

**Chapter 21 – LANDSCAPING REGULATIONS:** Prohibited plant species; Minimum tree and shrub planting or preservation requirements; parking lot landscaping; design; r-o-w; berms; placement

**Chapter 45 – TREE PROTECTION REGULATIONS:** Tree removal permits; tree canopy; tree protection during development; tree replacement, relocation and mitigation; heritage and champion trees; tree fund; enforcement; incentive; priority tree list; street trees

PROGRAM ELEMENTS	NOTES
1. <b>Strictness/ Flexibility</b> – shall vs. should, etc.	<u>Landscaping Regs:</u> 156 shall; 16 should; 5 exempt <u>Tree Protection Regs:</u> 220 shall; 1 should (utility pruning): 16 exempt/exemption  Despite the number of "shalls" in the code language, there are exceptions and exemptions, especially on residential property, coupled with relatively low fees (land clearing and mitigation) and fines, which makes it difficult to preserve trees and maintain a 35% canopy cover. There are also program elements cited in the ULDC that were never developed or implemented, such as an incentive program, and a program for donating property to the City.
2. <b>Fees</b> – What permits/ reviews are needed? How much \$?	<b>Sec. 45-7 Permit Criteria, procedures fees (B)(10-12)</b> Fees for when permit is issued based on an inaccurate <u>tree location survey</u> : \$25 for each tree missed in the count; \$100 for each heritage tree; Admin processing-\$75 10k sf or less, \$125 10k sf-1 acre, \$150 res 1-5 acres, \$200 comm 1 acre or more <b>Sec. 45-7 (H)</b> Additional trees removed after permit was issued: \$250 <b>Sec. 45-7 (I)</b> Removing a required dead tree without notification: \$250  Fees are mentioned too many times in too many contexts for them to be completely summarized here. Fees are a core aspect of how trees are managed within the city and the setting of fees is the central mechanism for maintaining trees within the city. <b>Sec. 45-7 (L)</b> “The City Commission shall... set reasonable fees and charges for the implementation of this chapter, which will substantially finance the expenses of tree protection-related activities.” <b>Sec. 45-8 Tree canopy development standards (B)</b> Clearing Residential lots without intention to replant trees: \$300 per tree – 2 trees for the first 7,500 sf and 1 tee per each additional 2,500 sf. <b>Sec. 45-11 (B)</b> “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.”
3. <b>Enforcement/ Violations/ Penalties/ Fines</b>	<b>Sec. 45-7 (L)(1) and (2)</b> “Anyone who commences development, construction, renovation or demolition without obtaining a permit shall be required to obtain an after-the-fact permit at double the regular permit fee or a five hundred dollars (\$500.00) fine, whichever is greater, for residential, and/or mitigate the impact of said action in accordance with the provisions of Sec. 45-11 of this chapter.” <i>[NOTE: THIS FINE MUST BE DETERMINED BY A HEARING OFFICER.]</i>  “However, payment of such after-the-fact permit fees or mitigation shall not preclude nor be deemed a substitute for prosecution of violations of this chapter.”
4. <b>Incentives</b> – anything that encourages preservation?	<b>Sec. 45-11 (C)(1) and (2)</b> “In order to fulfill the primary stated intent of Chapter 45 to preserve existing trees, the following incentives are available to satisfy the thirty-five percent (35%) canopy coverage requirement identified in Sec. 45-8: (1) Tree credits will be given in accordance to canopy coverage shown on the Priority Tree List. (2) Preservation of a heritage tree will allow for double the canopy coverage shown on the Priority Tree List.”
5. <b>Mitigation</b> for legal tree removal – Onsite? Offsite? Tree fund?	<b>Sec. 45-8. - Tree canopy development standards.</b> If property owner wants to build a home and not replant trees, they can pay a mitigation fee <i>[SEE #2 ABOVE]</i> <b>Sec. 45-11 (B)</b> Heritage tree mitigation fees. <i>[SEE #2 ABOVE]</i> <b>Sec. 45-11 (D)</b> “In lieu of paying mitigation fees, the applicant may donate property to the City as part of a tree/environmental mitigation program...” <i>[NOTE: THE CITY DOES NOT HAVE A PROCESS IN PLACE TO ACCEPT THESE DONATIONS.]</i> <b>Sec. 45-11 (H)</b> Where heritage tree(s) fall in the footprint of the building of a commercial development, mitigation fees shall be paid.
6. <b>Landscaping</b> – Is this handled separately?	Yes, <b>Ch. 21 – Landscaping Regulations.</b> Landscaping is interconnected to tree protection. Includes buffer zones and parking lot landscaping requirements.
7. <b>Significant Trees</b> (heritage, grand, etc) – Size threshold? How are they protected?	<b>Sec. 45-12</b> “Heritage” trees include native tree species when they reach 30-inch DBH. “Champion” trees are identified via the state division of forestry. removal requires a permit in all cases. Mitigation is not required if it falls in the footprint of a residence.
8. <b>Street Trees</b> – anything special?	<b>Sec. 45-20</b> details numerous aspects including what list of trees to draw from, that they don't count toward canopy or buffer, root barriers, and other details. Must be major shade trees. <b>Sec. 45-22</b> further details canopy roads which are to be designated.
9. <b>Native Trees/ Vegetation</b> – Are they required? Encouraged?	<b>Sec. 21-10 Landscape design standards. (3)</b> "Native species of trees. A minimum of fifty percent (50%) of all trees required to be planted by this chapter shall be native species." <b>Sec. 21-12 Landscaping in rights-of-way. (3)</b> "Alternate-side planting. Except where property on one (1) side of the right-of-way is not owned by the developer, the trees shall be planted on both sides of the street. Native shade tree species are required."  Native vegetation is mentioned as being encouraged in numerous instances in Ch. 45.
10. <b>Wildlife Habitat</b> – Is this specifically addressed?	<b>Sec. 45-2 (G)</b> Finding of fact that trees “Provide wildlife habitat and fulfill other important ecological roles.”
11. <b>Tree List</b> – what types of trees are included? Mostly native? Florida-friendly?	<b>Sec. 45-19</b> the Priority Tree List includes native and other Florida-friendly trees. The list makes note of trees based on canopy coverage, whether they are native, evergreen or deciduous, and whether they are vulnerable to frost.
12. <b>Palms</b> – How are these handled?	Mentioned at the very end of <b>45-19</b> palms are seen as equivalent in canopy coverage to a small shade tree.
13. <b>Pruning</b> – are there standards for this?	<b>Sec. 45-4 (E)</b> “Establish a comprehensive tree management program for the planting, <b>pruning</b> , care, maintenance and preservation of trees, plants, vegetation and shrubs on public property, places and rights-of-way within the City...”  Pruning is mentioned as part of the intent of the chapter, but aside from the pruning of trees to protect utility service and power lines the most detail provided on the subject is in <b>Sec. 45-24 (A) and (D)</b> which details pruning as it relates to canopy roads.

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14. <b>Survivability</b> – Is this a program component?	Yes: <b>Sec. 45-3</b> a priority is placed on drought tolerant species in landscaping; <b>Sec. 45-11</b> care of replaced and relocated trees re property owner's responsibility; <b>Sec. 45-12 (B)(2)</b> a two-year survivability is specifically called for in regard to relocating Heritage Trees; <b>Sec. 45-19</b> vulnerability to frost is highlighted in the Priority Tree List; <b>Sec. 45-20</b> spacing of street trees.
15. <b>Tree Fund</b> – Is there one? If so, what goes into it, and how is it used?	<b>Sec. 45-13</b> specifically points to the establishment of a tree fund and how it is to be used: purchasing land, planting trees on public land, educating the public, and maintaining healthy trees on public land, and purchasing conservation easements on private property.
16. <b>Single-family lots</b> – What is exempted? Not exempted?	<b>Sec. 21-7</b> Minimum tree and shrub planting or preservation requirements <b>(A)(1)</b> Must meet or exceed 35% canopy coverage at maturity, <u>Heritage trees</u> <b>Sec. 45-12 (B)(4)</b> Mitigation is not required if a heritage tree falls within the footprint of planned residential unit. <b>Sec. 45-12 (C)(2)(d)</b> “If a champion tree is located on a single-family or duplex lot platted prior to the adoption date of this chapter and prevents development, the City shall either trade property for a separate yet equal lot or acquire the lot(s) for public benefit.” <i>[NOTE: THE CITY DOES NOT HAVE A PROGRAM TO IMPLEMENT THIS.]</i> Single-family lots are called out multiple times in <b>Sec. 45-14 Enforcement</b> and other sections with exceptions to tree removal penalties.
17. <b>Commercial/ Industrial Properties</b> – anything different or special?	<b>Sec. 21-7</b> Minimum tree and shrub planting or preservation requirements <b>(F)</b> At maturity, tree canopy shall be 100% in all areas not required for the building footprint, stormwater system or impervious surfaces. <i>[NOTE: THIS IS NOT CONSISTENT WITH 45-8, WHICH REQUIRES 35% ON ALL LOTS IN ALL ZONING DISTRICTS.]</i> <b>Sec. 45-11 (H)</b> Mitigation is required for removal of heritage trees.
18. <b>Trees allowed in easements or R-O-W?</b> Any mention of PW maintenance?	<b>Sec. 45-11. - Tree replacement, relocation and mitigation (E)</b> Trees required by this chapter to be replaced or relocated shall not be located closer than three (3) feet to any property line if it causes an obstruction to the drainage system or six (6) feet from any utility line or City easement. Exceptions for the permitting process for tree removal in <b>Sec. 45-6 (D)</b> “Tree removal necessary for the maintenance of existing roads, utilities or stormwater facilities within rights-of-way easements, performed or contracted by any government entity or duly authorized utility.” <b>Sec. 45-4 Intent. (E)</b> Establish a comprehensive tree management program for the planting, pruning, care, maintenance and preservation of trees, plants, vegetation and shrubs on public property, places and rights-of-way within the City. <i>[NOTE: SEE RECOMMENDATION #1 FROM RYAN PIEPER]</i>
19. <b>Education</b> – Do they spell out anything on this?	A specific use of the Tree Fund in <b>Sec. 45-13 (3)</b> is, “Educating the public on proper care of trees.” Webpage on City's Building Division site includes information about tree removal, underbrush, and land clearing permits, and links to the following: Preservation of Wildlife; Fertilizer Ordinance; FEMA Flood Maps; ULDC Chapter 21 and 45; Arbor Day.org; FWC; UF Institute for Food and Agricultural Services; Florida-Friendly Landscaping; Backyard Environmental Educations; ANSI
20. <b>Best Management Practices</b> – Are there any?	None are specifically called out. "Right Tree, Right Place" is mentioned in parking lot landscaping section of Chapter 21, which can be considered a BMP.
21. <b>Canopy/ coverage requirement?</b>	<b>Sec. 45-6</b> “All zoning districts, residential and non-residential, shall be required to meet a minimum standard of 35% canopy coverage at maturity. This standard shall apply to all individual lots, parcels, and/or large developments.”
22. <b>Any unique program elements?</b>	<b>Sec. 45-9</b> Administrative variance to provide site plan flexibility expressly to preserve trees; for up to 25% of front, side and/or rear setbacks for projects that meet the criteria <i>[NOTE: THIS ISN'T BEING USED, PERHAPS BECAUSE THE WORDING SAYS "APPLICANTS REQUESTING" RATHER THAN THE CITY RECOMMENDING IT?]</i>
23. <b>RECOMMENDATIONS FROM RYAN PIEPER</b>	<ol style="list-style-type: none"> <li>Public Works, Utilities, and Parks &amp; Rec should work together to develop Best Management Practices regarding operating practices to increase number and survivability of street trees and to enhance native canopy coverage;</li> <li>More emphasis should be given to planting and preserving native trees on city-owned property in general</li> <li>Use Sarasota County's point system to designate "heritage trees."</li> <li>Require environmental assessment for non-residential lots</li> <li>Restrict tree cutting during nesting season unless a bird survey is done</li> <li>Charge a clearcutting fee – use it to assist in providing 35% canopy on private property, e.g., free or low-cost trees</li> <li>Mandate invasives to be removed completely for new development</li> <li>Add clarification for trees that fall directly on lot lines</li> <li>Require mitigation for heritage trees on residential lots as well</li> <li>Bond timeline – extend it for landscaping to ensure survivability</li> <li>Incentive program was never developed</li> <li>Sec. 45-6 (D) and (I) – clarify that CDDs are not government and are not exempt</li> <li>Sec. 45-7(E)(2) lower from 4½" to 3"; (H)&amp;(I) raise to \$300; (L)(1)&amp;(2) <u>tree removal</u> permit</li> <li>Sec. 45-8 Tree Canopy (B)(1) Increase \$300 to \$400</li> <li>Sec. 45-10 Tree protection during development (D)(I) Add a fine if material is left on adjacent property</li> <li>Sec. 45-11(A)(1)(b) Change 3" to 2-3"; (B)(1) Change \$100 to \$200; (G)(1) ....<u>or buffering requirement</u></li> <li>Sec. 45-13 Tree fund – Add land swaps as an option</li> <li>Sec. 45-14 Enforcement (B)(3) Residential – increase \$250 to \$300</li> <li>Sec. 45-19 Priority Tree List: Medium shade – add Other fruit, add Cabbage Palms planted en masse (3?); Small shade – add Citrus, call out Cabbage Palms since they are native</li> <li>Waivers in VDPPs are eroding canopy coverage in the West Villages area of the City</li> </ol>

## **NORTH PORT-Landscaping**

### **Chapter 21 - LANDSCAPING REGULATIONS**

[HISTORY: Adopted by the City Commission of the City of North Port 9-17-1990 by Ord. No. 90-28 (Section 6). Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Trees — See Ch. 210.

**Water conservation — See Ch. 222.**

Sec. 21-1. - Title.

This chapter shall be known and may be cited as the "Landscape Regulations of the City of North Port, Florida."

Sec. 21-2. - Intent.

It is the intent of the City Commission of the City of North Port to promote the health, safety and welfare of existing and future residents of and visitors to the City by establishing minimum standards for the installation and continued maintenance of landscaping within the City of North Port.

Sec. 21-3. - Relationship to Comprehensive Plan.

The landscaping regulations in this chapter implement Objective 3 of the Conservation and Coastal Zone Management Element of the Comprehensive Plan, which states "The City shall encourage the preservation of existing native vegetation, the creation of an urban forest, and the use of xeriscape methods for landscaping public and private development. Tree preservation activities and the planting of trees shall result in an overall, citywide, phased-in, tree canopy no later than build-out that ranges from 35% to 80% of the tree canopy that existed at the time of adoption of this Comprehensive Plan in 1997," as well as the following policy statements subsumed hereunder:

"Policy 3.2: The City will continue to review landscape/tree ordinances from other communities and further, review tree protection/preservation initiatives that would benefit the City. Based upon these reviews, revisions to the tree protection and landscape code shall be implemented."

"Policy 3.3: The Land Development regulations shall continue to prohibit the planting of exotic noxious vegetation such as (Melaleuca quinquenervia), Brazilian Pepper (Schinus terebinthifolius), and Australian Pine (Casurina) as listed by State authorities."

Sec. 21-4. - Findings.

A. The City Commission of the City of North Port hereby finds that landscaping:

- (1) Promotes the conservation of potable and non-potable water, and for this reason the preservation of existing plant communities, the planting of natural or uncultivated areas, the use of site-specific plant materials and the establishment of techniques for the installation and maintenance of landscape materials and irrigation systems should be encouraged.
- (2) Improves the aesthetic appearance of residential and commercial areas through the incorporation of open space into development in ways that harmonize and enhance the natural and built environment.
- (3) Improves environmental quality through its numerous beneficial effects upon the environment, including:
  - (a) Improving air and water quality through such natural processes such as photosynthesis and mineral uptake.
  - (b) Maintaining permeable land areas essential to surface water management and aquifer recharge.

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- (c) Reducing and reversing air, noise, heat and chemical pollution through the biological filtering capacities of trees and other vegetation.
  - (d) Conserving energy through the creation of shade, reducing heat gain in or on buildings or paved areas.
  - (e) Reducing the temperature of the microclimate through the process of evapotranspiration.
  - (f) Encouraging the conservation of limited fresh water resources through the use of site-specific plants and various planting and maintenance techniques.
- (4) Maintains and increases the value of land, thus becoming by itself a valuable capital asset.
  - (5) Provides direct and important physical and psychological benefits to human beings through the reduction of noise and glare, and breaks up the monotony and softens the harsher aspects of urban development.
- B. All landscaped areas herein required should conform to the following general design principles:
- (1) Landscaping should integrate the proposed development into existing site features through consideration of existing topography, hydrology, soils and vegetation.
  - (2) The functional elements of the development plan, particularly the drainage systems and internal circulation systems for vehicles and pedestrians, should be integrated into the landscaping plan.
  - (3) Landscaping should be used to minimize potential erosion through the use of ground covers or any other type of landscape material which aids in soil stabilization and shall be approved by the City Manager or designee.
  - (4) Existing (native) vegetation should generally be preserved and used to meet landscaping requirements.
  - (5) Landscaping should enhance the visual environment through the use of materials which achieve variety with respect to seasonal changes, species of living material selected, textures, colors and size at maturity. Lighting should be incorporated into the landscaping to enhance the visual environment.
  - (6) Landscaping design should consider the aesthetic and functional aspects of vegetation, both when initially installed and when the vegetation has reached maturity. Newly installed plants should be placed at intervals appropriate to the size of the plants at maturity, and the design should use short- and long-term elements to satisfy the general design principles of this chapter over time.
  - (7) Landscaping should enhance public safety and minimize nuisances.
  - (8) Landscaping should be used to provide windbreaks, channel wind and increase ventilation.
  - (9) Landscaping should maximize the shading of streets and vehicle use areas.
  - (10) The selection and placement of landscaping materials should consider the effect on existing or future solar access, of enhancing the use of solar radiation and of conserving the maximum amount of energy.
  - (11) All walls, gates, fences, plant material, and all other landscaping improvements shall be placed so as not to block any Fire Department appliances (fire hydrants and Fire Department Connections), when constructed or planted and/or mature. The minimum clearance around all fire department appliances shall be seven and one-half (7½) feet on each side, seven and one-half (7½) feet in front, and four (4) feet in the rear.
  - (12) Landscaping should be used as a way-finder for pedestrians by using the same varieties of plantings along sidewalks, pathways and trails.

Sec. 21-5. - Applicability.

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- A. *General.* These regulations shall apply to any new property development including new minor site development or to the expansion of existing development as specified in Sec. 21-5B(4) below. These regulations shall not apply to a development which is governed by a valid site development plan or a valid building permit accepted prior to its effective date. However, the policy of the City shall be to encourage adherence to the provisions and the intent of this chapter for all categories of existing development.

In the event a development applies to change its approved or existing landscape plan, the new plan shall adhere to the most current adopted landscaping code.

B. *Exemptions.*

- (1) Commercial nursery. Commercial nurseries shall be exempt from this chapter.
- (2) Agricultural. Any bona fide agricultural use found in Sec. 53-25(B) shall be exempt from this chapter.
- (3) Expansion of existing single-family and two-family dwellings. Any expansion of an existing single-family or two-family dwelling shall be exempt from this chapter.
- (4) Expansion of existing development by fifty percent (50%) or less. Any development on a parcel which increases the total floor area of an existing structure by no more than fifty percent (50%) shall be exempt from this chapter.

C. *Suspension of requirements.*

- (1) Temporary suspension of landscaping installation requirements. The installation of landscaping pursuant to the provisions of this chapter may be temporarily suspended in individual cases at the discretion of the City Manager or designee:
  - (a) *Freeze.* After a freeze when required landscape materials are not available.
  - (b) *Drought.* During a period of drought in which the use of water for installation and establishment of new landscaping is restricted by the Southwest Florida Water Management District.
- (2) Written agreement required. The suspension of planting shall be conditioned upon the signing by the applicant of a written agreement stating that installation of required landscaping will resume as soon as neither of the above two (2) emergency conditions pertains. Failure of the applicant to fulfill the terms of such agreement shall be subject to adjudication by the Code Enforcement Board.

Sec. 21-6. - Prohibited plant species.

The following plant species shall not be planted in the City of North Port:

Scientific Name	Common Name
<i>Abrus precatorius</i>	rosary pea
<i>Acacia auriculiformis</i>	earleaf acacia
<i>Albizia julibrissin</i>	mimosa, silk tree
<i>Albizia lebbek</i>	woman's tongue
<i>Ardisia crenata</i> (= <i>A. crenulata</i> )	coral ardisia
<i>Ardisia elliptica</i> (= <i>A. humilis</i> )	shoebutton ardisia
<i>Asparagus aethiopicus</i> (= <i>A. sprengeri</i> ; <i>A. densiflorus</i> )	asparagus-fern

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misapplied)	
<i>Bischofia javanica</i>	bischofia
<i>Calophyllum antillanum</i> (= <i>C. calaba</i> ; <i>C. inophyllum</i> misapplied)	santa maria (names "mast wood," "Alexandrian laurel" used in cultivation)
<i>Casuarina equisetifolia</i>	Australian pine
<i>Casuarina glauca</i>	suckering Australian pine
<i>Colocasia esculenta</i>	wild taro
<i>Colubrina asiatica</i>	lather leaf
<i>Cupaniopsis anacardioides</i>	carrotwood
<i>Dioscorea alata</i>	winged yam
<i>Dioscorea bulbifera</i>	air-potato
<i>Eichhornia crassipes</i>	water-hyacinth
<i>Ficus microcarpa</i> ( <i>F. nitida</i> and <i>F. retusa</i> var. <i>nitida</i> misapplied)	laurel fig
<i>Hydrilla verticillata</i>	hydrilla
<i>Hygrophila polysperma</i>	green hygro
<i>Hymenachne amplexicaulis</i>	West Indian marsh grass
<i>Imperata cylindrica</i> ( <i>I. brasiliensis</i> misapplied)	cogon grass
<i>Ipomoea aquatica</i>	waterspinach
<i>Jasminum dichotomum</i>	Gold Coast jasmine
<i>Jasminum fluminense</i>	Brazilian jasmine
<i>Lantana camara</i>	lantana, shrub verbena
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Lygodium japonicum</i>	Japanese climbing fern
<i>Lygodium microphyllum</i>	Old World climbing fern
<i>Macfadyena unguis-cati</i>	cat's claw vine
<i>Manilkara zapota</i>	sapodilla
<i>Melaleuca quinquenervia</i>	melaleuca, paper bark
<i>Mimosa pigra</i>	catclaw mimosa
<i>Nandina domestica</i>	nandina, heavenly bamboo

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<i>Nephrolepis cordifolia</i>	sword fern
<i>Nephrolepis multiflora</i>	Asian sword fern
<i>Neyraudia reynaudiana</i>	Burma reed, cane grass
<i>Paederia cruddasiana</i>	sewer vine, onion vine
<i>Paederia foetida</i>	skunk vine
<i>Panicum repens</i>	torpedo grass
<i>Pennisetum purpureum</i>	Napier grass
<i>Pistia stratiotes</i>	waterlettuce
<i>Pueraria montana</i> var. <i>lobata</i> (= <i>P. lobata</i> )	kudzu
<i>Rhodomyrtus tomentosa</i>	downy rose-myrtle
<i>Rhoeo spathacea</i> (see <i>Tradescantia spathacea</i> )	
<i>Rhynchelytrum repens</i>	Natal grass
<i>Sapium sebiferum</i> (= <i>Triadeca sebifera</i> )	popcorn tree, Chinese tallow tree
<i>Scaevola taccada</i> (= <i>Scaevola sericea</i> , <i>S. frutescens</i> )	scaevola, half-flower, beach naupaka
<i>Schinus terebinthifolius</i>	Brazilian pepper
<i>Senna pendula</i> var. <i>glabrata</i> (= <i>Cassia coluteoides</i> )	climbing cassia, Christmas cassia, Christmas senna
<i>Solanum tampicense</i> (= <i>S. houstonii</i> )	wetland night shade, aquatic soda apple
<i>Solanum viarum</i>	tropical soda apple
<i>Syngonium podophyllum</i>	arrowhead vine
<i>Syzygium cumini</i>	jambolan, Java plum
<i>Tectaria incisa</i>	incised halberd fern
<i>Tradescantia spathacea</i> (= <i>Rhoeo spathacea</i> , <i>Rhoeo discolor</i> )	oyster plant
<i>Urochloa mutica</i> (= <i>Brachiaria mutica</i> )	Pará grass
<i>Adenanthera pavonina</i>	red sandalwood
<i>Agave sisalana</i>	sisal hemp
<i>Aleurites fordii</i> (= <i>Vernicia fordii</i> )	tung oil tree
<i>Alstonia macrophylla</i>	devil-tree
<i>Alternanthera philoxeroides</i>	alligator weed

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<i>Antigonon leptopus</i>	coral vine
<i>Aristolochia littoralis</i>	calico flower
<i>Asystasia gangetica</i>	Ganges primrose
<i>Broussonetia papyrifera</i>	paper mulberry
<i>Callisia fragrans</i>	inch plant, spironema
<i>Casuarina cunninghamiana</i>	Australian pine
<i>Cestrum diurnum</i>	day jessamine
<i>Chamaedorea seifrizii</i>	bamboo palm
<i>Clematis terniflora</i>	Japanese clematis
<i>Cryptostegia madagascariensis</i>	rubber vine
<i>Cyperus involucratus</i> ( <i>C. alternifolius</i> misapplied)	umbrella plant
<i>Cyperus prolifer</i>	dwarf papyrus
<i>Dalbergia sissoo</i>	Indian rosewood, sissoo
<i>Elaeagnus pungens</i>	thorny eleagnus
<i>Epipremnum pinnatum</i> cv. <i>Aureum</i>	pothos
<i>Ficus altissima</i>	false banyan, council tree
<i>Flacourtia indica</i>	governor's plum
<i>Hemarthria altissima</i>	limpo grass
<i>Jasminum sambac</i>	Arabian jasmine
<i>Kalanchoe pinnata</i>	life plant
<i>Koelreuteria elegans</i> ssp. <i>formosana</i> (= <i>K. formosana</i> ; <i>K. paniculata</i> misapplied)	flamegold tree
<i>Leucaena leucocephala</i>	lead tree
<i>Limnophila sessiliflora</i>	Asian marshweed
<i>Melia azedarach</i>	Chinaberry
<i>Merremia tuberosa</i>	wood-rose
<i>Myriophyllum spicatum</i>	Eurasian water-milfoil
<i>Nymphoides cristata</i>	snowflake
<i>Panicum maximum</i>	Guinea grass
<i>Passiflora biflora</i>	two-flowered passion vine



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<i>Phyllostachys aurea</i>	golden bamboo
<i>Pteris vittata</i>	Chinese brake fern
<i>Ricinus communis</i>	castor bean
<i>Sansevieria hyacinthoides</i>	bowstring hemp
<i>Scleria lacustris</i>	Wright's nutrush
<i>Sesbania punicea</i>	purple sesban, rattlebox
<i>Solanum diphyllum</i>	Two-leaf nightshade
<i>Solanum jamaicense</i>	Jamaica nightshade
<i>Solanum torvum</i>	susumber, turkey berry
<i>Sphagneticola trilobata</i> (= <i>Wedelia trilobata</i> )	wedelia
<i>Stachytarpheta urticifolia</i> (= <i>S.cayennensis</i> )	nettle-leaf porterweed
<i>Syzygium jambos</i>	rose-apple
<i>Terminalia catappa</i>	tropical almond
<i>Terminalia muelleri</i>	Australian almond
<i>Tribulus cistoides</i>	puncture vine, burr-nut
<i>Urena lobata</i>	Caesar's weed
<i>Vitex trifolia</i>	simple-leaf chaste tree
<i>Wedelia</i> (see <i>Sphagneticola</i> above)	
<i>Wisteria sinensis</i>	Chinese wisteria

Sec. 21-7. - Minimum tree and shrub planting or preservation requirements.

