



# NEIGHBORHOOD DEVELOPMENT SERVICES DEPARTMENT

*Planning Division*

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## STAFF REPORT

(GEN-18-051)

### Tree Protection Regulations-Public Involvement

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**To:** Peter Lear, City Manager

**Thru:** Scott Williams, Neighborhood Development Services Director

**Thru:** Frank Miles, MPA, Planning Manager

**From:** Heather Hansen, Senior Planner

**Date:** May 25, 2018

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#### I. BACKGROUND

On February 27, 2018 the Commission directed staff to schedule two public meetings for input on the City's existing tree protection regulations, and to include information from a Commission work session on tree regulations that was held on May 25, 2017. Then staff were directed to follow-up by bringing input from the public meetings, along with the information the Commission requested in May 2017, to another work session.

#### II. STATUS UPDATE

The following is the approach used to seek community input thus far:

##### A. Interdepartmental Project Team

In early March 2018, under the direction of the Planning Manager, an interdepartmental project team was formed with staff from Neighborhood Development Services-Planning, Neighborhood Development Services-Arborist, City Manager's Office-Communications Team to develop and implement a plan to seek broad community input on the City's tree protection regulations (*Attachment A*).

The team reviewed the minutes from the May 25, 2017 Commission Work Session, developed a webpage for outreach and input, advertised on social media, developed and posted a community survey, and scheduled and held two community workshops. Those activities are described in more detail below.

B. May 25, 2017 Commission Workshop on the City's Tree Protection Regulations

Staff reviewed the minutes of the May 25, 2017 work session on the city's tree protection regulations (*Attachment B*). More than fifty concerns and issues were raised and discussed, and there were eight action items directing staff to clarify or make minor amendments to various sections of the ULDC. The minutes were converted into a table to assist in tracking staff follow-up on the input and direction given by the Commission (*Attachment C*).

C. Outreach and Written Comments Received

Planning Manager Frank Miles reached out to interested parties, asking for their input on the City's Tree Protection regulations, including:

- Edie Driest, North Port Friends of Wildlife
- Alice White, People for Trees
- Allain Hale, North Port Environmental Advisory Board, People for Trees, Sierra Club
- Bill Gunnin, North Port Chamber of Commerce
- Larry Tenbusch, Local Builder
- Marty Black –West Villages Improvement District
- Jon Mast, Manatee-Sarasota Building Industry Association

Other community members provided written comments:

- David Ianotti
- Ann O'Leary
- Barbara Lockhart

The written comments received are included in *Attachment D*.

D. Community Survey

Staff used the issues and direction from the May 2017 Commission work session to develop an online survey, which was posted in early April for two weeks. 307 responses were received. A summary of the survey responses is included as *Attachment E*. The survey responses provided insights into the community's issues and concerns, as well as the challenges in regulating the protection of trees in the city.

For example, 79% of the respondents are concerned about clearcutting and tree removal in North Port, but 52% feel that homeowners should be allowed to have trees cut down on their own property without any restrictions or review. Given that many of the trees you see in the city are on platted residential lots, if everyone could cut trees down without restrictions, the tree canopy will be greatly diminished as the residential lots continue to be developed over time.

Other significant survey responses include:

**80%** would be interested in planting native trees if they were made available at a minimal cost.

**79%** think home owners should be allowed to have trees cut down on the property if there is currently 35% canopy coverage.

**77%** support the use of incentives to encourage property developers to preserve trees and enhance tree canopy cover

**77%** think property developers should be required to remove and manage invasive species

**74%** think fines should be increased to discourage illegal land clearing.

**72%** think native trees should be given a higher priority for preservation than non-native trees.

**67%** think larger older trees should be given a higher priority for preservation than smaller younger trees.

**64%** think it should always be a requirement to compensate for removal of large trees, either by planting trees elsewhere or paying into the tree fund.

**60%** think the 35% canopy coverage goal should be increased to account for trees that die off.

#### E. Webpage — “Leaf Us Your Thoughts” and Other Social Media

The Communications Team staff from the City Manager’s office set up a webpage for public

outreach and

input on the

City’s tree

protection

regulations –

“Leaf Us Your

Thoughts”. The

webpage,

Facebook, and

Twitter were

used to get the

word out and

to solicit input.

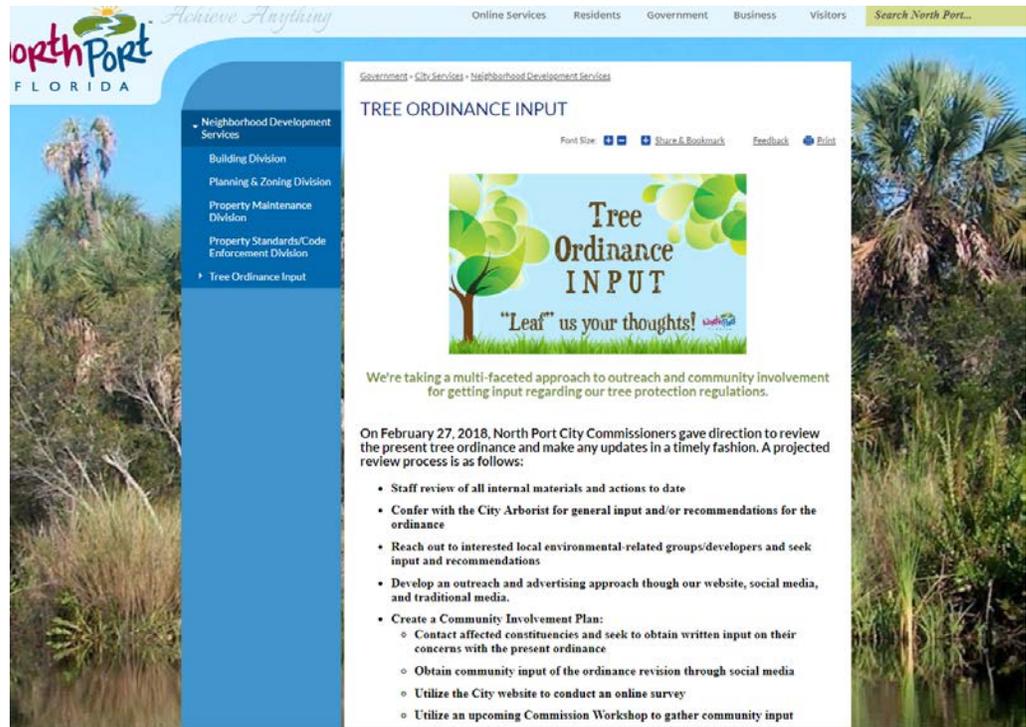
The following is

a summary of

the team’s

outreach

efforts:



- On the website, the Tree Ordinance Input page had 1,260 hits between April 2-April 25. The page featured a graphic designed by staff, along with background information regarding the ordinance. It provided a good base for the visitor to take the survey.
- In addition to the page dedicated to the ordinance, a news item was created to circulate on the City’s website advertising the survey.

- The survey was advertised on social media. A post was made on Facebook on April 2. In total, including shared posts, the post received 93 reactions, comments and shares. It had a reach of 4,744 people. The link was clicked a total of 213 times through Facebook. One post seemed to be sufficient for the survey, as it continued to be shared until its last day. A Twitter post was made April 2, garnering 866 impressions.
- A total of four posts on Facebook were made regarding the public workshops. The posts combined had a reach of 5,443, with 45 link clicks to take them to the website.
- The workshops were posted on the City's event calendar and sent out through e-notifications. They were also listed on the page set up for the tree ordinance on the website.
- The survey was posted and the number of responses were tracked along with the written answers.
- A wrap-up post was made on social media as well, with 1,143 people reached on Facebook. The link was clicked 8 times. On Twitter, the post had 480 impressions.

#### F. Community Workshops

Two Community Workshops were conducted – one at the Shannon Staub Library on the afternoon of Monday, April 23<sup>rd</sup>, and the other at Morgan Center on the evening of Wednesday, April 25<sup>th</sup>. Staff used the concerns raised and direction given at the May 2017 work session, the results of the survey, and the written input from interested parties to develop topics for discussion at the Community Workshops.

The first workshop focused on incentives. The participants broke into two groups – one to discuss potential incentives for residential properties and the other for non-residential properties.

The second workshop addressed three specific questions, and one open-ended: (1) For large undeveloped tracts of land, what more can we do to restrict or mitigate for clearcutting? (2) For platted lots that haven't been developed yet, what more can we do to reserve more large and native trees? (3) What can we do to ensure that the City maintains a minimum of 35% tree canopy cover, especially on developed lots? and (4) Is there anything we missed?

Many of the concerns raised by participants in the workshops mirrored those of the survey, but we were able to discuss them in more detail. The input from the workshops is included in *Attachment F*. An article in the North Port Sun about the workshops is included as *Attachment G*.

### III. NEXT STEPS

Next Steps for community input and tree protection-related code amendments include:

- A. Schedule a Commission Work Session to do the following:
  1. Present and discuss all public input received.
  2. Present and discuss options for addressing the direction given by the Commission at their work session in May 2017 to be included in a Minor ULDC Amendment Package.
  3. Present and discuss options for addressing public concerns raised through survey responses and public workshops, some to be included in the Minor ULDC Amendment Package and others in the Complete ULDC Rewrite.
  4. Request direction from the Commission on items to include in a Minor ULDC Amendment package versus items that will wait for the Complete ULDC Rewrite.
- B. Pass items for the Complete ULDC Rewrite on to the consultants hired to conduct the Complete ULDC Rewrite.
- C. Draft ULDC text amendment language for the Minor ULDC Amendment Package.
- D. Schedule hearing with the Planning and Zoning Advisory Board regarding the proposed Minor ULDC Amendment Package.
- E. Schedule hearings with the Commission regarding the proposed Minor ULDC Amendment Package.

#### Attachments:

- A. Team Memo on Approach to Public Involvement and Code Revisions
- B. May 25, 2017 Commission Work Session Minutes
- C. May 25, 2017 Commission Work Session Minutes – Table with Follow-up
- D. Written Comments Received
- E. Online Survey Summary of Results
- F. Community Workshop Input
- G. North Port Sun article – “City wants comments on tree ordinance.”



**City of North Port**  
**NEIGHBORHOOD DEVELOPMENT SERVICES DEPARTMENT**

Scott Williams, Director

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## MEMORANDUM

**TO:** Peter Lear, City Manager

**THRU:** Scott Williams, NDS Director  
 Frank Miles MPA, Planning Manager

**FROM:** Heather Hansen, Senior Planner; Ryan Pieper, Arborist; David Cavanaugh, Arborist; Josh Pelfrey, Planner; Alison Christie, Planner

**SUBJECT:** Tree Ordinance Revisions and Process

**DATE:** March 12, 2018

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Commission convened a work session on May 25, 2017 regarding the City's tree protection regulations. Some members of the public testified about the unsuitability of the present regulations and Commissioners discussed various sections of the tree ordinance and identified general topics of concern they wanted to address. Commission anticipated only general clarifications to the ordinance, but it appeared that much more would be required for it to be complete. The tree ordinance was expected to be the topic of various public meetings and review sessions, as part of the anticipated ULDC update.

On February 27, 2018, Commission gave a clarified and confirmed direction to now take a direct review of the present tree ordinance and make any updates in a timelier fashion, rather than wait for the ULDC update (which is anticipated to begin in May-June timeframe).

Under direction of the Planning Manager, an interdepartmental project team was immediately formed, and they reviewed the minutes from the May 25, 2017 Commission. Staff intends to use the Commission direction from that meeting as the framework for developing further community involvement for the tree ordinance update. A general scope or plan of approach was determined as follows:

- 1) Review all internal materials and actions to date.
- 2) Review the most recent Commission comments from the May workshop and develop this into a document that we can use to modify the present ordinance.
- 3) Confer with the City Arborist to interpret what the Commission directed changes are - in addition to seeking their general input/recommendations for the ordinance.
- 4) Reach out to interested parties – local environmental related interests/developers and seek written input and recommendations based upon the present ordinance.
- 5) Develop an outreach approach through 2 community workshops and a Commission workshop – after reviews with the Arborist and obtaining written inputs from interested parties.
- 6) Create a timeline – for community workshops and Commission workshop.

7) Eventual Commission approval of a revised ordinance.

The following is a summary of the Community Involvement Plan the staff team discussed:

1. **Initial contacts have already been made** to affected constituencies and seek to obtain written input on their concerns with the present ordinance. This approach will produce clarity and a firm direction towards addressing relevant concerns. Communications have already been made to PFT, FOWL, Sierra Club, WVID, Economic Development, Chamber of Commerce, Sarasota County EDO and others as needed.
2. **We will work to develop a social media and outreach platform** for obtaining overall community involvement in the ordinance revision. Will work with Community Outreach staff in the CM office to develop this approach.
3. **Develop Message/Questions and set up Webpage for input**: Upon approval of this approach, meet with CM Community Outreach Staff to develop message and questions for outreach to the public.
  - How question/issues are framed will affect usefulness of input
  - Use Commission input from May 2017 work session as framework
  - Use of environmental group inputs as obtained (notices sent to various constituencies in late February and early March asking for written input in possible changes to the ordinance)
4. **Social Media Outreach (30 days)**:
  - Identify groups for targeted outreach to interested parties, e.g., schools, People for Trees, Builders, Business Community, Developers, Realtors, neighborhood associations
  - Develop plan for outreach to public to get direct input from residents, e.g., newspaper, newsletters, website
5. **Review and Summarize Input (1 week)**: Input is likely to fall into 10 or fewer categories and incorporate public input into Commission work session framework and build upon it
6. **Schedule 2 Public Work Sessions – one daytime session and one evening session projected for the week of April 16<sup>th</sup> if possible (Earth Week)**
  - Community work sessions (one day – one evening) will be held at the Morgan Center and SCT campus on the east end of the City.
  - Utilize methods that will encourage people to find common ground within the Commission-driven framework
7. **Commission Workshop (May)** community input including those from the various constituencies will be provided to the Commission for considering their revisions to the Tree Ordinance.

If this approach meets the needs of leadership, we will then proceed towards the development of the media/outreach platform, create messages, secure the venues for the workshops, continue seeking general input from affected constituencies and refine the ordinance.

As always, if there are questions, comments or concerns, please let me know.



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Final City Commission Workshop

### *CITY COMMISSIONERS*

*Linda M. Yates, Mayor*  
*Vanessa Carusone, Vice-Mayor*  
*Christopher B. Hanks, Commissioner*  
*Jill Luke, Commissioner*  
*Debbie McDowell, Commissioner*

### *APPOINTED OFFICIALS*

*Peter Lear, Interim City Manager*  
*Mark Moriarty, City Attorney*  
*Patsy Adkins, City Clerk*  
*Kathryn Peto, Deputy City Clerk*

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Thursday, May 25, 2017

1:00 PM

CITY HALL ROOM 244

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### Chapter 45 of the ULDC - Tree Ordinance

## MINUTES APPROVED AT THE 10-10-2017 MEETING.

### CALL TO ORDER/ROLL CALL

The North Port City Commission Workshop Meeting was called to order at 1:00 p.m. in Room 244 by Mayor Yates.

Present: Mayor Yates, Vice-Mayor Carusone; Commissioners Hanks, Luke and McDowell; City Manager Lear; City Attorney Moriarty; City Clerk Adkins; Deputy City Clerk Peto; Recording Secretary Hale and Police Chief Vespia.

**The Pledge of Allegiance was led by the Commission.**

### 1. PUBLIC COMMENT:

PUBLIC COMMENT WAS HELD: 1:07 P.M. - 1:20 P.M.

Pete Pedersen: Clear cutting of trees; reserve water underground

Allaine Hale: the City's beautification standards.

Edie Driest and Cheri Lee: the importance of trees.

#### A. [17-1089](#)

Unified Land Development Code, Chapter 45 - Tree Protection Regulations.

Commissioner McDowell provided a brief overview of the discussion item.

A discussion ensued regarding the need to have definitions added into the Code.

***There was a consensus to direct staff to consolidate all definitions into one section and add "for this section only" for some words that are unique to the chapter.***

Discussion ensued and the following concerns were expressed: (1) it was stated that the

35% canopy requirement is meant to mean at maturity, per parcel, but additional clarification was requested; (2) it was stated that after receiving a Certificate of Occupancy (CO) a permit is not required to cut a tree on residential property as long as the owner does not go below the 35% requirement; (3) clarification is needed regarding the exemptions and exceptions as stated in ULDC Chapter 45-6(a); (4) after concern was expressed that if commercial property and residential property follow the same rules regarding tree removal, they will be able to clear-cut because they have received a CO, clarification was provided that the suggestion was specific to single family lots being able to remove trees without a permit after receiving a CO; (5) the caliper requirement is to ensure the survivability of the tree; (6) there was a suggestion to make trees easily obtainable for citizens or developers to plant on properties; (7) it was stated that other trees could be added to the Priority Tree List; (8) scenarios were discussed regarding the removal of trees--when and where a permit is required or not required; (9) clarification in the tree removal section to state that after the CO, as long as the canopy requirement is met, a permit is not required to cut trees; (10) it was stated that a mitigation fee does not automatically go with land clearing; (11) it was verified that a "no fee" permit must be issued to remove a dead tree; (12) confirmation was provided that a live tree requires a tree removal permit; (13) it was stated that the property file will show if mitigation fees were paid by previous owners; (14) a concern was expressed regarding a way to ensure the survivability of trees on residential lots with new homes, and allow transplanting of trees on large commercial properties and subdivisions; (15) it was stated that harvesting trees was not previously addressed in the ULDC but could be considered as well as an incentive program for tree protection and preservation; (16) the likelihood of survival for different trees was explained; (17) following a concern regarding clear cutting large commercial parcels, it was stated that all the infrastructure must be in place to support the entire development regardless of how many parcels have been leased and are ready for construction; (18) following a concern, it was stated there is a two-year survivability clause for landscaping in commercial areas.

