

Commission Direction (5/25/2017)	Community Input (Spring 2018)	EAB Recommendations (11/5/18)	Staff Comment/Action	Commission Direction (12/3/2018)
1. Consolidate all definitions into one section and add "for this section only" for some words that are unique to the chapter.	Did not address in survey and did not come up in workshops or written input.	➤ Consensus that the definitions should all be in one chapter.	➤ Consolidation of definitions into one chapter of the ULDC has been intentional. If a definition is specific to any chapter, that chapter is noted in parentheses immediately following the definition. Need to discuss.	➤
2. Work on a tree harvesting policy with a survivability provision.	The option to sell or transplant trees did come up in discussion.	➤ Consensus to support this action and recommends using the term "transplanting" to avoid confusion. ➤ The EAB agrees that transplanted trees would be in addition to the existing minimum 35% requirement.	➤ Tree harvesting means logging or cutting of trees. Is that the intent? If it is intended to mean transplanting, recommended methods for removing and transplanting trees by species and size can be added, along with survivability provisions. ➤ City of Sarasota has a program that connects developers wanting to remove mature canopy trees with homeowners who want to receive them. Need to discuss.	➤
3. Redefine the language pertaining to shaping and cutting of trees.	This topic came up in the Community Workshops. Residents want more clarity on regulations for pruning, shearing, and limbing trees. Residents also want clarity on regulations when trees are near property lines.	➤ Consensus to support redefining language pertaining to shaping and cutting of trees related to survivability and provide the Board with more information regarding this topic.	➤ Staff will add language to clarify definitions and include industry standards.	➤
4. Review and clarify the difference between clearing underbrush by hand and by machinery.	This topic came up in the Community Workshops. Concerns were raised about impact to wildlife, such as gopher tortoises, even if done without machinery.	➤ Consensus to clarify the difference between clearing underbrush by hand and by machinery and what the regulations are for each.	➤ Staff will clarify what is allowed with and without permits. ➤ A webpage can also be set up to provide more specific information to the public.	➤
5. Remove the requirement in Section 45-5(c) that a Development Order must accompany a land clearing permit.	Clearcutting is a major community concern. 79% of survey respondents are concerned about clearcutting and tree removal in Northport; The majority of survey comments had to do with anti-clearcutting – they understand development must happen but that allowing a property to be completely clearcut is unacceptable; Concerns about clearcutting were raised, and ways to limit clearcutting were discussed, at both community workshops; Quite a few of the email comments we received had to do with concerns about	➤ Consensus to NOT remove the requirement in ULDC Section 45-5(c) because it would encourage clearcutting.	➤ Removing the requirement for a development permit with land clearing will enable more clearcutting, not less. Based on the input from the survey, written input, workshops, and EACB, this conflicts with the community's concerns about clearcutting. ➤ Consider higher fees for land clearing to discourage clearcutting. Need to discuss.	➤
6. Residents may remove trees as long as the 35% tree canopy requirement is intact.	60% of the survey respondents felt that the minimum 35% canopy coverage goal should be increased to account for trees that die off; 79% felt that homeowners should be allowed to have trees cut down on their property if there is currently more than 35% canopy coverage. At the workshops, it was pointed out that without sewer connections, it's challenging for smaller lots to achieve 35% canopy coverage AND accommodate a house, garage, pool, and septic.	➤ Consensus that a resident may remove trees as long as the 35% tree canopy is intact. ➤ Consensus to keep the minimum 35% canopy in the City, and when this is not achievable on standard lots canopy trees can be planted in public areas to compensate.	➤ Does the Commission direction assume that a permit would still be required so the canopy coverage on the property can be evaluated? ➤ Does the Commission want to consider increasing the minimum goal of 35% for lots greater than a certain size? ➤ Does the Commission want to consider limiting the footprint of homes on smaller lots that do not have sewer service available?	➤