Unless otherwise provided in this chapter, a minimum number of trees and shrubs shall be planted or preserved upon each site, as follows:

Note: Trees planted to meet the following requirements must meet the standards contained in Sec. 45-11.

A. Single-family or duplex residential unit lots (Districts RSF-2, RSF-3, PCD and RTF):

- (1) Minimum tree planting requirements. Trees shall meet or exceed the thirty-five percent (35%) canopy coverage requirements in Chapter 45. All trees shall be from the Tree Priority List, maintained by the City Manager or designee. (See also Sec. 45-19). [Amended 4-8-2002 by Ord. No. 2002-17]
- (2) Minimum shrub planting requirements. Three (3) shrubs shall be planted or preserved for every two thousand five hundred (2,500) square feet of area of a residential lot, excluding only areas of vegetation required to be preserved by law.

B. Multiple-family residence developments (Districts RMF and PCD).

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- (1) Minimum tree planting requirements. One hundred percent (100%) coverage of pervious areas, excluding areas of vegetation required to be preserved by law, and off-street parking areas. All trees shall be from the Tree Priority List, maintained by the City Manager or designee. (See also Sec. 45-19). [Amended 4-8-2002 by Ord. No. 2002-17]
  - (2) Minimum shrub planting requirements. Ten (10) shrubs shall be planted or preserved for every acre of a multiple-family lot or fraction thereof, excluding only areas of vegetation required to be preserved by law.
- C. Modular home residence lots (Districts RMH).
- (1) Minimum tree planting requirements. Two (2) trees of at least minimum size shall be planted or preserved on every mobile home lot, regardless of lot size. Trees shall meet or exceed the thirty-five percent (35%) canopy coverage requirements in Chapter 45. All trees shall be from the Tree Priority List, maintained by the City Manager or designee. (See also Sec. 45-19). [Amended 4-8-2002 by Ord. No. 2002-17] [Amended 4-8-2002 by Ord. No. 2002-17]
  - (2) Minimum shrub planting requirements. Three (3) shrubs shall be planted or preserved for every two thousand (2,000) square feet of area of a mobile home lot.
- D. Agricultural district lots (District AG).
- (1) Minimum tree planting requirements. Ten (10) trees shall be planted or preserved for every acre.
- E. Government use districts (Districts GU and PCD).
- (1) Minimum tree and shrub planting requirements. Each government use site or lot shall contain a minimum of five (5) trees per acre and ten (10) shrubs per two thousand (2,000) square feet of that portion of the site or lot which is not utilized for structures or active play areas. Trees shall meet or exceed the thirty-five percent (35%) canopy coverage requirements in Chapter 45. All trees shall be from the Tree Priority List, maintained by the City Manager or designee. (See also Sec. 45-19). [Amended 4-8-2002 by Ord. No. 2002-17]
- F. Commercial, industrial office districts, and Planned Community Development (Districts CG, ILW, OPI and PCD). Minimum tree planting for commercial, industrial and office sites. At maturity, tree canopy shall be one hundred percent (100%) of areas not required for building footprint, or open stormwater systems or otherwise impervious surfaces. All trees shall be from the Tree Priority List, maintained by the City Manager or designee. (See also Sec. 45-19). [Amended 4-8-2002 by Ord. No. 2002-17]
- G. Development along park lands. When any development is located along park lands, landscape regulations for commercial development shall apply.

### Sec. 21-8. - Off-street parking facilities and other vehicular use areas.

#### A. General.

- (1) It is the intent of the City that parking facilities and other vehicular use areas be both functional and aesthetically pleasing. All areas used for a display or parking of any and all types of vehicles, boats or construction equipment, whether such vehicles, boats or equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use, shall conform to the minimum landscaping requirements provided herein, except areas used for parking or other vehicular uses under, on or within buildings and parking areas serving single-family dwellings.
- (2) Uses governed by this section are of four (4) general types:
  - (a) Off-street public parking.

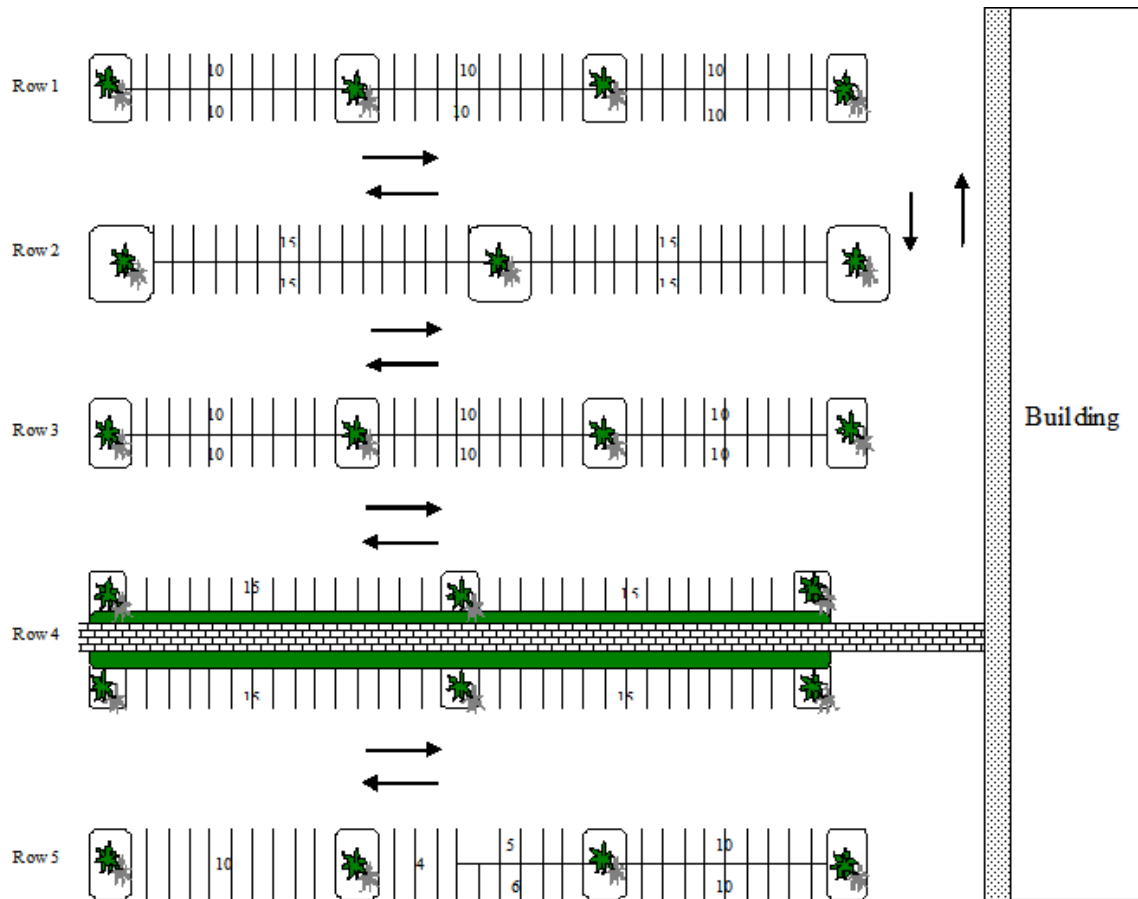
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- (b) Other vehicular use areas (such as access roads in planned developments or stacking areas in gasoline service stations, fast food outlets, banks, or similar uses) which are used by the public, but not for off-street parking.
  - (c) Vehicular use areas used for outdoor retail display and sale of motor vehicles as noted above.
  - (d) Specialized vehicular use areas used for storage of motor vehicles or for various transportation, warehousing or trucking operations which are not open to the general public.
- B. *Landscaping the interior of off-street parking areas.* Landscaped areas shall be provided for the interior of vehicular use areas so as to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation. (See Fig. 21-1)
- (1) Minimum interior landscape requirements. A minimum of ten (10) square feet of landscaping for each parking space shall be provided within the interior of an off-street parking area. Where there are rows of parking, every fourth row of the parking area shall be designed with a solid landscape strip at least ten (10) feet in width where all parking spaces shall abut. Wheel stops shall be used on all parking spaces that abuts landscaped areas. The landscape strip shall include islands placed every fifteen (15) parking spaces and have one (1) canopy tree in each island. The landscape strip shall be stabilize with ground cover. A pedestrian walkway shall be required to ensure walkability of the site.
  - (2) Interspersing of landscaped areas with parking spaces. Enhanced landscaped areas shall be distributed so as to limit unbroken rows of parking spaces to a maximum of ten (10) parking spaces per row, on parking rows that do not have the ten (10) foot landscape strip between abutting parking spaces.
    - (a) The developer may have the option of constructing fifteen (15) unbroken rows of parking spaces, if the landscape island is increased to seventy-five (75) square feet. There will be no decrease in open space and canopy coverage requirements if this option is used.
    - (b) Trees shall be planted using the right tree/right place specifications. The appropriate size tree shall be planted in the appropriate sized landscape island as follows: [Added 1-30-2012 by Ord. No. 2011-32]

50 sq. ft. or less	Greater than 50 sq. ft. Less than 75 sq. ft.	75 sq. ft. or greater
Small Medium	Small Medium Intermediate	Intermediate Major

- (3) Five percent (5%) of the parking spaces may be designated for oversized or pull through parking spaces; however, oversized parking spaces shall count as one (1) parking space. The required number of parking spaces as indicated in Sec. 25-17 of these regulations shall be met.

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**Fig. 21-1**

- C. *Use of curbs and wheel stops.* All landscaped buffer areas and sidewalks adjacent to off-street parking areas shall be protected from encroachment or intrusion of vehicles through the use of curbs and/or wheel stops. Wheel stops and/or curbs shall have a minimum height of six (6) inches above finished grade of the parking area. Wheel stops shall be properly anchored and shall be continuously maintained in good condition. Where wheel stops are located two (2) feet from the front of a parking space, that two (2) feet need not be paved. However, the area between the wheel stop and the landscaped area shall receive appropriate landscape treatment, including planting of grass or ground cover. All parking spaces, except parallel parking spaces, that abuts landscaped areas or sidewalks within a parking lot shall have wheel stops to prevent obstruction within the landscaped areas.

### Sec. 21-9. - Landscaping the perimeter of abutting land uses.

Landscape strips or buffers shall be created around the perimeter of abutting land uses as provided in this section:

- A. *Purpose of buffers.* Perimeter buffers required by this section are intended to separate different land uses from each other and are intended to eliminate or minimize potential nuisances, such as dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor or danger from fires or explosions. Plantings required in connection with perimeter buffers also assist in reducing air pollution hazards.

B. *Applicability.*

- (1) Perimeter buffers are required between different abutting permitted uses as specified in Tables 1 and 2 below.

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- (2) Landscape berms are permitted as long as they meet the requirements of this chapter.
  - (3) Fences and walls may be used in conjunction with but not in lieu of the required landscaped buffer area unless otherwise required.
- C. *Location.* Buffers shall be located generally parallel and within the outer perimeter of a lot or parcel and extending to the lot or parcel boundary line, and trees shall be planted parallel and consistent with the property line, unless in conflict with infrastructure as determined by the City.
- D. *Determination of perimeter buffer requirements.* The following procedure shall be followed to determine the type of buffer required:
- (1) In Table 1 below, identify the general land use category of the proposed use. Identify the land use category of abutting existing use(s) by an on-site survey. Identify any public rights-of-way abutting the proposed use.
  - (2) Determine the buffer required on each building site boundary (or portion thereof) by referring to Table 2 below. The width of any accessway which pierce the buffer shall be included in the calculation of lineal dimensions.

**TABLE 1**  
**Perimeter Buffers Required Adjacent to Abutting Existing Uses**

Proposed Development							
	AG	SF/TF	MF	COM	INDS	Street rights-of way and all other rights-of-way less than 50' in width	All other rights-of-way 50' or greater in width, excludes street rights-of-way
Agricultural	None	A	B	C	D	None	None
Single-family/Two-family	A	None	B	C	D	None	None
Multi-family	A	A	None	C	D	C	C
Commercial	C	C	C	None	B	C	C
Industrial	D	D	D	B	None	D	D
Parking Area	C	C	C	C	B	C	C

**TABLE 2**  
**Buffer Types for Proposed Developments**

Buffer Type	Width (feet)	Trees Required/Linear Feet (on center)	Shrubs Required <sup>1</sup>
A	5	One/50	Yes
B	10	One/50	Yes
C	10	One/40	Yes

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D	20	One/35	Yes
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### NOTES:

<sup>1</sup> See Sec. 21-9(F), Opacity of buffer, and Sec. 21-9(G), Height of planted buffers (hedges), below.

- E. *Perimeter buffering not to be credited against interior landscaping requirements.* Perimeter landscape buffers which are required to be created by this section shall not be credited to satisfy any interior landscaping requirements. Greenbelts are not credited toward any portion of the required landscape buffer.
- F. *Opacity of buffer.*
  - (1) A planting area shall be so designed and planted as to be fifty percent (50%) or more opaque when viewed horizontally. Shrubs are required every three (3) feet on center in order to meet this fifty percent (50%) opaque requirement.
  - (2) When a parking area in any commercial or industrially zoned district is intended to be used at night, such area shall be so designed and planted as to be eighty percent (80%) or more opaque when viewed horizontally. Shrubs are required every two (2) feet on center in order to meet this eighty percent (80%) opaque requirement.
- G. *Height of planted buffers (hedges).*
  - (1) The planting materials shall be at least three (3) feet high when planted. When abutting a right-of-way, shrubs are required to be forty (40) inches above street grade.
  - (2) Berms utilized as planted buffers shall have no maximum average height and shall have sodded side slopes not less than four (4) feet horizontally for each one (1) foot vertically may be permitted if sufficient erosion control methods are taken and deemed to be maintainable.
- H. *Requirements for maintaining landscaped buffer areas.*
  - (1) Responsibility. The responsibility for maintenance of a required buffer shall remain with the owner of the property, his successors, heirs, assigns or any consenting grantee. Maintenance is required in order to ensure the proper functioning of a buffer as a landscaped area which reduces or eliminates nuisances and/or conflict.
  - (2) Maintenance requirements. All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, tilling, fertilizing and spraying, mowing, weeding, removal of litter and dead plant material and necessary pruning and trimming. In the case of a natural disaster, those plantings located within the landscaped buffer area which were destroyed must be replaced within the following periods of time: in the case of a freeze, within ninety (90) days; in the case of a declared natural disaster (e.g., flood, hurricane, tornado, etc.) in which City ordinances are suspended, within one (1) year following such natural disaster, these planting materials shall be replaced in accordance with the provisions contained within this chapter.
- I. *Additional landscape treatment.* The remainder of the perimeter landscape strip shall be landscaped with grass, ground cover or other appropriate landscape treatment, such as mulch. Sand or pavement shall not be considered to be appropriate landscape treatment.
- J. *Landscape along waterways and parks.* If a development abuts a waterway or park, additional landscape shall be required along the side that abuts the waterway or park. The buffer shall be ten (10) feet wide with two (2) rows of trees planted in a staggered pattern. Each row of tree shall be planted every forty (40) feet on center. One (1) row of tree shall be planted on the

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interior side of the buffer with small and medium shade trees found in Sec. 45-19. The other row of trees shall be planted with major shade trees found in Sec. 45-19.

[Amended 6-26-1995 by Ord. No. 95-5; Amended 9-23-2013 by Ord. No. 2013-19]

### Sec. 21-10. - Landscape design standards.

The following standards shall be considered the minimum requirements for the installation of all plant materials within the City of North Port:

#### A. Standards for landscape materials.

- (1) *Quality of plants.* All plant materials shall be a minimum of Florida Number One as defined in Grades and Standards Revised, Part II, as published by the Florida Department of Agriculture and Consumer Services. Exceptions and substitutions from this regulation may be reviewed and approved by the Planning and Zoning Department in order to promote the use of slow growing or native plant materials.
- (2) *Tree planting standards, minimum size.* Immediately upon planting, trees shall be a minimum of eight (8) feet in height and shall have a minimum three (3) inch caliper measured at six (6) inches above ground level, and shall be Florida grading standards, Grade #1 or better. Where spacing is designated, "on center" is implied. Alternate spacing may be used to preserved trees as allowed in Chapter 45 of this Unified Land Development Code. [Amended 4-8-2002 by Ord. No. 2002-17; Amended 11-24-2003 by Ord. No. 2002-56]
- (3) *Native species of trees.* A minimum of fifty percent (50%) of all trees required to be planted by this chapter shall be native species.
- (4) *Tree species mix.* When more than three (3) trees are required to be planted to meet the requirements of this chapter, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. The minimum number of species to be planted are indicated in Table 3 below. Species shall be planted in proportion to the required mix. This species mix shall not apply to areas of vegetation to be preserved by law.

TABLE 3

Required Number of Trees	Required Species Mix
	Minimum Number of Species
1—3	1
4—8	2
9—30	3
31—60	4
61 and Over	5

- (5) *Shrub planting standards.* Except for standards set forth in Sec. 21-9(F) and (G), when required to be planted by this chapter, shrubs or hedges shall be a minimum of twelve (12) inches in height immediately upon planting and spaced thirty-six (36) inches on center. Spacing of individual plants shall depend upon the type of hedge material used.

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### B. Planting of lawn areas.

- (1) Grass areas shall be sodded, except for those lots over one (1) acre in size, the sod area shall extend to the size of a standard lot (eighty (80) x one hundred twenty-five (125)) and the remaining area may be hydroseed or xeriscaped. Sod provided must be viable, reasonably free of weeds and capable of growth and development. In general, sod strips shall be aligned with tightly fitted, staggered joints and no overlap of butts or sides. Hydroseed shall be well established to provide ground stabilization. If hydroseed fails to stabilize the ground in the permitted areas, sod will then be required.
- (2) Subgrade of lawn area after finished grading shall be reasonably free of stones, sticks, roots and other matter prior to the placement of sod. New lawns shall be watered immediately after planting and shall be maintained in a living condition.
- (3) Mulch, including synthetic ground cover, such as decorative stone, may only be used around trees and landscaped areas and may not be used in lieu of sod for lawn areas.

### C. All landscaping activities conducted within the Myakka River Protection Zone (MRPZ) shall be regulated by Chapter 57 and these regulations.

#### Sec. 21-11. - Landscape credit system.

- A. Existing trees may be credited toward minimum tree planting requirements, refer to Chapter 45, Tree Protection Regulations.
- B. No credit shall be given for preserved trees that:
  - (1) Are not located within the scope of the approved land clearing permitted area.
  - (2) Are located in natural preservation areas indicated on an approved master land use, site development plan or plat.
  - (3) Are required to be preserved by law.
  - (4) Are not properly protected from damage during the construction process, as provided in Chapter 45 of this Unified Land Development Code.
  - (5) Are prohibited species as identified in Sec. 21-6.
  - (6) Are dead, dying, diseased or infested with harmful insects.
  - (7) Are located in recreation tracts, golf courses or similar subareas within planned developments which are not intended to be developed for residential, commercial or industrial use.

[Amended 9-23-2013 by Ord. No. 2013-19]

#### Sec. 21-12. - Landscaping in rights-of-way.

- A. Permit required. For all new developments being processed as a major site and development plan, final subdivision plan, or development master plan the property owner shall install street trees along all adjacent streets and streets that are internal to the development tract. A permit(s) from the North Port Building Division will be required. Permit application forms shall be prepared and made available to applicants by the North Port Building Division.
- B. Where a drive splits a parcel or lot to create access to more than one (1) business, sidewalks and street trees shall be placed on both sides of the drive.
- C. Installation standards and requirements.
  - (1) Planting standards. Unless otherwise provided in the subsection, plant material to be utilized shall comply with Sec. 21-10.
  - (2) Street Tree location requirements. Shall comply with Chapter 45 of these regulations.



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- (3) Alternate-side planting. Except where property on one (1) side of the right-of-way is not owned by the developer, the trees shall be planted on both sides of the street. Native shade tree species are required.
- (4) Maintaining safe sight distance at intersections and points of access. Landscaping shall comply with Sec. 21-14 below.
- (5) Maintenance. The property owner shall be responsible for the continuing maintenance and replacement of all unhealthy or dead landscaping and trees, and shall keep the area free from any refuse or debris. Tree canopy development standards do not expire upon the issuance of the final certificate of occupancy or the certificate of completion.

### Sec. 21-13. - Berms.

A. Berms may be used as landscape treatment with no height limitation throughout a site as follows:

- (1) No portion of the berm shall be located within the easement or right-of-way.
- (2) Berms shall not be permitted to be placed within the area between fire hydrants and roadways.
- (3) The berm shall not block any drainage flow, and the stormwater runoff from the berm shall not cause adverse impact(s) to off-site or on-site properties.
- (4) Berms utilized as planted buffers shall have no maximum average height and shall have sodded side slopes of not less than four (4) feet horizontally for each one (1) foot vertically may be permitted if sufficient erosion control methods are taken and deemed to be maintainable.
- (5) The berm shall maintain side slopes of not less than four (4) feet horizontally for each one (1) foot vertically. Sufficient erosion control methods shall be taken and deemed to be maintainable.
  - (a) The responsibility for maintenance of a berm within a development shall remain with the owner of the property, his successors, heirs, assigns or any consenting grantee. Maintenance is required to ensure proper functioning of the berm as a landscaped area.
  - (b) All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, tilling, fertilizing and spraying, mowing, weeding, removal of litter and dead plant material and necessary pruning and trimming.
  - (c) In the case of a natural disaster, those plantings located on the berm area which are destroyed must be replaced within the following periods of time: in the case of a freeze, within ninety (90) days; in the case of a declared natural disaster (e.g., flood, hurricane, tornado, etc.) in which City ordinances are suspended, within one (1) year following such natural disaster, these planting materials shall be replaced in accordance with the provisions contained within this chapter.
- (6) No building structure, except walls or fencing, shall be constructed on the berm.
- (7) Sod, ground cover or other plant or landscape material as approved by the City shall be used to completely cover and stabilize the berm on all sides.
- (8) The berm shall be graded to a smooth level to create a natural ground landscape.
- (9) Lighting may be used, but shall adhere to all lighting regulations in this code.
- (10) The building of a berm not in conjunction with an active major site and development or subdivision plan shall require a building permit approval.

