



EMERGENCY ORDER NO. 2022-15

**ORDER RELATING TO
TREE PROTECTION REGULATIONS**

WHEREAS, on September 23, 2022, Florida Governor Ron DeSantis issued Executive Order Number 22-218, declaring a state of emergency in Brevard, Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Miami Dade, Monroe, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, Sarasota, and St. Lucie Counties; and

WHEREAS, on September 24, 2022, Governor DeSantis issued Executive Order Number 22-219, amending Executive Order Number 22-218 to declare a state of emergency in the entire State of Florida; and

WHEREAS, Florida Statutes Section 252.38(3)(a) gives authority to public subdivisions to declare and enact a state of local emergency for a period of up to seven (7) days and to take certain measures that are in the interest of the public health, safety, and welfare; and

WHEREAS, on September 25, 2022, the City Commission of the City of North Port, Florida adopted Ordinance No. 2022-30, declaring a state of local emergency due to Hurricane Ian; and

WHEREAS, Ordinance No. 2022-30 conferred on the City Manager or designee the power and authority set forth in Florida Statutes Section 252.38(3)(a); and

WHEREAS, pursuant to Florida Statutes Section 252.46, the City Manager has the power to issue emergency orders with the force of the law; and

WHEREAS, Chapter 21 of the Unified Land Development Code establishes minimum standards for the installation and continued maintenance of landscaping and trees; and

WHEREAS, Chapter 45 of the Unified Land Development Code requires a tree removal permit before certain trees are removed; and

WHEREAS, modifying the regulations for tree removal and replacement is necessary for emergency management purposes and to ensure the health, safety, and welfare of the community.

THEREFORE, IN HIS EMERGENCY AUTHORITY, THE CITY MANAGER OF THE CITY OF NORTH PORT, FLORIDA ORDERS:

1. No tree removal permit is required on a developed lot when a tree damaged by the impact of Hurricane Ian is removed by December 1, 2022.
2. A tree located in a conservation or preservation area that has been damaged due to the impact of Hurricane Ian does not have to be replaced or removed unless it poses a danger to the health and safety of the public due to its proximity to a structure, sidewalk, or street.
3. All developed property subject to an approved landscape plan must submit an amended landscape plan by March 31, 2024, specifically identifying the following for trees damaged by the impact of Hurricane Ian. This requirement does not apply to developed property on an individual single-family lot.
 - a. Locations and types of trees that have been removed or that will be removed;
 - b. Locations and types of replacement trees to be planted; and
 - c. A schedule for planting of the replacement trees.
4. Amended Landscape Plan. Every amended landscape plan must comply with the following:
 - a. All identified replacement trees must be planted by September 30, 2025.
 - b. All replacement trees must appear on the Master Tree List provided in the Unified Land Development Code. Property owners are strongly encouraged to plant wind-resistant tree species as identified by the most recent version of the University of Florida Institute of Food and Agricultural Sciences Extension in its publication "*Selecting Tropical and Subtropical Tree Species for Wind Resistance*." The most recent version of this publication is attached to this order as Exhibit A.
 - c. Street canopy trees and parking lot canopy trees may be replaced with Florida native palm trees, subject to the following:
 - 1) The replacement ratio is three native palms planted per each canopy tree removed;
 - 2) Replacement native palms must be planted within 10 feet of a paved surface;
 - 3) Each replacement native palm must be a minimum of eight feet high as measured from ground level when planted and must have an expected mature height of at least 20 feet; and
 - 4) Replacement native palms must be clustered to provide the equivalent of a larger canopy at maturity.

- d. Replacement street trees must be planted to allow for adequate root growth and to avoid the opportunity for damage to infrastructure as the trees mature.
 - e. Root barriers, alternate species selection, and alternative planting locations that provide shade to pedestrians shall be used whenever possible.
5. An amended landscape plan submitted pursuant to this order shall be subject to administrative review and approval. Application fees for amended landscape plans submitted pursuant to this order shall be waived.
 6. This order does not suspend or waive any other regulations related to the requirement to obtain a tree removal or land clearing permit for undeveloped properties.
 7. This order does not suspend or waive any other regulations related to landscaping or trees, including Chapters 21 and 45 of the Unified Land Development Code.
 8. To the extent this order conflicts with any provision of the Unified Land Development Code, this order controls.

This order is effective immediately. Unless otherwise terminated or extended, this order expires simultaneously with the expiration of the state of local emergency.

ORDERED ON AND FILED WITH THE CLERK OF THE CITY OF NORTH PORT, FLORIDA ON OCTOBER 31 2022
AT 3:55 A.M./P.M. BY


A. JEROME FLETCHER II, ICMA-CM, MPA
CITY MANAGER