Deputy City Clerk Peto replaced City Clerk Adkins at 3:10 p.m.

***There was a consensus to direct staff to work on a tree harvesting policy with a survivability provision.***

Discussion continued: (1) it was stated that clear-cutting is detrimental to the community; (2) after it was stated that standards of clear-cutting and mitigation requirements should be the same for commercial and residential properties, clarification was provided that ULDC 45-12(B)(4) states that the scale of development is considered when Heritage trees are allowed to be removed. Additionally, large lots are required to accommodate Heritage trees, but on a 10,000 square-foot lot it places an undue burden to the property owner; (3) it was stated that a 3-inch caliper tree takes an average of 15-20 years to grow to a 15-inch tree; (4) it was stated that fees levied for tree mitigation go into the Tree Fund, which in turn, pays the Arborist's salary; (5) the City's maintenance requirements for trees needs to be reviewed; (6) subsequent to a question, City Attorney stated that a Community Development District (CDD) is a governmental entity and State Statutes exempts them out of the City's permit requirement, but must comply with the City's Comprehensive Plan of having a minimum tree canopy of 35%.

***There was a consensus to direct staff to redefine the language pertaining to shaping and cutting of trees.***

Discussion continued: (1) clarification was provided that a Community Development District (CDD) has the right to remove a tree without a permit because it is a government entity, but it seems inconsistent with Florida Statute 190.004 [3] which states a CDD cannot take any action that is inconsistent with a municipality's Comprehensive Plan, Ordinances or Regulations; (2) it was requested to remove the exemption for CDDs from

the City's Code; (3) clarification was provided that street trees are not considered part of the 35% canopy coverage requirement and the CDD stated on record that they will form a Tree Committee and planned to do replanting; (4) a different conversation will be required to consider changing the 30-inch diameter Code requirement.

PUBLIC COMMENT:

Pete Pedersen; Allaine Hale: tree regulations.

Commissioner Hanks left the meeting at 4:02 p.m.

Recess 4:02 p.m. - 4:17 p.m.

PUBLIC COMMENT:

Doug McNamee: street trees in the Bobcat Trail CDD and incentives to plant from a "land bank" for a nominal fee.

Discussion continued: (1) following a question, and for the record, it was stated that currently there is no pending variance request for trees in connection with the Bobcat Trail CDD; (2) an alternative was proffered to consider reducing the City's requirement to replace street trees with 10-foot caliper trees, by implementing a "right tree, right place" provision that allows a subdivision to replace a smaller caliper tree to accommodate their spacing; (3) it was suggested that shade tree designations need to be more flexible and based on the development; (4) it was stated that the current City requirements for street trees was not a requirement for all streets at the time the Bobcat Trail CDD was created but was a preference handled through the Development Order; (5) it was stated that a land clearing permit is needed when an adjacent lot is purchased with no intention to build, only to make it attractive. However, a permit is not needed if the improvements are done by hand; (6) it was suggested to clarify the language in Section 45-5(c) and allow the clearing-out of underbrush without a permit; (7) it was stated that it is the land owner's responsibility to make sure the requirements are met regarding protection of the protected species on their land; (8) a suggestion was proffered to increase the fine for illegal land clearing; (9) it was stated that commercial land clearing fines are higher than residential land clearing fines; (10) verification was provided that the City Arborist performs a site visit for land clearing permits and does not approve the permit if tortoise burrows etc., are found; (11) because the underbrush issue was not in the Section of the ULDC under consideration today, staff was given direction to review and clarify the difference between clearing underbrush by hand and by machinery; (12) after a concern was expressed regarding clearing underbrush with machinery because environmental concerns aren't addressed, it was suggested to require a permit to clear underbrush by machine and an environmental survey; (13) following a brief discussion, it was decided not to change the requirement for an underbrush permit; (14) staff will review the lot clearing requirements and report any potential issues during the revision along with reasoning of behind the provision; (15) following an explanation for the minor gap difference for Heritage tree mitigation on pages 12 and 13, it was recommended to leave it as stated because it is legally defensible; (16) it was suggested to tighten the tree code, reducing the mitigating diameter from 30-inches to between 15 and 20-inches and provide incentives to keep the trees that don't have to be removed.

City Attorney Moriarty left the meeting at 5:05 p.m.

PUBLIC COMMENT:

Pete Pedersen: residential buffer zones.

***There was a consensus to direct staff to remove the requirement in Section 45-5(c) that a Development Order must accompany a land clearing permit; and that a***

**resident may remove trees as long as the 35% tree canopy requirement is intact. Commissioner Hanks was absent.**

Discussion continued regarding incentives: (1) it was suggested to find ways to preserve trees, not increase the fees for clear cutting; (2) an alternative suggestion was to increase the mitigation fees at the 15-inch mark and also preserve trees through incentives; (3) it was noted that the experts say a 6 to 8-inch caliper replacement tree doesn't have a good survival rate; (4) it was stated that Heritage and Champion trees are defined in State Statutes; (5) a comparison mitigation calculation would be helpful to show the impact on a single family home and provide creative ways to offer incentives to save trees; (6) the list of tree sizes from the Lowes property will be forwarded to Director Williams to use as a comparison.

**There was a consensus to direct staff to provide recommendations to incentivize tree preservation including a review of unintended consequences. Commissioner Hanks was absent.**

Discussion ensued: (1) it was recommended for the Commission to give direction to include the tree mitigation discussion part of the ULDC re-write; (2) it was noted that the environmental chapters of the ULDC could be reviewed at a community input meeting for the ULDC re-write.

**There was a consensus to direct staff to gather Commission direction from today's meeting, schedule a community meeting to discuss all the ULDC environmental chapters, incorporating the information gathered at today's meeting. Additionally, Neighborhood Development Services Director Williams will provide a memo to the City Manager tomorrow morning, requesting terminating the Contract with the University of Florida to do the ULDC re-write, and bring back to the Commission as soon as possible for approval. Commissioner Hanks was absent.**

It was noted that earlier in the meeting, it was stated that a permit is unnecessary to remove a dead tree, but Section 45-7(B)(1) requires it.

**There was a consensus to direct staff to make minor changes in the Tree Ordinance, clearly state the reasons for the change, and that they are corrections, not a re-write of the Ordinance. Commissioner Hanks was absent.**

**2. PUBLIC COMMENT:**

There was no public comment.

**3. ADJOURNMENT:**

Mayor Yates adjourned the North Port City Commission Workshop Meeting at 5:46 p.m.

City of North Port, Florida

By: \_\_\_\_\_  
Linda M. Yates, Mayor

Attest: \_\_\_\_\_  
Patsy C. Adkins, MMC, City Clerk

Minutes approved at the City Commission Regular Meeting this \_\_\_\_ day of \_\_\_\_\_, 2017.



**May 25, 2017 Commission Work Session on Tree Protection Regulations  
Minutes and Follow Up**

*The May 25, 2017 work session ended with two actions directing staff to: (1) schedule a community meeting incorporating the information gathered at work session, and (2) make minor changes to the tree regulations, not a complete re-write at this time.*

*Staff used the 2017 Commission Work Session discussion as the framework to develop a Community Survey to gather opinions and input from the general population. The survey was advertised and posted online for two weeks in early April; it received 307 responses. The survey results were used to focus the topic for discussion in two Community Workshops held on April 23<sup>rd</sup> and 25<sup>th</sup>.*

*The following is a copy of the minutes from the May 25, 2017 Commission Work Session with each specific concern raised and action taken shown separately, along with follow up items that address each one. The minor changes and clarifications per Commission direction are indicated under the column "ULDC Minor Amendments," and more significant changes to be addressed later are under the column "ULDC Rewrite."*

PUBLIC COMMENTS: Peter Pedersen – clearcutting trees; underground water reserve; Allaine Hale – City’s beautification standards; Edie Driest, Cheri Lee – climate change, the importance of trees

Commissioner McDowell provided a brief overview of the discussion item. The community has been vocal on this topic.

Discussion ensued, and the following concerns were expressed:

Concerns Raised	Community Survey Topic	Community Workshop Discussion	ULDC Minor Amendments	ULDC Rewrite	NA
(1) There’s a need to have definitions added into the Tree Protection sections of the Code.					
<p><b>ACTION:</b> <i>There was a consensus to direct staff to consolidate all definitions into one section and add "for this section only" for some words that are unique to the chapter.</i></p> <p>➤ <u>Note:</u> Consolidation of definitions into one chapter of the ULDC has intentional. If a definition is specific to any chapter, that chapter is noted in parentheses immediately following the definition. Discuss.</p>			✓		
(2) 35% canopy requirement is meant to mean at maturity, per parcel, but additional clarification was requested;	✓	✓	✓		

Concerns Raised	Community Survey Topic	Community Workshop Discussion	ULDC Minor Amendments	ULDC Rewrite	NA
(3) After receiving a Certificate of Occupancy (CO) a permit is not required to cut a tree on residential property as long as the owner does not go below the 35% requirement;	✓	✓			
(4) Clarification is needed regarding the exemptions and exceptions as stated in ULDC Chapter 45-6(A); <b>...cont'd Sec. 45-6. Tree removal permit exemptions.</b> All zoning districts, residential and non-residential, shall be required to meet a minimum standard of thirty-five percent (35%) canopy coverage at maturity. This standard shall apply to all individual lots, parcels, and/or large developments. Tree removal permit exemptions shall apply to the following: A. Tree removal and tree relocation on a residential lot, after a certificate of occupancy has been issued for the residential dwelling(s). This exemption shall not apply to the following: (1) Conservation or land preservation areas. (2) Trees planted or relocated pursuant to a tree permit. (3) Satisfaction of an approved landscape plan. (4) Where the residential dwelling is to be demolished and reconstructed. (5) Any heritage tree on any property.		✓	✓		
(5) After concern was expressed that if commercial property and residential property follow the same rules regarding tree removal, they will be able to clear-cut because they have received a CO, clarification was provided that the suggestion was specific to single-family lots being able to remove trees without a permit after receiving a CO;		✓	✓		
(6) The caliper requirement is to ensure the survivability of the tree;					✓
(7) There was a suggestion to make trees easily obtainable for citizens or developers to plant on properties;	✓	✓		✓	
(8) Other trees could be added to the Priority Tree List;		✓	✓		
(9) Scenarios were discussed regarding the removal of trees--when and where a permit is required or not required;					✓
(10) Clarification in the tree removal section to state that after the CO, as long as the canopy requirement is met, a permit is not required to cut trees;	✓	✓	✓		
(11) Mitigation fee does not automatically go with land clearing;		✓			

Concerns Raised	Community Survey Topic	Community Workshop Discussion	ULDC Minor Amendments	ULDC Rewrite	NA
(12) It was verified that a "no fee" permit must be issued to remove a dead tree;		✓			
(13) Confirmation was provided that a live tree requires a tree removal permit;		✓			
(14) The property file will show if mitigation fees were paid by previous owners;					✓
(15) Concern was expressed regarding a way to ensure the survivability of trees on residential lots with new homes, and allow transplanting of trees on large commercial properties and subdivisions;	✓	✓			
(16) Harvesting trees was not previously addressed in the ULDC but could be considered as well as an incentive program for tree protection and preservation;		✓	✓		
(17) Likelihood of survival for different trees was explained;		✓			
(18) Following a concern regarding clear cutting large commercial parcels, it was stated that all the infrastructure must be in place to support the entire development regardless of how many parcels have been leased and are ready for construction;	✓	✓			
(19) Following a concern, it was stated there is a two-year survivability clause for landscaping in commercial areas.		✓			
<b>ACTION: There was a consensus to direct staff to work on a tree harvesting policy with a survivability provision.</b>  ➤ <u>Note:</u> Tree harvesting means logging or cutting of trees. Is this intended to mean removal of live trees for sale or transplanting, if not why is survivability mentioned ? Discuss.			✓		
(20) Clear-cutting is detrimental to the community;	✓	✓		✓	
(21) After it was stated that standards of clear-cutting and mitigation requirements should be the same for commercial and residential properties, clarification was provided that ULDC 45-12(B)(4) states that the scale of development is considered when Heritage trees are allowed to be removed. Additionally, large lots are required to accommodate Heritage trees, but on a 10,000 square-foot lot it places an undue burden to the property owner;	✓	✓			

Concerns Raised	Community Survey Topic	Community Workshop Discussion	ULDC Minor Amendments	ULDC Rewrite	NA
(22) A 3-inch caliper tree takes an average of 15-20 years to grow to a 15-inch tree;		✓			
(23) Fees levied for tree mitigation go into the Tree Fund, which in turn, pays the Arborist's salary;		✓			
(24) The City's maintenance requirements for trees needs to be reviewed;		✓	✓	✓	
(25) Subsequent to a question, City Attorney stated that a Community Development District (CDD) is a governmental entity and State Statutes exempts them out of the City's permit requirement but must comply with the City's Comprehensive Plan of having a minimum tree canopy of 35%.					✓
<b>ACTION: <i>There was a consensus to direct staff to redefine the language pertaining to shaping and cutting of trees.</i></b> ➤ <u>Note:</u> This topic came up in the Community Workshops. Residents want more clarity on regs for pruning and limbing trees.		✓	✓		
(26) Clarification was provided that a Community Development District (CDD) has the right to remove a tree without a permit because it is a government entity, but it seems inconsistent with Florida Statute 190.004 [3] which states a CDD cannot take any action that is inconsistent with a municipality's Comprehensive Plan, Ordinances or Regulations;				✓	
(27) It was requested to remove the exemption for CDDs from the City's Code;				✓	
(28) Clarification was provided that street trees are not considered part of the 35% canopy coverage requirement and the CDD stated on record that they will form a Tree Committee and planned to do replanting;				✓	
(29) A different conversation will be required to consider changing the 30-inch diameter Code requirement.		✓			

PUBLIC COMMENTS: Pete Pedersen; Allaine Hale - tree regulations; Doug McNamee - street trees in the Bobcat Trail CDD and incentives to plant from a "land bank" for a nominal fee.

Concerns Raised	Community Survey Topic	Community Workshop Discussion	ULDC Minor Amendments	ULDC Rewrite	NA
(30) Following a question, and for the record, it was stated that currently there is no pending variance request for trees in connection with the Bobcat Trail CDD;					✓
(31) An alternative was proffered to consider reducing the City's requirement to replace street trees with 10-foot (sic) caliper trees, by implementing a "right tree, right place" provision that allows a subdivision to replace a smaller caliper tree to accommodate their spacing;		✓	✓	✓	
(32) Shade tree designations need to be more flexible and based on the development;		✓		✓	
(33) Current City requirements for street trees was not a requirement for all streets at the time the Bobcat Trail CDD was created but was a preference handled through the Development Order;		✓		✓	
(34) Land clearing permit is needed when an adjacent lot is purchased with no intention to build, only to make it attractive. However, a permit is not needed if the improvements are done by hand;		✓	✓		
(35) Clarify the language in Section 45-5(c) and allow the clearing-out of underbrush without a permit;				✓	
(36) It is the land owner's responsibility to make sure the requirements are met regarding protection of the protected species on their land;				✓	
(37) A suggestion was made to increase the fine for illegal land clearing;	✓	✓	✓		
(38) Commercial land clearing fines are higher than residential land clearing fines;	✓	✓	✓		
(39) Verification was provided that the City Arborist performs a site visit for land clearing permits and does not approve the permit if tortoise burrows etc., are found;					✓
(40) Because the underbrush issue was not in the Section of the ULDC under consideration today, staff was given direction to review and clarify the difference between clearing underbrush by hand and by machinery;			✓		
(41) After a concern was expressed regarding clearing underbrush with machinery because environmental concerns aren't addressed, it was					✓

Concerns Raised	Community Survey Topic	Community Workshop Discussion	ULDC Minor Amendments	ULDC Rewrite	NA
suggested to require a permit to clear underbrush by machine and an environmental Community Survey Topic; Following a brief discussion, it was decided not to change the requirement for an underbrush permit;					
(42) Staff will review the lot clearing requirements and report any potential issues during the revision along with reasoning behind the provision;				✓	
(43) Following an explanation for the minor gap difference for Heritage tree mitigation on pages 12 and 13, it was recommended to leave it as stated because it is legally defensible;				✓	
(44) Tighten the tree code, reducing the mitigating diameter from 30-inches to between 15 and 20-inches and provide incentives to keep the trees that don't have to be removed.		✓	✓		
<b>ACTION:</b> <i>There was a consensus to direct staff to remove the requirement in Section 45-5(c) that a Development Order must accompany a land clearing permit; and that a resident may remove trees as long as the 35% tree canopy requirement is intact.</i> ➤ <u>Note:</u> Removing the requirement for a development permit with land clearing will encourage more clearcutting. Based on the input from the survey and workshops, this conflicts with the community's concerns about clearcutting. Discuss.		✓	✓		

PUBLIC COMMENTS: Pete Pedersen - residential buffer zones.