### Sec. 21-14. - Placement of landscaping.

To maintain roadside recovery and safe sight distance at intersections and points of access, landscaping shall be located in accordance with the provisions of the State of Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways (commonly known as the "DOT Green Book"), as amended.

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### Sec. 21-15. - Irrigation systems.

- A. Irrigation in declared water shortage periods. In accordance with Chapter 38, Water Conservation, of the Code of the City of North Port, irrigation of landscaped areas in the City of North Port shall be reduced to the extent specified by the Southwest Florida Water Management District during declared water shortage periods.
- B. Required irrigation systems. All required landscaped areas shall be equipped with permanent irrigation systems. Where appropriate, it is strongly encouraged that drip/micro irrigation be used. This provision shall not apply to existing plant or tree communities or to parcels for single-family and two-family dwellings.

### Sec. 21-16. - Landscape plan required.

- A. Prior to the issuance of any permit for major or minor site development, a landscape plan shall be submitted to, reviewed by and approved by the City Manager or designee.
- B. Nature of required plan.
  - (1) *Single-family or duplex residence.* The landscape plan submitted for an individual single-family or duplex residence on its own lot may be in the form of a plot or drawing prepared by the owner or his agent. This information may be depicted on the site plan submitted as part of the application for a building permit. Such plot or site plan shall also be sufficient for single-family or duplex developments on sites of fewer than five (5) acres.
  - (2) *All other development.* The landscape plan for all other developments shall be prepared by and bear the seal of a landscape architect or otherwise be prepared by persons authorized to prepare landscape plans or site plans by Chapter 481, Part II (Landscape Architecture) of Florida Statutes. For developments of fewer than five (5) acres, plans may be prepared by other legally qualified persons, such as architects, engineers, nurserymen, nursery stock dealers, nursery agents, etc.
- C. Contents of landscape plans. Each landscape plan or alternative landscape betterment plan required or permitted to be submitted by this chapter shall:
  - (1) Be drawn to scale, including dimensions and distances.
  - (2) Delineate the existing and proposed parking spaces, or other vehicular areas, access aisles, driveways and similar features.
  - (3) Indicate the location of sprinklers or water outlets.
  - (4) Designate by species name and location the plant material to be installed or preserved in accordance with the requirements of this chapter.
  - (5) Identify and describe the location and characteristics of all other landscape materials to be used.
  - (6) Show all landscape features, including lighting structures, areas of vegetation required to be preserved by law, in context with the location and outline of existing and proposed buildings and other improvements upon the site, if any.
  - (7) Include a tabulation clearly displaying the relevant statistical information necessary for the City Manager or designee to evaluate compliance with the provisions of this chapter. This includes gross acreage, area of preservation areas, number of trees to be planted or preserved, square footage of paved areas and such other information as the City Manager or designee may require.
  - (8) Contain such other information that may be required by the City Manager or designee that is reasonable and necessary to a determination that the landscape plan meets the requirements of this chapter.
- D. Amended site development plans.

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- (1) *Site plans amended by the City Commission.* This chapter shall apply to a development approved prior to its effective date if its governing site development plan is amended by the City Commission.
- (2) *Modification of requirements after construction has begun.* In those instances where amendments to site development plans are approved by the City Commission after construction has begun on a site, the City Manager or designee may modify the provisions of this chapter in individual cases in order to avoid undue hardship. However, a diligent effort will be made to assure that the site development standards of this chapter are met to the maximum extent possible.

### Sec. 21-17. - Variances. [Added 6-26-1995 by Ord. No. 95-5]

The City Commission may grant a variance from these landscaping regulations after consideration and recommendation by the Planning and Zoning Advisory Board and from the terms of this chapter when such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. Such variance shall not be granted if it has the effect of nullifying the intent and purpose of this chapter. Furthermore, such variance shall not be granted by the City Commission unless and until:

- A. A written application for a variance is submitted to the department responsible for land development services demonstrating:
  - (1) That special conditions and circumstances exist which are peculiar to the land, structures or required subdivision improvements involved and which are not applicable to other lands, structures or required subdivision improvements;
  - (2) That a literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties with similar conditions;
  - (3) That the special conditions and circumstances do not result from the actions of the applicant; and
  - (4) That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or required subdivision improvements under similar conditions. No pre-existing conditions on neighboring lands which are contrary to this chapter shall be considered grounds for the issuance of a variance.
- B. The Planning and Zoning Advisory Board and City Commission shall make findings that the requirements of this section have been met.
- C. Notice of public hearings shall be given at least fifteen (15) days in advance of the public hearings before the Planning and Zoning Advisory Board and City Commission. The owner of the property for which a variance is sought, or his agent or attorney designated by him on his petition, shall be notified by mail. Notice of the public hearing shall be advertised in a newspaper of general circulation in the City at least one (1) time fifteen (15) days prior to the hearings before the Planning and Zoning Advisory Board and City Commission. The public hearings may be held prior to the presentation for approval of the subdivision plan.
- D. In addition to the notice provided for in subsection C above, notice of the time and place of the public hearing before the City Commission shall be sent at least fifteen (15) days in advance of the hearing by mail to all owners of property within three hundred (300) feet of the property lines of the land for which a variance is sought (in properties greater than one (1) acre, the three hundred (300) feet distance shall be one thousand three hundred twenty (1,320) feet); provided, however, that where the land for which a variance is sought is part of, or adjacent to, land owned by the same person, the three hundred (300) foot or one thousand three hundred twenty (1,320) foot distance shall be measured from the boundaries of the entire ownership, except that notice need not be mailed to any property owner located more than one-half (½) mile (two thousand six hundred forty (2,640) feet) from the land for which a variance is sought. If any

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dwelling unit within the required three hundred (300) foot or one thousand three hundred twenty (1,320) foot notification radius is within a property owners' association, the property owners' association must be notified. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Sarasota County. Notwithstanding any other provision herein contained, failure to provide written notice to adjacent property owners shall not constitute a jurisdictional defect, provided that proper legal notice has been published.

- E. After receipt of a report from the City Manager or designee summarizing the City staff findings, the Planning and Zoning Advisory Board and City Commission shall further make a finding that the reasons set forth in the application justify the granting of the variance that would make possible the reasonable use of the land, buildings or other improvements.
- F. The Planning and Zoning Advisory Board and Commission shall further make a finding that the granting of this variance would be in harmony with the general purpose and intent of this chapter, will not be injurious to the surrounding territory or otherwise be detrimental to the public welfare.
- G. In granting any variance the Planning and Zoning Advisory Board and City Commission may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards when made apart of the terms under which the variance is granted shall be deemed a violation of this chapter.
- H. Appeals. Any person aggrieved by the City Commission's decision regarding any variance or exception may file a petition for a writ of certiorari in the Circuit Court of Sarasota County within thirty (30) days of such decision.

### **Sec. 21-18. - Enforcement. [Amended 6-26-1995 by Ord. No. 95-5]**

The provisions of Chapter 2, Article IX, Code Enforcement, of the Code of the City of North Port, and the procedures and penalties contained therein, are hereby adopted and incorporated into and made a part hereof by reference.

### **Sec. 21-19. - Interpretations.**

Interpretations of this section shall be made by the City Manager or designee.

### **Sec. 21-20. - Conflicts.**

Whenever the requirements of these regulations differ from those imposed by the City, Federal, or State regulation, law or statute, the most restrictive or imposing the higher standards shall govern.

### **Sec. 21-21. - Appeals.**

Any person aggrieved by the City Manager or designee's interpretation may appeal to the Planning and Zoning Advisory Board. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation renders the landscaping inconsistent with the general design principles, see Sec. 21-4(B). After review by the Planning and Zoning Advisory Board, all comments and advisory recommendation will be forwarded to the City Commission. The City Commission will hear the appeal at its regularly scheduled meeting and render a decision. The granting of any appeal shall not be in conflict with State Statutes. The City Commission's decision, based upon the evidence submitted to the Planning and Zoning Advisory Board, may be appealed to the Circuit Court of Sarasota County within thirty (30) days of such decision.

- (1) Applications for an appeal shall be filed pursuant to Sec. 1-10.

### **Sec. 21-22. - Severability.**

## **NORTH PORT-Landscaping**

If any section, subsection, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

## **NORTH PORT-Tree Protection Regulations**

### **Chapter 45 - TREE PROTECTION REGULATIONS**

For the purpose of this chapter FOOTPRINT OF HOUSE will include the gross area of exterior walls of the primary structure, including the area of all windows and door installed therein. Also included are the areas of required amenities, such as driveway, drain field, septic tank, well and water lines. A ten (10) foot clearance from the exterior walls and each required amenity will be granted to ensure proper growth of the tree and will help to eliminate damage to the structures in the future.

#### **GENERAL REFERENCES**

**Trees — See Ch. 210.**

Sec. 45-1. - Title.

This chapter shall be known and may be cited as the "Tree Protection Regulations" of the City of North Port, Florida.

Sec. 45-2. - Findings of fact.

Studies have established and the City of North Port, Florida, now finds and determines that trees:

- A. Are proven producers of oxygen, a necessary element for the survival of mankind;
- B. Appreciably reduce the ever-increasing and environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air;
- C. Play an important role in the hydrologic cycle, transpiring considerable amounts of water each day, and they precipitate dust and other particulate airborne pollutants from the air;
- D. Play an important role in cleansing stormwater runoff which passes from the surface to groundwater;
- E. Stabilize the soil and play an important and effective part in soil conservation and erosion and flood control;
- F. Are an invaluable physical and psychological addition to making life more comfortable by providing shade and cooling air, reducing noise levels and glare, and breaking the visual monotony of development on the land;
- G. Provide wildlife habitat and fulfill other important ecological roles;
- H. Provide shade and thereby reduce energy consumption;
- I. Abate noise and create attractive buffering between incompatible land uses;
- J. Furnish a canopy to protect other vegetation from the elements;
- K. Are critical to the present and future health, safety and welfare of the citizens of North Port;
- L. Preservation of trees adds an economic benefit to the City's tax base; and
- M. Preservation of trees contributes to the beauty of the urban environment.

Sec. 45-3. - Relationship to Comprehensive Plan.

The Tree regulations in this chapter implement Objective 3 of the Conservation and Coastal Zone Management element of the Comprehensive Plan, which states that, "The City shall encourage the preservation of existing native vegetation, the creation of an urban forest, and the use of xeriscape methods for landscaping public and private development. Tree preservation activities and the planting of trees shall result in an overall, citywide, phased-in, tree canopy no later than build-out that ranges from thirty-five percent (35%) to eighty percent (80%) of the tree canopy that existed at the time of adoption of this Comprehensive Plan in 1997," as well as the following policy statements hereunder:

## NORTH PORT-Tree Protection Regulations

"Policy 3.1: Every three to five years the City shall review, and amend as applicable, the Land Development Regulations applying to tree protection and landscaping guidelines for development to promote the preservation and use of native and drought tolerant species in landscaping in order to reduce the depletion of the surficial aquifer."

"Policy 3.2: The City will continue to review landscape/tree ordinances from other communities and, further, review tree protection/preservation initiatives that would benefit the City. Based upon these reviews, revisions to the tree protection and landscape code shall be implemented."

"Policy 3.3: The Land Development Regulations shall continue to prohibit the planting of exotic noxious vegetation such as Melaleuca quinquenervia, Brazilian Pepper (Schinus terebinthifolius), and Australian Pine (Casurina) as listed by state authorities."

"Policy 3.4: The City shall utilize the incentive program provided in the Land Development Code for developers/builders to provide appropriate trees to the City when a lot is cleared for development and the developer/builder removes existing native trees. Further, the City shall be aggressive in its enforcement of violations to the tree and landscape code.["]

"Policy 3.5: The City shall plant trees, on City property only, according to the following priorities:

1. In existing neighborhoods to replace dead or dying street trees.
2. In existing neighborhoods to complete existing street tree patterns.
3. On parks sites, open space areas, or other appropriate public areas to provide shaded picnic or pedestrian walkways.
4. In gateway areas, as defined in the Future Land Use Element. Upon adoption of this policy, the City shall prioritize this sub-policy by planting a maximum of 25% of developer/builder provided trees to gateway areas for a two year period.
5. On sites containing public buildings frequented by citizens such as City Hall, Multi-purpose building, etc.
6. Along arterial and collector roadways that traverse the City."

"Policy 3.6: Recognizing that factors, both natural and man induced, will result in the diminution of the City's natural forest/tree canopy as the City continues to grow, the City shall, through policies, regulations, and programs strive to develop an urban forest comprised of a mix of native forest land and planted trees which maintains or enhances the City's tree canopy to levels equivalent to 35% - 80% of the tree canopy that existed at the time of adoption of this Plan in 1997."

"Policy 3.7: Prior to 2011, the City shall conduct a study to determine the approximate percentage of coverage offered by the City's tree canopy at the time of adoption of this Plan in 1997."

### Sec. 45-4. - Intent.

The provisions of this Chapter 45 are intended and shall be construed, implemented and enforced to achieve the following public purposes:

- A. Preserve existing trees;
- B. Develop a mix of native forests and planted trees which shall maintain or enhance the City's tree canopy at buildout of the City. The 1995 USGS Digital Ortho Quarter Quads, or other measurement tools are provided by the Florida Forestry Service and approved by the City Manager or designee. The USGS quad maps are available electronically at the City of North Port Planning and Zoning Department or on the City's website. The City shall make copies of the electronic files available at a reasonable cost;
- C. Take full advantage of the benefits of trees to the community listed in Sec. 45-2 above;

## **NORTH PORT-Tree Protection Regulations**

- D. Some tree species are more beneficial than others as necessary contributors to the City's environment and it is not necessary to protect each and every species in order to attain the public benefit of a tree protection and replacement ordinance;
- E. Establish a comprehensive tree management program for the planting, pruning, care, maintenance and preservation of trees, plants, vegetation and shrubs on public property, places and rights-of-way within the City;
- F. Designate the City of North Port Beautification and Tree Council as the advisory organization to counsel the City Commission on matters relating to the planting, care, maintenance, and preservation of trees, plants, vegetation and shrubs on public property, places and rights-of-way within the City; and
- G. To provide a smooth transition from the rural environment to the built environment.

### **Sec. 45-5. - Prohibitions.**

- A. It shall be a violation of this chapter for any person or persons to remove or cause any tree or trees to be removed from any property within the City without first obtaining a tree removal permit in accordance with the provisions of this chapter, unless otherwise exempt under Sec. 45-6. This prohibition extends to all vacant and undeveloped property on which any form or type of new development, construction, renovation or demolition is to occur.
- B. For lots and parcels one (1) acre or greater in size, trees planted in the defensible space (as defined in this chapter) shall meet the guidelines and criteria established by the University of Florida Cooperative Extensive Service, Protecting Your Home From Forest Fires and Developing Land in Florida with Fire in Mind: Recommendations for Designers, Developers and Decision Makers. Documents are available at the City of North Department responsible for land development services and on the web: <http://edis.ifas.ufl.edu>. Hardwood trees shall be the only species permitted in the thirty-five (35) foot area defined as the defensible space. (Homeowners are encouraged to follow all of the guidelines contained in the documents.)
- C. Tree removal on any lot or parcel is not permitted unless associated with a development permit specified in Sec. 45-7.
- D. The topping of any tree or sculpting the trees into a desired shape other than the natural shape shall be prohibited.
- E. Any trimming of mangroves shall be in compliance with all Federal, and State regulations and is prohibited without the prior approval of the Department of Environmental Protection (DEP).

[Amended 9-23-2013 by Ord. No. 2013-19]

### **Sec. 45-6. - Tree removal permit exemptions.**

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.



## **NORTH PORT-Tree Protection Regulations**

- B. Voluntary annexation petitions.
- C. Tree removal necessary for the construction of public roads, public utilities, public landfills or public stormwater facilities.
- D. Tree removal necessary for the maintenance of existing roads, utilities or stormwater facilities within rights-of-way easements, performed or contracted by any government entity or duly authorized utility.
- E. Agricultural land.
  - (1) A lot or portion thereof that is classified by the Sarasota County Property Appraiser as bona fide agricultural land under the agricultural assessment provisions of F.S. § 193.461 and where tree removal is undertaken solely for agricultural purposes. This exemption shall not apply to any tree removal in preparation for, or in anticipation of, any development or any construction of nonagricultural improvements. For the purposes of this chapter, evidence of such preparation, anticipation or application includes:
    - (a) Building permit for nonagricultural use.
    - (b) Special exception.
    - (c) Rezone.
    - (d) Development of regional impact.
    - (e) Site and development plan.
    - (f) Subdivision plan.
    - (g) Master plan.
    - (h) Other development approval.
  - (2) Submittal of plans listed in this section within six (6) years of the date of tree removal permit shall invalidate this exemption and require an after-the-fact and/or mitigation in accordance with this chapter.
- F. Plant or tree nurseries with regard to only those trees grown on the premises and specifically for sale to the general public in the ordinary course of such plant or tree nurseries' businesses.
- G. Tree farms consisting of planted stands of pine or other commercial-managed species on private property and with regard to only those trees that are being grown and managed for sale as pulp, paper, or timber products, or a site in which trees are grown as an agricultural product for the nursery industry. A natural stand of pines is eligible to qualify for an exemption if the property owner can clearly demonstrate that the pine stand has been managed for a minimum of two (2) years for timber production in compliance with a timber or forest management plan filed with and approved by either the State of Florida Division of Forestry, the Natural Resources Conservation Service or a consulting forester.
- H. Removal of any species as specified in Sec. 21-6 of this Unified Land Development Code.
- I. Dead trees. A letter and photograph, which is taken within ten (10) days of date of letter, shall be submitted to the City Manager or designee one (1) week prior to tree removal informing City that tree is being removed. All existing single-family and duplex residential development properties are exempt from this requirement.
- J. Any plans or actions undertaken by a governmental agency or an agency's authorized agent(s).
- K. Fire fighting and prescribed burning authorized by a governmental agency or agency's authorized agent(s).
- L. Governmental personnel or agencies in the performance of their official duties and meeting the requirements of Sec. 45-16.

## NORTH PORT-Tree Protection Regulations

### Sec. 45-7. - Permit criteria, procedures and fees.

- A. Unless exempt under Sec. 45-6 above, no person shall remove or cause to be removed any tree or trees from any property within the City or begin any type of construction, development, renovation or demolition thereon without a tree removal and protection permit issued by the City. Violation of these regulations shall constitute a fine as set forth in subsections below.
- B. It is the intent of this section that no permit shall be granted for the removal of any tree where the applicant has failed to design and locate all proposed improvements to minimize the removal of trees consistent with the use of the property allowed by the Unified Land Development Code (ULDC), as amended, and the applicable elements of the City Comprehensive Plan, Ordinance No. 97-27, as amended. Accordingly, tree removal and protection permits shall only be issued when any of the follow criteria is met, and if applicable, project phasing is clearly identified in an approved development order, as tree removal permits shall be issued by phase only:
  - (1) The trees pose a safety hazard to pedestrian or vehicular traffic or unmanageably threaten to cause disruption to utility services;
  - (2) The trees pose an immediate safety hazard to buildings, structures or other improvements. Immediate safety hazard referred to herein means hazards such as disease, decay, and/or structural instability as determined by the City Manager or designee.
  - (3) The trees prevent reasonable vehicular access to a lot;
  - (4) A statement that the trees unreasonably prevent development of a lot or the physical use thereof, or if State or local regulations require fill to the extent that trees cannot be saved and the required elevations are certified by the project engineer; or
  - (5) A statement by a qualified arborist or other professional as approved by the City Manager or designee that the trees are diseased or are weakened by age, storm, fire or other injury or as a result of suppression by other trees or vines or site conditions to the extent that they have lost most of their function and value or pose a danger to persons, property, improvements or other trees. It is the intent of this provision that no permit shall be granted for the removal of any tree if the hazard can be abated by any other reasonable means.
  - (6) Meets the tree removal criteria in Sec. 45-8.
- C. Application; environmental assessment report in lieu of application.
  - (1) In order to obtain a tree removal permit, an application meeting the requirements established by this chapter shall be submitted to the City Manager or designee for review and appropriate action prior to or concurrent with the submission of:
    - (a) Building permit application.
    - (b) Upon approval of appropriate development order for:
      - (i) Minor site and development plan.
      - (ii) Major site and development plan.
      - (iii) Subdivision plan, infrastructure areas only.
      - (iv) Special exception approval.
    - (c) All building permits; minor, and major, site plans; and special exception applications as stated above shall include copies of approved local, State, and Federal permits.
  - (2) For all proposed zoning changes, an environmental assessment report, prepared by a professional environmental scientist, shall be submitted in lieu of a tree removal and protection permit application. The City Manager or designee shall approve the scope of the environmental assessment report.

## NORTH PORT-Tree Protection Regulations

- D. Any written application submitted to the City Manager or designee shall authorize City staff to enter onto and inspect the property of the applicant to determine if the applicant is in compliance with the provisions of this chapter.
- E. This section applies to fees for tree removal where a permit has been issued based on an inaccurate tree location survey or tree inventory plan, and does not apply to removal of trees without a permit. If trees have been removed without a permit, Sec. 45-14 shall apply. A tree location survey or tree inventory is required for all development applications which shall be simultaneously submitted with the tree removal permit application and shall be at the same scale as the plans that show the location of the proposed development. Tree location surveys or tree inventory plans shall be incorporated in a site plan that provides the following information:
- (1) The shape and dimensions of the property, together with existing and proposed locations of structures, utilities (i.e., power lines, water, sewer) and other improvements, if any;
  - (2) Locations of existing trees four and one-half (4½) inches diameter at breast height (DBH) or greater, identified by common or botanical name. Trees proposed to remain, to be transplanted, or to be removed shall be identified. Groups of trees in close proximity (five (5) feet spacing or closer) may be designated as a "clump" of trees, with the predominate species, estimated number and average DBH and total DBH listed. Limited clearing may be necessary to provide proper preparation of the tree location survey, however, only minimal disturbance shall be permitted according to accepted industry standard of care (mowing or bush hogging to provide foot access only);
  - (3) If existing trees are to be transplanted, the proposed relocation for such trees, together with a statement as to how such trees are to be protected during land clearing and construction and maintained after construction;
  - (4) A statement indicating how trees not proposed for removal or relocation are to be protected during land clearing and construction;
  - (5) Locations and dimensions of all setbacks and easements required by the Unified Land Development Code of the City;
  - (6) Statements as to grade changes proposed for the property and how such changes will affect trees;
  - (7) Any proposed tree replacement; and
  - (8) The total number, type and location of trees proposed for removal in tabular form.
  - (9) Counted trees shall be marked with a four (4) inch "X" with a surveyor's keel or with a ribbon.
  - (10) For any tree that is missed in the count the City shall assess a mitigation fee of twenty-five dollars (\$25.00) per tree.
  - (11) For any heritage tree that is missed in the count, the City shall assess a mitigation fee of one hundred dollars (\$100.00) per tree.
  - (12) Administrative processing fee for tree inventories are listed below. Land clearing fees are in addition to the following inventory fees:
    - (a) Lots ten thousand (10,000) square feet or less: Seventy-five dollars (\$75.00).
    - (b) Lots ten thousand one (10,001) square feet up to one (1) acre: One hundred twenty-five dollars (\$125.00).
    - (c) Residential parcels one (1) acre to five (5) acres: One hundred fifty dollars (\$150.00) per acre.
    - (d) Commercial parcels one (1) acre or above: Two hundred dollars (\$200.00) per acre.