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7. Provide recommendations to incentivize tree preservation including a review of unintended consequences.	<p>This is consistent with community priorities.</p> <p>77% of survey respondents support the use of incentives to encourage property developers to preserve trees and enhance tree canopy coverage;</p> <p>76% support the use of incentives to encourage homeowners to preserve trees and tree canopy coverage;</p> <p>80% would plant native trees on their property if they were available at a minimal cost.</p>	<ul style="list-style-type: none"> ➤ Consensus to determine a regulatory means to leave trees in the 10-ft rear easement of properties to provide shading and wildlife corridor, and that leaving the trees would count toward the 35% requirement. Additionally, provide an incentive for developers keeping trees. ➤ Consensus to find incentives for tree preservation, such as using the tree fund as a way to buy and sell trees to the community at low cost or providing incentives for parking lots designed to allow trees to mature and thrive. 	<ul style="list-style-type: none"> ➤ Sections 45-11(C) and 45-18 provides some guidance for an incentive program, but the program does not give clear direction and has not been fully implemented. Staff could sketch out incentive program enhancements for further discussion. ➤ Does Commission support using a portion of tree fund to buy native trees, advertise their availability to residents – either free or a nominal cost? Trees would come with detailed instructions for planting and maintenance. ➤ Does Commission support some development fees being waived or discounted to encourage preservation of significant trees and groves? ➤ Does the Commission want to consider NOT providing incentives and instead require a percentage of the lot on properties over a certain size to be preserved? 	➤
8. 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.	<p>Community Input differs from Commission direction on #5 above.</p> <p>The community also identified additional issues that they feel are a high priority. Some could be included in the Minor ULDC Amendment Package that will move forward sooner, and others can wait for the Complete ULDC Rewrite. Staff needs direction on what to include in the Minor ULDC Amendment Package.</p>	<ul style="list-style-type: none"> ➤ Consensus for EAB to be included in any future discussion and policy changes to the ULDC environmental sections as part of their responsibility and goals. 	<ul style="list-style-type: none"> ➤ <u>Actions Taken</u>: Outreach to interested parties was done, 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 at the workshops, but not specifically addressed. 	➤
9. 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.	<p>Community Input includes additional concerns that were not included in the Commission's direction from the work session in May 2017. And some input conflicts with the Commission's direction.</p>	<ul style="list-style-type: none"> ➤ Consensus that the EAB caution against any administrative changes to the Tree Ordinance other than minor typographical and grammatical corrections. 	<ul style="list-style-type: none"> ➤ "Corrections" or de minimus revisions per ULDC Sec. 1-20 can only be made for the following reasons: <ul style="list-style-type: none"> A. Renumbering or re-lettering of any of the sections or subsections of the Code. B. Correction of any typographical errors contained in the Code. C. Change of departmental names and corresponding revision of text specifying standard land development processing procedures, provided that said revision does not affect the basic intent of the applicable section or subsection of the Code. ➤ Proposed ULDC text amendments must go before PZAB first for public hearing and recommendation to Commission. 	➤

Additional issues raised by the Community that could either be included in the Minor ULDC Amendment Package, or wait until the Complete ULDC Rewrite:

Community Issues/Ideas	Options to Discuss	Commission Direction
<p>A. <u>Other Jurisdictions</u>: Review other jurisdictions' tree preservation programs. Sarasota County, Jacksonville, Del Ray Beach, and Tallahassee were specifically mentioned in public comments.</p>	<ul style="list-style-type: none"> ➤ After identifying which amendments will be included in the Minor Amendment Package, staff would consult other jurisdictions regarding their preservation programs, and we could "borrow" code language that has proven to be successful elsewhere. 	
<p>B. <u>Large Trees</u>: 67% think that larger older trees should be given a higher priority for preservation; 64% feel that if heritage trees are allowed to be removed, it should always be a requirement to compensate for their either by planting trees elsewhere or paying into the tree fund.</p> <p>At the Community Workshops, participants raised concerns about the heritage tree threshold being too large, and also that it does not preserve large native pine trees since they rarely get big enough to count as heritage trees.</p>	<ul style="list-style-type: none"> ➤ Explore a different formula for determining heritage tree designation, e.g., lowering the size threshold. ➤ Require mitigation fee for any heritage tree removed regardless of whether it's in the building footprint. Charge less in this circumstance. ➤ Developers would rather pay the fee than preserve the tree. Increase mitigation fee so it's in line with other jurisdictions. ➤ Require site plan review prior to construction to determine if the development can still be accomplished and avoid the heritage trees, e.g., shifting the driveway, parking, or structures. Add "shall" language. 	
<p>C. <u>Native Trees/Vegetation</u>: 72% of survey respondents think native trees should be given a higher priority for preservation than non-native trees; Written comments support this concept. Other native vegetation, not just trees, are important as well.</p>	<ul style="list-style-type: none"> ➤ Require mitigation for native trees that are smaller than the heritage threshold at a lesser rate. ➤ Some public input points out that palms (monocots) are not actually trees (dicots), but the City includes them on the Priority List if they are above a certain height. Add Sabal Palms/Cabbage Palms to Priority List? 	

