	Markham	<ul style="list-style-type: none"> By-law to regulate or prohibit injury or destruction of trees Protects any private tree over 20 cm (Residential Infill Lot Grading Tree Permit) Boulevard trees protected under a separate highway by-law 	Permit to injure or remove tree	<ul style="list-style-type: none"> Where a permit is applicable fees may apply Remove boulevard tree: \$150 	N/a	<ul style="list-style-type: none"> Applications take up to 30 days to review Appeals are heard by Licensing Committee with notice sent to ward councillor and interested neighbours Final decision made by council 	<ul style="list-style-type: none"> Compensation rates for city trees: <ul style="list-style-type: none"> \$600 each (1-10 cm) \$500 each (11-20 cm) \$460 each (>21 cm) Compensation rates for private trees: <ul style="list-style-type: none"> 2:1 replacement for trees ≤40 cm 3:1 replacement for trees 41-60 cm 4:1 replacement for trees 61-80 cm 5:1 replacement for trees ≥81 cm 	<ul style="list-style-type: none"> Comprehensive tree assessment and preservation plan Clear protection requirement Tree permits are issued before grading/servicing is approved Fencing/mitigation must be installed before tree permit is issued Process to deal with committee of adjustment requests The Greenprint, Markham's Sustainability Plan, Official Plan, Trees for Tomorrow Streetscape Manual, York Region Forestry Management Plan support urban forestry. Tree canopy target - 40% by 2051 	<ul style="list-style-type: none"> Securities collected for trees over 40 cm dbh, only returned if trees are not injured. Specifies caliper for replanting (on average 5cm dbh for deciduous and 200 cm height for coniferous) Backyard tree planting program (LEAF) subsidized by city - \$50 to \$100 per tree Failure to comply with tree by-law can result in charges being placed directly on tax roll (cash-in-lieu, compensation, etc.) 	<ul style="list-style-type: none"> Through committee of adjustment can indicate that building permit will not be approved without submission and approval of Tree Assessment and Preservation Plan (early completion ensures building permit is not impacted) If any part of the tree trunk at ground level is located on adjacent property, the adjacent property owner must also provide permission for the application.
3	London	<ul style="list-style-type: none"> By-law to regulate or prohibit injury or destruction of trees Protects any private tree over 50 cm within urban growth boundary Protects trees of all sizes in Tree Protection Area 	Permit to injure or remove	<ul style="list-style-type: none"> Remove private tree over 50 cm: \$100 Injure or destroy a tree within Tree Protection Area: <50 cm is \$100 per tree and ≥50 is \$100/tree up to a max of \$1000 	N/a	<ul style="list-style-type: none"> Applications take up to 60 days to review Decisions can be appealed within 30 days to the Hearings Officer of the City of London 	<ul style="list-style-type: none"> Compensation ranges for city trees from \$1240 (trees <10 cm) to \$13040 (trees <191 cm) 	<ul style="list-style-type: none"> Tree protection plan for all city owned trees and demolition permits, must include all adjacent trees within 3 m of subject property. Adjacent trees that fall within 3 m of subject property must be included/considered for protection Tree Planting and Protection Guidelines Tree Planting Strategy, Urban Forest Strategy, The London Plan support urban forestry. Tree canopy target - 32% by 2065 	<ul style="list-style-type: none"> Zoning bonuses, building heights and densities may be increased to support long-term preservation of existing healthy trees, rare species and wildlife trees. Conditions to require replacement planting can be imposed through tree permit and securities collected. 	N/a

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4	Oakville	<ul style="list-style-type: none"> •By-law to regulate planting, care, maintenance and removal of all city owned •By-law to regulate private trees 15 cm or greater 	Permit to encroach near, or remove a tree (separate applications).	<ul style="list-style-type: none"> •\$50 for first tree in 12 month period •\$340 for each additional tree and for trees larger than 24 cm •\$720 for removal of second tree in a 12 month period (15 to 24 cm) and any removal resulting from development 	•Permits must be posted on site for 5 days before removal	<ul style="list-style-type: none"> •Appeals committee reviews requests to appeal •Applicant may appeal the decision within 21 days of the date of the notice 	<ul style="list-style-type: none"> •One tree must be planted for every 10 cm of healthy tree removed (up to 12 trees) •\$300 security deposit is required for each tree to be planted •Replacement trees must be planted on the same property as those removed, if there is not enough space, the security deposit is used to plant trees elsewhere. 	<ul style="list-style-type: none"> •Private tree protection zone based on size of tree, no activities can take place in this zone without a permit to encroach. •For removal, arborist report and consent letter from neighbour (for trees on shared property line) are required. Permits must be posted on the site for 5 days before removal •Growing Livability – A Comprehensive Study of Oakville’s Urban Forest, Urban Forest Strategic Management Plan, Tree Protection and Tree Canopy Preservation Policy support urban forestry. •Tree canopy target - 40% 	<ul style="list-style-type: none"> •Where tree protection measures are required security deposit is collected and retained for 6 months •Minimum tree replacement size is 30 mm caliper deciduous tree, or a 150 cm high coniferous tree. •Permitting and compensation costs are high, helping to encourage retention 	•Trees within the allowable building envelop (zoning) and excavation zone are exempt from tree permits
5	Kingston	<ul style="list-style-type: none"> •By-law to prohibit and regulate destruction or injuring of trees in city •Protects all city owned trees •Protects private trees 15 cm or greater, distinctive trees, endangered trees and those subject to certain planning applications. 	Permit to remove	<ul style="list-style-type: none"> •Remove 1-5 trees: \$97.50, 6-15 trees: \$195.00, more than 15 trees: \$389.75 •Tree permit renewal fees also apply 	N/a	<ul style="list-style-type: none"> •Appeals for permit refusals are made directly to Council 	<ul style="list-style-type: none"> •City trees: Compensation is calculated on a site-by-site basis, but generally, replacement value is calculated using the CTLA Trunk Formula Method. For smaller trees, or trees of lower value, a replacement ratio may be applied. •Private trees: When replacement trees cannot be accommodated on the property, financial compensation is required for removal of trees that require a permit •In new developments, trees in good condition generally require a 1:2 replacement rate 	<ul style="list-style-type: none"> •If a permit is required, the applicant must submit an arborist report to the Planning department. •Guidelines for tree preservation and protection •Tree By-law Guidelines, Guidelines for the Completion of an Arborist Report, Urban Forest Management Plan and Kingston Strategic Plan, 2015 to 2018 all support urban forestry. •Official Plan tree canopy target: 30% 	<ul style="list-style-type: none"> •For private trees, when replacement trees cannot be accommodated on the property, financial compensation is required for removal of trees that require a permit. When replacement trees can be accommodated, the quantity, species and size of replacement trees shall be equivalent in value to the value of tree(s) injured or destroyed. •Financial securities are collected and retained for a minimum of two years. 	•Tree loss due to infill is not a challenge in Kingston, most of the actions in the by-law target planning applications and residents.