## **NORTH PORT-Tree Protection Regulations**

- F. In the event there are no trees on the property, the applicant may, in lieu of a tree location survey or tree inventory plan, submit a notarized statement to that effect. The City shall verify any such statement by an on-site inspection of the property.
- G. Upon receipt of a complete application and all required supporting documentation, the City Manager or designee shall conduct a field inspection to determine if the information is sufficient for review and if the proposed plan is in compliance with the provisions of this chapter.
  - (1) The review for single- and two-family lots shall be made within ten (10) calendar days of receiving a completed application.
  - (2) The review for other parcels shall be made within ten (10) calendar days of receiving a completed application.
  - (3) Upon completion of the review, the City Manager or designee shall notify the applicant that the application is either insufficient, does not comply with the provisions of this chapter or that the permit is approved or approved with stipulations and/or conditions.
- H. Should an additional tree or trees need to be removed after a permit has been issued, the applicant shall obtain an amended permit prior to the removal pursuant to subsection (G) above. This amended permit shall be reviewed within five (5) calendar days. Failure to amend the permit prior to removal of the tree shall constitute a violation of this chapter and shall be assessed two hundred fifty dollars (\$250.00) per tree removed.
- I. If a tree to be retained dies after a tree removal permit has been issued but before the issuance of a certificate of occupancy, the applicant shall notify the City Manager or designee and request an inspection prior to the removal of the dead tree(s). An inspection will be made within seventy-two (72) hours of notification by the applicant. Failure to notify the City Manager or designee prior to the removal of any dead tree constitutes a violation of this chapter and shall be assessed two hundred fifty dollars (\$250.00) per tree removed.
- J. Before any certificate of occupancy is issued, the City Manager or designee shall conduct a final tree inspection of the property to ensure that the provisions of this chapter have been complied with. Final inspections shall be scheduled by the applicant and will be completed within two (2) calendar days after notification by the applicant after grade is complete.
  - (1) No certificate of occupancy shall be issued until all provisions of this chapter have been fully complied with.
- K. Tree removal shall only be performed by the resident homeowner, a person(s) under the homeowner's direct control or a contractor licensed by the City.
- L. The City Commission shall, by resolution, set reasonable fees and charges for the implementation of this chapter, which will substantially finance the expenses of tree protection-related activities.
  - (1) Anyone who commences development, construction, renovation or demolition without obtaining a permit shall be required to obtain an after-the-fact permit at double the regular permit fee or a five hundred dollars (\$500.00) fine, whichever is greater, for residential, and/or mitigate the impact of said action in accordance with the provisions of Sec. 45-11 of this chapter.
  - (2) However, payment of such after-the-fact permit fees or mitigation shall not preclude nor be deemed a substitute for prosecution of violations of this chapter.
- M. The tree removal and protection permit shall be prominently posted on the subject property for the duration of the clearing activity and shall be present at the zoning rough inspection. Failure to post such a permit as specified above shall result in a fine of one hundred dollars (\$100.00) and immediate discontinuation of all construction activity.

### **Sec. 45-8. - Tree canopy development standards.**

- A. All zoning districts 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

## NORTH PORT-Tree Protection Regulations

developments. The following options are available in all zoning districts to achieve the thirty-five percent (35%) canopy coverage.

- (1) Preserve existing trees sufficient to meet the canopy coverage.
  - (2) Preserve a portion of existing trees and supplement with new trees.
  - (3) Clear entire lot or parcel and plant new trees.
  - (4) The property owner shall be responsible for the continuing maintenance and replacement of unhealthy or dead trees. Tree canopy development standards do not expire upon the issuance of the final certificate of occupancy or the certificate of completion.
  - (5) To receive credit for canopy requirements, trees shall be located within the immediate area or phase for which trees are required. Trees in a different or future phase may not be counted as tree canopy in the current development phase.
- B. If a property owner in a residential subdivision, Residential Single-Family (RSF), Residential Manufactured Home (RMH), or Agricultural (AG) Zoning District desires to construct a home or has constructed a home and wishes to clear the entire lot without replanting of trees, the property owner may:
- (1) Clear the entire lot or parcel and pay a mitigation fee calculated by using the cost of a potted live oak installed at three hundred dollars (\$300.00) per tree. The requirements shall be calculated on two (2) trees for the first seven thousand five hundred (7,500) square feet and one (1) tree for each additional two thousand five hundred (2,500) square feet.
  - (2) Clear a portion of the lot, supplement with new trees and pay mitigation fees if the required canopy coverage cannot be met, calculated pursuant to Sec. 45-8(B)(1) above.

### Sec. 45-9. - Administrative variance.

Administrative variances shall only be used to promote site plan flexibility on residential and commercial parcels and/or lots for the express purpose of tree preservation. The City Manager or designee shall only issue administrative variances for front, side and/or rear yard setbacks for projects meeting the criteria in this section. Administrative variances shall not be issued for easement encroachments. Applicants requesting administrative variances shall submit a site plan and written statement(s) using the Maximum Setback Encroachment Permissible Table and addressing the following criteria:

- A. Setback encroachment necessary to preserve tree(s) meeting definitions in this chapter: Greater than four and one-half (4½) inches diameter at breast height (DBH).
- B. Setback encroachment shall not create an undue burden to adjacent property owners.
- C. Statement of how tree(s) shall be protected and preserved.
- D. Statement that tree(s) shall not be removed after the variance is issued unless tree(s) meets exemption criteria in this chapter or a tree removal permit is submitted.
- E. Any tree(s) removed after an administrative variance is issued and without a tree removal permit shall be subject to all of the violation enforcements in Sec. 45-14.
- F. Administrative variances are based on twenty-five percent (25%) setback encroachments. At the sole discretion of the City Manager or designee, additional variance area may be granted.

### Maximum Setback Encroachment

Zoning District	Front Yard	Rear Yard (feet)	Side Yard (feet)	Waterfront Yard (feet)
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## NORTH PORT-Tree Protection Regulations

	(feet)			
RSF-2	6.25	6.25	Interior: 2.5	N/A
			Abut road: 3.75	
			Waterfront: 6.25	
			Abut road: 3	
			Waterfront: 6.25	
RSF-3	6.25	6.25	Interior: 1.5	N/A
			Abut road: 3	
			Waterfront: 6.25	
RTF	6.25	6.25	Interior: 2	N/A
			Abut road: 3.75	
			Waterfront: 6.25	
RMF	6.25	6.25	2.5 (½ bldg. height not < 10) Abut road: 6.25	Prior to 9/17/1990: all areas (platted/unplatted) w/ a twenty-foot drain./util. easement: 5. New subdivisions platted after 9/17/1990: 6.25
RMH	3.75	2.5	Interior: 1.25	N/A
			Abut road: 2.5	
AG	10	10	10	10
CG	6.25	3.75 (Lots > 200 in depth)	Interior: 0	5
			Abut road: 3.75	
GU	6.25	5	2.5	5
ILW	6.25	Interior: 2.5	Interior: 0	5
			Abut road: 2.5	Abut road: 3.75
			Abut water: 5	Abut water: N/A
OPI	10	5	5	N/A
PCD	Grp. 1: 10	Grp. 1: 5	Grp. 1: 5	Grp. 1: N/A
	Grp. 2: 10	Grp. 2: 5	Grp. 2: 5	Grp. 2: N/A
	Grp. 3:	Grp. 3: 2.5	Grp. 3: 2.5	Grp. 3: N/A
	6.25	Grp. 4: 5	Grp. 4: 5	Grp. 4: N/A
	Grp. 4: 10	Grp. 5: 5	Grp. 5: 5	Grp. 5: N/A

## NORTH PORT-Tree Protection Regulations

	Grp.5: 10			
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### Sec. 45-10. - Tree protection during development.

- A. Prior to and during land clearing, the owner, developer or agent shall clearly mark (with colored flagging) all trees proposed to be removed and shall erect barricades around all trees to be protected. The barricades shall remain in place and be in good condition throughout construction. Barricades may be removed for the final grading; this does not relieve the purpose of the protective zone, all tree standard precautions shall be adhered to. Removal of other vegetation within the protected zone (area around trees to be saved) may be accomplished only by mowing or hand clearing. If improvements are to be located within the protected zone of trees, clearing by machinery will be allowed, but only in the area and to the extent necessary to install the improvements. The owner, developer or agent shall not cause or permit the movement of equipment or the storage of equipment, material, debris or fill to be placed within the required protective barrier.
- B. During the construction stage, the owner, developer or agent shall not cause or permit the cleaning of equipment or material or the storage or disposal of waste materials such as paints, oils, solvents, asphalt, concrete, mortar or any other material within the dripline of any tree or group of trees.
- C. No damaging attachment wires, signs or permits may be attached or fastened to any tree, other than support wires for a tree.
- D. Barricades shall be erected at the drip line unless prior arrangements have been made via an on-site meeting with the City Manager or designee to agree on other preservation techniques for the protection of the root zone. Tree protection fencing shall be wood, plastic, or chain-link fencing. The posts shall be driven into the ground to hold the fencing in an upright position throughout the construction on the site. Other measures may include but are not limited to: reducing the area on one (1) or more sides of the barricade, root pruning, installing protective mulch layer or pruning of canopy for accessibility. These techniques shall be agreed upon in writing and shall be posted with the land clearing permit. If the barricades are not kept up or are not put up, fines will be assessed in accordance with the Building Department's re-inspection fees included in the City-wide fee schedule as may be amended from time to time.
- E. In lieu of erecting barricades as required in subsection D above, large property areas containing trees and separated from construction or land clearing areas by road rights-of-way, lakes, retention areas and utility easements may be barricaded by placing stakes not more than fifty (50) feet apart, connecting the stakes with a line of string, and tying colored ribbon to the string; or using three (3) inch wide, heavy gauge barricade tape from stake to stake along the outside perimeters of such areas to be cleared.
- F. Silt barriers, hay bales, or similarly effective erosion control barriers will be required in any area where erosion or siltation may cause damage to trees.
- G. Where elevation changes are proposed within the protected zone of trees, the applicant will be required to install retaining walls or drain tiles unless the applicant demonstrates that such protection would be impractical. The applicant shall have the choice of the type or design. These root protection measures shall be in place prior to the deposition of fill or excavation of soil from the protected zone.
- H. The City Manager or designee shall conduct periodic inspections of the site during land clearing and construction in order to ensure compliance with this chapter.
- I. The applicant(s) is required to remove all felled plant material and/or rubbish from site within ten (10) days of felling.

### Sec. 45-11. - Tree replacement, relocation and mitigation.

- A. Replacement trees.

## NORTH PORT-Tree Protection Regulations

- (1) Except for the exemptions provided under Sec. 45-6, replacement tree(s) shall:
    - (a) Be an approved tree from the tree priority list;
    - (b) Be a minimum of eight (8) feet high and three (3) inch caliper measured six (6) inches above the ground when planted;
    - (c) Have the potential to meet the tree canopy requirements pursuant to Sec. 45-8;
    - (d) Be Florida Department of Agriculture Nursery Grade No. 1 or better as per Grades and Standards for Nursery Plants;
    - (e) Be placed so that they will develop freely and when mature will not crowd utility lines or other structures;
    - (f) Have a root ball planted at the proper height and in accordance with accepted nursery standards;
    - (g) Have a mulched bed at least three (3) feet in diameter and three (3) inches deep and set back six (6) inches from the base of the tree to conserve water, promote growth, and prevent disease; and
    - (h) Be staked, when necessary, in a way that will not injure the tree with broad straps of soft material around the trunk tied loosely enough to allow the trunk to move in the wind.
  - (2) Selection of the species of replacement tree(s) shall come from the Priority Tree List. A list of acceptable replacement trees (tree priority list) will be on file in the Building Department. Alternatives, with respect to size and species, may be approved if the applicant demonstrates that such substitutions will be consistent with the purposes and intent of this chapter. Written approval from the City Manager or designee is required prior to planting any alternative tree.
- B. 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.
  - (3) Any tree between four and one-half (4½) inches and twenty-nine and seven-eighth (29 7/8) inches that is preserved will receive a tree credit toward the thirty-five percent (35%) minimum canopy requirement only, unless found in the footprint of what is proposed to be built.
- C. In order to fulfill the primary stated intent of Chapter 45 to preserve existing trees, the following incentives are available to satisfy the thirty-five percent (35%) canopy coverage requirement identified in Sec. 45-8.
- (1) Tree credits will be given in accordance to canopy coverage shown on the Priority Tree List.
  - (2) Preservation of a heritage tree will allow for double the canopy coverage shown on the Priority Tree List.
- D. In lieu of paying mitigation fees, the applicant may donate property to the City as part of a tree/environmental mitigation program. Properties being considered for donation shall meet a City-identified need and be approved by the City Manager or designee. In evaluating the property for donation, the City Manager or designee shall consider these criteria: percentage of tree canopy and location of the property adjacent to any waterway identified as the Myakkahatchee Creek or public preservation areas.
- (1) Property donated pursuant to this subsection shall not be eligible for development of any kind except for passive recreational use such as hiking trails, canoe/kayak launches, bird watching, etc.



## **NORTH PORT-Tree Protection Regulations**

- E. Timing and location. Trees required by this chapter to be replaced or relocated shall be properly planted, mulched and staked and showing no signs of distress prior to the issuance of a certificate of occupancy and shall not be located closer than three (3) feet to any property line if it causes an obstruction to the drainage system or six (6) feet from any utility line or City easement. Replacement trees shall not be planted underneath or near overhead utility lines unless they are a species that, when mature, will not interfere with the utility line.
  - (1) The planting site shall have sufficient root zone and canopy space to allow the tree(s) to grow to a mature size.
- F. Tree survival. Consultation with the City Manager or designee is required during the entire tree planting process. The City assumes no liability for the survival of any trees.
  - (1) The property owner shall be responsible for the continuing maintenance and replacement of unhealthy or dead trees. Tree canopy development standards do not expire upon the issuance of a certificate of occupancy or a certificate of completion.
  - (2) Single-family and duplex development(s) are exempt from warranty requirements and bond but shall maintain thirty-five percent (35%) canopy coverage.
  - (3) The City Arborist will do random inspections to ensure the survival of planted trees.
- G. When a heritage tree falls in to the footprint of a roadway that is unable to be rerouted to save the tree on a commercial development as determined by the City, the developer may choose from the following options:
  - (1) Plant a tree caliper inch per inch replacement in the boundaries of the property, in addition to the thirty-five percent (35%) minimum canopy requirement.
  - (2) Pay the heritage tree mitigation fee as set forth in this chapter.
- H. Where heritage tree(s) fall in the footprint of the building of a commercial development, mitigation fees shall be paid as set forth in this chapter.

### **Sec. 45-12. - Heritage and champion trees.**

- A. The heritage designation is conferred on the large trees that are the major distinguishing feature of North Port's urban forest. All native tree species are designated heritage trees when they reach the size of thirty (30) inches diameter at breast height (DBH). In the case of multi-stemmed trees where there is union of wood above grade, the DBH shall be measured on each stem and added together to count as one (1) tree.
  - (1) For all zoning districts, the permitting procedure and criteria for heritage trees shall be consistent with Sec. 45-7 and shall include the additional criteria enumerated below. In any event, the more restrictive permit procedure and criteria for heritage trees shall apply.
- B. Heritage trees additional permitting criteria.
  - (1) Removal or relocation shall only be permitted by the City. The removal of any heritage tree as determined by the City, will require a permit for removal regardless of whether a certificate of occupancy has been granted.
  - (2) For proposed relocations of heritage trees, a tree management plan that includes a two (2) year survivability element shall be required. The management plan may include either a tree survey or tree inventory plan.
  - (3) For proposed removals, a tree inch for tree inch mitigation fee shall be in accordance with Sec. 45-11(B).
  - (4) 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.

## **NORTH PORT-Tree Protection Regulations**

- C. Champion tree: identified by the State Division of Forestry as being the largest of their species within the State or by the American Forestry Association as the largest of their species in the United States.
- (1) For all zoning districts, the permitting procedure and criteria for champion trees shall be consistent with Sec. 45-7 and shall include the additional criteria enumerated below. In any event, the more restrictive permit procedure and criteria for champion trees shall apply.
  - (2) Champion tree additional permitting criteria.
    - (a) A tree condition and assessment report by an environmental scientist that identifies the extent of the root system, boundary of dripline and management plan. A tree survey accompanied by an aerial meeting the criteria of this chapter shall be included in the report.
    - (b) No development shall occur within the dripline as established by the tree condition report.
    - (c) A champion tree is not eligible for removal or relocation.
    - (d) If a champion tree is located on a single-family or duplex lot platted prior to the adoption date of this chapter and prevents development, the City shall either trade property for a separate yet equal lot or acquire the lot(s) for public benefit.

### **Sec. 45-13. - Establishment of tree fund.**

There is hereby established a City of North Port Tree Fund to be administered by the City's Department of Financial Services. All mitigation fees and monetary fines for violations of this Ordinance or Chapter 21 of this Unified Land Development Code shall be deposited into this special Tree Fund. The Tree Fund shall be used to advance the stated intent of Chapter 45 by engaging in the following activities;

- (1) Purchasing property within the City to be used only for tree preservation purposes;
- (2) Planting trees from the Tree Priority List on public lands within the City according to the priorities identified in Policy 3.5 of the Conservation and Coastal Zone Management element of the Comprehensive Plan;
- (3) Educating the public on proper care of trees;
- (4) Maintaining tree health and safety on public lands within the City. Money used from the Tree Fund for the purpose of tree maintenance shall be used exclusively for those trees planted with Tree Fund money; and
- (5) Purchasing conservation easements on privately owned property within the City.

### **Sec. 45-14. - Enforcement, penalties for offenses, appeals.**

- A. In order to ensure compliance with the provisions of this chapter, the City may:
- (1) Issue stop-work orders for any development, construction, renovation or demolition or portion thereof only where regulated trees are affected;
  - (2) Withhold the issuance of any building or other permit unless the permit does not impact or exacerbate the violation and at the discretion of the City Manager or designee;
  - (3) Withhold the issuance of any certificate of occupancy or required inspection;
  - (4) Use any other enforcement remedy granted by the North Port Unified Land Development Code or the North Port Code;
  - (5) Employ all available remedies in law or equity, including, but not limited to, injunctive relief to enjoin and restrain any person from violating its provisions, money damages and all costs and expenses of the litigation; and/or
  - (6) Assess monetary fines or penalties.

## NORTH PORT-Tree Protection Regulations

- B. Penalties for offenses. This section applies to any tree removal without a permit. [Amended 1-30-2012 by Ord. No. 2011-32]
- (1) 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]
  - (3) In a case where clearing has occurred and the number of trees removed are able to be determined by the City Manager or designee:

*Residential:* Two hundred fifty dollars (\$250.00) per tree plus an after-the-fact permit at double the fee.

*Non-residential:* Five hundred dollars (\$500.00) per tree, plus the replanting of four (4) replacement trees per 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 fee. [Added 1-30-2012 by Ord. No. 2011-32]
  - (4) Each violation of this chapter for the illegal removal of a heritage or champion tree on any lot, parcel or tract of land, other than single-family, shall be the cost of the legal removal pursuant to regulations set forth in Sec. 45-12 and an additional five thousand dollars (\$5,000.00) and the planting of four (4) replacement trees or payment to the Tree Replacement Fund of the penalty and an amount equal to four (4) replacement trees plus actual staff costs, including, but not limited to, time, resources, material or expenses of investigation and administration caused by the violation. [Amended 1-30-2012 by Ord. No. 2011-32]
    - (a) If there is evidence that a heritage tree existed but the actual size of the tree is unable to be determined, a ten thousand dollar (\$10,000.00) fine shall be assessed, plus the cost to legally remove a tree at thirty (30) inches times one hundred dollars (\$100.00) or three thousand dollars (\$3,000.00), the replanting of four (4) trees, and the cost of an after-the-fact permit at double the fee. [Added 1-30-2012 by Ord. No. 2011-32]
  - (5) Fines and tree replacement shall be determined and assessed by the City Manager or designee, who shall give notification to the property owner or authorized agent and corrective action must be taken prior to commencement of additional work. [Amended 1-30-2012 by Ord. No. 2011-32]
  - (6) Failure to pay assessed fines and/or plant tree replacements within thirty (30) days of receiving notice thereof shall be a separate violation of this chapter. This will result in the fine being double the original amount. No permits or certificates of occupancy shall be granted to the property owner and/or his or her agents while either such fine remains unpaid and/or tree replacements are unplanted. Failure to comply shall result in the fine doubling every ninety (90) days. [Amended 1-30-2012 by Ord. No. 2011-32]

Sec. 45-15. - Jurisdictional applicability.

The provisions of this chapter shall apply and be effective throughout the incorporated geographical area and boundaries of the City of North Port.

## NORTH PORT-Tree Protection Regulations

Sec. 45-16. - Emergency tree removal.

When it is necessary to expedite the removal of any trees in the interest of public safety, health, and general welfare following high winds, storms, hurricanes, tornados, floods, freezes, fires or other man-made or natural disasters, the City Commission may, by resolution, declare an emergency and suspend the requirements of this chapter for a period of up to thirty (30) days in the affected areas.

Sec. 45-17. - Effective date.

This chapter and the provisions thereof shall take effect immediately upon adoption by the City Commission and allocation of funding to implement the ordinance.

Sec. 45-18. - Tree planting incentive.

The City Administration shall develop a program to provide the original property owner(s) with the ability to replace trees that were removed and a mitigation fee was paid. The amount of this replacement shall not exceed the amount of the mitigation fee.

Sec. 45-19. - Priority tree list.

See chart below.