Concerns Raised	Community Survey Topic	Community Workshop Discussion	ULDC Minor Amendments	ULDC Rewrite	NA
(45) It was suggested to find ways to preserve trees, not increase the fees for clear cutting;	✓	✓	✓		
(46) An alternative suggestion was to increase the mitigation fees at the 15-inch mark and also preserve trees through incentives;		✓	✓		
(47) It was noted that the experts say a 6 to 8-inch caliper replacement tree doesn't have a good survival rate;		✓			

Concerns Raised	Community Survey Topic	Community Workshop Discussion	ULDC Minor Amendments	ULDC Rewrite	NA
(48) It was noted that Heritage and Champion trees are defined in State Statutes;			✓		
(49) A comparison mitigation calculation would be helpful to show the impact on a single-family home and provide creative ways to offer incentives to save trees;			✓		
(50) The list of tree sizes from the Lowes property will be forwarded to Director Williams to use as a comparison.					✓
<b>ACTION:</b> <i>There was a consensus to direct staff to provide recommendations to incentivize tree preservation including a review of unintended consequences.</i> Commissioner Hanks was absent.  ➤ <u>Note:</u> This is consistent with community input.	✓	✓	✓		
(51) It was recommended for the Commission to give direction to include the tree mitigation discussion part of the ULDC re-write;	✓	✓	✓	✓	
(52) It was noted that the environmental chapters of the ULDC could be reviewed at a community input meeting for the ULDC re-write.				✓	
<b>ACTION:</b> <i>There was a consensus to direct staff to gather Commission direction from today's meeting, schedule a community meeting to discuss all the ULDC environmental chapters, incorporating the information gathered at today's meeting.</i> Commissioner Hanks was absent.  ➤ <u>Actions Taken:</u> A Community Survey was completed, and two Community Workshops were held, on Chapter 21-Landscaping Regulations and Chapter 45-Tree Protection Regulations.  ➤ <u>Note:</u> Some aspects of Chapter 9-Conservation Restricted Overlay Zone, Manatee Protection; Chapter 17-Flood Damage Prevention Regulations; Chapter 18-Stormwater Regulations; Chapter 49-Wetland Protection Regulations; Chapter 57-Myakka River Protection Zone Regulations, and Chapter 58-Archaeological Resource Protection Regulations were discussed, but not specifically addressed.	✓	✓	✓	✓	
(53) It was noted that earlier in the meeting, it was stated that a permit is unnecessary to remove a dead tree, but Section 45-7(B)(1) requires it.			✓		

Concerns Raised	Community Survey Topic	Community Workshop Discussion	ULDC Minor Amendments	ULDC Rewrite	NA
<p><b>ACTION:</b> <i>There was a consensus to direct staff to make minor changes in the Tree Ordinance, clearly state the reasons for the change, and that they are corrections, not a re-write of the Ordinance.</i> Commissioner Hanks was absent.</p> <ul style="list-style-type: none"> <li>➤ Present options and discuss at <u>May 2018</u> Commission Workshop. Move forward with a package of minor ULDC amendments now, complete rewrite later. Proposed ULDC amendments go to PZAB first.</li> </ul>			✓		

**From:** [Frank Miles](#)  
**To:** [Ruth Buchanan](#); [Randy Welker](#)  
**Cc:** [Heather Hansen](#); [Josh Pelfrey](#); [Ryan Pieper](#)  
**Subject:** RE: Tree Ordinance  
**Date:** Monday, March 5, 2018 10:52:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Ruth

We are looking for general comment and input. What we are looking at is if there are specific concerns with the present ordinance and requirements.

Heather will provide you with the present ordinance. Commission has some input and changes to consider and we are looking for input from a variety of stakeholders, (local environmental interests, builders, developers, realtors and business)

Frank

---

**From:** Ruth Buchanan  
**Sent:** Monday, March 5, 2018 10:50 AM  
**To:** Frank Miles <[fmiles@cityofnorthport.com](mailto:fmiles@cityofnorthport.com)>; Randy Welker <[rwelker@cityofnorthport.com](mailto:rwelker@cityofnorthport.com)>  
**Cc:** Heather Hansen <[hhansen@cityofnorthport.com](mailto:hhansen@cityofnorthport.com)>; Josh Pelfrey <[jpelfrey@cityofnorthport.com](mailto:jpelfrey@cityofnorthport.com)>; Ryan Pieper <[rpieper@cityofnorthport.com](mailto:rpieper@cityofnorthport.com)>  
**Subject:** RE: Tree Ordinance

Hi Frank,

Good morning. Can you provide some clarity as to how you wish to get the input prior to the citizen workshops? Is the ULDC generic email still in use?

Please let me know.

*Ruth*

**Ruth A. Buchanan, MBA, CEcD**

Economic Development Program Manager

City Manager's Office

City of North Port

4970 City Hall Boulevard

North Port, FL 34286

Phone 941.429.7029

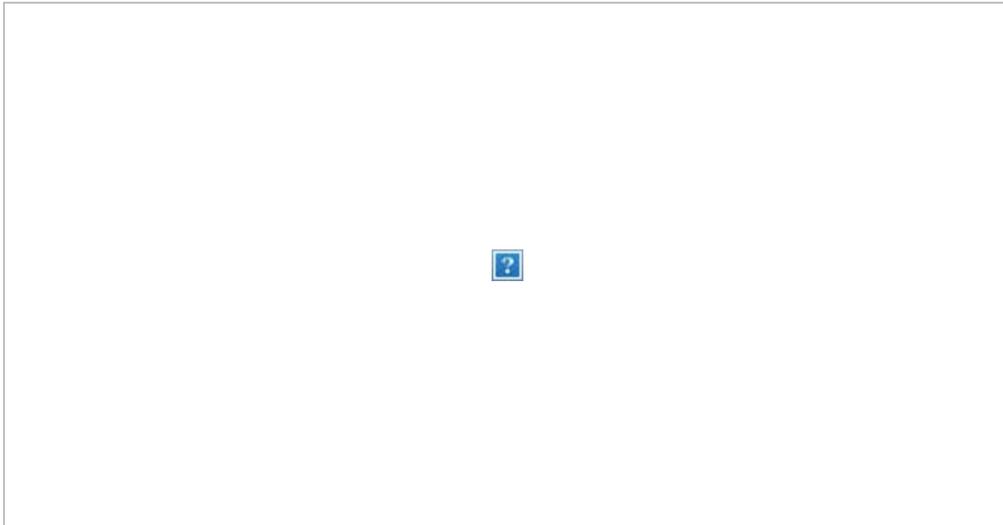
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---

**From:** Frank Miles  
**Sent:** Monday, March 5, 2018 9:04 AM  
**To:** Ruth Buchanan <[rbuchanan@cityofnorthport.com](mailto:rbuchanan@cityofnorthport.com)>; Randy Welker <[rwelker@cityofnorthport.com](mailto:rwelker@cityofnorthport.com)>  
**Cc:** Heather Hansen <[hhansen@cityofnorthport.com](mailto:hhansen@cityofnorthport.com)>; Josh Pelfrey <[jpelfrey@cityofnorthport.com](mailto:jpelfrey@cityofnorthport.com)>; Ryan Pieper <[rpieper@cityofnorthport.com](mailto:rpieper@cityofnorthport.com)>  
**Subject:** Tree Ordinance

An additional group of stakeholders in this effort would be our Realtor community.

As I am sure you have some great contacts with them, please let them know about this matter and we are seeking their input. Not sure if NP has a Realtor Association or organized group, but that would be a great connection for this

Frank

---

**From:** Frank Miles  
**Sent:** Friday, March 2, 2018 3:44 PM  
**To:** Ruth Buchanan <[rbuchanan@cityofnorthport.com](mailto:rbuchanan@cityofnorthport.com)>; Randy Welker <[rwelker@cityofnorthport.com](mailto:rwelker@cityofnorthport.com)>  
**Cc:** Heather Hansen <[hhansen@cityofnorthport.com](mailto:hhansen@cityofnorthport.com)>; Josh Pelfrey <[jpelfrey@cityofnorthport.com](mailto:jpelfrey@cityofnorthport.com)>; Ryan Pieper <[rpieper@cityofnorthport.com](mailto:rpieper@cityofnorthport.com)>  
**Subject:** Tree Ordinance

Ruth and Randy

We have been tasked with updating the community Tree Management ordinance. I wanted to make sure Economic Development knew we were doing this and secondly reach out to Bill at the Chamber to ensure we get him into the loop as this moves forward. We have invited representatives of the

Sierra Club, the People for Trees and Friends of Wildlife, in addition to Marty Black with WWID and other builders. The business community needs to have input as well.

We will take up the present ordinance and first review the Commission suggested changes (attached) then obtain inputs from stakeholders with a goal to host a couple citizen workshops on it then move towards a Workshop for Commission to provide them with options. I am seeking written inputs and comments to ensure everything is addressed and nothing missed.

We have also engaged our City Arborist to assist us. More to come.

The comments from Commission are attached as is a copy of the present Tree Ordinance (in WORD) – any comment from the Business community is welcomed

Thank you

**Frank Miles M.P.A.**

Planning Manager

Neighborhood Development Services Department

Planning Division

4970 City Hall Blvd.

North Port, FL 34286

O 941.429.7160

M 941-628-8368



[www.cityofnorthport.com](http://www.cityofnorthport.com) “Achieve Anything”

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**From:** [Frank Miles](#)  
**To:** [Heather Hansen](#); [Ryan Pieper](#); [David Cavanaugh](#); [Alison Christie](#); [Josh Pelfrey](#)  
**Subject:** FW: Tree Ordinance  
**Date:** Monday, March 12, 2018 8:49:53 AM

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Our first round of comments from the PFT folks- I thanked her and appreciated her comments and let her know we will get them into the conversation

Frank

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**From:** Alice White [mailto:treelady12001@yahoo.com]  
**Sent:** Sunday, March 11, 2018 9:09 PM  
**To:** Frank Miles <fmiles@cityofnorthport.com>  
**Subject:** Tree Ordinance

Frank- I understand that you're entertaining suggestions for our tree ordinance. As chair of People for Trees for the past 20 years, I am very familiar with this issue. You may find it useful to look up the tree protection offered by Jacksonville Florida. Tree protection was actually voted into their city charter by the citizens (2001) and they have updated and improved on their tree ordinance continually since then to offer more and greater protection for their native trees.

Below you will find my notes on what has been our concerns with North Port's ordinance.

I teach school during the day, but I would welcome the opportunity to sit down and have a conversation with you about this topic. Thanks!

### Tree Ordinance Notes:

Page 2: "Preservation" is noted twice. However, ordinance does **not** encourage the preservation of existing trees (i.e. mitigation is required **ONLY** for trees that have a diameter of 30" or more (Heritage) and **ONLY** if those trees are on a commercial site or NOT found within the footprint of a house on a residential lot).

Page 5, Sec. 45-2, B>: "Develop a mix....at **buildout** of the City."

Problem: This language does not require the maintenance and enhancement of the canopy to be ongoing so that residents today can enjoy the same benefits as those who will be here "at buildout". In addition, "buildout" is not defined so that such a date when the canopy is supposed to be maintained and enhanced will never actually come.

Page 8, Sec.45-3,"TREE"- The ordinance declares that ALL palms are now trees. Palms are monocots, trees are dicots. Botany charts clearly separate the two classes. North Port shouldn't redefine scientific terms. While Sabal Palms are an important part of our plant understory, their protection doesn't belong in a TREE ordinance; trees and palms should

NOT be interchangeable.

**Page 13, Sec. 45-7. “All zoning districts shall be required to meet a minimum standard of 35% canopy coverage AT MATURITY.”**

This one clause is very problematic. It REQUIRES something AT MATURITY yet the ordinance is only in effect during the time of land development. This is a HUGE loophole built into the ordinance that benefits the builders and developers, and not the health, safety, and well-being of the residents. How could something “be required” for a time that is no longer under control of the ordinance?

Instead, it should read “All zoning districts shall be required to meet a minimum standard of a 35% canopy **AT THE TIME OF DEVELOPMENT.**” (Note: 35% is EXTREMELY low. Fulton County Georgia, where Atlanta is located, has a tree ordinance recognized by the Arbor Day Foundation. It is a very urbanized area yet requires a canopy coverage of 66%.)

Then, the mitigation fees as defined in Sec. 45-10,B would actually apply.

The “35% canopy coverage AT MATURITY” encourages clear-cutting since the only trees that require mitigation are Heritage Trees with diameters of at least 30”; for example, over 5,000 trees considered “trees” under the ordinance, that is having diameters of at least 4 ½ inches, were removed for the Home Depot/Walmart site and no mitigation was paid for them.

Furthermore, the city provided no basis for how it determined that 35% tree canopy coverage would provide for the health, safety, and well-being of its residents. (Other than it was once determined by a tree committee I served on that about 65% of a residential lot is impacted during development, thus leaving only 35% of the land possibly available for trees.)

Page 18, Sec. 45-10, Sec. B> “Mitigation fees”. Since just a few planted trees once they are mature will satisfy the current ordinance, it’s unlikely such a situation would occur where mitigation fees would need to be paid (except for removing a Heritage tree that is not within the footprint of a house or on a commercial site). In other words, the ordinance

implies that there is mitigation for ANY trees removed whereas there isn't.

Page 19, Sec. 45-11. Heritage and Champion Trees.

Sizes of heritage trees should be differentiated instead of "one size fits all" and should reflect the major portion of our canopy which includes oaks and pines.

The ordinance exempts trees located within the footprint of a house but ALL Heritage trees removed should require a mitigation fee to be paid.

Page 23, Sec. 45-19. Priority Tree List.

Sweetgums should be listed.

Trees should only be native species.

Palms should NOT be considered as "small shade trees". They are monocots, not dicots.

Alice White

**People for Trees, Inc. Since 1997**

(941)426-9752

*"Save a tree today, and we'll all breathe a little easier!"*

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**From:** [Frank Miles](#)  
**To:** [Heather Hansen](#); [Josh Pelfrey](#); [Alison Christie](#); [Ryan Pieper](#)  
**Subject:** Tree Ordinance  
**Date:** Tuesday, March 13, 2018 1:26:03 PM

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More comments—I let her know we appreciated these and that we are aggressively moving this forward and want as wide a comment range as possible

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**From:** Edie [mailto:edriest@comcast.net]  
**Sent:** Tuesday, March 13, 2018 1:11 PM  
**To:** Frank Miles <fmiles@cityofnorthport.com>  
**Subject:** RE: Tree Ordinance

Hi Frank:

Please see below my input re tweaking the tree ordinance. I appreciate you working on this. And please note this process takes a lot of time which many folks cannot find. I am sure I have overlooked some concerns but again, time is a factor. And of course just because few are submitting their thoughts does not mean they are not passionate about this subject. I hope we can get some significant changes revised sooner rather than later. So much time has passed already. Here are my thoughts below.

Thank you,

Edie Driest

**(At 45.12, B (4) ULDC now reads:**

Heritage *tree* mitigation will not be required for those *trees* located within the footprint of the residential unit. This applies only to situations where there is not an alternative to re-position the residential unit location on the lot to avoid removal of the *tree*.

**This should be changed so that any removal of any heritage tree anywhere on the lot should incur a mitigation fee. And while you're at it, I am in favor of reducing the size required for mitigation. Maybe down to 15".**

**At 45.14, B - It reads:**

B. Penalties for offenses. This section applies to any *tree* removal without a permit. [Amended 1-30-2012 by Ord. No. 2011-32]

Each unauthorized removal of a single *tree* protected by this chapter shall be a separate violation or offense.(2)

In a case where clearing has occurred and the number of *trees* removed is unable to be determined by the City Manager or designee the penalties for offenses shall be as follows:

*Residential:* Two thousand five hundred dollars (\$2,500.00) fine shall be assessed per each ten thousand (10,000) square feet of lot/parcel or fraction thereof. In addition, the applicant shall secure an after-the-fact permit at double the permit fee, for permits other than a single-family dwelling built on a lot platted by General Development Corporation or Atlantic Gulf Corporation.

*Non-residential:* Five thousand dollars (\$5,000.00) per each ten thousand (10,000) square feet of lot/parcel or fraction thereof and required to plant four (4) replacement *trees* per ten thousand (10,000) square feet of lot/parcel and fraction thereof. In addition, the applicant shall secure an after-the-fact permit at double the permit fee. [Amended 1-30-2012 by Ord. No. 2011-32]

**This has not been enforced! I've seen where a lot was fully cleared and compacted with heavy roller equipment and the owner of the lot was fined ONLY \$91! This is off Wapelo Street! This is UNACCEPTABLE! Mind you this was done on the weekend when there is no one at the city available to contact. We need to have a phone # to call on weekends please.**

#### **Trees in parking lots, at 21-8:**

Please consider using bio swales. It appears there are some good reasons to do this, such as: It allows us to keep some of the trees at initial clearing. They'd be lower than the parking lot assuming fill is brought in but this would allow us to **keep** mature trees that are already intact AND that area could also be used for run-off. This would allow a means of the tree to be watered (contrary to what the trees are like at Lowe's) and the plant life could help filter that runoff.

There are some similar such swales in the parking lot at Sams in Port Charlotte and here is a link that talks about them in general. Of course there is a lot more information online about them as well.

