

**CITY OF LAWRENCE  
ADMINISTRATIVE POLICY**

<b>SUBJECT</b> Planting of Street Trees in Residential City Subdivisions in RS and RM12D Zoning Districts		<b>APPLIES TO</b> Non-site planned attached and detached single-family and duplex residential development.	
<b>EFFECTIVE DATE</b> January 1, 2002	<b>REVISED DATE</b> December 9, 2003; June 9, 2015		
<b>APPROVED BY</b> City Commission	<b>TOTAL PAGES</b> 3	<b>POLICY NUMBER</b> 83	

**1.0 Purpose**

To establish a policy to implement the planting of street trees in City residential subdivisions on individual lots for attached and detached single-family and duplex residential structures in accordance with Chapter 20, Article 8, Section 20-811(g) of the Code of the City of Lawrence, 2015 Edition, and amendments thereto.

**Applicability:**

- (a) This policy shall apply to the installation of street trees in City residential subdivisions final platted in RS and RM12D zoning districts after January 1, 2002.
- (b) This policy shall apply to those undeveloped lots for which the City has not issued a building permit for detached or attached single-family residential structures on individual lots within existing platted subdivisions in the RS and RM12D zoning districts filed prior to January 1, 2002.
- (c) This policy may, at the discretion of the Director of Planning or his/her designee, apply to individual platted lots in zoning districts other than RS and RM12D zoning districts when a building permit application is received for a detached or attached single family residential structure.
- (d) This policy shall not apply to non-residential uses such as churches and community facilities that may otherwise be permitted in RS and RM12D zoning districts or developments that require prior site plan approval.

**2.0 Fees**

With each application for a building permit, the City of Lawrence Planning and Development Services Department shall collect \$365.00 for each tree required pursuant to the recorded Master

Street Tree Plan to be planted on the building lot for which the building permit is obtained.

One year after the adoption and implementation of this administrative policy or as soon thereafter as practicable, City staff shall review the costs of the street tree planting program to determine if the fee charged per tree should be revised. City staff shall provide a summary report and recommendation to the City Commission regarding the costs of the program and street tree fees. Upon an annual basis thereafter, city staff shall review the program costs and street tree fee. A summary report shall be provided to the City Commission when a recommendation for revision to the fee schedule is proposed.

### **3.0 Funds Deposited In a Separate Account**

The funds collected pursuant to Section 2.0 of this Policy, shall be deposited in an account established for that sole purpose. The funds in the account shall be used to purchase the street trees, to pay for the installation of the street trees, and to cover the administrative costs associated with overseeing the installation of the street trees.

### **4.0 Installation of Trees by Private Contractor**

A private contractor selected pursuant to the City's purchasing policy shall install the required street trees in accordance with the City Subdivision Regulations. The contractor shall be paid out of the account described in Section 3.0 of this Policy.

### **5.0 Contractor Shall Guarantee Trees**

The private contractor shall guarantee each tree that it plants under the provisions of this Policy and Chapter 20, Article 8, Section 20-811(g) of the City Code for at least one year (365 days) after planting the trees on the lot. In the event a tree planted by the contractor, or its agent, dies within 365 days of its planting by the contractor, or its agent, the contractor shall, at the contractor's expense, replace the tree with a comparable one meeting the requirements of this Policy, the City Subdivision Regulations, and the Master Street Tree Plan.

### **6.0 Timing of Planting**

The City Parks and Recreation Department Director or his/her designee shall decide when the street trees required by Chapter 20, Article 8, Section 20-811(g) of the City Code shall be planted. Generally, the street trees will be planted at the first appropriate planting season after the danger of construction damage is past.

### **7.0 On-Going Maintenance of Street Trees**

The on-going maintenance of trees, once planted, shall be the responsibility of the property owner. After planting, the property owner or his/her designee shall maintain the trees in a healthy, disease-free state. If a street tree dies within 365 days of the date of planting by the contractor, the property owner shall notify the Parks and Recreation Department. If a street tree dies after the expiration of the contractor's guarantee, the property owner, at the owner's expense, shall replace the tree with a comparable one meeting the requirements of the City Subdivision Regulations and the recorded Master Street Tree Plan. Should the property owner

fail to replace the tree within one-hundred and twenty (120) days of written notification, the City shall reserve the right to cause the required trees to be installed and the cost of the tree(s), plus the cost of installation of the tree(s), shall be assessed to the property owner.

**8.0 Refund Policy.** The City may issue a *partial* refund in the following instances:

- a. A street tree that substantially exceeds the Minimum Tree Requirements as defined in Chapter 20, Article 8, Section 20-811(g)(1) of the City Code and that has been pre-approved by the City for size and quality, is timely planted by the owner(s) or the owner's agent or contractor in the location set forth in Chapter 20, Article 8, Section 20-811(g)(2) of the City Code. A tree shall substantially exceed the City's minimum street tree requirements if the minimum trunk caliper of the street tree, at the time of planting, measured six (6) inches above ground in accordance with the *American Nurseryman Standards*, is at least three (3) inches and the street tree is premium quality, as determined by the Director of Parks and Recreation or his or her designee; or
- b. The lot does not have, in the opinion of the Director of Parks and Recreation or his or her designee, sufficient street frontage after taking into account matters such as the location of driveways, utilities, and intersection visibility requirements, to plant a tree meeting the requirements of Chapter 20, Article 8, Section 20-811(g) of the City Code. In order to receive a partial refund pursuant to this provision, the property owner(s) shall assist the City in causing an amended Master Street Tree Plan, signed and properly acknowledged by the property owner(s), to be recorded with the Douglas County Register of Deeds. The amended Master Street Tree Plan shall reflect that a street tree or trees are not required on the subject property and shall be binding upon present and future property owners.

If the City issues a refund pursuant to subparagraphs 8.a. or 8.b of this Administrative Policy, the City shall retain a \$25.00 administrative charge for each tree. The balance of the street tree fee will be refunded to the party who issued the street tree fee payment to the City.

Refunds issued pursuant to Section 8.a. shall be issued upon confirmation by the City that the street tree has been satisfactorily planted. Refunds issued pursuant to Section 8.b. shall be issued after the amended Master Street Tree Plan is properly recorded with the Douglas County Register of Deeds.

If City staff collects a street tree fee in error, a full refund will be issued.

## **9.0 Rules and Regulations**

The Director of the Parks and Recreation Department is authorized to establish rules and regulations to implement this policy that are consistent with the City Subdivision Regulations.