Major Shade Trees: Canopy Potential at Maturity: 1,500 square feet						
N. America Native (+) Non Native (- )	Common Name	Latin Name	Spread	Hardiness/ Height	Range	Persistence
+	American Elm	<i>Ulmus Americana</i>	50-70	70-90	2A-9B	Deciduous
-	Chinese Elm	<i>Ulmus Parvifolia</i>	35-45	40-65	5B-10A	Deciduous
+	Winged Elm	<i>Ulmus Alata</i>	30-40	45-75	6A-9B	Deciduous
-*****	Eucalyptus	<i>Eucalyptus Sideroxylon</i>	35-50	35-70	10A-11	Evergreen
+	Pignut Hickory	<i>Carya Glabra</i>	25-35	50-75	4B-9A	Deciduous
+	Water Hickory	<i>Carya Aquatica</i>	50-60	50-90	6B-9A	Deciduous
+*****	Florida Mahogany	<i>Swietenia Mahogoni</i>	35-50	50-80	10B-11	Semi- Evergreen
+	Southern Magnolia	<i>Magnolia Grandifloria</i>	35-50	60-80	6B-10A	Evergreen
+	Red Mulberry	<i>Morus Rubra</i>	35-45	40-70	5A-9B	Deciduous
+	Live Oak	<i>Quercus Virginiana</i>	60-100	50-75	7B-10B	Semi- Evergreen
+	Shumard Oak	<i>Quercus Shumardii</i>	35-60	75-90	5B-9B	Deciduous
-	Silk Oak	<i>Grevillea Robusta</i>	25-35	60-100	9B-11	Evergreen
+	Southern Red Oak	<i>Quercus Falcata</i>	60-70	60-80	7A-9B	Deciduous
+	Water Oak	<i>Quercus Nigra</i>	50-80	50-75	6A-	Semi-

## NORTH PORT-Tree Protection Regulations

					10A	Evergreen
+	Sycamore	<i>Plantanus Occidentalis</i>	70-80	70-90	4B-9A	Deciduous

\*\*\*\*\*Denotes Trees Susceptible to Frost

Intermediate Shade Trees: Canopy Potential at Maturity: 1,000 square feet [Amended 1-30-2012 by Ord. No. 2011-32]						
N. America Native (+) Non Native (-)	Common Name	Latin Name	Spread	Hardiness/ Height	Range	Persistence
-	Red Bay	<i>Persea Borbonia</i>	25-40	30-65	7A-11	Evergreen
_*****	Camphor	<i>Cinnamomum Camphora</i>	45-65	50-60	9B-11	Evergreen
+	Catalpa	<i>Catalpa Speciosa</i>	35-45	35-70	4B-9A	Deciduous
+	Southern Red Cedar	<i>Juniperis Virginiana</i>	25-35	25-50	7B-10A	Evergreen
+	Bald Cypress	<i>Taxodium Distichtum</i>	25-35	50-75	4A-10B	Deciduous
+	Pond Cypress	<i>Taxodium Ascendens</i>	20-40	50-75	5B-10A	Deciduous
_*****	Jacaranda	<i>Jacaranda Mimosifolia</i>	40-50	35-50	9B-11	Deciduous
-	Juniper	<i>Juniperus Chinensis</i>	15-25	40-50	4A-10A	Evergreen
+	Red Maple	<i>Acer Rubrum</i>	40-60	50-75	4A-10B	Deciduous
-	Sand Live Oak	<i>Quercus Geminata</i>	50-80	25-50	8A-10A	Semi-Evergreen
_*****	Black Olive	<i>Bucida Buceras</i>	35-40	25-40	10B-11	Evergreen
_*****	Hong Kong Orchid	<i>Bauhinia x Blakeana</i>	15-30	25-50	9B-11	Evergreen
+	Common Persimmon	<i>Diospyros Virginiana</i>	20-35	40-60	4B-9B	Deciduous
+	Loblolly Pine	<i>Pinus Taeda</i>	25-35	50-75	6B-9A	Evergreen
+	Long Leaf Pine	<i>Pinus Pilustras</i>	35-50	60-90	7A-10A	Evergreen
-	Norfolk Island Pine	<i>Araucaria Heterophylla</i>	35-50	100-200	10A-11	Evergreen

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+	Slash Pine	<i>Pinus Ellioti</i>	35-50	75-100	7A-11	Evergreen
_*****	Golden Poinciana	<i>Peltophorum Pterocarpum</i>	25-35	25-50	10A-11	Semi-Evergreen
_*****	Royal Poinciana	<i>Delonix Regia</i>	50-70	25-50	10A-11	Semi-Evergreen
_*****	Floss Silk	<i>Chorisia Speciosa</i>	25-35	25-50	9B-11	Deciduous
+	Sugarberry	<i>Celtis Laevigata</i>	50-60	50-70	5A-10B	Deciduous
+	Sweetgum	<i>Liquidambar Styraciflua</i>	35-50	50-70	5B-9B	Deciduous
+*****	Black tupelo	<i>Nyssa Sylvatica</i>	25-35	65-75	4B-9B	Deciduous

\*\*\*\*\*Denotes Trees Susceptible to Frost

Medium Shade Trees: Canopy Potential at Maturity: 500 square feet						
N. America Native (+) Non Native (-)	Common Name	Latin Name	Spread	Hardiness/Height	Range	Persistence
+	Carolina Ash	<i>Fraxinus Carolinian a</i>	25-35	25-50	7B-10A	Deciduous
+	Loblolly Bay	<i>Franklinia Lasianthus</i>	15-25	25-50	7A-9B	Evergreen
-	Sweet Bay Magnolia	<i>Magnoli Virginiana</i>	15-30	15-40	5A-10A	Evergreen
+*****	Geiger Tree	<i>Cordia Sebestena</i>	15-25	15-25	10B-11	Evergreen
_*****	Golden Rain Tree	<i>Koelreuteria Eleganus</i>	20-30	20-40	5A-9B	Deciduous
+	American Holly	<i>Llex Opaca</i>	15-30	35-50	5B-9B	Evergreen
+	Dahoon Holly	<i>lilex Cassine</i>	15-25	25-40	7A-11	Evergreen
+	East Palatka Holly	<i>Ilex Opaca E.P. Holly</i>	15-25	25-50	7A-9B	Evergreen
+	Cherry Laurel	<i>Prunus Caroliniana</i>	15-25	25-40	8A-10A	Evergreen
+*****	Black Mesquite	<i>Prosopis Velutina</i>	20-25	15-25	8B-11	Semi-Evergreen
+	Sand Pine	<i>Pinus Clausa</i>	15-25	25-50	7A-10A	Evergreen
-	Podocarpus	<i>Podocarpus Falcatus</i>	25-35	30-40	10A-11	Evergreen
+*****	Pond Apple	<i>Annona Glabra</i>	15-25	15-25	10A-11	Evergreen
+	Chapman Oak	<i>Quercus Chapmanii</i>	25-35	20-40	8B-10B	Semi-Evergreen

## NORTH PORT-Tree Protection Regulations

_*****	Pink Trumpet	<i>Tabebuia Heterphylla</i>	15-25	15-35	10A-11	Semi-Evergreen
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\*\*\*\*\*Denotes Trees Susceptible to Frost

Small Shade Trees: Canopy Potential at Maturity: 250 square feet						
N. America Native (+) Non Native (-)	Common Name	Latin Name	Spread	Hardiness/Height	Range	Persistence
-	Arborvitae	<i>Platycladus Orientalis</i>	15-20	15-20	6A-10A	Evergreen
+	Bottle Brush	<i>Callistemon Viminalis</i>	15-25	15-25	9B-11	Evergreen
+*****	Green Buttonwood	<i>Conocarpus Erectus</i>	25-35	25-35	10B-11	Evergreen
+*****	Silver Buttonwood	" " var. <i>Sericeus</i>	25-35	25-35	10B-11	Evergreen
_*****	Cassia	<i>Senna Spectabilis</i>	15-20	15-20	10B-11	Evergreen
+	Crape Myrtle	<i>Lagerstremia Indica</i>	five-25	ten-30	6B-10A	Deciduous
+	Yaupon Holly	<i>Ilex Vomitoria</i>	ten-15	15-20	7A-10A	Evergreen
-	Loquat	<i>Eriobotrya Japonica</i>	25-35	15-25	8A-11	Evergreen
_*****	Mahoe	<i>Hibiscus Elatus</i>	15-25	20-30	10A-11	Evergreen
+*****	Marlberry	<i>Ardisia Escallonioides</i>	five-15	15-20	7A-11	Evergreen
+*****	Pigeon Plum	<i>Coccoloba Diversifolia</i>	15-25	15-25	10B-11	Evergreen
+*****	Sea Grape	<i>Coccoloba Uvifera</i>	20-30	20-35	10A-11	Evergreen
+	Simpson Stopper	<i>Myrcianthes Fragrans</i>	15-25	15-25	9B-11	Evergreen
+	Wax Myrtle	<i>Myrica Cerifera</i>	15-20	15-30	7A-10B	Evergreen
+*****	All Palms Are Equal to 250 square feet of canopy coverage points.					

\*\*\*\*\*Denotes Trees Susceptible to Frost

### Sec. 45-20. - Street tree requirements.

- A. All street development, including all City of North Port street projects, will be required to landscape the streets by using trees from the North Port Priority Tree List in Sec. 45-19 above. For all new developments being processed as a major site and development plan, subdivision plan, or development master plan, the property owner shall install street trees along all adjacent streets and streets that are internal to the development tract.
- (1) Major shade trees shall be placed along major roadways within a subdivision and along all collector and arterial roadways. Minor roadways shall have trees from any of the tree list categories.
  - (2) Trees intended to be used for the understory, small trees, and hedge forming trees, shall be used sparingly for the concealing of structures, including but not limited to, electrical boxes, backflow preventers, and the like. Large and medium shade trees will be used for canopy coverage purposes.

## NORTH PORT-Tree Protection Regulations

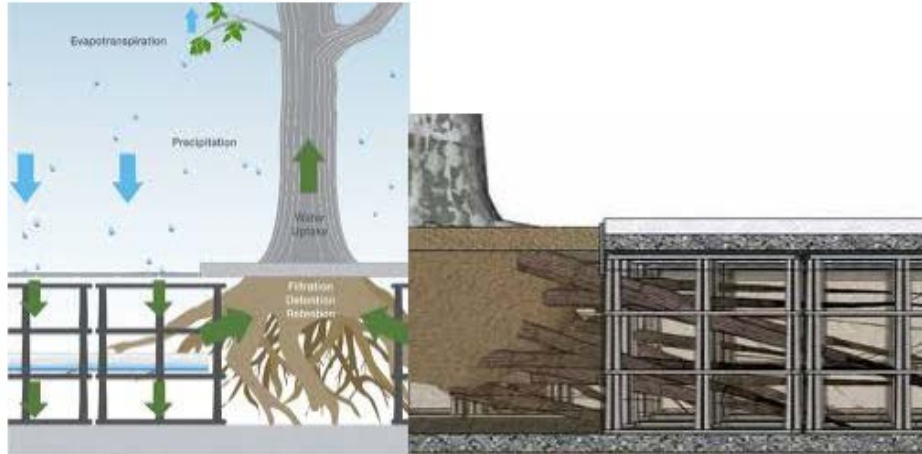
- B. Street trees to be installed will not count for the thirty-five percent (35%) minimum canopy requirement or buffer requirements.
- C. All street trees shall be chosen from the City's Major Shade Tree List and conform to the following planting guidelines for landscape design:
  - (1) Plantings shall be low to moderate water and maintenance needs and be adapted to local urban environmental conditions.
  - (2) Native species are preferred but are not required as long as the non-native species are proven adapted to the natural ecosystems of the City of North Port.
  - (3) Street trees shall be spaced to allow for maximum canopy potential and shall be planted on center.

Type of Tree	Distance Apart
Small Shade Tree	20—25 feet apart from each other
Medium Shade Tree	25—30 feet apart from each other
Intermediate Shade Tree	30—35 feet apart from each other
Major Shade Tree	35—40 feet apart from each other

- (4) If the required infrastructure interferes with the distance spacing requirement of street trees, the minimum distance to ensure survival of the street tree shall be used.
- (5) Root barriers.
  - a. All street trees shall have a root barrier installed, if any of the following applies:
    - i. Any small or medium shade trees planted five (5) feet or closer (measured from center of the tree) to any street, sidewalk, driveway, underground utilities or structure.
    - ii. Any major medium and major shade trees planted within the ten (10) feet of the designated planting location and is adjacent to any street, sidewalk, driveway, underground utilities or structure.
  - b. All root barrier(s) installation shall be linear. The applicant shall provide installation details and specifications with landscape plans.
  - c. Where root barriers are required for street trees and the root barrier installation is not feasible, one (1) of the following methods shall be utilized in lieu of the root barrier installation:
    - i. Soil cell system to incorporate trees in areas where sidewalks are present to support large tree growth and provide on-site stormwater management.



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- ii. Mechanical compaction of the soil before paving and the use of thicker concrete with wire mesh reinforcement to prolong the life of the sidewalk whether tree roots are present or not.
- iii. Meander the sidewalk away from the tree, to the greatest extent possible, to allow for the main structural root system to grow and prevent the upheaving of the sidewalk in the future.



### D. Protection of trees in the public right-of-way and other public places.

- (1) It shall constitute a violation of this chapter for any person to abuse, destroy, top, or mutilate any tree or shrub in the right of way, or to attach or place any rope, wire, sign, or poster to or on any tree in the public right of way, or to allow any gaseous, liquid, or solid substance which may be harmful to trees to come in contact with any portion of the tree or tree's root system.
- (2) No person shall deposit, place, store, park, or maintain upon any tree or root area of any street tree, or other plantings, in a public right of way or other public places, any vehicle, stone, brick, concrete, soil, or other materials that may impede the free passage of water, air, and fertilizer to the roots of any street tree growing therein.

## **NORTH PORT-Tree Protection Regulations**

- (3) All street trees in public rights of way or other public places, near any excavation or construction of any building, structure, utility line, or street work, shall be guarded during the construction period with a substantial fence or wooden barricade; however, no barricade shall be placed within one-half (½) the area of the drip line.

### **ARTICLE I. - CANOPY ROADWAYS**

#### **Sec. 45-21. - Purpose.**

It is the purpose of this article:

- A. To designate, preserve, promote, and protect canopy roads in the City of North Port.
- B. To provide regulations that will protect canopy roads in the City of North Port and encourage property owners to protect trees along canopy roads.
- C. To increase economic value of properties and neighborhoods, encouraging quality development.
- D. To protect the environment of the City.
- E. To aid in the reduction of air pollution by protecting the capacity of trees to produce oxygen and sequester carbon dioxide.
- F. To help reduce potential damage from wind.
- G. To provide shade and act as a noise barrier.
- H. To assist in the absorption of rainwater into the ground, thereby protecting against potential damages from soil erosion and flooding, as well as reducing the cost of handling stormwater by artificial means.
- I. To conserve, protect and enhance the aesthetic and scenic beauty of the City.

#### **Sec. 45-22. - Canopy road designation.**

- A. The City Commission is authorized to designate roads as canopy roads and set standards for the implementation of this article. Such standards shall be set by resolution. Requests for additional canopy road designations may be made by residents, City staff, and the North Port Beautification and Tree/Scenic Highway Committee. Requests will be coordinated and brought through the North Port Beautification and Tree/Scenic Highway Committee to the City Commission for approval.
- B. Canopy roads shall have characteristics as set forth below.
  - (1) A canopy road shall have a minimum length of four hundred (400) feet and a minimum of fifty percent (50%) overhead coverage (excluding invasive species), per section of travelway as measured by branching, drip line, shadows, and other visual cues; or
  - (2) Where a road to be designated does not currently meet the requirements for overhead coverage, the requirements in subsection 45-22(B)(1) can be met by future coverage estimates that meet the requirements as determined by canopy coverage calculations and/or through additional plantings of protected trees; and
  - (3) A canopy road shall consist of a minimum of seventy-five percent (75%) native and/or naturalized species; and
  - (4) A canopy road may be composed of more than one (1) segment of differently named roads providing they are contiguous and the combined length meets the minimum requirement.
  - (5) The City Commission may waive these requirements if it determines such waiver to be in the best interests of the health, safety and welfare of the City.
- C. Canopy roads shall have appropriate signage:

## NORTH PORT-Tree Protection Regulations

- (1) For identification of the canopy road.
  - (2) For protection of tree height.
- D. Canopy road tree location inventory. Each designated canopy road shall have a tree location inventory performed to identify protected trees.
- Sec. 45-23. - Authorization for removal or disturbance of protected trees in designated canopy road zones.
- A. It is the intent of this provision that no permit shall be granted for the removal of any protected trees where the applicant has failed to design the proposed improvements to minimize the impacts on the Canopy Road Zone (CRZ). It shall constitute a violation of this article for any person to remove or disturb any protected tree within a Canopy Road Zone unless it has been determined that such protected tree:
- (1) Poses a safety hazard to people, buildings, structures, or vehicles; or
  - (2) Is diseased or so weakened by age, storm or other injury so as to pose a danger to persons, property, utilities, or improvements; or
  - (3) Unreasonably prevents development of a lot, parcel, or other lands or the physical use thereof.
- B. Permit application for protected tree removal or disturbance. An application meeting the requirements of this article shall be submitted for review to the department responsible for land development services pursuant to Sec. 45-7 unless otherwise exempt as provided in this article. The exemptions in Sec. 45-6 do not apply to this article.
- C. Permitting procedure for the removal of trees in a CRZ. A land clearing permit is required before any tree removal of any kind is conducted within the CRZ. An application meeting the requirements of this article shall be submitted to the administrator for review and recommendation, prior to or concurrent with subdivision plans or a site and development plan or an application for a building permit, whichever is first required.
- (1) Where development requires approval under the ULDC, the tree removal permit shall not be issued until after the subdivision plan or site and development plan is approved. The written application shall constitute a written authorization for City staff to enter the property to conduct inspections to determine if the applicant is in compliance with the provisions of this article.
  - (2) A tree location survey for the lot shall be submitted with the application. The tree location survey shall show the information required in Sec. 45-22(A) and (B) at a scale sufficient to enable the determination of matters required under this article.
- D. Requirements for Canopy Road Zone land clearing permits.
- (1) Applicant shall submit a plan showing proposed scope of work to include protected trees (by species and DBH), the scaled location of the Canopy Road Zone, and the proposed location of the tree protection barricades.
  - (2) If encroachments into the CRZ are proposed, a plan will be required to be prepared by an ISA certified arborist, an American Society of Consulting Arborists (ASCA) member arborist, landscape architect, or other specialist in the field of arboriculture specifying the methods to be utilized to preserve the vegetation. This plan shall address protection of the root system, crown, and stems of the trees, a means of supplying water and essential elements to the root system, and the proposed location of the tree protection barricades. This plan shall be subject to approval by the City.
  - (3) Pre-application inspection service. City staff shall be available for pre-application conferences or inspections of the site involved.
  - (4) Upon receipt of the complete application, the administrator will conduct a field inspection to determine if the information is sufficient for review, and if the proposed plan is in compliance

## NORTH PORT-Tree Protection Regulations

with the provisions of this article. Upon completion of the review, the administrator will notify the applicant that the application is either insufficient, does not comply with the provisions of these regulations, or that the permit is approved, or approved with stipulations.

- (5) If a protected tree dies after a land clearing permit has been issued and prior to the issuance of a Certificate of Occupancy or Certificate of Completion, the applicant shall notify the City and request an inspection, prior to the removal of the dead tree. An inspection shall be made within two (2) days of the notification by the applicant. Failure to notify the administrator prior to the removal of any CRZ protected tree constitutes a violation of this article.
- (6) All permits will require a final inspection to ensure compliance with the provisions of this article. Final inspections shall be scheduled by the applicant after completing the project.
- E. Trimming within the CRZ shall be limited to fourteen (14) feet clearance over the travelway for vehicles and eight (8) feet over walkways for pedestrian clearance.
- F. Border trees shall be included in the Canopy Road Zone.

### Sec. 45-24. - Protection of canopy road trees.

- A. Utility pruning should only provide minimum safe clearance to protect utility lines with consideration for the combined movement of the conductors near trees in severe weather, the species of the tree, and the voltage of the conductor where applicable.
- B. Location of protected trees. All protected trees which will be disturbed by proposed activities shall be physically located on-site and shown on the site plan submitted as part of the tree removal request in the land clearing permit application.
- C. Drip line preservation. During development, construction activity, and utility construction, all areas surrounding the trunk of a protected tree within a the drip line shall be protected from activities that may disturb or injure the tree, (such as cut and fill activities, building pad placements, road bed construction, construction material storage, driving or parking of equipment, or trenching, etc.), except where specific arboricultural analysis is provided by the applicant to demonstrate that there is no likelihood of adverse impact to the tree.
- D. Proper tree care: Canopy and root pruning.
  - (1) When activities affect the protected tree within the drip line, or when pruning must be performed on the crown of a protected tree, the following arboricultural techniques are required.
    - (a) When more than twenty-five percent (25%) of the area within the drip line will be disturbed, the affected roots must be severed by clean pruning cuts where the activity impacts the roots. Roots may be pruned by utilizing trenching equipment that is specifically designed for this purpose or by hand digging a trench and pruning roots with a chain saw, pruning saw or other equipment designed for tree pruning. Roots within the drip line must be pruned to a depth of twelve (12) inches below existing grade or to the depth of the disturbance if less than twelve (12) inches from the existing grade. When underground utilities are to be installed through the drip line, root pruning requirements may be waived if the lines are installed via tunneling or directional boring as opposed to trenching.
    - (b) All pruning of protected trees shall conform to the current ISA standards. There shall be no flush cuts, stub cuts, or lions tailing of the tree's crown.
    - (c) It shall be a violation of this article to perform the techniques of topping or other pruning techniques that remove the vertical leader stems or other pruning which results in an unnecessary reduction of shade of protected trees in the permit area. Topping shall be considered as cutting a major branch or stem to a stub or lateral branch not sufficiently large enough to assume the terminal role.
- E. Tree protection barrier requirements and CPZ protection. During development activities or any other potential disturbance that will impact the area within the drip line of any protected tree, protective barriers shall be placed around each protected tree to prevent the destruction or damaging of roots,

## **NORTH PORT-Tree Protection Regulations**

stems, or crowns of such trees. Barriers shall remain in place and intact until the work is completed, however barriers may be removed temporarily to accommodate construction needs, as long as work is overseen by a certified arborist, provided that the manner and purpose for such temporary removal will not harm the tree and is approved by the City Manager or designee. The following are the minimum requirements for protective barriers and CPZ protection.

- (1) Protective posts shall be placed so as to protect all areas within the drip line for each protected tree, except in right-of-way or utility placement areas where posts shall be placed so as to protect, the area within the drip line where approved by the City Manager or designee.
- (2) Posts shall be a minimum of two (2) inches by four (4) inches or larger wooden post, two (2) inches outer diameter or larger or other post material of equivalent size; shall be connected with a minimum of at least a one (1) inch by four (4) inch wooden board; and shall be clearly flagged. The maximum distance allowed between upright posts is eight (8) feet. Other similar methods, such as, construction fencing, may be permitted if approved in writing by the Administrator in advance of installation.
- (3) Posts shall be implanted deep enough into the ground to be stable and extend a minimum height of four (4) feet above the ground.
- (4) Where development activity is permitted within the drip line of a protected tree (as measured by the longest radius from trunk to drip line), the City may require additional tree protection provisions to be incorporated in the activity permit.
- (5) No storage or movement of equipment, store material, debris, or fill soil is allowed within the drip line of any protected tree, (as measured by the longest radius from trunk to drip line).
- (6) No equipment shall be cleaned, or waste materials such as paints, oils, solvents, asphalt, concrete, mortar, or any other material shall be stored within the drip line on any protected tree, as measured by the longest radius from trunk to drip line.
- (7) No damaging wires, signs or permits shall be fastened to any protected tree.
- (8) Silt barriers, hay bales, or similar effective erosion silt control barriers shall be required in any area where erosion or siltation may cause damage to protected trees.
- (9) Where elevation changes are proposed within fifty percent (50%) of the area within the drip line of any protected tree (as measured by the longest radius from trunk to drip line), the applicant shall be required to install retaining walls or drain tiles. The applicant shall have the choice of the type or design. These root protection measures shall be in place prior to the deposition of fill, or excavation of soil from the drip line.

F. The City shall conduct periodic inspections of the site during the permitted activity in order to ensure compliance with this article.

### **Sec. 45-25. - Prohibitions.**

It shall constitute a violation of this article of the ULDC for any person to remove, relocate, cut down, poison, or in any other manner destroy, or cause to be destroyed, a protected tree located within a Canopy Road Zone. Removing a tree shall include topping, damaging, or any other action that causes irreparable injury, or causing a tree or trees to be removed, or to prune a tree in Canopy Road Zones, except in accordance with a land clearing permit issued by the City pursuant to this article.

### **Sec. 45-26. - Exemptions.**

A. This article shall not apply to:

- (1) Tree located on a road or road segment not designated as a canopy road by the City.
- (2) Governmental personnel or agencies in the performance of their official duties during an emergency declared by the City Commission as provided herein.

## **NORTH PORT-Tree Protection Regulations**

- (3) Tree removal necessary for the construction of public roads, utilities, landfills, stormwater facilities, or other government uses only where no reasonable alternative exists to preserve the protected tree.
- (4) The demolition of structures where the demolition does not require the destruction or have an impact within the drip line of any protected tree.
- (5) Pruning required to restore electric service during severe weather events or other electrical emergency situations.
- (6) Persons engaged in routine arboricultural maintenance or clear zone pruning for vehicles, pedestrians, signs, or other roadside appurtenances provided that such maintenance and pruning conforms to current ISA standards.

B. The exemptions in Sec. 45-6 do not apply to Article I.

Sec. 45-27. - Territorial applicability.

This article shall be effective throughout the corporate boundaries of the City of North Port, Florida.

Sec. 45-28. - Emergency tree removal.

When it is necessary to expedite the removal of damaged or destroyed protected trees in the interest of the public safety, health, and general welfare following high winds, storms, hurricanes, tornadoes, floods, or other man-made or natural disasters, the City Commission may, by resolution, suspend the requirements of this article.

Sec. 45-29. - Fees and remedies.

- A. Any person applying for a permit to remove or disturb protected canopy road trees, shall file a written application and pay such a fee as established by the City Commission pursuant to the City Wide Fee Schedule, as may be amended.
- B. The City of North Port may have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this article. The City may use one (1) or more of these remedies.
  - (1) A violation of any provision of this article may be enforced as provided in North Port City Code, Chapter 2, Article IX, Code Enforcement.
  - (2) The City may require a violator to mitigate any protected tree removed or irreparably injured without authorization by paying a mitigation fee equal to two hundred dollars (\$200.00) per diameter inch (DBH). Such fee shall be used only for the purposes of acquiring, planting, and protecting trees within the City.
  - (3) The City may also enforce this article by seeking an injunction and/or damages together with all enforcement costs and expenses, including attorneys' fees.

### **ARTICLE II. - ADMINISTRATION**

Sec. 45-30. - Interpretation. [Amended 1-30-2012 by Ord. No. 2011-32]

The provisions of this chapter shall be interpreted by the City Manager or designee. It shall be liberally construed in order to effectively carry out its purpose. Where any provision of this chapter refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any amendments thereto or re-designation thereof.

Sec. 45-31. - Conflict. [Amended 1-30-2012 by Ord. No. 2011-32]

## **NORTH PORT-Tree Protection Regulations**

Whenever the requirements of these regulations of this chapter differ from those imposed by City, Federal or State regulation, law or statute, the most restrictive or imposing the higher standards shall apply. [Amended 1-30-2012 by Ord. No. 2011-32]

Sec. 45-32. - Appeals. [Amended 1-30-2012 by Ord. No. 2011-32]

A. Any person aggrieved by the City Manager or designee's interpretation may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation is inconsistent with provisions of this chapter. The granting of any appeal shall not be in conflict with State Statutes. The Zoning Board of Appeals' decision may be appealed to the Circuit Court of Sarasota County within thirty (30) days of such decision.