<http://treesandstormwater.org/parking-lot-bioswales-provide-valuable-stormwater-and-pollutant-reduction/>

**Regarding bufferings in the 30 +/- North Port nodes and around commercial developments. At Sec. 21-9. - Landscaping the perimeter of abutting land uses.** Compare NP's to other muni's. Other muni's have greater buffering requirements between various zonings than North Port. Consider especially at the 'nodes' the number of private homes that abut them. This is truly where the buffering should be made greater for the poor zoning that currently exists there.

Please refer to Martin County for example. Here is a link to their requirements:  
[https://library.municode.com/fl/north\\_port/codes/unified\\_land\\_development\\_code?nodeId=CH21LARE](https://library.municode.com/fl/north_port/codes/unified_land_development_code?nodeId=CH21LARE)

**Do developers take advantage of the credits they can earn by keeping trees and/or plants intact when clearing land? If they don't, maybe the credit needs to be increased so that this practice is encouraged!**

, Martin County gives incentives to keep foliage. Does North Port? See Martin County's **Sec. 4.663. - Landscape design standards.** “2.

Credit towards landscape area requirements may be allowed for all or part of native habitat in addition to upland preserve area requirements, provided the applicant demonstrates to the satisfaction of the Director of Growth Management that the native area claimed for credit includes one or more of the following:

- a. Tree clusters including native vegetative communities, protected from development impact.
- b. Vegetative areas with native under story flora, protected from development impact.
- c. Protected trees.
- d. Constitutes a perimeter buffer along any roadway, parking lot or adjacent property. **(I would like very much to have more buffering around our developments. Trees are a whole lot more pleasant and healthy. They buffer noise, pollution, ugly parking lots, provides wildlife some habitat, etc. Can we please address this in some fashion?)**

**Sec. 45-11 (B)(2) - Tree replacement, relocation and mitigation:**

Heritage tree mitigation fees. Fees shall be assessed on a diameter at breast height (DBH) inch for the trees meeting the minimum DBH requirement for protection under this chapter.

(1) In no event shall the mitigation fee for any one (1) tree be less than one hundred dollars (\$100.00) per inch at DBH. In addition, a one hundred dollars (\$100.00) fee for labor and handling shall be assessed per tree and the cost of replacement trees.

2. **Any tree up to twenty-nine and seven-eighth (29 7/8 ) inches DBH does not require mitigation.**

**I feel the size for mitigation should be reduced. Call the tree something other than 'heritage' but a tree of less size should still be mitigated via a monetary value/fee. Maybe we could consider starting at 15". It's interesting to note that in the city of DelRay Beach, their trees are valued a great deal more. Here's a link to their municode with that info; see 5 D:**

**[https://library.municode.com/fl/delray\\_beach/codes/land\\_development\\_regulations?nodeId=CH4ZORE\\_ART4.6SUDIRE\\_S4.6.19TRPRPRENMA](https://library.municode.com/fl/delray_beach/codes/land_development_regulations?nodeId=CH4ZORE_ART4.6SUDIRE_S4.6.19TRPRPRENMA)**

## **Sec. 45-19. - Priority tree list.**

On the Priority Tree List, I did not see Sabal Palms/Cabbage Palms. Because they are native and clearly are an integral plant to our native ecology, and they just happen to be the state's tree, I support having their presence as a requirement in our ULDC and in our landscaping. Personally, I would much prefer to see these palms instead of Queen or Royal Palms that are often times used as landscaping choices.

I am very pleased to see our pines – Long Leaf and Slash. They were here long before man moved in here and should be celebrated. Today there is only like 1%-3% of what was first in the SE U.S. It would be super if those pines could be planted along 41 near Olde World Restaurant and elsewhere.

...

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**From:** [Frank Miles](#)  
**To:** [Martin Black WVID](#); [Marty Black](#)  
**Subject:** Tree Ordinance  
**Date:** Tuesday, March 13, 2018 1:28:00 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image004.png](#)

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FYI – please feel free to comment and circulate any issues you have – get them to us so we can gather the data

Thank you

Frank

---

**From:** Frank Miles  
**Sent:** Monday, March 12, 2018 2:33 PM  
**To:** Ruth Buchanan <[rbuchanan@cityofnorthport.com](mailto:rbuchanan@cityofnorthport.com)>; Jon Mast <[jon@ms-bia.org](mailto:jon@ms-bia.org)>  
**Subject:** RE: Tree Ordinance

Jon-Ruth

Thank you for your interest in assisting us with this effort. Right now we are soliciting input from any affected constituencies regarding revisions to the Tree Ordinance of North Port. Our intent is to develop a public outreach approach to obtain inputs from those affected by the ordinance changes as well as those individuals in the community with an interest in it. Right now two community workshops are envisioned in mid April with a Commission workshop set for early May for considered changes.

If you could take a look at the ordinance and let us know any concerns you may have with it presently, it will help inform the process. We are seeking input from numerous groups for this process so if there other constituencies you think may have an interest, please feel free to forward.

Here is the link

[https://library.municode.com/fl/north\\_port/codes/unified\\_land\\_development\\_code?nodeId=CH45TRPRRE](https://library.municode.com/fl/north_port/codes/unified_land_development_code?nodeId=CH45TRPRRE)

Sincerely

Frank Miles, MPA

---

**From:** Ruth Buchanan  
**Sent:** Wednesday, March 7, 2018 6:00 PM  
**To:** Jon Mast <[jon@ms-bia.org](mailto:jon@ms-bia.org)>; Frank Miles <[fmiles@cityofnorthport.com](mailto:fmiles@cityofnorthport.com)>  
**Subject:** RE: Tree Ordinance

Hi Frank,

Economic Development appreciates you including us in the conversation, and also the opportunity to allow the business community to provide feedback on North Port's tree ordinance. Per your request of March 5<sup>th</sup>, I distributed your email to my contacts in the region, including Jon Mast, the CEO of the Manatee-Sarasota BIA.

Through this email I am introducing you to Jon. He is a very good person to know and a great friend of growth and economic development of North Port and the region. As I expected, he is responding to my call for assistance and so he has some basic follow up questions which I think are best answered by you.

Kindly see below, and please feel free to reply to this email thread as the information you share with him would also be of value to me. And, I am sure, to be asked of me by others as well.

Thank you, Frank, for assisting Jon with this. He will be a very good partner for us in this particular project.

Jon, thank you again for your kind assistance with this. Please don't hesitate to reach out to me as you need our assistance in economic development.

The full contact information for you both are within the email thread, for your reference.

Best regards to both of you,

*Ruth*

**Ruth A. Buchanan, MBA, CEcD**

Economic Development Program Manager

City Manager's Office

City of North Port

4970 City Hall Boulevard

North Port, FL 34286

Phone 941.429.7029

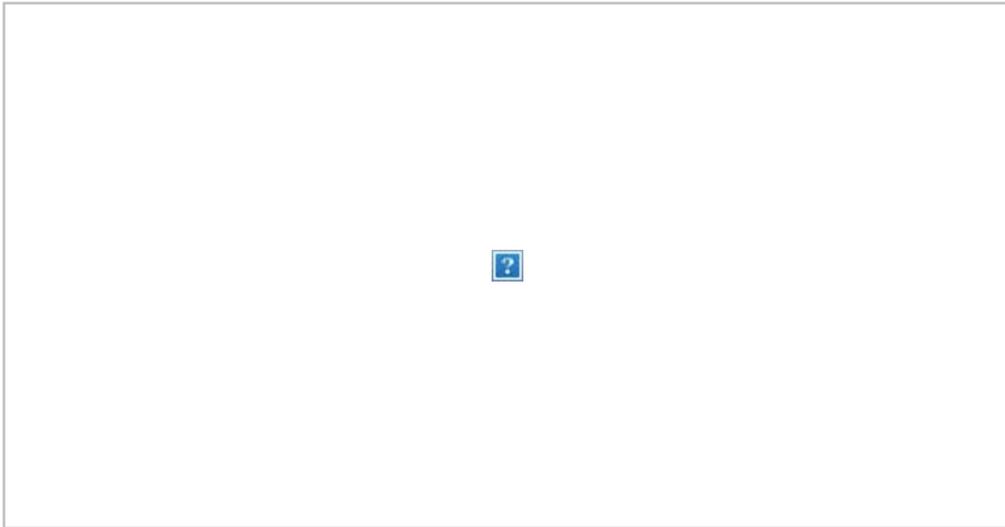
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**From:** Jon Mast [<mailto:jon@ms-bia.org>]  
**Sent:** Wednesday, March 7, 2018 5:40 PM  
**To:** Ruth Buchanan <[ruchanan@cityofnorthport.com](mailto:ruchanan@cityofnorthport.com)>  
**Subject:** RE: Tree Ordinance

Ruth,

When is the next workshop and when is the Commission going to be considering these changes?

Jon



Jon Mast, MPA, CGC  
Chief Executive Officer  
Manatee-Sarasota BIA  
6650 Professional Parkway West  
Suite 102  
Sarasota, FL 34240  
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<http://www.ms-bia.org>  
[www.paradeofhomesinfo.com](http://www.paradeofhomesinfo.com)

NAHB logo



FHBA-vertical-sigblocksize



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**From:** Frank Miles  
**Sent:** Monday, March 5, 2018 9:04 AM  
**To:** Ruth Buchanan <[rbuchanan@cityofnorthport.com](mailto:rbuchanan@cityofnorthport.com)>; Randy Welker <[rwelker@cityofnorthport.com](mailto:rwelker@cityofnorthport.com)>  
**Cc:** Heather Hansen <[hhansen@cityofnorthport.com](mailto:hhansen@cityofnorthport.com)>; Josh Pelfrey <[jpelfrey@cityofnorthport.com](mailto:jpelfrey@cityofnorthport.com)>; Ryan Pieper <[rpieper@cityofnorthport.com](mailto:rpieper@cityofnorthport.com)>  
**Subject:** Tree Ordinance

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As I am sure you have some great contacts with them, please let them know about this matter and we are seeking their input. Not sure if NP has a Realtor Association or organized group, but that would be a great connection for this

Frank

---

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**Sent:** Friday, March 2, 2018 3:44 PM  
**To:** Ruth Buchanan <[rbuchanan@cityofnorthport.com](mailto:rbuchanan@cityofnorthport.com)>; Randy Welker <[rwelker@cityofnorthport.com](mailto:rwelker@cityofnorthport.com)>  
**Cc:** Heather Hansen <[hhansen@cityofnorthport.com](mailto:hhansen@cityofnorthport.com)>; Josh Pelfrey <[jpelfrey@cityofnorthport.com](mailto:jpelfrey@cityofnorthport.com)>; Ryan Pieper <[rpieper@cityofnorthport.com](mailto:rpieper@cityofnorthport.com)>  
**Subject:** Tree Ordinance

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Thank you

**Frank Miles M.P.A.**

Planning Manager

Neighborhood Development Services Department

Planning Division

4970 City Hall Blvd.

North Port, FL 34286

O 941.429.7160

M 941-628-8368



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**From:** [Frank Miles](#)  
**To:** [Ruth Buchanan](#)  
**Cc:** "[William Gunnin](#)"; [Randy Welker](#)  
**Subject:** RE: Tree Ordinance  
**Date:** Thursday, March 15, 2018 4:33:00 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image004.png](#)

---

Thank you.

We want to make sure all of our constituencies have a chance to provide input and our business community is certainly a key constituency

Frank Miles

---

**From:** Ruth Buchanan  
**Sent:** Thursday, March 15, 2018 4:31 PM  
**To:** Frank Miles <[fmiles@cityofnorthport.com](mailto:fmiles@cityofnorthport.com)>  
**Cc:** 'William Gunnin' <[wgunnin@northportareachamber.com](mailto:wgunnin@northportareachamber.com)>; Randy Welker <[rwelker@cityofnorthport.com](mailto:rwelker@cityofnorthport.com)>  
**Subject:** RE: Tree Ordinance

Frank,

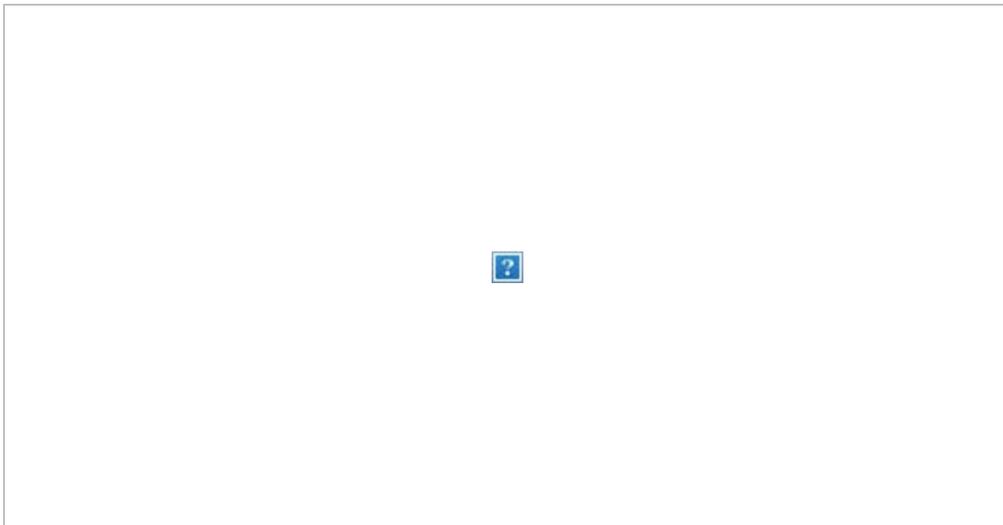
I have been speaking with Bill about this. Here is his contact information:

William J. Gunnin  
Executive Director  
North Port Area Chamber of Commerce  
15141 Tamiami Trail  
North Port, FL 34287  
office: 941-564-3040 cell: 941-615-7265 fax: 941-423-5042

*Ruth*

**Ruth A. Buchanan, MBA, CEcD**  
Economic Development Program Manager  
City Manager's Office  
City of North Port  
4970 City Hall Boulevard  
North Port, FL 34286  
Phone 941.429.7029  
Fax 941.429.7079  
[rbuchanan@cityofnorthport.com](mailto:rbuchanan@cityofnorthport.com)  
[www.cityofnorthport.com](http://www.cityofnorthport.com)  
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---

**From:** Frank Miles

**Sent:** Thursday, March 15, 2018 4:27 PM

**To:** Ruth Buchanan <[rbuchanan@cityofnorthport.com](mailto:rbuchanan@cityofnorthport.com)>; Jon Mast <[jon@ms-bia.org](mailto:jon@ms-bia.org)>

**Subject:** RE: Tree Ordinance

Ruth

Have we gotten word to Bill at our North Port Chamber? I would guess that their Govt Relations Committee will want to take this up

Frank

---

**From:** Frank Miles

**Sent:** Monday, March 12, 2018 2:33 PM

**To:** Ruth Buchanan <[rbuchanan@cityofnorthport.com](mailto:rbuchanan@cityofnorthport.com)>; Jon Mast <[jon@ms-bia.org](mailto:jon@ms-bia.org)>

**Subject:** RE: Tree Ordinance

Jon-Ruth

Thank you for your interest in assisting us with this effort. Right now we are soliciting input from any affected constituencies regarding revisions to the Tree Ordinance of North Port. Our intent is to develop a public outreach approach to obtain inputs from those affected by the ordinance changes as well as those individuals in the community with an interest in it. Right now two community workshops are envisioned in mid April with a Commission workshop set for early May for considered changes.

If you could take a look at the ordinance and let us know any concerns you may have with it presently, it will help inform the process. We are seeking input from numerous groups for this process so if there other constituencies you think may have an interest, please feel free to forward.

Here is the link

[https://library.municode.com/fl/north\\_port/codes/unified\\_land\\_development\\_code?nodeId=CH45TRPRRE](https://library.municode.com/fl/north_port/codes/unified_land_development_code?nodeId=CH45TRPRRE)

Sincerely

Frank Miles, MPA

---

**From:** Ruth Buchanan  
**Sent:** Wednesday, March 7, 2018 6:00 PM  
**To:** Jon Mast <[jon@ms-bia.org](mailto:jon@ms-bia.org)>; Frank Miles <[fmiles@cityofnorthport.com](mailto:fmiles@cityofnorthport.com)>  
**Subject:** RE: Tree Ordinance

Hi Frank,

Economic Development appreciates you including us in the conversation, and also the opportunity to allow the business community to provide feedback on North Port's tree ordinance. Per your request of March 5<sup>th</sup>, I distributed your email to my contacts in the region, including Jon Mast, the CEO of the Manatee-Sarasota BIA.

Through this email I am introducing you to Jon. He is a very good person to know and a great friend of growth and economic development of North Port and the region. As I expected, he is responding to my call for assistance and so he has some basic follow up questions which I think are best answered by you.

Kindly see below, and please feel free to reply to this email thread as the information you share with him would also be of value to me. And, I am sure, to be asked of me by others as well.

Thank you, Frank, for assisting Jon with this. He will be a very good partner for us in this particular project.

Jon, thank you again for your kind assistance with this. Please don't hesitate to reach out to me as you need our assistance in economic development.

The full contact information for you both are within the email thread, for your reference.