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D. <u>Invasive Species</u> : 77% of survey respondents feel that property developers should be required to remove and manage invasive species.	➤ Current ULDC language addresses not allowing planting invasive species, it does not currently require removal or maintenance of invasive species. Add “shall” language.	
E. <u>Illegal Land Clearing</u> : 74% of survey respondents feel that fines should be increased to discourage illegal land clearing. <u>Enforcement</u> : Written comments and participants at the work sessions were frustrated by the lack of enforcement and letting people “get away with” illegal land clearing without penalties.	➤ Review fines in other jurisdictions and propose potential increase in fines. ➤ Can there be a code enforcement officer assigned to work weekends? ➤ Replace “may” or “should” with “shall” language regarding enforcement, e.g., “ <i>Sec. 45-14. Enforcement, penalties for offenses, appeals. A. In order to ensure compliance with the provisions of this chapter, the City may:</i> ”	
F. <u>Tree Preserves</u> : Both small (neighborhood “preserves”) and larger scale acreages were discussed at the Community Workshops.	➤ Earmark a % of the Tree Fund for purchasing property to preserve significant trees. Smaller preserves can serve as pocket parks in neighborhoods. Neighborhoods can adopt them as far as removal of invasive species. ➤ When larger areas are proposed for development, if there are clusters of native trees and understory, encourage/require them to remain intact and give extra credit toward their landscaping requirements.	
G. <u>City’s Maintenance Practices</u> related to trees, e.g., street trees in rights-of-way, trees in drainage easements and banks of waterways. There were public comments and discussions about how important the vegetation in the drainages is for wildlife corridors. The public wants Public Works to allow native trees and other vegetation on the banks. And they want the City to enforce penalties for removal of trees by builders that are not on the property.	➤ Review Best Management Practices for maintenance of drainageways/canals that would enable native vegetation to remain or be planted on the banks in the drainage easements, i.e., green infrastructure. ➤ Tag trees in City easements and R-O-Ws that must remain. ➤ Mandate invasive species removal.	
H. <u>Priority Tree List</u> : Add trees to list, such as Sweet Gum, Sabal Palm; Remove non-native species	➤ Review current priority list. Differentiate tree by purpose – canopy, wildlife, aesthetic, understory, etc, i.e., not all trees on list are interchangeable. Address that palms are not actually trees.	

Community Issues/Ideas	Options to Discuss	Commission Direction
I. <u>Legacy Developments</u> : Concerns were raised about the large-scale removal of trees in legacy developments, such as Bobcat Trail/Sabal Trace.	<ul style="list-style-type: none"> ➤ Review Best Management Practices that establish and maintain healthy street trees without damaging streets, sidewalks and stormwater ponds. ➤ Clarify definition of government agency so it is clear that CDD's are not exempt from the regulations. 	
J. <u>Understory</u> : Add to buffer requirement – natives only. The understory is as important as canopy trees to support local wildlife.	<ul style="list-style-type: none"> ➤ Consider adding understory species to buffer requirements. 	
K. <u>Sewer Service</u> : There was a lot of discussion about extending sewer service and that it needs to be a higher priority for a variety of reasons – septic systems take up too much room, systems fail and pollute our waters, holding up development of commercial property.	<ul style="list-style-type: none"> ➤ What are the City's plans regarding extension of sewer throughout the city? 	
L. <u>Education</u> : There was a lot of discussion at both workshops about the need to educate the public, developers, homeowners, owners of homes contracted for construction about the benefits of trees, and about the City's regulations.	<ul style="list-style-type: none"> ➤ Develop information flyers for newcomers, new home owners, realtors, developers, etc about the benefits of trees. 	