(1) Applications for an appeal shall be filed pursuant to Sec. 1-10. [Amended 1-30-2012 by Ord. No. 2011-32]

(2) Any action under appeal shall not stay any enforcement proceedings. [Added 1-30-2012 by Ord. No. 2011-32]

Sec. 45-33. - Severability. [Amended 1-30-2012 by Ord. No. 2011-32]

If any provision of this chapter is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

**Chapter 54-ENVIRONMENTAL AND NATURAL RESOURCES, ARTICLE XVIII-TREES:** Definitions; Prohibitions; Exemptions; Permitting criteria; Public education; Best Management Practices; Planting, relocation, or replacement; Canopy road designation; Compliance and enforcement; Appeals

**APPENDIX A-ZONING REGULATIONS, ARTICLE 7-GENERAL DEVELOPMENT STANDARDS, 7.3-Landscaping and Buffering:** Design of landscaping and buffers; Required buffers; Determination of requirements; Street; Parking; Project boundary; Constrained sites; Credit for existing; Structures within required buffers; Permitted use; Prohibited use; Ownership; Maintenance requirements; Hardship relief; Off-street parking; Service function areas; Sight distance

PROGRAM ELEMENTS	NOTES
1. <b>Strictness/ Flexibility</b> – shall vs. should	<p><u>Tree regs:</u> 177 shall; 1 should (e.g., "Utility pruning <i>should</i> only provide minimum safe clearance to protect utility lines with consideration for the combined movement of the conductors near Trees in severe weather, the species of the Tree, and the voltage of the conductor where applicable."); <u>Landscaping regs:</u> 181 shall; 1 should</p> <p><b>Sec. 54-586. - Permitting criteria and procedures(a).</b> No Tree Permit shall be granted where the Applicant has failed to implement the principles of avoidance and then minimization of adverse impacts to Trees. For example, purposes, avoidance and minimization may include, but not be limited to: alternative site designs, stem walls, root pruning, bio-barriers, other techniques to divert root systems, etc.</p>
2. <b>Fees</b> – What permits/ reviews are needed? How much \$?	<p><b>Sec. 54-583. (2)</b> “...The Board is authorized to set reasonable fees and charges for the implementation of this article. Such fees shall be set by resolution. Fees charged will substantially finance the expenditures of administering this article.”</p> <p><b>Sec. 54-591. (2)(f)</b> “Administrative costs, fees and penalties collected as part of enforcement of this article shall be placed in the County's reforestation special revenue fund...”</p>
3. <b>Enforcement/ Violations/ Penalties/ Fines</b>	<p><b>Sec. 54-591. (2)(b)</b> “The Administrator may require corrective actions through a consent decree, including, but not limited to, restoration of any native habitats impacted as a result of the violation activities...”</p> <p><b>Sec. 54-591 (2)(c)(1)(a)</b> “In lieu of replanting, or combination thereof, the Applicant may choose to mitigate the violation by paying a mitigation fee of \$200.00 per diameter inch of the Trees removed or Irreparably Injured without authorization.”</p> <p>Any Grand Tree removed or irreparably injured shall be mitigated by paying a fine of \$500 (Sec. 54-591). Any tree removed or any action which causes the removal or death of a tree may be mitigated by paying a fine of \$200 per diameter inch of tree removed. If not mitigated, fines are \$250 1<sup>st</sup> day; Additional \$25-\$50 each day after day 1</p>
4. <b>Incentives</b> – anything that encourages preservation?	No
5. <b>Mitigation</b> for legal tree removal – Onsite? Offsite? Tree fund?	<b>Sec. 54-589.</b> All Grand Trees shall be replaced on a DBH inch for DBH inch basis. If site-specific conditions limit or prevent replacement, the applicant shall pay \$200 per DBH inch not replanted into the reforestation special revenue fund.
6. <b>Landscaping</b> – Is this handled separately?	<b>Article 7, Sec. 7.3.</b> Yes, Landscaping is in a separate chapter, however, they work together to achieve the tree planting requirements.
7. <b>Significant Trees</b> (heritage, grand, etc) – Size threshold? How are they protected?	<b>Sec. 54-586.</b> Use the term “Grand Tree”. Defined as, “Any tree that has been determined by the Administrator to have the characteristics as outlined in this article or any Tree designated a Florida State Champion, United States Champion, or World Champion by the American Forestry Association.” Standards to designate a Grand Tree are found in Schedule A and Schedule B and uses a point system.
8. <b>Street Trees</b> – anything special?	<p><b>Sec. 54-581 (1)(p)</b> Finding of fact: “It is a matter of public policy that the health, safety, welfare, and economic well-being of the residents and property owners of Sarasota County require that the County adopt a comprehensive program for the installation, maintenance, and preservation of Street Trees and other plantings within Sarasota County”. County has a Residential Street Tree Program to plant and maintain trees within or surrounding neighborhoods (some are in transportation ROW).</p> <p><i>Residential Street Tree Program.</i> The County's program to plant, maintain, and protect Trees within the transportation rights-of-way, owned by the County in fee simple, within or surrounding neighborhoods, subdivisions or an area represented by a homeowners' association or council. These Trees are County property and are protected under the provisions of this article.</p>
9. <b>Trees allowed in easements or R-O-W?</b> Any mention of PW maintenance?	<p><b>Sec. 54-589. (2) (i) <i>Tree planting and other landscaping within a Right-of-Way.</i></b> When private installation of Trees or landscaping within a Right-of-Way is proposed, a maintenance agreement will be required in addition to a Right-of-Way Use Permit. The maintenance agreement shall be in a form satisfactory to the Administrator and may include insurance, performance assurances, and other provisions deemed necessary by the Administrator to protect the interests of the public</p> <p><b>Sec. 54-589 (6)(a)</b> Tree plantings shall not be located closer than three feet to any property line, or six feet from any utility line or County easement. Trees shall not be planted underneath or near utility lines unless they are a species that, when mature, will not interfere with the utility line.</p> <p><b>Sec. 54-584 Prohibitions</b> states, Unless otherwise exempted or authorized in a Tree Permit no person shall plant a tree or other vegetation in a ROW.</p>
10. <b>Native Trees/ Vegetation</b> – Are they required? Encouraged?	<b>Sec. 54-590.</b> Not required but encouraged. Identified as more deserving of protection in the Findings of Fact section. A canopy road is required to consist of at least 75% native plant species.
11. <b>Wildlife Habitat</b> – Is this specifically addressed?	<p><b>Sec. 7.3.13(c)</b> Required buffer is <i>encouraged</i> to retain areas of native habitat.</p> <p><b>Sec. 54-581 (1) (h)</b> Finding of fact “Trees provide wildlife habitat and play other important ecological roles...”</p> <p><b>Sec. 54-589 (2)(b)(1)(ii)</b> Alternatives to planting on residential lots: The planted Trees shall be located adjacent to a native habitat area or a community park.</p>
12. <b>Tree List</b> – what types of trees are included? Mostly native? Florida-friendly?	<p><b>Sec. 54-589 (1)</b> “...A Master Tree List of acceptable replacement Trees will be on file in the Administrator's office and will be attached to Tree Permits that require planting.</p> <p>The List is maintained including species suitable and desirable for planting and recommended according to site locations.</p>
13. <b>Palms</b> – How are these handled?	<p><b>Sec. 7.3.2 Design of Landscaping Buffers (5) Alternative Plant Materials (ii) Palm Tree Substitution for Required Trees.</b> A grouping of 3 or more palms trees shall be deemed the equivalent of one canopy tree. A grouping of 2 or more shall be considered equal to 1 accent tree</p>



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	<b>Sec. 54-582</b> Palms of a certain size are seen as trees in the definitions “ <i>Tree</i> ... all palms with more than four and one-half feet of Clear Trunk are declared to be Trees and are protected by the provisions of this article...”
14. <b>Pruning</b> – are there standards for this?	<b>Sec. 54-588.</b> There is a best management practice for the pruning of Grand Trees and Canopy Trees which includes no flush cuts, stub cuts, or lion’s-tailing of the Tree’s crown. Pruning must also conform to the latest edition of ANSI A300 Standards and cannot compromise the integrity of the canopy to shade the road. Roots must be severed by clean pruning cuts. Pruning activity cannot declassify a tree from a Grand Tree status.
15. <b>Survivability</b> – Is this a program component?	<b>Sec. 54-589 (7)</b> “ <i>Tree survival.</i> Consultation with the Administrator is recommended during the entire Tree planting program. All Trees relocated or replaced in accordance with the terms of this article shall be replaced by the current property owner should the Trees expire anytime <u>within seven years</u> after planting, unless a Tree has expired due to a natural fire, lightning event, or hurricane event, as determined by the Administrator.”
16. <b>Tree Fund</b> – Is there one? If so, what goes into it, and how is it used?	<b>Sec. 54-591. (2)(f)</b> “Administrative costs, fees and penalties collected as part of enforcement of this article shall be placed in the County's reforestation special revenue fund, as established in Resolution No. 95-031. This fund shall be used only for the purposes of acquiring, planting, and protecting Trees within the County. A maximum often [sic] percent may be used to recover costs of administration and enforcement of this article. Any mitigation fee imposed by a hearing officer or Special Master shall be deposited into the reforestation special revenue fund. The Fund shall be kept and maintained by the Clerk of the Board.”  <b>Sec. 54-591. (3)</b> <i>Disbursement of Reforestation Special Revenue Funds.</i> <b>(a)</b> The County Administrator or designee shall have the authority to disburse funds for projects in accordance with the following criteria: <ol style="list-style-type: none"><li>1. Projects shall involve plantings on publicly owned land.</li><li>2. Projects shall not be used to satisfy any landscaping required per the Zoning Regulations.</li><li>3. Projects may include enhancement or restoration of native habitats, not required through permitting or regulation.</li></ol>
17. <b>Single-family lots</b> – What is exempted? Not exempted?	<b>Sec. 54-585-Exemptions (1)(e)</b> <b><i>Certain Residential Lots.</i></b> Prohibitions on tree cutting don't apply to owner-occupied residential lots of 5 acres or smaller, after a CO ha been issued for a SF home. For lots larger than 5 acres, no tree permit is required if the tree is located within 150 feet of the dwelling after CO. Exemption does NOT apply to: conservation or preservation areas; to trees planted or relocated per a tree permit; Grand Trees; trees within Myakka River Protection Zone.  <b>Sec. 54-589. (2) (a)&amp;(b)</b> Residential Properties less than a half-acre shall have 1 tree planted per 2,000 sq. ft. of property. Those greater than a half-acre shall have a minimum of 11 trees planted. When subdividing, trees can be planted on common tracts rather than on lots.
18. <b>Commercial/ Industrial</b> – Anything different or special?	<b>Sec. 54-589 (2)(b)(2)</b> <b><i>Commercial Properties.</i></b> One Tree shall be planted for each 2,000 square feet of the property (only when there were no trees on the property to begin with).
19. <b>Education</b> – Do they spell out anything on this?	<b>Sec. 54-587 (1)</b> States a public relations and education program shall be developed to recognize, promote, and preserve Grand Trees within the County.
20. <b>Best Management Practices</b> – Are there any?	<b>Sec. 54-588 (1)</b> <i>Standard Best Management Practices.</i> There are best management practices specifically for the protection of Grand Trees including using signs, wooden barricades, and silt fencing.
21. <b>Canopy/ coverage requirement?</b>	<b>Sec. 54-590.</b> No specific canopy coverage requirement. They do designate canopy roads – they must have 50% overhead coverage and minimum 75% native plant species.
22. <b>Any unique program elements?</b>	<b>Sec. 54-586.</b> Point system used to designate a Grand Tree (see below).  <b>Sec. 54-589.3.</b> Tree Bank to allow the County, School Board, or any municipality in the County to relocate a tree from a property at their own expense with the applicant’s permission.

Sec. 54-586. - Permitting criteria and procedures

(4) *Grand Tree Designation.* The standards set forth in Schedule A and Schedule B shall provide the parameters for Grand Tree designation in the County. Additionally, all Grand Trees shall have a 70 percent or greater Condition Classification.

Schedule A.

Species	Minimum Points Needed to be a Grand Tree
American Elm (Ulmus americana)	100
Bald Cypress (Taxodium distichum)	100
Hickory (Carya spp.)	100
Live Oak (Quercus virginiana)	100
Pine (Pinus spp.)	100
Redbay (Persea borbonia)	85
Sand Live Oak (Quercus geminata)	80
Southern Magnolia (Magnolia grandiflora)	80
Southern Red Cedar (Juniperus silicicola)	90
Sugarberry (Celtis laevigata)	95
Sweetbay (Magnolia virginiana)	90
Sweetgum (Liquidambar styraciflua)	100

Schedule B.

Measurements	Points
Trunk diameter (DBH)	one point per inch

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Height to the nearest foot	one point per foot
Average canopy spread to the nearest foot (measure the longest and shortest diameters of the limb spread or Drip Line and divide by 2)	one point for each four feet

## **SARASOTA COUNTY-Landscaping and Buffering**

### **7.3. - Landscaping and Buffering.**

*COMMENTARY:* There are three basic types of landscaping that may be required for any project. They include (1) project boundary buffers, (2) street buffers (which may include a parking buffer) and (3) parking lot landscaping. Each is further described below.

7.3.1. *Purpose.* The use of properly landscaped and maintained areas can reduce the potential incompatibility of adjacent land uses, conserve natural resources and maintain open space, protect established residential neighborhoods, and promote and enhance community image and roadway beautification. In order to minimize negative effects between adjacent uses and zoning districts, this section requires that a landscaped buffer area be provided. The separation of land uses and the provision of landscaping along public and private rights-of-way through a required buffer is designed to eliminate or minimize potential nuisances, and to enhance community image and roadway beautification. Such nuisances may include dirt, litter, noise, lights, signs, unsightly buildings and structures, off-street loading and refuse areas, or parking areas. In addition, buffers provide spacing and landscaping to reduce potentially adverse impacts of noise, odor or lighting. Landscaping shall be coordinated with all site design elements including building layout, parking, access and signs.

#### **7.3.2. *Applicability.***

- a. Landscaping and buffers shall be provided as set out in these zoning regulations. Buildings and structures lawfully existing as of October 27, 2003, may be modernized, altered, or repaired without providing or modifying landscaping and buffers in conformance with this section, provided there is no increase in floor area in such building or structure or impervious area on the site. This shall not be construed as prohibiting the provision of landscaping or buffers in full conformance with these zoning regulations.
- b. Where a building or structure existed as of October 27, 2003, and such building is enlarged in floor area or impervious area on the site by ten percent or 2,000 square feet, whichever is less, landscaping and buffers as specified in this section shall be provided.
- c. The regulations herein set out for landscaping and buffers do not apply to one-family or two-family dwellings on a single lot or parcel.
- d. The provision of required buffers, as specified in these regulations, are minimum standards. The amount of land and type and amount of planting or other screening specified for each buffer requirement are designed to mitigate nuisances or incompatibility between adjacent land uses or between a land use and a public road, and have been calculated to ensure that they do, in fact, function as "buffers." In those instances where these regulations specify different buffering requirements (e.g., a different type of buffer), then the more restrictive specific provisions shall govern.
- e. None of the provisions of these regulations shall be construed as prohibiting additional plant material, screening and/or buffer area above that required by these regulations; or prohibiting the modification of existing landscaped buffers to perform to an equivalent degree as the buffer required by these regulations.

#### **7.3.3. *Design of Landscaping and Buffers.***

- a. *Existing Vegetation.* The retention of "existing vegetation" shall be maximized within the proposed landscaping, parking and buffer areas. When retaining existing vegetation within the buffer area, only clearing methods that do not disturb the root structure shall be allowed within the dripline of tree canopies. Existing native habitat or plant material located within the proposed landscaping or buffer area that meets the requirements of these regulations may be counted toward the total buffer required between adjacent land uses, or toward total landscaping requirements. If the existing vegetation has been counted toward the total required buffer or landscaping and is subsequently removed or dies, it shall be replaced with the appropriate buffer or landscaping material.

## SARASOTA COUNTY-Landscaping and Buffering

- b. *Design, Installation and Establishment Standards.* Location of plants and design of landscaping, including maintenance, shall be according to sound landscape and horticultural principles. The use of native vegetation and other lower maintenance landscape materials is required to promote environmental protection, energy efficiency, and water conservation in a manner consistent with the Comprehensive Plan.
1. Landscape plans submitted for preliminary plan or site and development plan approval for the purposes of satisfying the requirements of this section, shall be signed and sealed by a Florida Registered Landscape Architect.
  2. Plant material shall be chosen from the lists of recommended plant species contained within this section, and shall adhere to the minimum specifications therein. Plant materials shall be reviewed for suitability with regard to the eventual size and spread, susceptibility to diseases and pests, and appropriateness to existing soil, climate and site conditions. Plant materials that vary from this list may be used with the approval of the County Forester or County Landscape Architect.
  3. Tree and shrub installation and establishment shall follow the guidelines provided in, "Tree and Shrub Planting and Establishment," available from the Sarasota County Cooperative Extension Service.
- c. *Tree Protection Credit.* Credit shall be given for tree preservation within the proposed buffer or landscaping areas. Trees planted in compliance with this section may satisfy the planting requirements of Sarasota County Code Chapter 54, Tree Protection Ordinance, if they meet the more stringent specifications of the two Sections. Species acceptable for both Sections are indicated on the species lists.
- d. *Plant Material and Minimum Plant Size.* The following lists of plant materials shall be used as a guideline to define the required plant unit. Although the lists may be expanded, they are intended to provide guidance in selecting predominately hardy Florida natural species. All materials shall be Florida #1 or better quality as per "Grades and Standards for Nursery Plants," Florida Department of Agriculture and Consumer Services.
- e. *Cold Hardy and Drought Tolerant Plants.* Required trees and shrubs shall be cold hardy for the specific location where they are to be planted. Trees and shrubs shall be drought tolerant and able to survive on natural rainfall once established with no loss of health.
- f. *Soils.* All landscape buffer areas shall have uncompacted coarse loam that is a minimum of 12 inches deep. Soils shall be appreciably free of gravel, stones, rubble or trash, except where structural soils have been approved by the County Landscape Architect. All compacted soil, contaminated soil or roadbase fill shall be removed. Under no circumstances shall soils with greater than five percent or less than 0.5 percent organic matter be accepted. Structural soil used in planters shall be approved by the Sarasota County Landscape Architect. When the Applicant elects to place a Stormwater Management System within the landscape buffer area, the county may allow for a different soil composition using best professional judgment, provided that such a determination must take into account such facts as permeability, percent organic matter, survivability of plantings in such soil, and soil depth.
- g. *Nuisance Trees and Shrubs Excluded.* Harmful nuisance trees and shrubs shall be excluded from any landscaping plan and shall be removed from the property. Such species include those listed in the table below, plus any additional species referenced in Chapter 5B-57, Rules of the Department of Agriculture and Consumer Services, Division of Plant Industry.

Botanical Name	Common Name
<i>Casuarina</i> spp.	Australian Pine
<i>Cupaniopsis anacardioides</i>	Carrotwood
<i>Melaleuca quinquenervia</i>	Punk Tree

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<i>Schinus terebinthifolius</i>	Brazilian Pepper
<i>Scaevola taccadda</i> and <i>Scaevola sericea</i>	Beach Naupaka
Other species listed by Florida Department of Agriculture	

- h. **Required Plant Species.** The following list shall be used as a guide in identifying and categorizing the different acceptable types and minimum sizes for any required plant.
1. **Canopy Trees.** If denoted by an "X", the following will count as one canopy tree toward the total number specified. Canopy trees shall be a minimum of ten feet in height with a four-foot to five-foot spread and a two-inch caliper trunk at time of planting.

CANOPY TREES Botanical Name	Common Name	Tree Protection Credit	Parking Lot Credit
<i>Acer rubrum</i>	Red Maple	X	X
<i>Bauhinia blakeana</i>	Hong Kong Orchid		
<i>Bucida bucerus</i>	Black Olive		
<i>Carya</i> spp.	Hickory	X	
<i>Celtis laevigata</i>	Sugarberry	X	X
<i>Jacaranda mimosifolia</i>	Jacaranda		
<i>Koelreuteria elegans</i>	Golden Rain		
<i>Lysoloma latisiliqua</i>	Wild Tamarind	X	
<i>Persea borbonia</i>	Redbay	X	X
<i>Platanus occidentalis</i>	Sycamore	X	
<i>Tabebuia chrysotricha</i>	Golden Trumpet Tree		
<i>Tabebuia heterophylla</i>	Pink Trumpet Tree		
<i>Tabebuia impetiginosa</i>	Purple Trumpet Tree		
<i>Quercus laurifolia</i>	Laurel Oak	X	
<i>Quercus nigra</i>	Water Oak	X	
<i>Quercus virginiana</i>	Live Oak	X	X
<i>Ulmus americana floridana</i>	Florida Elm	X	
<i>Ulmus parvifolia</i>	Chinese Drake Elm		

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2. *Accent Trees*. If denoted by an "X", the following will count as one accent tree toward the total number specified. Accent trees shall be a minimum of eight feet in height with a three-foot to four-foot spread and a 1½-inch caliper trunk at time of planting. To qualify for credit toward the County's tree protection requirements, a two-inch caliper tree is required. Accent trees can fulfill the parking lot island requirements at a 2:1 ratio only under powerlines or on constrained sites. Examples of constrained areas are next to a tall wall, a loading dock, or the redevelopment of a site where the existing parking lot island is undersized.

ACCENT TREES Botanical Name	Common Name	Tree Protection Credit	Constrained Parking Lot Credit
<i>Callistemon rigidus</i>	Erect Bottlebrush		
<i>Coccoloba uvifera</i>	Sea Grape	X	
<i>Conocarpus erectus var. sericeus</i>	Silver Buttonwood	X	
<i>Cordia boissieri</i>	White Cordia		
<i>Eriobotrya japonica</i>	Loquat		X
<i>Ilex X attenuata</i> 'East Palatka'	East Palatka Holly	X	X
<i>Ilex cassine</i>	Dahoon Holly	X	X
<i>Ilex vomitoria</i>	Yaupon Holly	X	X
<i>Juniperus silicicola</i>	Southern Red Cedar	X	X
<i>Lagerstroemia</i> hybrids	Crape Myrtle		
<i>Ligustrum japonicum</i> Tree Form	Ligustrum Tree		
<i>Macadamia integrifolia</i>	Macadamia		
<i>Magnolia grandiflora</i> — small cultivars	Small Cultivars of Magnolia		X
<i>Myrcianthes fragrans</i>	Simpson Stopper	X	
<i>Myrica cerifera</i>	Wax Myrtle	X	
<i>Psidium littorale</i>	Cattley Guava		
<i>Tabebuia umbellata</i>	Yellow Trumpet Tree		
<i>Ulmus alata</i>	Winged Elm	X	
<i>Viburnum obovatum</i>	Walter's Viburnum	X	

3. *Mixing of Trees*. When more than 20 canopy or accent trees are required to be planted on a site to meet these regulations, a mix of genera shall be provided. The following table indicates the maximum percentage of trees of the same genus that may be planted.

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Total Trees Planted on Site	Minimum Number of Genera Required	Maximum Percentage of Any Genera
20 trees or less	1	not applicable
21 to 50 trees	2	70 percent
51 to 100 trees	3	50 percent
101 to 200 trees	4	40 percent
200 to 500 trees	5	30 percent
Over 500 trees	6	25 percent

#### 4. *Shrubs.*

- i. All required shrubs shall be a minimum of 20-inches in height in a minimum 3-gallon container.
- ii. Shrubs shall be of a species that under average conditions will reach a minimum height of 24 inches within 12 months.
- iii. When planted as a hedge, the maximum spacing for 20-inch high shrubs shall be 36 inches on center. Spacing for other size shrubs shall be determined by the County Landscape Architect based on the proposed species.
- iv. Alternative shrub species that are significantly larger than the required minimum in paragraph i. above may be counted by the County Landscape Architect as two or more shrubs on the basis of their anticipated volume five years after planting. For the purposes of this calculation, a standard shrub shall be considered to be three feet in height, covering an area of 14 square feet.

*COMMENTARY:* As an example, if a shrub species is anticipated to reach six feet in height covering 20 square feet of area within five years of planting, the County Landscape Architect may credit the shrub towards 1.5 shrubs required in any buffer.

#### 5. *Alternative Plant Materials.*

- i. *In General.* A maximum of 20 percent alternative plant material may be substituted on any site.
- ii. *Palm Tree Substitution for Required Trees.* A grouping of three or more palm trees shall be considered equivalent to one canopy tree. A grouping of two or more palm trees shall be considered equivalent to one accent tree. Exceptions shall be made for *Roystonea* spp. and *Phoenix canariensis*, which shall count one palm as one canopy tree. Palms shall have a minimum of ten feet of clear trunk at time of planting. This substitution ratio may apply to all areas of a site, except in a street buffer, where only 20 percent of the trees are eligible for such substitution.