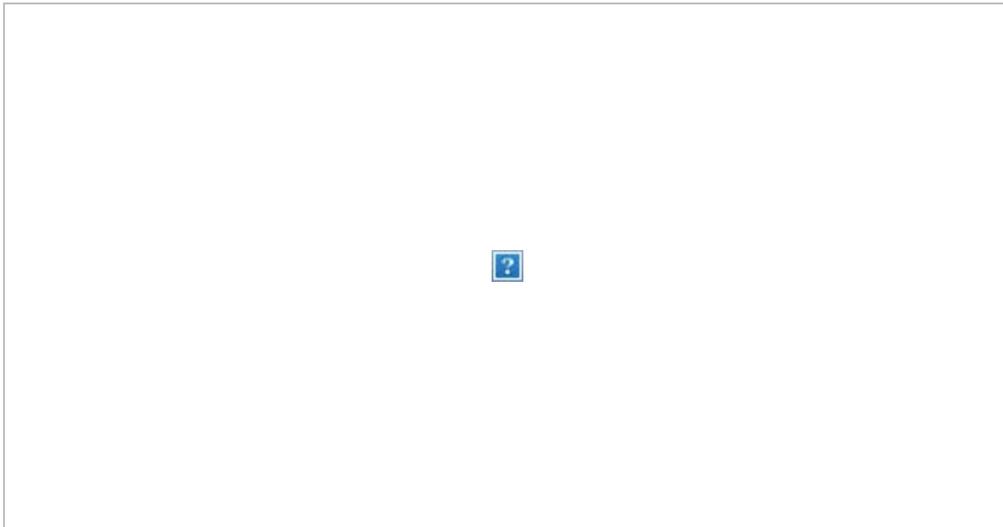
Best regards to both of you,

*Ruth*

**Ruth A. Buchanan, MBA, CEcD**  
Economic Development Program Manager

City Manager's Office  
City of North Port  
4970 City Hall Boulevard  
North Port, FL 34286  
Phone 941.429.7029  
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[NORTH PORT TOP EMPLOYERS LIST](#)



---

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**Sent:** Wednesday, March 7, 2018 5:40 PM  
**To:** Ruth Buchanan <[rbuchanan@cityofnorthport.com](mailto:rbuchanan@cityofnorthport.com)>  
**Subject:** RE: Tree Ordinance

Ruth,

When is the next workshop and when is the Commission going to be considering these changes?

Jon





Jon Mast, MPA, CGC  
Chief Executive Officer  
Manatee-Sarasota BIA  
6650 Professional Parkway West  
Suite 102  
Sarasota, FL 34240  
(941) 907-4133 x 304  
Cell (941) 345-6064  
Fax (941) 907-4134  
<http://www.ms-bia.org>  
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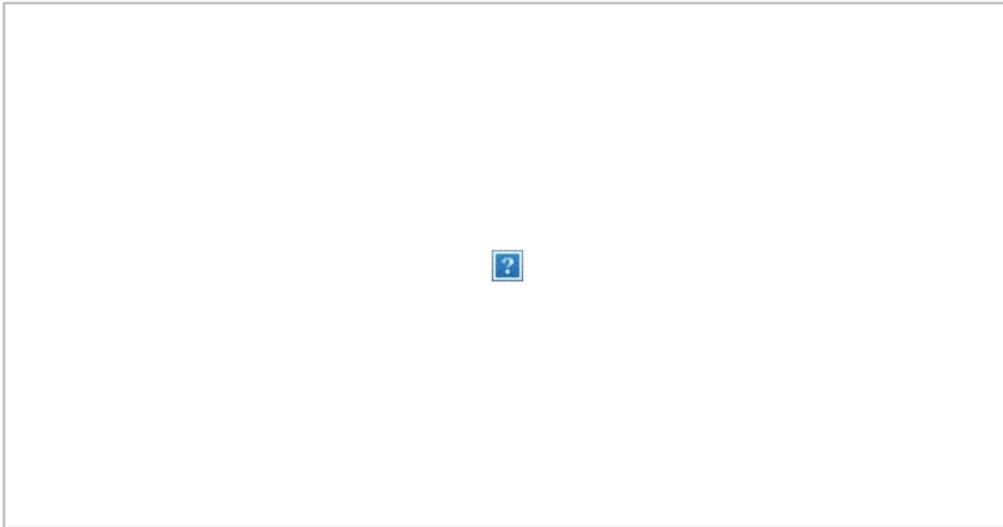
Fax 941.429.7079

[rbuchanan@cityofnorthport.com](mailto:rbuchanan@cityofnorthport.com)

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Jon Mast, MPA, CGC  
Chief Executive Officer  
Manatee-Sarasota BIA  
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Suite 102  
Sarasota, FL 34240  
(941) 907-4133 x 304

Cell (941) 345-6064  
Fax (941) 907-4134  
<http://www.ms-bia.org>  
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**From:** [Frank Miles](#)  
**To:** [Jon Mast](#)  
**Subject:** RE: Tree Ordinance Survey  
**Date:** Monday, April 2, 2018 3:09:00 PM

---

Thanks Jon

---

**From:** Jon Mast <jon@ms-bia.org>  
**Sent:** Monday, April 2, 2018 3:06 PM  
**To:** Frank Miles <fmiles@cityofnorthport.com>  
**Subject:** Re: Tree Ordinance Survey

Frank  
Thank you for the update, I must have missed it previously.

Jon Mast, MPA  
CEO MSBIA  
Sent from my iPhone

On Apr 2, 2018, at 3:05 PM, Frank Miles <[fmiles@cityofnorthport.com](mailto:fmiles@cityofnorthport.com)> wrote:

Jon

As mentioned to you previously, a citizen survey on the potential changes to the Tree Ordinance is published on the website along with basic background info on the present requirements. The availability of this site will be advertised on public media, as well as social platforms for the City. Please follow this link:  
[www.cityofnorthport.com/treeprotection](http://www.cityofnorthport.com/treeprotection).

Dates for the two public meetings are also listed – at these meetings we will ask these same kinds of questions to solicit responses. Developer/Builder/business input is also critical – please pass out this info along to your networks

Frank Miles MPA  
Planning Division Manager  
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**From:** [Frank Miles](#)  
**To:** [larry@tenbuschhomes.com](mailto:larry@tenbuschhomes.com)  
**Subject:** Tree Ordinance Survey  
**Date:** Monday, April 2, 2018 3:07:00 PM

---

Larry

As mentioned to you previously, a citizen survey on the potential changes to the Tree Ordinance is published on a website, along with basic background info on the present requirements. The availability of this site will be advertised on public media, as well as social platforms for the City.

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Frank Miles MPA  
Planning Division Manager

**From:** [Frank Miles](#)  
**To:** [Allain Hale](#)  
**Cc:** [Edie](#)  
**Subject:** Tree Ordinance Survey  
**Date:** Monday, April 2, 2018 3:09:00 PM

---

Allain-Edie

As I mentioned to you previously, a website with a citizen survey on the potential changes to the Tree Ordinance is published now, along with basic background info on the present tree requirements. The availability of this site will be advertised on public media, as well as social platforms for the City. Please follow this link: [www.cityofnorthport.com/treeprotection](http://www.cityofnorthport.com/treeprotection).

Dates for the two public meetings are also listed – at these meetings we will ask these same kinds of questions to solicit responses. Environmental/Business/Developer/Builder input is also critical – please pass out this info along to your networks

Frank Miles MPA  
Planning Division Manager

**From:** [Frank Miles](#)  
**To:** [William Gunnin](#)  
**Subject:** RE: Tree Ordinance Survey  
**Date:** Monday, April 2, 2018 3:40:00 PM

---

Thanks Bill- we got some other items in the hopper which may be of interest to you and the Chamber- lets get together sometime to discuss

Frank

---

**From:** William Gunnin <[wgunnin@northportareachamber.com](mailto:wgunnin@northportareachamber.com)>  
**Sent:** Monday, April 2, 2018 3:40 PM  
**To:** Frank Miles <[fmiles@cityofnorthport.com](mailto:fmiles@cityofnorthport.com)>  
**Subject:** RE: Tree Ordinance Survey

Will Do.

Thanks.

Bill

---

**From:** Frank Miles <[fmiles@cityofnorthport.com](mailto:fmiles@cityofnorthport.com)>  
**Sent:** Monday, April 2, 2018 3:05 PM  
**To:** Fred Tower <[TFREDIII@aol.com](mailto:TFREDIII@aol.com)>; William Gunnin <[wgunnin@northportareachamber.com](mailto:wgunnin@northportareachamber.com)>  
**Subject:** Tree Ordinance Survey

Bill and Fred

As mentioned to you previously, a citizen survey on the potential changes to the Tree Ordinance is published on the website along with basic background info on the present requirements. The availability of this site will be advertised on public media, as well as social platforms for the City.

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Frank Miles MPA

Planning Division Manager

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**From:** [Frank Miles](#)  
**To:** [Edie](#)  
**Subject:** RE: Tree Ordinance Survey  
**Date:** Tuesday, April 3, 2018 12:56:00 PM

---

I will give it to the team- thanks Edie

Frank

---

**From:** Edie <edriest@comcast.net>  
**Sent:** Tuesday, April 3, 2018 12:56 PM  
**To:** Frank Miles <fmiles@cityofnorthport.com>  
**Subject:** RE: Tree Ordinance Survey

Hi Frank:

Would you please note this info, I'm passing it along re our current tree ordinance:

"Note that Mahoe in the proposed tree ordinance for North Port is not native, and is considered an invasive. It is endemic to Asia."

If this is true, then we shouldn't have it in our ordinance.

Can you make note of that?

Thank you again!

Edie

On April 3, 2018 at 12:34 PM Frank Miles <[fmiles@cityofnorthport.com](mailto:fmiles@cityofnorthport.com)> wrote:

You are welcome

Frank

---

**From:** Edie <[edriest@comcast.net](mailto:edriest@comcast.net)>  
**Sent:** Tuesday, April 3, 2018 12:12 PM  
**To:** Frank Miles <[fmiles@cityofnorthport.com](mailto:fmiles@cityofnorthport.com)>  
**Subject:** Re: Tree Ordinance Survey

Good job, thank you! ;-)

On April 2, 2018 at 3:09 PM Frank Miles <[fmiles@cityofnorthport.com](mailto:fmiles@cityofnorthport.com)> wrote:

Allain-Edie

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**From:** [Frank Miles](#)  
**To:** [Allain Hale](#)  
**Subject:** RE: from Allain Hale: Tree Ordinance comments  
**Date:** Monday, April 9, 2018 4:24:00 PM

---

Thank you Allain

I will provide these to the team

Frank Miles MPA

---

**From:** Allain Hale <allainhale@hotmail.com>  
**Sent:** Monday, April 9, 2018 4:23 PM  
**To:** Frank Miles <fmiles@cityofnorthport.com>  
**Subject:** from Allain Hale: Tree Ordinance comments

**To: Frank Miles**

**from: Allain Hale**

**Subject:** Tree ordinance recommendations and suggestions

First of all, I would like to mention the basic problems with preserving our tree canopy: (1) weak, ignored enforcement (2) penalties or fines reduced or never collected (3) the goal of a maintaining a 35% canopy is treated like a future event, not like a process that should be shaping growth as it occurs. In effect, this is like moving the goalpost back so the opposing team can never score.

**Suggested changes**

Page 13, Section 45-47: Change to read, “All zoning districts should be required to meet a minimum standard of 35% canopy at the time of development.”

Page 19, Section 45-11: Change this to require ONLY native hardwood species trees to be used for mitigation. No palms or exotics that require fertilizer. Replanting Longleaf Pines are encouraged by the Florida Forestry

Division instead of Slash Pines.

Mitigation, Section 45-10 B: All mitigation fees for a heritage tree removed within the footprint of a house are mandatory, period. There should be mitigation fees for ANY TREES removed, both large and small, because the loss of the woodlands to residential lots caused more upkeep and management problems for the City, in the future. The City should be exacting fees for burdening it with more responsibility, higher taxes and liability that is to come. A natural area tends itself, a developed property has to be maintained from then on.

Section 45.14 B: I suspect most illegal tree clearing happens on the weekends when no one can reach any staff people to report it. Add to this section a requirement that the City shall provide a hotline phone number to reach an arborist 24 hours a day. The police should have the power to intervene and stop tree clearing off-site of private property.

Section 21.8: The City should encourage using pervious marl for parking lots instead of asphalt to minimize run-off and enhance absorption of rainfall into the watershed.

Landscaping as a buffer Section 21-9: There is little regard paid to the importance of understory when used as a buffer between properties. Understory is what animals and birds seek for feeding and safety, trees are for nesting. I would like to see understory plants like dahoon holly, beautyberry and mulberry planted as an understory beneath trees.

Landscaping as a hurricane buffer: A recent tree study showed that houses that were protected by *groups or copses of trees* provided better wind defense than by single, large trees. The reason was that the brunt of the wind was softened by several trees sharing the impact. The City should encourage home owners to landscape with groups of trees as a hurricane buffer, especially resilient ones like sweetgum, hickory, maple, Norfolk Pine. I believe any resident who has witnessed a hurricane will get it.

Creative land planning: Most people detest clear cutting, but it's the loop holes in the Tree Ordinance (specifically, that *only* heritage trees are saved, everything else goes) that lead to this practice. Upping the fees for the removal of all understory and trees, regardless of their diameter, is the key to stop clear cutting.

I believe the City must adamantly stand behind the preservation of its trees where it can, and demand that builders follow our standards, or go somewhere else to build. Projects must be thoughtfully planned out so they look tasteful. Even a gas station looks better when its surrounded by trees! It's a matter of the City Government having confidence in their vision of the City, and demanding builders to be more creative in what they propose. I want the City to have the reputation for exacting, uncompromising standards. Believe me, the builders will rise to it and surprise you. They just want to know if you *really* mean it.

**From:** [Frank Miles](#)  
**To:** [Elizabeth Wong](#)  
**Cc:** [Julie Bellia](#); [Gerardo Traverso](#); [Heather Hansen](#); [Josh Pelfrey](#); [Alison Christie](#); [Ryan Pieper](#)  
**Subject:** RE: Tree Ordinance Survey  
**Date:** Monday, April 9, 2018 3:18:00 PM

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I will let the team know

---

**From:** Elizabeth Wong  
**Sent:** Monday, April 9, 2018 3:07 PM  
**To:** Frank Miles <[fmiles@cityofnorthport.com](mailto:fmiles@cityofnorthport.com)>  
**Cc:** Julie Bellia <[jbellia@cityofnorthport.com](mailto:jbellia@cityofnorthport.com)>; Gerardo Traverso <[gtraverso@cityofnorthport.com](mailto:gtraverso@cityofnorthport.com)>  
**Subject:** RE: Tree Ordinance Survey

Frank, below is my suggestion on trees in the code revision

- If trees are proposed around the stormwater pond, please plant evergreen varieties with the least amount of leaf droppings into the pond. Pond cypress is not recommended around the ponds as these trees shed its entire load of leaves annually and can add to the organic and nutrient mass loading into the pond.

**Elizabeth Wong P.E.**

Stormwater Manager  
City of North Port  
Department of Public Works  
1100 N. Chamberlain Blvd  
North Port, FL 34286  
Phone 941.240.8321  
Fax 941.240.8063  
[ewong@cityofnorthport.com](mailto:ewong@cityofnorthport.com)  
[www.cityofnorthport.com](http://www.cityofnorthport.com)

A City where you can "Achieve Anything."

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**From:** Frank Miles  
**Sent:** Monday, April 2, 2018 3:25 PM  
**To:** Julie Bellia <[jbellia@cityofnorthport.com](mailto:jbellia@cityofnorthport.com)>; Elizabeth Wong <[ewong@cityofnorthport.com](mailto:ewong@cityofnorthport.com)>  
**Subject:** Tree Ordinance Survey

As mentioned to you previously, Commission has directed changes to the City's Tree ordinance. A citizen survey on the potential changes to the Tree Ordinance is now published on a website, along with basic background info on the present requirements. The availability of this site will be advertised on public media, as well as social platforms for the City. Please follow this link: [www.cityofnorthport.com/treeprotection](http://www.cityofnorthport.com/treeprotection).

Dates for the two public meetings are also listed – at these meetings we will ask these same kinds of questions to solicit responses. Environmental/Developer/Builder/business input is also critical – please pass out this info along to your networks

Frank Miles MPA

Planning Division Manager

E-mail messages sent or received by City of North Port officials and employees in connection with official City business are public records subject to disclosure under the Florida Public Records Act.

**From:** [Frank Miles](#)  
**To:** [David Iannotti](#)  
**Subject:** RE: Tree ordinance feedback  
**Date:** Tuesday, April 10, 2018 11:03:00 AM

---

Thank you David

I will pass these onto the team

Frank Miles MPA

-----Original Message-----

From: David Iannotti <davidmiannotti@hotmail.com>  
Sent: Tuesday, April 10, 2018 10:55 AM  
To: Frank Miles <fmiles@cityofnorthport.com>  
Subject: Tree ordinance feedback

Hi Frank,

I am sharing my feedback from the general comments section of the recent tree ordinance survey.

My tree survey responses ( comment section)

My biggest concern right now is Public Works allowing the removal of trees on city right of way on the canals. These are trees that are not on the developers permit and not authorized for removal by the city arborist. These trees stabilize the canals clean the canals and provide wildlife habitat.

There is a dismissive attitude of expressed by public works that it is not possible to save any trees on single lot septic sites. This is not true and I offered specific homesites to public works as examples of how it can be done. Two of the three I was able to immediately recall were built by Woodland Construction (from Nokomis). A neighbor and a house down the road we're built by him and in each case native pines were left at lot rear corners. So it can be done and yes I'd be in favor of some small fee concessions for builders who leave native canopy of significant size/ height.

Pines and sabal palms , and to a lesser extent oaks comprise the majority of our native canopy and as such wildlife habitat. More protections need to be give to pines. These trees are being removed at an alarming rate. The pine is as much a symbol of North Port as is the Bobcat. Both are being endangered by our land clearing.

In regards to coverage of 35% at maturity the issue is there is no follow up to insure trees planted actually survive or are not removed. We need a system to require larger trees planted or a follow up system that inspects trees planted. In short we need to take the matter seriously and developers need to know that.

Thank you,  
David M Iannotti  
2134 Beeville Ave  
North Port, FL 34286

PS As for the mailer, I would also ask that the city think about sending out a welcoming mailer to our new residents outlining a number of things they should be aware of. I understand there is a welcome letter sent to businesses, so why not have one for residents too.

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**From:** [Frank Miles](#)  
**To:** [Edie](#); [Allain Hale](#); [Alice White](#); [davidmiannotti@hotmail.com](mailto:davidmiannotti@hotmail.com)  
**Subject:** RE: Can we get this into the tree code when that gets tweaked re clearing  
**Date:** Tuesday, April 10, 2018 11:07:00 AM

---

Edie

Thanks will make sure this is considered

Frank Miles MPA

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**From:** Edie <edriest@comcast.net>  
**Sent:** Tuesday, April 10, 2018 11:07 AM  
**To:** Frank Miles <fmiles@cityofnorthport.com>; Allain Hale <allainhale@hotmail.com>; Alice White <treelady12001@yahoo.com>; davidmiannotti@hotmail.com  
**Subject:** Can we get this into the tree code when that gets tweaked re clearing

Hi Frank:

Please read below a message I sent the commissioners last year.

I would hope that clearing with machinery without a permit could be entered into code as illegal. It would be good if this can be added when the tree ordinance is tweaked.

THANK YOU!

Edie

Good day, Commissioners:

I was present at the recent tree workshop but had to leave at the break. For the portion I missed, I was able to listen to the archived audio recording. Regarding the topic of clearing underbrush on private properties, this is a concern for protected species, including but not limited to the gopher tortoise. I'm especially referring to the discussion regarding clearing with a machine.

As you know, it is our beautiful environment that attracts many people to this area because it offers a unique and richer way of life (every city has fast food and chain restaurants, gas stations, etc.) As we build out North Port we have the opportunity to do so while maintaining what makes North Port special, and that means growing with consideration for our wildlife.

Regarding the gopher tortoise, as you're aware, North Port has plenty of them and as you're also aware, they are a protected species. Thinking through the issue of land clearing a few

things come to mind:

If our residents are told they can clear by hand, okay but please alert these folks that they need to be mindful of this species and their burrows. (It's against the law to molest or harm the burrow or the species.) As for them clearing with the use of machinery, that's taking the risk of possibly crushing or collapsing a burrow and depending on time of year that means destroying gopher tortoise eggs too. Machinery adds a level of risk for burying a tortoise alive or even running over them.

During the tree workshop, Mr. Scott Williams mentioned there not being issues with illegal clearing. This is not accurate. Possibly the various City entities do not seamlessly share information, but we are seeing quite a bit of unpermitted tree removal and illegal clearing taking place and in some cases the responsible parties are not held accountable in any meaningful way.

Recently, there was a homeowner on Glacier Avenue who was clearing their lot with the use of machinery that came very close to damaging a burrow. (See photo attached.) Fortunately a neighbor called Florida Fish and Wildlife Conservation Commission (FWC) and the clearing activity was stopped. This is a prime example of possibly someone not knowing the law. At least one would hope that was the case.

Not long ago, unpermitted clearing and filling was done on Wapello. The result was a \$91 fine for the land owner. We could go on with other examples where there was as low a fine or no fine.

It is unclear from the tree workshop audio recording whether the Commission and City representatives are tuned in to existing statutes. Please refer to the attached PDF of the FL statute and note the highlighted section. You can see this references what shouldn't happen. If folks are told they are free to clear any way they want, that could be interpreted as the city giving the property owner a right to break the law.

With that said, until the City has a designated resource, Ryan Pieper needs to continue to look over properties before they're cleared. At least then there is a chance that if protected wildlife is present, they get the intended protection and have a chance for survival.

In closing, here is a request. The next time the city sends out some communication to its residents by way of a mailer, please include information about protected species. There are a lot of folks in our community who are not aware of the protective legal measures FWC has in place. If we're going to be a caring city for all living beings, consider this land clearing approach next time this discussion comes up.

Sincerely yours,

Edie Driest

PS As for the mailer, I would also ask that the city think about sending out a welcoming mailer to our new residents outlining a number of things they should be aware of. I understand there is a welcome letter sent to businesses, so why not have one for residents too.

## EDIE'S ATTACHMENT:

### 68A-27.001 Definitions.

When used in this rule chapter, the terms and phrases listed below have the meaning provided:

(1) Florida Endangered and Threatened Species – species that are designated by Commission rule as either:

(a) Federally-designated Endangered and Threatened species as defined below; or

(b) State-designated Threatened species as defined below. Florida Endangered and Threatened species retain their status regardless of subsequent changes in scientific nomenclature or subsequent identification of species or subspecies within the species listed.

(2) Federally-designated Endangered and Threatened Species – species of fish or wild animal life, subspecies or isolated populations of species or subspecies, whether vertebrate or invertebrate, that are native to Florida and are classified as Endangered and Threatened under Commission rule by virtue of designation by the United States Departments of Interior or Commerce as endangered or threatened under the Federal Endangered Species Act, 16 U.S.C. § 1531 et seq. and rules thereto; the definition of Federally-designated Endangered and Threatened Species does not include species that are not within the Commission's constitutional authority.

(3) State-designated Threatened Species – As designated by the Commission, species of fish or wild animal life, subspecies, or isolated population of a species or subspecies, whether vertebrate or invertebrate, that are native to Florida and are classified as Threatened as determined by paragraph (a), (b), (c), (d), or (e) below in accordance with Rule 68A-27.0012, F.A.C. The designation of a species as threatened shall include all subspecies unless stated otherwise in Commission rule.

(a) Reduction in population size based on any of the following:

1. An observed, estimated, inferred or suspected population size reduction of at least 50% over the last 10 years or three generations, whichever is the longer, where the causes of the reduction are: clearly reversible and understood and ceased, based on (and specifying) any of the following:

a. Direct observation,

b. An index of abundance appropriate to the taxon,

c. A decline in area of occupancy, extent of occurrence and/or quality of habitat,

d. Actual or potential levels of exploitation,

e. The effects of introduced taxa, hybridization, pathogens, pollutants, competitors or parasites.

2. An observed, estimated, inferred or suspected population size reduction of at least 30% over the last 10 years or three generations, whichever is the longer, where the reduction or its causes may not have ceased or may not be understood or may not be reversible, based on (and specifying) any of sub-subparagraphs (a)1.a. to (a)1.e. above.

3. A population size reduction of at least 30%, projected or suspected to be met within the next 10 years or three generations, whichever is the longer (up to a maximum of 100 years), based on (and specifying) any of sub-subparagraphs (a)1.b. to (a)1.e. above.

4. An observed, estimated, inferred, projected or suspected population size reduction of at least 30% over any 10 year or three generation period, whichever is longer (up to a maximum of 100 years in the future), where the time period must include both the past and the future, and where the reduction or its causes may not have ceased or may not be understood or may not be reversible, based on (and specifying) any of sub-subparagraphs (a)1.a. to (a)1.e. above.

(b) Geographic range in the form of either subparagraph (b)1. extent of occurrence or subparagraph (b)2. area of occupancy or both:

1. Extent of occurrence estimated to be less than 20,000 square kilometers (7,722 square miles), and estimates indicating at least two of sub-subparagraphs a.-c.:

a. Severely fragmented or known to exist at no more than 10 locations.

b. Continuing decline, observed, inferred or projected, in any of the following:

(I) Extent of occurrence,

(II) Area of occupancy,

(III) Area, extent and/or quality of habitat,

(IV) Number of locations or subpopulations,

(V) Number of mature individuals.

- c. Extreme fluctuations in any of the following:
    - (I) Extent of occurrence,
    - (II) Area of occupancy,
    - (III) Number of locations or subpopulations,
    - (IV) Number of mature individuals.
  - 2. Area of occupancy estimated to be less than 2,000 square kilometers (772 square miles), and estimates indicating at least two of sub-subparagraphs a.-c.:
    - a. Severely fragmented or known to exist at no more than 10 locations.
    - b. Continuing decline, observed, inferred or projected, in any of the following:
      - (I) Extent of occurrence,
      - (II) Area of occupancy,
      - (III) Area, extent and/or quality of habitat,
      - (IV) Number of locations or subpopulations,
      - (V) Number of mature individuals.
    - c. Extreme fluctuations in any of the following:
      - (I) Extent of occurrence,
      - (II) Area of occupancy,
      - (III) Number of locations or subpopulations,
      - (IV) Number of mature individuals.
    - (c) Population size estimated to number fewer than 10,000 mature individuals and either:
      - 1. An estimated continuing decline of at least 10% within 10 years or three generations, whichever is longer, (up to a maximum of 100 years in the future); or
      - 2. A continuing decline, observed, projected, or inferred, in numbers of mature individuals and at least one of the following (sub-subparagraphs a.-b.):
        - a. Population structure in the form of one of the following:
          - (I) No subpopulation estimated to contain more than 1000 mature individuals; or
          - (II) All mature individuals are in one subpopulation.
        - b. Extreme fluctuations in number of mature individuals.
      - (d) Population very small or restricted in the form of either of the following:
        - 1. Population size estimated to number fewer than 1000 mature individuals.
        - 2. Population with a very restricted area of occupancy (typically less than 20 square kilometers [8 square miles]) or number of locations (typically five or fewer) such that it is prone to the effects of human activities or stochastic events within a very short time period in an uncertain future, and is thus capable of becoming endangered or threatened or even extinct in a very short time period.
      - (e) Quantitative analysis showing the probability of extinction in the wild is at least 10% within 100 years.
- (4) Take – to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. The term “harm” in the definition of take means an act which actually kills or injures fish or wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. The term “harass” in the definition of take means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering.
- (5) Incidental take – any taking otherwise prohibited, if such taking is incidental to, and not the purpose of the carrying out of an otherwise lawful activity.
  - (6) Management plan – a document approved by the Commission with the purpose of providing guidance for the management of the species. The intent of management plans is to provide guidance to conserve species so that their status improves and the species can be removed from the Florida Endangered and Threatened Species list as well as to provide guidance to conserve the species so that they will not again need to be listed. It may be a comprehensive, single-species management plan; a multi-species plan; a document referencing applicable rules; or a document referencing a federal recovery plan that will be used for guidance in the management of the species. The management plan shall address biological status; identify measurable conservation objectives, including a time frame; identify any exempt activities if appropriate; identify conservation actions; identify incentives if appropriate;

recommend rules for species if warranted; identify permitting standards for incidental and intentional take to be established in rule; consider and evaluate anticipated economic, ecological, and social impacts of implementing or not implementing the management plan including a projection of costs of implementing the management plan and identification of the funding sources for the costs as determined through involvement of affected stakeholders and public input; and include a revision schedule.

(7) Native – a species, subspecies or isolated populations of species or subspecies that occur naturally in Florida or that has been reintroduced into its historic range, rather than occurring in Florida as a result of accidental or deliberate introduction by humans.

(8) Candidate species – A species of fish or wild animal life, subspecies, or isolated populations of species or subspecies, whether invertebrate or vertebrate, that the Commission has determined warrants listing as a State-designated Threatened Species in accordance with Rule 68A-27.0012, F.A.C., and is awaiting final Commission action to be added to the list of Florida Endangered and Threatened Species in Rule 68A-27.003, F.A.C.

(9) Isolated population – A significant and discrete population of a species or subspecies of fish or wild animal life that is reproductively separated from other populations of the same species or subspecies as a consequence of physical, ecological, or other factors.

(10) Data deficient – the condition where a species was evaluated and found to have insufficient scientific and commercial data to recommend a listing status for the species.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 11-8-10, Amended 11-14-11.*

**From:** [Frank Miles](#)  
**To:** [Ann M. O'Leary](#); [Edie Driest](#)  
**Subject:** RE: yesterday's tree ordinance meeting  
**Date:** Tuesday, April 24, 2018 10:41:00 AM

---

Ryan is obtaining this information

Thank you

Frank

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**From:** Ann M. O'Leary <ammoleary@gmail.com>  
**Sent:** Tuesday, April 24, 2018 10:00 AM  
**To:** Edie Driest <edriest@comcast.net>  
**Cc:** Frank Miles <fmiles@cityofnorthport.com>  
**Subject:** Re: yesterday's tree ordinance meeting

City Manager for Sarasota is Tom Barwin. 941-954-4102. Call his office and they will direct you to the right point of contact in Sarasota.

Regards,  
Ann

On 24. Apr 2018, at 08:24, Edie <[edriest@comcast.net](mailto:edriest@comcast.net)> wrote:

Good morning, Frank:

I'm sorry but I meant to introduce myself to you to say thanks for your helping us get through tweaking the ordinance.  
I was present at the meeting and wanted to follow up if I may.

I was seated in the Commercial discussion group.  
In some respects, I was sorry that we didn't get through more items with more written down.  
I felt our discussions kept losing focus and we'd run off the track.

We did talk about how to raise incentives that would encourage a developer to save trees.

That I feel is a difficult question primarily because most of us do not know the inner workings of the monies paid by the developers. What are those monies? One would imagine to incentivize a developer typically would be allowing him a discount or a break on making whatever payments he would typically make.

I think it was Ryan who said that Sarasota (County or city?) requires the developer to pay like double to what is required in North Port. Is that when mitigating to remove trees? Is that for the same 30" at DBH? I then asked if Ryan or someone could check with Sarasota to see just how effective their fee is. And if it deters the developer from removing trees, then one would think that's indeed working which could possibly be something we could then incorporate. And if it's not something that's working, then maybe the fee should actually be increased over that amount.

Thanks again. I hope you can incorporate the above thoughts into the process.

Have a good day.  
Edie Driest

**From:** [Frank Miles](#)  
**To:** [Edie](#)  
**Subject:** RE: yesterday's tree ordinance meeting  
**Date:** Tuesday, April 24, 2018 8:32:00 AM

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Edie

Am sorry we didn't connect. I did get a chance to visit with Mr Hale yesterday and he had some good observations on the use of septic systems and their impacts on trees in NP.

Rest assured we will make sure any and all comments are incorporated into the process and provided to Commission. Sometimes, in fact most times, in my experience these kinds of sessions almost always end up meandering into several different directions. People become passionate about an issue and its hard to get points across. I have seen the use of handheld voting pads on items work effectively and perhaps we can get this worked into the overall revision of the ULDC which is coming up.

We will give it a go again Wednesday eve, where I expect many more participants. I agree that the developers payments into the tree fund are something to be reviewed. Questions like use of the fund? Etc all can be looked at am sure. I am glad we have Ryan in the team to help us navigate this difficult issue and am sure he will remain cognizant of your ideas and views

Lets talk soon – in person sometime

Frank

---

**From:** Edie <edriest@comcast.net>  
**Sent:** Tuesday, April 24, 2018 8:24 AM  
**To:** Frank Miles <fmiles@cityofnorthport.com>  
**Subject:** yesterday's tree ordinance meeting

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Thanks again. I hope you can incorporate the above thoughts into the process.

Have a good day.

Edie Driest

**From:** [Frank Miles](#)  
**To:** [Ann M. O'Leary](#)  
**Subject:** RE: yesterday's tree ordinance meeting  
**Date:** Tuesday, April 24, 2018 10:42:00 AM

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Thank you Ms. O'Leary

Frank Miles MPA

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**From:** Ann M. O'Leary <ammoleary@gmail.com>  
**Sent:** Tuesday, April 24, 2018 10:00 AM  
**To:** Edie Driest <edriest@comcast.net>  
**Cc:** Frank Miles <fmiles@cityofnorthport.com>  
**Subject:** Re: yesterday's tree ordinance meeting

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Regards,  
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Have a good day.  
Edie Driest

**From:** [Ryan Pieper](#)  
**To:** [Frank Miles](#)  
**Subject:** RE: yesterday's tree ordinance meeting  
**Date:** Tuesday, April 24, 2018 3:35:49 PM

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Frank- I did speak with Edie this afternoon..

Ryan Pieper  
City Arborist  
Neighborhood Development Services  
4970 City Hall Blvd.  
North Port, Florida 34286  
Office: 941-429-7055  
Cell: 941-628-1006  
Fax: 941-429-7180  
[rpieper@cityofnorthport.com](mailto:rpieper@cityofnorthport.com)

---

**From:** Frank Miles  
**Sent:** Tuesday, April 24, 2018 10:42 AM  
**To:** Ryan Pieper <[rpieper@cityofnorthport.com](mailto:rpieper@cityofnorthport.com)>; Heather Hansen <[hhansen@cityofnorthport.com](mailto:hhansen@cityofnorthport.com)>; Josh Pelfrey <[jpelfrey@cityofnorthport.com](mailto:jpelfrey@cityofnorthport.com)>; Alison Christie <[achristie@cityofnorthport.com](mailto:achristie@cityofnorthport.com)>  
**Subject:** FW: yesterday's tree ordinance meeting

Ryan- can you inquire about the below questions or you may already have this

Frank

---

**From:** Ann M. O'Leary <[ammoleary@gmail.com](mailto:ammoleary@gmail.com)>  
**Sent:** Tuesday, April 24, 2018 10:00 AM  
**To:** Edie Driest <[edriest@comcast.net](mailto:edriest@comcast.net)>  
**Cc:** Frank Miles <[fmiles@cityofnorthport.com](mailto:fmiles@cityofnorthport.com)>  
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We did talk about how to raise incentives that would encourage a developer to save trees.