PALM TREES Botanical Name	Common Name	Tree Protection Credit	Parking Lot Credit
<i>Acoelorrhaphe wrightii</i>	Paurotis Palm	X	

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<i>Butia capitata</i>	Pindo Palm		X
<i>Cocos nucifera</i>	Cocoanut Palm		
<i>Livistona</i> spp.	Fan Palms		X
<i>Phoenix canariensis</i>	Canary Island Date Palm		X
<i>Phoenix sylvestris</i>	Sylvestris Date Palm		X
<i>Roystonea elata</i>	Royal Palm		X
<i>Sabal palmetto</i>	Cabbage Palm	X	X
<i>Washingtonia</i> spp.	Washington Palm		X

- iii. *Substitution for Canopy or Accent Trees.* The following trees may be substituted for either canopy trees or accent trees, subject to the maximum substitution rate in subsection i., above. Such trees shall be a minimum of eight feet in height with a two-foot to three-foot spread and a two-inch caliper trunk at time of planting.

OTHER SUBSTITUTE TREES Botanical Name	Common Name	Tree Protection Credit	Parking Lot Credit
<i>Gordonia lasianthus</i>	Loblolly-Bay	X	X
<i>Liquidamber styraciflua</i>	Sweetgum	X	X
<i>Magnolia grandiflora</i>	Southern Magnolia	X	
<i>Magnolia virginiana</i>	Sweet Bay	X	
<i>Pinus elliotii</i>	Slash Pine	X	
<i>Pinus palustris</i>	Longleaf Pine	X	
<i>Pinus clausa</i>	Sand Pine	X	
<i>Podocarpus</i> spp.	Podocarpus	X	X
<i>Prunus caroliniana</i>	Cherry Laurel	X	
<i>Taxodium ascendens</i>	Pond Cypress	X	
<i>Taxodium distichum</i>	Bald Cypress	X	

6. *Alternative Plant Material for use in Low Impact Development Techniques.* This plant list represents suggested plant species selections that may be utilized in Stormwater Management Systems using Low Impact Development Techniques and is not meant to be exhaustive in nature. Taking into account such factors as soil, hydrology, topography, mature root zone, and available sunlight affecting the survivability of the plantings, the county may approve any requested plants or trees not included on the list.

Scientific Name	Common Name
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<i>Acrostichum danaeifolium</i>	Giant leather fern
<i>Asclepias incarnata</i>	Swamp milkweed
<i>Bacopa caroliniana</i>	Lemon Bacopa
<i>Blechnum serrulatum</i>	Swamp fern
<i>Canna flaccida</i>	Golden canna
<i>Crinum americanum</i>	Swamp Lily
<i>Coreopsis lanceolata</i>	Lanceleaf coreopsis
<i>Coreopsis leavenworthii</i>	Common tickseed
<i>Eragrostis elliottii</i>	Elliot's Lovegrass
<i>Eragrostis spectabilis</i>	Purple Lovegrass
<i>Ernodea littoralis</i>	Golden Creeper
<i>Gaillardia pulchella</i>	Blanket Flower
<i>Helianthus debilis</i>	Beach Sunflower or Dune Sunflower
<i>Hibiscus coccineus</i>	Scarlet rosemallow
<i>Hymenocallis palmeri</i>	Spider lily
<i>Ipomoea</i>	Morning Glory
<i>Ipomea pes-caprae</i>	Railroad Vine
<i>Iris virginica</i> or <i>Iris hexagona</i>	Blue Flag Iris
<i>Juncus effusus</i>	Soft Rush
<i>Mimosa strigillosa</i>	Sunshine mimosa or Powderpuff
<i>Muhlenbergia capillaris</i>	Muhly grass
<i>Phyla nodiflora</i>	Fogfruit
<i>Pontederia cordata</i>	Pickernelweed
<i>Rudbeckia hirta</i>	Black-eyed Susan
<i>Sagittaria lancifolia</i>	Lance-leaf arrowhead
<i>Salvia coccinea</i>	Tropical sage
<i>Sisyrinchium angustifolium</i>	Blue eyed grass
<i>Spartina bakeri</i>	Sand Cordgrass
<i>Tripsacum floridanum</i>	Dwarf Fakahatchee
<i>Zamia floridana</i>	Coontie

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- i. *Minimum Planting Areas.* Canopy trees shall have a planting area no less than ten feet wide in all dimensions. Accent and substitution trees shall have a planting area no less than eight feet wide in all dimensions. Single palm trees shall have a planting area no less than five feet wide with a minimum of 64 square feet root zone. Trees used in constrained buffers shall be exempt from this minimum planting area requirement.
- j. *Mulch.*
  - 1. Plants shall be mulched a minimum of three inches deep. Where selected plant material is not tolerant of deep mulch, a specific note regarding shallower mulch shall be set forth on the final landscape plan and approved by the County as part of the landscape plan. Mulch shall be kept away from tree trunks.
  - 2. The use of recycled mulch, such as Australian pine, Melaleuca and Eucalyptus is recommended, provided the mulch has been treated to ensure that the seeds of the invasive species will not germinate.
  - 3. If cypress mulch is used it shall be Grade A cypress mulch made from the bark only.

### 7.3.4. *Required Buffers.*

- a. *Buffer Defined.* A buffer is a specified land area, located parallel to and within the outer perimeter of a lot or parcel and extending to the lot or parcel boundary line, together with the planting and landscaping required on the land. A buffer may also contain, or be required to contain, a barrier such as a berm, fence or wall, or combination thereof, where such additional screening is necessary to achieve the desired level of buffering between various land use activities. A buffer is not intended to be commensurate with the term "yard."
- b. *Types of Required Buffers.* There are three types of required buffers that may occur on any given development site, as follows:
  - 1. Street buffers;
  - 2. Parking lot buffers; and
  - 3. Project boundary buffers.
- c. *Location.* Buffers shall be located within the outer perimeter of a lot or parcel, parallel to and extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing, dedicated or reserved public or private street or right-of-way. Landscape buffers shall not be located in designated wetlands, upland buffers conservation or preserve areas. Buffers shall also comply with Section 7.4.1.m., Site Triangle and Visibility.
- d. *Planting in Easements.*
  - 1. No trees shall be planted in wet retention ponds or drainage maintenance easements.
  - 2. Trees and shrubs shall be installed at least five feet away from the flow line of a Swale.
  - 3. Existing trees may remain in dry retention ponds provided that the natural grade is undisturbed to the tree line, they are a species adapted to seasonal flooding and the pond is adequately maintained.
  - 4. Trees listed in the Sarasota County Master Street Tree List shall be allowed in access easements, provided a minimum 20-foot wide travelway is maintained clear of vegetation, and all clear sight triangles are met.
  - 5. Trees may be planted in underground utility easements with Sarasota County approval, provided the root structure of the proposed tree is not anticipated to extend more than three feet below the ground. Shrubs may be planted, provided they are only within the outer three feet of the easement. Where such trees and shrubs are planted, the property

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owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their temporary removal.

6. A minimum buffer width of five feet, or at least half the minimum required buffer width, shall be provided outside of any required easements. The majority of buffer plantings and all structures shall be located outside the easements. An Applicant may use Low Impact Development techniques such as, but not limited to, Shallow Bioretention and Detention with Biofiltration to meander through the landscape buffer, provided the buffer meets the following requirements: (1) opacity; (2) landscape buffer width; and (3) a stormwater easement provides permanent rights of drainage.

7.3.5. *Determination of Buffer Requirements.* To determine the type of buffer required between two adjacent lots or parcels, or between a lot or parcel and a street, the following procedure shall be followed:

- a. *Street Buffers.* Classify any street adjacent to the subject parcel. Refer to the Comprehensive Thoroughfare Map. Determine the appropriate street buffer based on Section 7.3.6.
- b. *Parking Buffers.* A parking buffer may be required within a required street buffer (see Section 7.3.7).
- c. *Project Boundary Buffers.* Identify the zoning districts of the subject parcel and all adjacent properties. Determine the buffer opacity class required on each boundary (or segment thereof) of the subject parcel. Refer to the minimum project boundary buffer table in Section 7.3.8.
- d. *Land Use Designated in Critical Area Plan, Corridor Plan, Revitalization Plan or DRI.* Where adjacent vacant properties have been designated for a different land use classification or zoning district by an adopted Critical Area Plan, Commercial Corridor Plan, Revitalization Plan or Development of Regional Impact, the affected buffer may be based on a zoning district consistent with the approved land use designation. The affected buffer may also be based on a zoning district consistent with the approved land use designation when the adjacent property is not vacant with consent of said adjacent property owner.
- e. *Design Variations.* While the buffer depth is normally calculated as parallel to the property line, design variations are allowed and are calculated on the average depth of the buffer per 100 feet or portion thereof. Minimum depth of buffer in any case shall not be less than one-half the required depth of the buffer chosen, or less than five feet, whichever is greater. Maximum depth for the purposes of installing required landscaping, or receiving credit for existing vegetation, shall not be more than one and one-half times the required depth of the buffer chosen.
- f. *Multitenant Expansion and Redevelopment.* Any expansion or redevelopment of a multitenant development shall be required to provide a percentage of the required project boundary buffer, and a percentage of the required street buffer, including any required parking buffer, when improvements are made that trigger the provisions of this section. Said percentage shall equal the total gross leasable area of the proposed expansion or redevelopment, divided by the total gross leasable area of the entire existing multitenant development (including the proposed expansion or redevelopment).

7.3.6. *Street Buffers.* The following types of street buffers shall be required (see Comprehensive Plan Future Thoroughfare Map to determine your street designation). A street or road along a designated Canopy Road shall be subject to Chapter 98, Article IV of the Sarasota County Code. No vegetation shall interfere with a required clear sight triangle at a driveway or intersection. Any shrubs located within a required clear sight triangle at a driveway or intersection shall be maintained at under 24 inches in height. Berms constructed in accordance with Section 7.3.11.b are encouraged as a component of any street buffer.

- a. *Interstate I-75 Buffers.* All development located along Interstate I-75 shall be required to provide one of the following buffers along the entire frontage abutting the right-of-way of I-75.
  1. A four-foot continuous evergreen hedge and three canopy trees per 100 linear feet of property frontage, located within a 20-foot landscape buffer; or

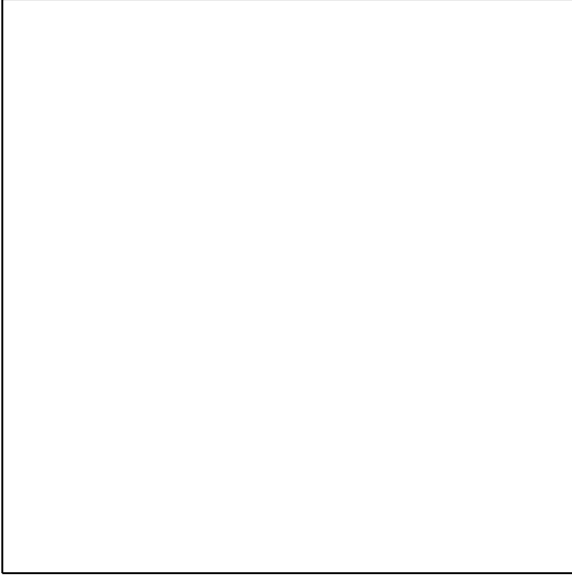
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2. A four-foot continuous evergreen hedge and two canopy trees and three accent trees per 100 linear feet of property frontage, located within a 20-foot landscape buffer.
  3. An equivalent buffer approved as part of a Planned Unit Development (PUD) or Development of Regional Impact (DRI).
  - b. *Arterial or Collector Street Buffers.* All development located along either an arterial or a collector street shall be required to provide one of the following buffers along the entire street frontage:
    1. Three canopy trees per 100 linear feet of property frontage, located within a ten-foot landscape buffer; or
    2. Two canopy trees and two accent trees per 100 linear feet of property frontage, located within a ten-foot landscape buffer; or
    3. Under utility lines only, four accent trees per 100 linear feet of property frontage, located within a ten-foot landscape buffer. No trees under utility lines shall have a natural height over 25 feet.
    4. Arterial or collector street buffers may average ten feet in width provided that no portion of the street buffer shall be less than five feet in width.
    5. In lieu of these requirements, all development in the PMI zoning district shall meet the street tree standards in Section 6.11.5.
  - c. *Local Streets.*
    1. Nonresidential development shall provide a buffer with a minimum opacity of 0.1 and a minimum width of six feet.
    2. Residential development is exempt from a local street buffer.
    3. In lieu of these requirements, development in the PMI zoning district shall meet the street tree standards in Section 6.11.5.
  - d. *Measurements.*
    1. Driveway widths (measured at the inside edge of the buffer) shall not be counted in the calculation of the plant material required.
    2. All buffers shall be measured from the future right-of-way line determined during site and development plan review.
    3. If an unbuilt street is platted, it shall be buffered and treated as a street, even where no pavement currently exists.
    4. Vehicular access easements shall not be treated as a street, but shall be buffered as a project boundary buffer outside the easement area. The buffer may be provided on either side of the easement.
    5. Additional measurement methodologies related to buffer depth and height are found in Section 7.3.5.d., above.
- 7.3.7. *Parking Buffers.* Whenever a parking area, drive aisle, paved display area or paved storage area lies within 50 feet of and is visible from any street right-of-way, the street buffer shall include a three-foot continuous evergreen hedge for the entire linear extent of the parking area. A six-foot wide area, that cannot be reduced to less than four feet wide, is required for the shrub plantings.
- 7.3.8. *Project Boundary Buffers.*
- a. *Plant Units.*
    1. *In General.* This Section establishes a standard buffer landscaping element called a "plant unit." The plant unit serves as a basic measure of plant material required for all buffer landscaping except native habitat. The plant unit provides a balance of vegetation. The developer is free to use alternative plant units 1, 2 or 3 shown below interchangeably.

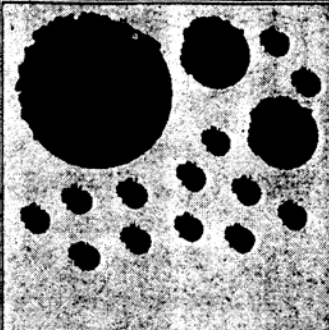
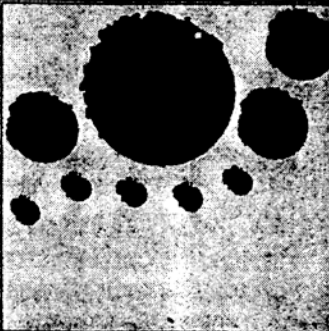

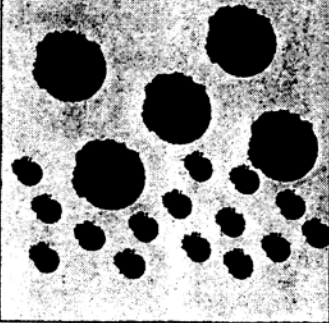
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Alternative 3 includes a wall as part of the buffer. Alternative 4 is permitted only for use under utility lines. In the illustrations below each Plant Unit represents 1,600 square feet of buffer area.

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Plant Unit Options	Qty.	Plants Required	Illustration
<b>Alternative 1: Canopy</b>	1 2 13	Canopy Tree Accent Trees Shrubs	
<b>Alternative 2: Mixed</b>	1 3 5	Canopy Tree Accent Trees Shrubs	
<b>Alternative 3: Canopy and Wall</b>	2 4	Canopy Trees Shrubs	
<b>Alternative 4: Utility Line (below utility lines only)</b>	5 15	Accent Trees Shrubs	

### Plant Unit Options

Illustrations above are only examples of possible plant unit arrangement. Specific arrangement is at the applicant's discretion.

2. *Plant Unit Calculations.* When figuring the quantity of plant units and plant material required, the quantity shall always be rounded up. For example, 3.12 canopy trees is rounded up to four canopy trees.

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3. *Alternative Plant Material Substitution.* Alternative plant materials, including palms and substitute trees, may be substituted in accordance with Section 7.3.3.h.5., above.

b. *Required Project Boundary Buffer Table.*

**COMMENTARY:** The requirements for project boundary buffers may create a tree canopy that is too thick to support the accent trees and shrubs below it over time. This crowding out of understory is anticipated to occur, and has been taken into account in the requirements for these buffers. The intent is to achieve an immediate buffering effect based on the smaller species, and a long-term effect based on growth of the canopy trees.

1. The buffer standards in the table below address the opacity of the buffer that is required on the property boundary between zoning districts, and in some instances within a zoning district.
2. An opacity of 0.1 screens ten percent of an object, and an opacity of 1.0 would fully screen the adjacent development during summer months after five years of growth.
3. *How to Read the Buffer Table.*
  - i. The required opacity of project boundary buffers is represented in the Table below by two numbers (for example, .3/.5).
  - ii. The second number represents the total required buffer opacity between any two properties.
  - iii. Where the proposed project is located adjacent to vacant property, the first number represents the project's required buffer opacity.
  - iv. Where the adjacent property is already developed with no buffer, the proposed project is responsible for providing the total required opacity (the second number).
  - v. Where the adjacent property is already developed with a partial buffer, the proposed project is responsible for providing the remaining opacity required.
  - vi. A zero means no project boundary buffer is required.

PROJECT BOUNDARY BUFFER OPACITY STANDARDS										
	→ ZONING DISTRICT OF ADJACENT PROPERTY →									
ZONING DISTRICT OF SUBJECT PROPERTY ↓ ↓	RE*	RSF*	RMF (All)	RMH	RC, TR	CN, MSOD, RCTOD	CG, CI, CHI, CM	OPI, PRD, PCD, OPI/PD, GU	IR, ILW, PID	OUA, OUC, OUE, OUM, OUR
RE*	0/0	.0/.3	.0/.5	.0/.4	.0/.5	.0/.5	.0/.6	.0/.4	.0/.5	.2/.2
RSF*	.3/.3	0/0	.0/.3	.0/.3	.0/.3	.0/.4	.0/.6	.0/.5	.0/.7	.3/.3
RMF (All)	.5/.5	.3/.3	.1/.2	.2/.3	.2/.4	.2/.4	.2/.6	.2/.5	.2/.7	.5/.5
RMH	.4/.4	.3/.3	.1/.3	0/0	.2/.4	.2/.4	.2/.5	.2/.5	.2/.5	.4/.4



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RC, TR	.5/.5	.3/.3	.2/.4	.2/.4	0/0	.2/.4	.2/.5	.2/.5	.2/.5	.5/.5
CN	.5/.5	.4/.4	.2/.4	.2/.4	.2/.4	0/0	.1/.3	.1/.3	.1/.4	.5/.5
CG, CI, CHI, CM	.6/.6	.6/.6	.4/.6	.3/.5	.3/.5	.2/.3	0/0	.1/.2	.2/.5	.6/.6
OPI, OPI/PD, GU	.4/.4	.5/.5	.3/.5	.3/.5	.3/.5	.2/.3	.1/.2	.1/.2	.2/.5	.4/.4
IR, ILW, PID	.5/.5	.7/.7	.5/.7	.3/.5	.3/.5	.3/.4	.3/.5	.3/.5	.1/.2	.6/.6
OUA, OUC, OUE, OUM, OUR	0/.2	0/.3	0/.5	0/.4	0/.5	0/.5	0/.6	0/.4	0/.6	0/0

**COMMENTARY:** A .1/.3 requires a ten percent opaque buffer for property adjacent to vacant land or a 30 percent opaque buffer when adjacent to existing development. A .3/.3 requires a 30 percent opaque buffer property adjacent to either vacant or developed land. A zero means no project boundary buffer is required.

**COMMENTARY:** See Section 4.12.4, for the project boundary buffer standard for the PRD District. See Section 4.12.5, for the project boundary buffer standard for the PID District. See Section 6.11.3. for the project boundary buffer standards for the PCD District. See Section 6.11.5.I for the project boundary buffer standards for the PMI District. The project boundary buffer standards for the HPIOD, RCTOD and MSOD Overlay Districts shall be based on the underlying zoning district, unless modified by specific overlay district landscape buffer standards. \* See Section 6.5.4 for cluster subdivision buffers.

**EXAMPLE:** A new development in the CG District abutting a developed RSF District would be required to provide a buffer with an opacity of .6 (60 percent opaque) if the adjacent RSF property were vacant, the requirement would still be .6 since the commercial development is the more intensive use.

- c. **Minimum Project Boundary Buffers.** The table below shows the minimum width and plant units required for a standard project boundary buffer meeting the required opacity. The developer may use this table or calculate an equivalent opacity buffer by using the interactive bufferyard model.

MINIMUM REQUIRED PROJECT BOUNDARY BUFFER				
Opacity (from table)	Width and Plants Required Per 100 Lineal Feet			
	Alternative 1 Canopy	Alternative 2 Mixed	Alternative 3 Canopy + Wall	Alternative 4 Overhead Utility Line (Non-street)
0.10	10 feet	10 feet	Not available	10 feet

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	1 canopy	1 canopy		0 canopy
	1 accent	2 accent		3 accent
	7 shrubs	3 shrubs		8 shrubs
0.20	10 feet	10 feet	Not available	10 feet
	2 canopy	2 canopy		0 canopy
	3 accent	4 accent		6 accent
	15 shrubs	6 shrubs		16 shrubs
0.30	15 feet	15 feet	Not available	15 feet
	2 canopy	2 canopy		0 canopy
	4 accent	6 accent		8 accent
	25 shrubs	9 shrubs		24 shrubs
0.40	15 feet	15 feet	10 feet	15 feet
	3 canopy	3 canopy	2 canopy	0 canopy
	5 accent	7 accent	0 accent	11 accent
	28 shrubs	11 shrubs	4 shrubs	33 shrubs
			6-foot wall	
0.50	20 feet	20 feet	15 feet	20 feet
	3 canopy	3 canopy	3 canopy	0 canopy
	6 accent	8 accent	0 accent	15 accent
	34 shrubs	13 shrubs	6 shrubs	38 shrubs
			6-foot wall	
0.60	20 feet	20 feet	15 feet	20 feet
	4 canopy	4 canopy	5 canopy	0 canopy
	7 accent	10 accent	0 accent	18 accent
	43 shrubs	17 shrubs	9 shrubs	46 shrubs
			6-foot wall	
0.70	25 feet	25 feet	20 feet	25 feet
	4 canopy	4 canopy	5 canopy	0 canopy
	8 accent	11 accent	0 accent	20 accent
	49 shrubs	19 shrubs	9 shrubs	52 shrubs

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			6-foot wall	
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*EXAMPLE:* Continuing the example of a site in the CG District next to a developed RSF District with no buffer, the required .6 opacity (from the previous table) would allow for the following options:

*Alternative 1:* 20-foot buffer with 4 canopy trees, 7 accent trees and 43 shrubs

*Alternative 2:* 20-foot buffer with 4 canopy trees, 10 accent trees and 17 shrubs

*Alternative 3:* 15-foot buffer with 5 canopy trees, 9 shrubs and a 6-foot wall

d. *Use of Interactive Bufferyard Model.*

1. *Alternative Buffers Permitted.*

- i. The standards in the tables above were created using the interactive bufferyard model available from the Planning and Development Services Business Center or on the County's web site. Any bufferyard that meets or exceeds the required opacity rating is permitted. The interactive bufferyard model can be used to calculate the buffer width, planting and structures.
- ii. Flexibility is encouraged. By using the interactive bufferyard model (an Excel spreadsheet available from the Planning and Development Services Business Center or on the County's web site), developers may design a buffer to meet or exceed the opacity standards using a variety of widths, plant material, walls or berms. Using the model, designers may create and test a buffer to ensure it meets the standards of this section.
- iii. If, when using the interactive bufferyard model no wall is required but the Zoning Ordinance Project Boundary Buffer Table requires a wall, the requirements of the Zoning Ordinance Project Buffer Table shall prevail when non-residential uses are located adjacent to residential uses.

2. *Bufferyard Model Settings.* The table below lists the settings used in setting up the model. All settings that are not permitted to be changed are security protected in the model.