That I feel is a difficult question primarily because most of us do not know the inner workings of the monies paid by the developers. What are those monies? One would imagine to incentivize a developer typically would be allowing him a discount or a break on making whatever payments he would typically make.

I think it was Ryan who said that Sarasota (County or city?) requires the developer to pay like double to what is required in North Port. Is that when mitigating to remove trees? Is that for the same 30" at DBH? I then asked if Ryan or someone could check with Sarasota to see just how effective their fee is. And if it deters the developer from removing trees, then one would think that's indeed working which could possibly be something we could then incorporate. And if it's not something that's working, then maybe the fee should actually be increased over that amount.

Thanks again. I hope you can incorporate the above thoughts into the process.

Have a good day.

Edie Driest

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4/25/16

Barbara Lockhart's personal tree ordinance suggestions and arguments in support – my main issue is with residential lot home construction:

**When a homeowner contracts with a builder to build them a home – make it mandatory that the homeowner be allowed (required?) to visit their lot and choose trees that they want saved – it is possible to save trees when a home is being built.**

**Homeowners should have the right to choose!**

**And the builder should notify the City in writing of if the homeowner chose to do so and what they saved.**

The idea that a contractor needs 10 feet of clearance on each side of the walls of a house to build it successfully – i.e. the footprint of the house - is absolutely wrong. It's simply a license to clear cut! In the past 25 years I have built 2 homes as owner-builder and I know the process inside and out. I saved trees on both of my properties that were closer than 10 feet to the home – and to this day nothing has happened to the foundation of the

1/2/14

home or the roof of the home and the trees are still there. And the construction was completed with little inconvenience to the workers. Where this is will – there is a way. The problem with our current ordinance is that it does not require any will – it is written to cater to development and makes it way too easy for a builder to get out of saving trees!

Mainly if the backyard of a home had mature trees left in it – this would take care of increasing the tree canopy cover goal and this would provide wildlife a place to continue living and homeowners could enjoy the shade and beauty of their backyard vs. ending up with a backyard desert. If a pool is being installed – save trees at the rear corners of the lot – it is doable! Driving around North Port – most lots with older homes on them have mature trees that were saved in construction. That is not the case today. It is time to go back to the old school way of home building here.

In my neighborhood, one year ago, a new home was built and the lot was completely cleared. The

builder planted 2 small trees in the backyard which subsequently died before anyone moved in. I just checked the backyard of the home yesterday - and - one year later the 2 dead trees were removed and no new trees were planted in its place. This is proof positive that the current system DOES NOT WORK. SEE ATTACHED PHOTOS. If we continue to allow full clearing of residential lots – what will our City look like – and feel like – in the years to come? A desert, that’s what. And what about the City’s wildlife? Currently I have an abundance of birds, bugs, lizards, snakes, and a variety of mammals – bobcats, squirrels, flying squirrels, woodrats, raccoons, possum, that all live in my neighborhood and some even on my lot – that enjoy, and depend on, the tree canopy in my neighborhood every day. Where will they go when there are no trees for them to live in and feed them?

**THAT BEING SAID – builders should be required to continue to care for the trees that they do plant**

**until a home is occupied.** In the case of the example of the house in my neighborhood as discussed above, that was not the case and so – I wonder - what was the point in making the builders plant trees in the first place when they don't go back to take care of them after planting? It WILL look like a desert and our wildlife will be forced to move on. If mature trees had been left in the backyard of the home – chances are GREAT that they would still be there today. People in general do not make it a habit to remove mature trees from their yards if they are healthy. It is expensive, and pointless at best. **UPON OCCUPANCY, make it a rule that the homeowner must continue to care for the newly planted trees – simply by watering them in most cases – for a suggested period of time –** we could easily have the code enforcement officers be checking on this as a part of their daily patrols around the City. Use tree fund money to pay for materials to educate the homeowner – maybe even schedule a visit by the city arborist to a homeowner after they move in **AND - have the builders give the**

**new homeowners an acknowledgement to sign that the care of the new trees is being handed over to them and that they must continue the tree care under City ordinance until the trees have taken root** – the tree arborist could add some input here as to the time frame – this is simple to do and would help insure the life of tree which is why it is planted to begin with! Trees are expensive – many homeowners cannot afford to go out and buy new after a tree a builder left them with has died. A chain of care needs to be implemented.

**That being said – why not also make it a rule that a builder has to save trees in the rear corners of an 80x120 lot as well?** Obviously with the size of today's homes, stuffing them on an 80x120 lot is no easy task. But – the backyard corners of a lot are never touched – no house reaches the rear corners and neither does a pool. Make the builders leave the trees in the rear corners and then it can be a homeowner's choice to remove them later if they so desire. Let them clear for the "footprint of the house" in the rear – and then stop! Obviously we

cannot force people to keep their trees on their lots if they don't want to. But we should be able to require a builder to do so since they aren't the ones who will be living there. This would alleviate the problem of builders planting trees that die anyway leaving zero trees on the lots.

**ALSO – when a builder is building a home on a City canal – clearing all the way to the water line should not be allowed!** Trees should be required to be left in the City's easement – again for the wildlife, the beauty, the shade and for increasing the percentage of the tree canopy. Recently a few doors down from me a builder built a home and cleared all the way to the water line. See attached photo. Also see attached photos of the properties that have older homes on them on my side of the canal where the trees along the canal bank were saved. There was **ABSOLUTELY ZERO REASON** for the builder to clear to the water line – there was no construction taking place on the canal bank and this

type of clearing should not be allowed by a builder or a homeowner. How come in years past trees have been saved along the canal banks and now in modern times they are not? If you paddle down my canal – the only homes you see with no trees on the canal banks are the very new ones. Why? This needs to stop. There is no reason for it, period.

Make it a rule that the canal banks must be left alone! SEE ATTACHED PHOTOS. And I don't know about you – but I would rather look out across the canal at some trees vs. looking right into my neighbor's pool cage and living room. I pray that this kind of clearing will never take place across the canal from me – but under our current rules – it could.

My comments on the current ordinance:

Increase percentage of canopy cover goal to 55%. It isn't just a matter of saving trees – its a matter of saving the wildlife that life in and around the trees.

Birds, bugs, mammals of all kinds, depend on trees to feed them and shelter them. Removal should be a last resort. (45-8). This is possible – the City of Tallahassee is a perfect example. If you go up in the tower of the Capitol and look out – all you see is tree canopy. But underneath that tree canopy is a thriving city full of businesses and residences. Google this if you don't believe me! Using some of my personal suggestions above would also help with increasing the tree canopy.

When various steps are taken to protect trees during development, include not damaging them with land clearing equipment. (45-10)

**Change the “10 foot clearance from the exterior walls” to 6 feet in the rear unless a pool is being put in. See my comments and reasons for suggesting this above. THIS IS THE PROVISION THAT ALLOWS FOR CLEAR CUTTING.**

**Increase the mitigation fees to an amount that will ENCOURAGE saving trees instead of DISCOURAGING it – how about TRIPLING them!** If mitigation was MUCH MORE expensive – builders would not be so inclined to just wipe out everything in sight on a piece of property. Currently its was to easy for builders to just pay and move on. Home construction is profitable – hit them where it hurts – in their bottom line. Make them think. Make them CARE. CARING DOES NOT TAKE A LOT OF EFFORT AND ITS TIME THE CITY STEPS UP AND STARTS TO SPEAK FOR THE TREES AND THE FUTURE OF THE CITY ITSELF AS TO THE TREE CANOPY BEFORE THE BUILDERS DESTROY IT ALL – WHICH THEY ARE ALREADY DOING. The newly built homes all along Price are a new and in-your-face reminder of what clear cutting looks like!

When re-writing the ordinance the goal should be making the trees a priority whenever possible. This is not a major effort – we are talking about saving

trees that predate every person working on this project today – they were here first and they were home to wildlife long before we came along.

Remember that. The almighty dollar is not what should matter here.

*Increase incentive to  
save mature trees.*

As to commercial construction – my suggestions herein also apply to that – case in point, the Circle K at Price and Sumter – there is 100% zero reason why mature trees could not have been saved at the outer perimeter of that project and the parking area could have been tailored to save some clumps of trees too. I hope that's the last clear cut commercial project I will ever see in this City. It was sickening to watch how many trees lost their lives and how many animals lost their homes for another asphalt jungle to prevail.

In closing – I have reviewed Alice White's and Edie Driest's suggested changes to the ordinance and I support them both.

One last idea – the City should become more vocal about promoting tree planting overall. We are in an age where we are cutting down trees faster than we plant them and let them grow to maturity. If we plant more trees now, there will be more trees later for the younger generations to enjoy and benefit from, both human and wildlife. Perhaps Parks & Rec could start some campaigns to get citizens to plant in addition to working with People for Trees – maybe have a contest to design a City tree flag; give out City awards for homeowners who landscape their lawns with 3 or more trees at a time – etc. Get people excited about the benefit of trees!

Let's make North Port a REAL Tree City. Make the flag in front of City Hall TRUE.

↓ Backyard Habitat Promotion

Incentive  
Save wildlife  
Help wildlife  
Bring wildlife

Barbara Lockhart  
BML3220@gmail.com  
941 218 9775



The city has a surplus of lots.  
If a lot that is to be built on  
is containing heritage trees,  
can an owner trade the city  
that lot for a city lot, and  
then the heritage tree lot  
can become a park?

Parliament  
Bill 3990 & 3991  
2018-19  
COM



↖ Desert  
3272 Oklahoma St  
UN-occupied  
April 2017

↖ Nice  
desert! →



c.o.  
1st tree Dead in backyard of

3272 Oklahoma St

April 2017



this pine  
is the  
next  
door  
neighbors.

2nd  
c.o. tree Dead in backyard  
3272 Oklahoma St.  
of  
April 2017

3228  
Oklahoma St

April 2018  
The  
2 trees (ca)  
died,  
are  
now  
gone.



NO  
replacements  
planted.  
not one  
tree in  
this  
yard  
now.

these pines  
are the next door  
neighbors trees

3439 Henderson Ln.  
New home built

Recently, builder

cleared  
to  
waterline  
needlessly.



Neighboring  
lot  
Vacant.



Neighboring  
lot vacant

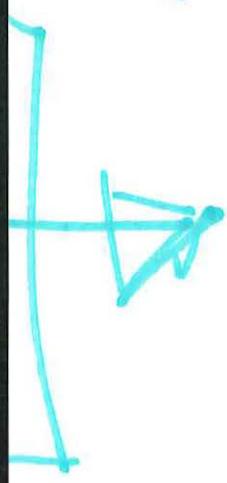
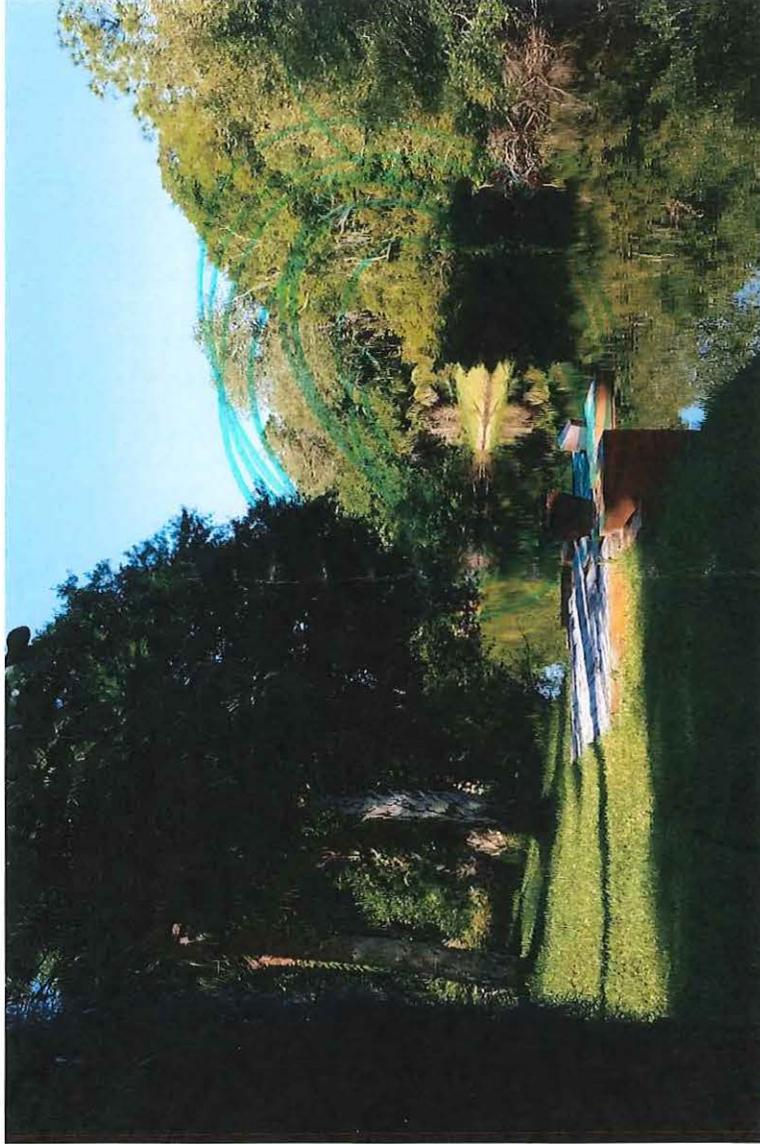
3439

Henderson

Ln.  
↑ recently

Cleared

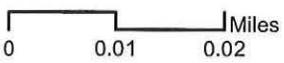
to water  
line.



older homes with  
trees left in  
city Easement

↑ new construction  
clear cut for new line

Older homes - all trees left is easement



**Bill Furst**  
 Sarasota County Property Appraiser



*This map is a product of, and prepared for use by the Sarasota County Property Appraiser's Office*  
 No warranties are expressed or implied

**From:** [Frank Miles](#)  
**To:** [Ruth Buchanan](#); [Heather Hansen](#)  
**Subject:** Tree Ordinance  
**Date:** Thursday, May 17, 2018 8:45:46 AM  
**Attachments:** [image003.png](#)

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Ruth

Only taking in comments at this time. Public hearings will come as soon as Commission develops the language they want in a new ordinance/approach.

We will keep people apprised. Heather of my office is on point along w the City Arborist Ryan Pieper

Frank

Sent from my iPhone

On May 17, 2018, at 8:36 AM, Ruth Buchanan <[rbuchanan@cityofnorthport.com](mailto:rbuchanan@cityofnorthport.com)> wrote:

Good morning Frank. Kindly see inquiry below from MS BIA.

Ruth Buchanan, MBA, CEcD  
Economic Development Program Manager  
City of North Port

Sent from my iPhone

Begin forwarded message:

**From:** Jon Mast <[jon@ms-bia.org](mailto:jon@ms-bia.org)>  
**Date:** May 17, 2018 at 8:23:48 AM EDT  
**To:** Ruth Buchanan <[rbuchanan@cityofnorthport.com](mailto:rbuchanan@cityofnorthport.com)>  
**Subject: Tree Ordinance**

Are there dates for public hearings schedule for this?

Jon





Jon Mast, MPA, CGC  
Chief Executive Officer  
Manatee-Sarasota BIA  
6650 Professional Parkway West  
Suite 102  
Sarasota, FL 34240  
(941) 907-4133 x 304  
Cell (941) 345-6064  
Fax (941) 907-4134  
<http://www.ms-bia.org>  
[www.paradeofhomesinfo.com](http://www.paradeofhomesinfo.com)

[<image006.jpg>](#) [<image003.png>](#)

[<image007.jpg>](#)

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# Summary of Tree Protection Survey Results



A tree protection survey was advertised and posted on the City’s website for two weeks in early April. We received 307 responses. The intent of the survey was to get a good sense of the public’s concerns and priorities related to tree protection in the City of North Port. The survey results will guide the discussions at the public workshops scheduled for April 23<sup>rd</sup> and 25<sup>th</sup>. The following is a summary of the survey results.

**1. What do you value about trees in the City of North Port? (Check all that apply)**

	<u>N</u>	<u>%</u>
Air and water quality	224	73%
Aquifer recharge	236	77%
Shade/Cooling effect	154	50%
Reduce stormwater runoff	194	63%
Wildlife habitat	245	80%
Aesthetic and other health benefits	206	67%
Noise mitigation	209	68%
Enhancement of property values	188	61%
Nothing-no value	12	4%
Did not respond	2	1%

**2. Are you concerned about clearcutting and tree removal in North Port?**

	<u>N</u>	<u>%</u>
Very concerned	177	58%
Somewhat concerned	64	21%
Not concerned	65	21%
Did not respond	1	0%

**3. Should the City make tree protection a higher priority?**

	<u>N</u>	<u>%</u>
Yes, the City needs to do more to protect trees	173	56%
No, the current regulations are sufficient	58	19%
No, the current regulations are too restrictive	74	24%
Did not respond	2	1%

**4. The City has a goal to maintain a minimum of 35% canopy coverage when trees are mature. Do you feel this is adequate based on what you are seeing after properties are developed?**

	<u>N</u>	<u>%</u>
Yes	137	45%
No	165	54%
Did not respond	5	2%

**5. Should the minimum 35% canopy coverage goal be increased to account for trees that die off?**

	<u>N</u>	<u>%</u>
Yes	185	60%
No	117	38%
Did not respond	5	2%

**6. Do you think native trees should be given a higher priority for preservation than non-native trees?**

	<u>N</u>	<u>%</u>
Yes	222	72%
No	81	26%
Did not respond	4	1%

**7. Do you think larger/older trees should be given a higher priority for preservation than smaller/younger trees?**

	<u>N</u>	<u>%</u>
Yes	206	67%
No	93	30%
Did not respond	8	3%

8. If larger trees are allowed to be removed, should it always be a requirement to compensate for their removal either by planting trees elsewhere or paying into a tree fund?

	<u>N</u>	<u>%</u>
Yes	196	64%
No	108	35%
Did not respond	3	1%

9. Do you support the use of incentives to encourage property developers to preserve trees and enhance tree canopy coverage?

	<u>N</u>	<u>%</u>
Yes	237	77%
No	68	22%
Did not respond	2	1%

10. Should property developers be required to remove and manage invasive species?

	<u>N</u>	<u>%</u>
Yes	237	77%
No	66	21%
Did not respond	4	1%

11. Should fines be increased to discourage illegal land clearing?

	<u>N</u>	<u>%</u>
Yes	226	74%
No	78	25%
Did not respond	3	1%

12. Should home owners be allowed to have trees cut down on their property without any restrictions or review?

	<u>N</u>	<u>%</u>
Yes	159	52%
No	147	48%
Did not respond	1	0%

13. Should home owners be allowed to have trees cut down on their property if there is currently more than 35% canopy coverage?

	<u>N</u>	<u>%</u>
Yes	242	79%
No	61	20%
Did not respond	4	1%

14. Do you support the use of incentives to encourage homeowners to preserve trees and enhance tree canopy coverage?

	<u>N</u>	<u>%</u>
Yes	234	76%
No	72	23%
Did not respond	1	0%

15. If native trees were available for planting on your property at a minimal cost, would you be interested in planting some?

	<u>N</u>	<u>%</u>
Yes	246	80%
No	58	19%
Did not respond	3	1%

16. Do you think more trees should be planted in your neighborhood on public property?

	<u>N</u>	<u>%</u>
Yes	144	47%
No	156	51%
Did not respond	7	2%

If yes, which neighborhood/street

	<u>N</u>	<u>%</u>
Provided comments	104	34%
Did not provide comments	156	66%

17. Do you have specific thoughts or concerns about tree preservation?

	<u>N</u>	<u>%</u>
Provided comments	151	49%
Did not provide comments	156	51%

## Summary of Comments on Question #17 by Category

(151 respondents provided comments)

### **Anti-Clear Cutting (31)**

Respondents understand buildings must exist but that completely clearing a property is unacceptable and should be avoided as often or for as long as possible.

### **Dislike Regulation of Homeowner's Private Property (23)**

Respondents do not believe any regulation should affect trees on their private property. They sometimes point out the delays and difficulty in seeking a permit for removal of a dangerous tree. They also want people to know that they pay property taxes.

### **Pro-Tree (15)**

These are just pro-trees in general and do not specify an issue or means of redress.

### **Specific Area (12)**

These respondents point out specific instances of planting that they enjoy or have negative experience with. Often along particular streets or in specific neighborhoods. More information about where and what these comments spoke about can be found along with the feedback about "Do you think more trees should be planted in your neighborhood on public property? If yes, which neighborhood/street?" from the survey.

### **Pro-Regulation (7)**

These are in direct opposition to the **Dislike Regulation of Homeowner's Private Property** crowd.

### **Dislike Regulation on Homeowner's Private Property & Anti-Clear Cutting (6)**

Comments became progressively more complex, with the combination of the sentiments of not liking clear cutting on the part of large developers but still wanting the freedom for private home owners to maintain their property through tree removal and trimming.

### **Anti-Regulation (5) Anti-Government (1)**

Responded in terms of not wanting regulations in general, often taking as a given the idea of government regulations as unwanted or inherently bad.

### **Mitigation/Pro-Replacement (4) Preservation Areas (1)**

Those that believe replacing trees that are lost, even if such replacement is off site. Pro-tree, but not necessarily onsite. Replanting in other parts of the city is suggested. Replacing trees that are lost, but also placing them for optimum growth.

### **Tree Types (3)**

The emphasis here is on excluding non-native or potentially invasive trees, seeing them as a nuisance.

### **Keep Existing Plants (3)**

This ties into both **Tree Types** and **Anti-Clear Cutting**. Wanting to maintain existing trees whenever possible and encouraging business to work around trees.

**Anti-Growth/Anti-Development (3)**

Distinctly want further construction to be slowed or halted. This goes beyond being Anti-Clear Cutting, wanting to maintain more natural environment.

**Pro-Wildlife (3)**

In this instance the trees are more a means to an end of providing habitat for wildlife.

**Pro-Canopy (2)**

The emphasis on having shade and canopy streets.

**Complex (2)**

Explaining complex feelings about the topic or asking a pointed question about fees. No specific recommendation or clear opinion.

**Carbon Futures (1), Absentee Property Owners (1), Commercial versus Residential (1), Pro-Pruning (1), Tree Maintenance is Expensive (1)**

These each deal with a very specific idea related to tree preservation.

**Multi-Topic = (25)**

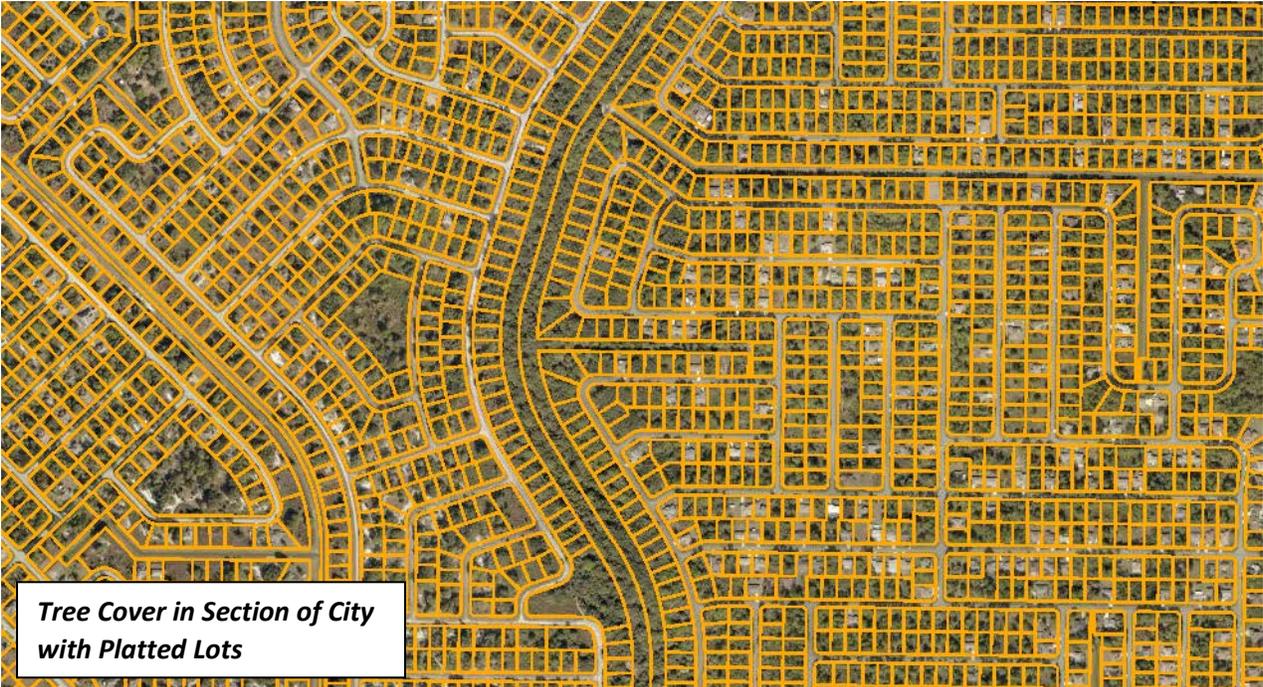
These are the longest comments that speak to several topics at once. They contain elements from each of the above categories, and sometimes elements all their own.

**Stay in touch with the process @**

<http://www.cityofnorthport.com/government/city-services/neighborhood-development-services/tree-ordinance-input>



*Tree Cover in Section of City*



*Tree Cover in Section of City with Platted Lots*

## Public Input from Community Workshops

On Monday April 23<sup>rd</sup> and Wednesday April 25<sup>th</sup> Neighborhood Development Services hosted two public workshops to discuss the City's current tree protection regulations. In the first workshop, the participants broke into two groups – one discussed options for incentives on non-residential property, and the other on residential property. In the second workshop, **Ryan Pieper**, the city Arborist, posed several questions to the audience and answered their questions in turn. The feedback at both workshops was collected in front of the participants by note takers on flip charts.

### Community Input: Workshop 1 (1 p.m., Staub Library)

#### Group 1: Non-Residential Incentives

- Keeping trees on site – a way to incentivize that rather than a fund
- Prioritize saving trees on site rather than replacing elsewhere
- Requirement to preserve mature trees already on site
- How do we make builders prioritize preservation?
- Have to increase fees for old growth trees to keep them
- Look at both -- replacing trees and increasing fees and fines
- Look at what other cities charge to remove trees; fines
- Reward for more green space
- Increase fees based on what is seen in Sarasota County
- Having developers buy lots along creek, enhance greenway width
- Buffers around parking lots
- Close the loopholes!
- Increase 35% (canopy) requirement
- Developers need to be told
- City-owned land/canal system
- Increase enforcement
- Make our fines on par with county fines
- Is there a way to come back at a later date and enforce/add trees/make sure they are doing what was supposed to be done – assign this to a committee?
- Department of Transportation – they are cutting trees along I-75
- How much is in the tree fund? What are the current charges? How is it being used?
- Research other tree ordinances that work well

- Include Public Works in the tree ordinance process -- for maintenance operations along canals, having to do with flow
- Palm trees are not as valuable as oaks
- Urbanize the community- give them utilities and push utilities

### **Group 2: Residential Incentives**

- Trees along the Myakka and Myakkahatchee are important!
- Pine trees are rarely large enough to be classified as a heritage tree. Should have different thresholds for different species
- Can the tree fund be used to purchase property to preserve trees? Can tree fund be used to plant trees?
- Add small neighborhood passive use parks – green space, preserves with existing native trees, also provides wildlife habitat
- Reduce clearcutting as much as possible
- Can we add impact fees for trees?
- Limit house footprint with septic
- No more “cutting deals” with developers!
- Need to take extension of sewer more seriously
- Some staff cave in.
- Trees along canals – wildlife corridors – Public Works removes trees along canals
- Citizen-driven code enforcement – canal watch, water watch
- Fines should be enforced!
- Let’s enforce our own rules!
- Trees along canals – wildlife corridors -- Builders are removing trees without being fined
- Watch out for gopher tortoises and other wildlife!
- Compare fines and mitigation fees with other jurisdictions
- Address vacant lots with invasive species – is this already in code?
- Emphasis on native trees and plants
- Houses built on 80x120 lots don’t have room to save trees! Can’t accommodate house, garage, septic, pool, AND enough trees.
- Reduce fees to save canopies
- Don’t allow septic – require sewer connections
- Why is 35% a goal if it’s not possible?

**Community Input: Workshop 2 (6 p.m. Morgan Center)**

**Question 1: *For large undeveloped tracts of land, what more can we do to restrict or mitigate for clearcutting?***

- When you develop a lot you need a certain percentage of canopy coverage, correct?
- Before clearcutting, while still in design phase, do they check in with staff re their design, so you can determine if trees can be saved?
- Stop allowing clearcutting large undeveloped lots!
- Replace trees with larger trees, not smaller trees that take too long to grow (not palms). At least \$300/tree. Pines or oaks should not be replaced with palms.
- Can a group of trees remain, and the building be moved?
- Charge more for clearcutting
- Don't replace trees with palm trees, use native species.
- Take palms out of ordinance – they are not actually trees.
- What is minimum size of tree? (3.5 inches)
- Clear cutting, e.g. Fuccillo Kia, is there a time limit for when they need to build? Otherwise they should be fined.
- Go back and check the property to see that trees have been preserved or replanted
- Survivability -- what if trees die between the final inspection and when people move in. Add a "survivability clause."
- Shovel-ready property more valuable.
- Where did the \$100/inch diameter figure come from? It is way too low for removing heritage trees. Raise the \$100/inch tree heritage tree mitigation fee.
- What is the time frame between first visit and follow up inspection? Code Enforcement should cover Trees after builder is gone, violations, contact between builders and homeowners.
- Need more education about why (the city) is charging them.
- Add language to heritage tree section

**Question 2: *For platted lots that haven't been developed yet, what more can we do to preserve more large and native trees?***

- Have you surveyed other communities and what they do – cost, ideas, successes?
- Sarasota County charges more, we should take the lead. Raise to \$300/inch (Sarasota county is \$200/inch)
- Look at Tallahassee tree ordinance

- Raising fees on heritage trees is paid by home buyer, plant
- Homeowners own the trees on their lot, shouldn't punish them for having large trees. Cost for heritage tree removal is for homeowner, not developer.
- Owners of platted undeveloped lots should be responsible for eradicating invasive species. Must not allow invasive species.
- Developer/builder versus homeowner- do they ask if they want to preserve any trees? Builders should have a conversation with city and homeowners at point of construction. Incentives?
- Building caps/moratorium on new development. Limit the number of houses built each year.
- Is there something the city can do?
- Education on behalf of trees, homeowners/builders to give them, explain what the native trees are and why they are important
- Community/neighborhood education and communication to preserve trees
- City tell builders to tell homeowner of benefits of trees
- Need to account for septic, it leaves little space for growing healthy trees.
- Conflict- Builder- "They are building a house on a lot" Homeowners- "this is our neighborhood"
- Preservation! No communication from builders

**Question 3: What can we do to ensure that the City maintains a minimum 35% tree canopy cover, especially on developed lots?**

- How many people will actually water and maintain small trees?
- Use tree fund to plant more trees
- If homeowner removes they can replace
- How many staff are there working with Arborist?
- Does the city replant native trees or palms?
- When a person is planning to build a house, can you contact the property owner?
- Educate at time of application/permit, try to give to homeowner.
- When someone takes down a tree, do you have a list of trees you can plant? (Yes, priority tree list (ULDC 45-19))
- What percentage are owner/builders?
- We need to charge more even those under 30"- points given for keeping large trees, Jacksonville
- No mitigation fee required if a heritage tree falls in footprint

- Base it on CRA, give tax break.
- Use Tree Fund to provide trees for developed lots, \$ to those who want trees.
- Use Tree Fund to support a tree farm
- Inspect property before, during, and after to protect trees.
- Give more credit to mature trees to preserve rather than wait for new ones to grow
- Lower 30-inch requirement for mitigation (look at Jacksonville)
- Credit system for incentives on commercial lots
- Limit footprint based on lot size.
- Incentives rather than penalties, tax savings for saving trees, tax break based on percentage they are protecting, like a CRA.
- Send form letter to homeowner telling them of the benefits of trees.
- Size of lot determine trees required

**Question 4: Is there anything we have missed?**

- Legacy Development with heritage trees- Bobcat Trail/Sabal Trace
- Having problems with sidewalks, etc – Address on a case by case basis
- City code has to be adjusted somewhat for this
- Oaks, for example, should not be planted short distances from infrastructure (right tree, right place)
- Root barrier, “bio barrier”, what is that? City liability if I causes tree to blow over?
- Parks & Recreation and Public Works departments -- Tie in trees to canal beautification in city R-O-W, promote kayaking- any requirement to beautify?
- Wildlife considerations
- Community education programs
- Purchase properties for preservation with tree fund, land swaps
- Look at other communities and their tree ordinances (Sarasota County, Jacksonville, Tallahassee)
- Gated communities need to be addressed on individual basis. Shouldn’t be standard for all communities
- Right tree in right place
- Review tree preservation of other communities Sarasota, Jacksonville

# City wants comments on tree ordinance

STAFF REPORT

NORTH PORT — While city officials want to protect

the natural amenities spread throughout North Port, they are asking for residents' help.

A public night meeting will be held from 6-7:30 p.m. on Wednesday at the Morgan Family Community Center, 6207 W. Price Blvd.

Attendees will be asked their thoughts on the tree ordinance, which is in the Unified Land Development Code. The code is receiving a refurbishment, but at a Feb. 27 meeting, commissioners wanted to tackle trees instead of waiting for the overhaul.

"There's so much stuff we want to look at, we can't just wait another year for the rewrite," Commissioner Chris Hanks said at that meeting.

The tree ordinance currently lays out several rules for residents, including the fines if trees were cut down, the size of trees that would warrant a fine should they be cut and how much of each parcel of residents' land should be covered in trees.

"I think the reason we started off looking at the code ... I think we need to proceed (with) having the workshop as directed by the public, particularly on this tree ordinance," Vice Mayor Linda Yates said at the Feb. 27 meeting. "Because citizens have real concerns on it and, as it was identified, there were conflicts (with the tree code and other codes in the ULDC)."

The night meeting follows a day meeting held on Monday at the Shannon Staub Public Library.

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