Bufferyard Model Settings	
Factor	Setting
Building Height	30 feet
Viewpoint	140 feet
Overlap Factor	0.8
Opacity Factor	0.6
Plant Unit Area	500

Plant Type Settings
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## SARASOTA COUNTY-Landscaping and Buffering

Factor	Canopy	Accent	Shrub
Shape	1	2	7
Height	32	20	4
Percent Opacity	.70	.58	.70

### 7.3.9. *Constrained Sites.*

- a. An alternative buffer calculation using the interactive buffer model and a reduced buffer width may be used only where the standard project boundary or street buffer width shown cannot be physically met on the site for one of the following reasons:
  1. Redevelopment of an existing site requires a buffer to be added, but the building, pavement or stormwater facility already exists; or
  2. The site has lost area from an existing buffer due to adjacent road widening; or
  3. It can be shown that the narrowest standard project boundary buffer and street buffer width would occupy more than ten percent of the site area.
- b. The intent of this section is not to discourage the continued use of such properties, but rather to protect adjoining uses from nuisances associated with uses.
- c. A constrained project boundary buffer shall be calculated using the interactive buffer model and the required opacity from the table in Section 7.3.8.b. Where possible, the constrained buffer shall meet or exceed the required opacity, in spite of the reduced buffer width. Where the opacity cannot be met because the buffer width is inadequate for the amount of plant material required, the interactive buffer model shall be used to develop the highest possible opacity in relation to the required opacity from the table.
- d. Where necessary to achieve the required opacity, a constrained project boundary buffer shall contain a minimum six-foot wall. The County Landscape Architect shall ensure that adequate provision for soil and moisture is provided for any trees in a constrained buffer. Such provisions may include raised or at-grade planters, or a requirement for pervious pavement in adjacent parking or other vehicular use areas.
- e. In no case shall the constrained buffer width be reduced below five feet, nor shall the opacity be reduced below 50 percent of the required opacity.

### 7.3.10. *Credit for Existing Buffer.*

- a. Credit is permitted for existing plant material within the proposed buffer area, provided such plant material meets the minimum standards of this section.
- b. Credit shall be allocated on a one-for-one basis for shrubs, accent trees or substituted trees. The size of material shall not be taken into account, except where such material is below the required minimum planting size.
- c. Credit for existing canopy trees shall be allocated based on the length of the existing tree canopy that overhangs the buffer. Credit can be given for 80 percent of that length.
- d. Credit may be permitted for existing plant material and walls an adjacent property, provided such items are in a permanently protected area, including, but not limited to:
  1. A conservation easement or preserve area on adjacent property.
  2. An existing County-approved landscape buffer on adjacent property may receive credit for the existing material and width.

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**COMMENTARY:** The total buffer opacity must be met, however, the plant material can be on either side of the property line. An example with a CG District project adjacent to a developed RSF project with an existing buffer would be calculated as follows:

Total buffer required = 0.6 opacity

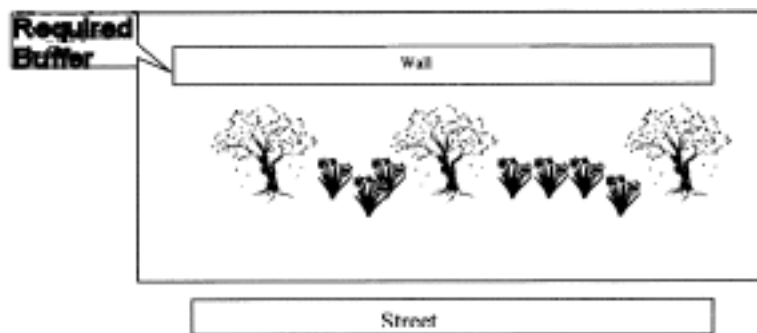
Existing RSF buffer = 0.3 opacity, (allows 0.3 opacity credit)

Remaining opacity required on CG property = 0.3 opacity (not 0.6 as in table)

3. Any existing utility or drainage easement exceeding 100 feet in width.

### 7.3.11. *Structures Within Required Buffer Area.*

- a. *Walls.* Where structures are built within any required buffer area, they shall meet the following requirements:
  1. Walls shall be constructed of one or a combination of the following materials: stucco over concrete block, brick, stone, split-faced block or glass block in a structurally safe and attractive condition. Alternative walls (including EIFS or other similar systems) may be permitted with the approval of the Zoning Administrator. No walls of exposed concrete block are permitted, whether painted or not. Panel/column type walls are recommended in existing tree areas to protect their roots.
  2. No wall shall be located within any required drainage, utility or similar easement without permission or subordinate agreement from the entity(ies) that own the easement.
  3. All walls, when used as part of a buffer abutting developed land without a buffer, shall be planted on the face towards the adjacent property with at least one shrub for every eight feet of wall length, or one vine for every 12 feet of wall length. These vines or shrubs may be counted towards meeting the opacity requirement for the buffer. Where the buffer tables require additional shrubs, the excess shrubs shall be waived.
  4. The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall structure at the time of landscape plan approval.
  5. Pedestrian connections through walls that connect to adjacent neighborhoods or other uses are encouraged.
  6. All walls located within street buffers shall be placed at the rear of the buffer. Required plant material shall be placed streetward of the wall.



### *Subdivision Lots Abutting Boundary Line*

7. All walls must also comply with standards Section 7.8.1 and the Sight Triangle and Visibility requirements in Section 7.4.1.m.

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- b. *Berms/Slopes.* Berms shall have a minimum average height of 2.5 feet with side slopes of not less than four feet horizontal for each one foot vertical. Slopes in excess of four feet horizontal for each one foot vertical may be permitted if sufficient erosion control methods are taken and deemed by the Zoning Administrator to be maintainable. For healthy tree growth, landscape berms shall have slopes of not less than four feet horizontal for each one foot vertical.
  - c. *Fences.*
    - 1. Fences may be constructed in a required buffer, subject to Section 7.8, however, they shall not be counted towards required opacity of the buffer.
    - 2. Chain-link fences may not be used in buffer areas or along rights-of-way abutting the perimeter of the subdivision (see Section 7.8.1 for additional limitations on chain-link fences).
- 7.3.12. *Plant and Structure Location.* The placement of required plants and structures shall be the decision of each user, except that the following requirements shall be satisfied:
- a. Although this section does not generally specify the location or spacing of required plant material, all plant materials shall be installed to achieve the purposes for which that planting is required. This means that plant materials shall be located so as to achieve the maximum level of protection to the less intense zoning district or use. Unless otherwise required by these regulations, such as in the case of a hedge, the required planting should generally be in an irregular line and spaced (or grouped) at random. Plant material shall meet the buffer requirements every 100 feet.
  - b. Canopy trees shall be located no closer than five feet from any structure. Other trees and shrubs shall be planted no closer than three feet from any structure. Where vines are planted, the minimum distance shall be two feet. Trees, shrubs and vines planted in constrained buffers shall be exempt from this requirement.
  - c. All trees adjacent to overhead utility lines shall conform to Florida Power and Light (FPL) publications for tree setbacks.
  - d. Where a separate legal parcel is permitted for stormwater management, by right or special exception, it shall be included as part of a common development plan. The following buffer shall be required:
    - 1. A buffer with a minimum opacity of 0.1 on the street and residential sides of the stormwater parcel;
    - 2. A project boundary buffer along the interior lot line, screening the development; and
    - 3. A locked gate for maintenance purposes shall be permitted through the buffer wall.
  - e. Buffer areas not retained in native habitat shall be seeded or sodded with lawn, established with ground cover, or mulched with organic mulch. No turfgrass shall be planted under the dripline of trees. Inorganic ground cover shall not exceed 20 percent of the total required area of the buffer.
  - f. As an existing buffer matures, it is anticipated that accent trees may not survive the shading by canopy trees. Where the buffer opacity has been met, replacement of such accent trees and shrubs shall not be deemed necessary.
  - g. In parking lots and loading areas foliage or other landscape structures shall not be allowed to obstruct visibility or to create hazards for ingress or egress to these areas.
- 7.3.13. *Permitted Use of Buffer Area.*
- a. A buffer may be used for passive recreation and picnic facilities; and it may contain pedestrian, bike, or equestrian trails, provided that:
    - 1. No existing plant material is eliminated, other than nuisance exotics;

## SARASOTA COUNTY-Landscaping and Buffering

2. The total width of the buffer is maintained; and
  3. All other requirements of these regulations are met.
- b. Other appurtenances which require high visibility and easy access, such as fire hydrants, public and emergency telephones, mail boxes, and school bus or other bus shelters or benches, are also permitted in a buffer. No screening of such appurtenances is required.
  - c. A required buffer is encouraged to retain areas of native habitat and may incorporate water resources including Stormwater Management Systems. However a minimum ten-foot width of the buffer shall be preserved as a planting area without a Stormwater Management System. When the Applicant elects to place a Stormwater Management System within the landscaped buffer area, the county shall review the application and determine the appropriate width and configuration based on best professional judgment and taking into account such factors as the soils, hydrology, topography, mature root zone and biota affecting the efficacy of such a Stormwater Management System or the survivability of any plantings.
  - d. Ingress and egress to the proposed use, and utility lines and appurtenances, may cross the buffer provided they minimize the amount of buffer devoted to this use.
  - e. Above-ground utilities and appurtenances to underground utilities which require above-ground installation shall be buffered by a continuous planting of shrubs, with a minimum mature height equal to that of the structure, up to eight feet. Required accessways to these utilities are exempt from the screening provisions.
  - f. The buffer area may be included as part of the calculation of any required open space.
  - g. Identification signs may be located within a buffer as specifically permitted in Section 7.4, Signs. The landscape buffer shall be designed to address visibility of allowed ground signs.
  - h. Lighting may be located within a buffer as specifically permitted in Section 7.5, Outdoor Lighting.
  - i. Any other uses may be located within the buffer where specifically permitted elsewhere in these regulations.
- 7.3.14. *Prohibited Use of Buffer Area.* A buffer area shall not be used for any building or use, accessory building or use, parking or loading area, storage area, or other principal or accessory uses except as specifically permitted in this section.
- 7.3.15. *Ownership of Buffers.* Buffers may remain in the ownership of the original developer (and assignees) of a lot or parcel of land; they may be subjected to deed restrictions and subsequently be freely conveyed; or they may be transferred to any consenting grantees, such as a park or forest preserve, the County, open space held by association (homeowners, etc.), or conservation group. Any such conveyance shall adequately guarantee the protection and maintenance of the buffer in accordance with the provisions of these regulations.
- 7.3.16. *Requirements for Maintaining Buffers.*
- a. *Responsibility.* The responsibility for maintenance of a required buffer shall remain with the owner of the property, his or her successors, heirs, assignees or any consenting grantee. Maintenance is required in order to ensure the proper functioning of a buffer as a landscaped area which reduces or eliminates nuisance and/or conflict.
  - b. *Maintenance.*
    1. All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, mulching, fertilizing and pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming. Buffers shall be kept free of nuisance and invasive species. Species to be addressed are as specified in Sarasota County Code, Exotic Plants, Section 54-621, state regulations (Chapters 5B-57.007 and 62C-52.011, FAC) and the Florida Exotic Pest Plant Council's list of Category I and II invasive species as appropriate to this geographic region.

## SARASOTA COUNTY-Landscaping and Buffering

2. Necessary pruning and trimming shall be in accordance with the American National Standards for Tree Care Operations: Tree Shrub and Other Woody Plant Maintenance — Standards Practices (Pruning), and shall not be interpreted to include topping of trees through removal of crown material or the central leader, or any other similarly severe procedures such as lollipopping or meatballing that cause irreparable harm to the natural form of the tree, except where such procedures are necessary to maintain public overhead utilities. Any such activity shall be a violation of these zoning regulations. Additional plant material shall be required by the County Landscape Architect or County Forester to replace or supplement the damaged plant material.
  3. Dead or diseased plantings shall be removed. Replacement plantings shall be provided for any required plants which die or are removed for any reason and shall meet all minimum standards and conform to these regulations.
  4. Natural water courses within a buffer shall be maintained in a natural condition consistent with the Comprehensive Plan and other applicable regulations.
  5. A water source shall be supplied within 50 feet of any planting requiring continuing watering. Where nonnative or nondrought tolerant native vegetation is incorporated in the buffer in a manner consistent with the Comprehensive Plan, an irrigation system shall be required. Irrigation systems shall meet the standards of the County's Water Efficient Landscape Ordinance.
  6. Landscape structural features such as walls, fences, berms or water features shall be maintained in a structurally safe and attractive condition.
  7. Where other uses, including pedestrian, bike or other trails, are allowed within a buffer, these uses shall be maintained to provide for their safe use.
- c. *Failure to Maintain.* In the event that any owner of a buffer area fails to maintain same according to the standards of these regulations, these regulations shall be enforceable by the County of Sarasota with the right to recover the cost of enforcement, including reasonable attorney fees. The County may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the buffer area to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the buffer area.

### 7.3.17. *Hardship Relief.*

- a. The buffer requirement may be modified by the Zoning Administrator upon a finding that a modification would be consistent with the purpose and intent of Section 7.3, with the Comprehensive Plan, that such modification would not adversely affect the land use compatibility or public interest, and complies with one or more of the following criteria:
  1. The affected buffer is parallel and adjacent to an existing conservation area, preserve area, or utility or drainage easement of at least 100 feet in width;
  2. The affected buffer is between uses that are to be developed under a common development plan or series of development plans;
  3. The affected buffer is adjacent to a property that has a joint use agreement with the parcel under site plan; or
  4. The affected buffer is parallel and adjacent to an existing railroad right-of-way.
  5. The topography of the lot is such that buffering would not be effective.

### 7.3.18. *Off-Street Vehicular Facility Landscaping Requirements.*

- a. *General.*
  1. Wherever in any zoning district off-street facilities are provided for parking or any other vehicular uses as provided in this section, such off-street facilities and land shall conform to the minimum landscaping requirements set forth in these zoning regulations; except that



## SARASOTA COUNTY-Landscaping and Buffering

single-family and two-family residential uses on individually platted lots and multilevel parking structures shall be exempt from such requirements.

2. All landscaped areas shall be protected from vehicular encroachment by curbs, wheel stops or other similar devices. All landscape islands shall be curbed to prevent vehicular encroachment: however, curb cuts may be used to facilitate flow of stormwater runoff into landscape islands. With the approval of the Zoning Administrator, grass, shell, or other permeable surface parking areas may use alternative forms of curbing.
3. Existing trees, as defined herein, may be used to meet the requirements of this paragraph.
- b. *Off-Street Vehicular Facility Landscaping Standards.*
  1. *Landscaping Required Prior to Occupancy Permit.* Completion of landscape improvements in off-street vehicular facilities is required prior to issuing any certificate of occupancy for construction subject to these landscaping regulations.
  2. *Required Interior Landscaping.* Each off-street facility for parking or any other vehicular uses shall be constructed so that interior portions of off-street vehicular facilities not utilized specifically as a parking space or maneuvering or other vehicular use area shall not be paved, but shall be landscaped in accordance with this section b.
  3. *Alternative Plant Material Substitution.* Alternative plant materials, including palms and substitute trees, may be substituted in accordance with Section 7.3.3.h.5., above.
  4. *Relocation of Required Landscaping.* In some vehicular use areas, the strict application of this subsection would seriously limit the function of said area, such as vehicle storage/display areas and grass parking areas. As an alternative, ten percent of vehicular use area may be calculated and this square footage shall be added as additional green space, along with required trees. Such required interior landscaping which is relocated as herein provided shall be in addition to the perimeter landscaping requirements.
  5. *Vehicle Encroachment into Required Interior Landscaped Islands.* The front of a vehicle may encroach upon any interior landscaped island or walkway when said area is at least four and one-half feet in depth per abutting parking space and protected by curbing. Two feet of such interior landscaped island or walkway may be part of the required depth of each abutting parking space. When the Applicant elects to place a Stormwater Management System within the landscaped island, the county may approve a different width and configuration based upon best professional judgment and taking into account such factors as soils, hydrology, topography, and other factors affecting the efficacy of the Stormwater Management System or survivability of any plantings. No tree or shrub more than two feet in height shall be planted within two feet of the edge of the landscape island. The front of a vehicle shall not encroach within any project boundary or street buffer area required by this section.
  6. *Trees.*
    - i. Where a landscaped median between abutting tiers of parking is provided, one parking lot tree shall be provided for each 50 lineal feet of such landscaped area.
    - ii. One parking lot tree shall be provided in each parking lot island.
    - iii. All trees shall be selected from the parking lot credit tree list in Section 7.3.3.h.1 and 7.3.3.h.2, except where approved by the County Landscape Architect.
  7. *Parking Lot Island and Median Soils in Preparation for Planting.*
    - i. All parking lot planting areas receiving trees shall have uncompacted coarse loam that is a minimum of 36 inches deep. All compacted soil, contaminated soil or roadbase shall be removed. Under no circumstances shall median soils with greater than five percent or less than 0.5 percent organic matter be accepted. Soils in planting areas must be appreciably free of gravel, stones, rubble or trash. When the Applicant elects to place a Stormwater Management System within the parking lot island, the county

## SARASOTA COUNTY-Landscaping and Buffering

may approve a different soil composition based upon best professional judgment and taking into account the efficacy of the Stormwater Management System and the survivability of any plantings.

- ii. No heavy machinery shall be allowed in medians once the final grade has been established.

### 7.3.19. *Service Function Areas.*

- a. *Buffering and Screening.* Refuse collection, mechanical equipment, trash compaction, loading areas, recycling, roof-top equipment and other service function areas shall be fully screened and out of view from adjacent properties and public rights-of-way. The screening shall extend one foot above the height of the object to be screened. Complete screening from adjacent roadways may not be possible in areas with elevated roadways such as I-75.
- b. *Materials and Design.* Screening material and design shall be consistent with design treatments of the primary facade of the building or project and its landscape plan.
- c. *Requirements for Outdoor Refuse Collection and Refuse Storage Areas.*
  1. All outdoor refuse collection and refuse storage areas shall be limited to that area shown on an approved site and development plan.
  2. Areas shall be visually screened with a wall a minimum of eight feet in height and of similar building material as the principal structure. The interior dimensions of refuse areas shall be a minimum of 12 feet in both width and depth. Materials stored in said areas shall not protrude above the screen.
  3. No outdoor refuse collection or refuse storage area shall be located in a street yard, or within ten feet of any side or rear property line, except where access to railroad sidings is necessary.

### 7.3.20. *Sight Distance for Landscaping Adjacent to Rights-of-Way and Access.* When an accessway intersects a public right-of-way, all landscaping shall meet Florida Department of Transportation Roadway and Traffic Design Standards, provided that trees shall be trimmed in such a manner that no limbs or foliage extend into the cross visibility area. Such trees shall be located so as not to create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three feet from the edge of any accessway pavement.

### 7.3.21. *Stormwater Facility Fencing in Nonresidential Districts.* See Land Development Regulations, Chapter 74 of the Sarasota County Code.

## SARASOTA COUNTY-Trees

### ARTICLE XVIII. - TREES<sup>161</sup>

#### Sec. 54-581. - Findings of fact and purpose of Article.

- (1) *Findings of fact.* The Board of County Commissioners hereby makes the following findings:
- (a) Trees produce oxygen, a necessary element for the survival of mankind;
  - (b) Trees appreciably reduce the ever-increasing and environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air;
  - (c) Trees play an important role in the hydrologic cycle, transpiring considerable amounts of water each day, and they intercept dust and other particulate airborne pollutants from the air;
  - (d) Trees play an important role in cleaning stormwater runoff that passes from the surface water to groundwater;
  - (e) Trees, through their root systems, stabilize the soil and play an important and effective part in Countywide soil conservation, erosion control and flood control;
  - (f) Mangrove Trees are of special ecological value in stabilizing, building and protecting the shoreline, providing for spawning and breeding grounds for marine organisms and other wildlife, and serving as the basis for most of the estuarine food chains, which are critical to 70 to 90 percent of those species considered important from a recreational and/or commercial standpoint;
  - (g) Trees are an invaluable physical and psychological addition to the County, making life more comfortable by providing shade and cooling both air and land, reducing noise levels and glare, breaking the visual monotony of Development on the land and providing unique visual character and enhancing property values;
  - (h) Trees provide wildlife habitat and play other important ecological roles;
  - (i) The protection of Trees within Sarasota County is not only desirable, but essential to the present and future health, safety and welfare of Sarasota County;
  - (j) Some Tree species are more deserving of special protection due to their status as a native species, their canopy potential, or their niche within a particular ecosystem. It is not necessary to protect each and every species in order to attain the public benefit of a Tree protection due to a species being an invasive/exotic that destroys native habitats and out-competes native Trees for space and nutrients;
  - (k) Some Trees on public and private lands are especially significant due to their character, size, and age;
  - (l) Grand Trees are an important component of Sarasota County's urban forest, and have a unique and intrinsic value to the general public because of their age, size, and ecological value;
  - (m) Trees can serve the function of a bio-utility and have numerous economic benefits to the community;
  - (n) Preservation and maintenance of healthy oaks and other species that comprise Canopy Roads will maintain their historic, aesthetic, cultural and environmental value;
  - (o) Street Rights-of-Way and other public open spaces provide land which is appropriate, accessible, and highly visible for the planting of Trees and other vegetation;
  - (p) It is a matter of public policy that the health, safety, welfare, and economic well-being of the residents and property owners of Sarasota County require that the County adopt a comprehensive program for the installation, maintenance, and preservation of Street Trees and other plantings within Sarasota County;
  - (q) The trimming and alteration of red mangroves (*Rhizophora mangle*), white mangroves (*Laguncularia racemosa*), and black mangroves (*Avicennia germinans*) shall be consistent with

## SARASOTA COUNTY-Trees

the Mangrove Trimming and Preservation Ordinance, as amended (Chapter 54, Article XXXV, of the Sarasota County Code of Ordinances).

- (r) To provide for greater efficacy in the protection and regulation of trees, three ordinances were consolidated in Ordinance No. 2011-023, including the following: (1) Ordinance No. 88-02, as amended, commonly referred to as the Street Tree Ordinance; (2) Ordinance No. 2001-041, as amended, commonly referred to as the Canopy Road Ordinance; and (3) Ordinance No. 83-44, as amended, commonly referred to as the Tree Protection Ordinance.

(2) *Purpose.* It is the objective of this article to:

- (a) Safeguard the public health, safety, welfare and economy through Tree Protection and to promote the findings of this article by following the provisions contained herein.
- (b) Designate, preserve, promote, and protect Canopy Roads in Sarasota County.
- (c) Effect and accomplish the planting, maintenance and preservation of Trees and other plantings in Street Rights-of-Way and other public open spaces and to assure all plantings conform to the guidelines for landscape design.

### Sec. 54-582. - Definitions.

The following terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

*Administrator.* The Sarasota County Administrator, or the administrative official of Sarasota County Government designated by the County Administrator to administer and enforce the provisions of this article.

*Agriculture.* A commercial enterprise using lands classified by the County Property Appraiser under the agricultural assessment provisions of F.S. § 193.461, for the production and marketing of agricultural products.

*ANSI.* The American National Standards Institute.

*Applicant.* Any individual, firm, partnership, corporation, association, organization, trust, company, or any other legal entity that has applied for a Tree Permit or County approval.

*Article.* Chapter 54, Article XVIII, of the Sarasota County Code of Ordinances, as amended by this Ordinance.

*ASCA.* The American Society of Consulting Arborists.

*Board.* The Board of County Commissioners of Sarasota County.

*Border Trees.* Trees that have any part of their trunk (part defined as between 12 inches—54 inches above ground surface), growing on the line established as the outer perimeter of the Canopy Road Zone.

*Canopy Road.* A Travelway designated by the Board meeting the standards outlined in Section 54-590 of this article.

*Canopy Road Protection Zone (CRPZ).* A designated section of County Right-of-Way and the adjacent private property extending up to 15 feet laterally from the Right-of-Way onto adjacent Private Property, but in no event extending greater than 15 feet laterally from the edge of the Roadway.

*Clear Trunk.* The height of the trunk of a palm measured from the ground to the point where the lowest green frond is attached to the trunk.

*Clear Zone.* The canopy above a Roadway along a Canopy Road trimmed up to 16 feet above road surface for vehicle clearance. It shall also mean the canopy above pedestrian zones trimmed to eight feet above ground surface and two feet laterally from edge of sidewalk.

*Comprehensive Plan.* The Revised and Updated Sarasota County Comprehensive Plan as adopted under Ordinance No. 89-18, as amended, to comply with the Local Government Comprehensive Planning and Land Development Regulation Act of 1985.

## SARASOTA COUNTY-Trees

*Condition Classification.* The rating of a plant based on its current structural integrity and state of health as defined by the "Guide for Plant Appraisal" latest edition, published by the International Society of Arboriculture.

*County.* Sarasota County, Florida.

*Development.* The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels as defined in F.S. §§ 163.3164 and 380.04.

*Development Permit.* Any building permit, zoning permit, plat approval, or rezoning, certification, variance, or other action having the effect of permitting Development.

*Diameter at Breast Height (DBH).* The diameter of the trunk measured at breast height, which is 54 inches above the ground. When low branches or stems preclude measuring the trunk at 54 inches, the smallest circumference of the trunk below the lowest branch or stem juncture shall be the measure of DBH.

*Drip Line.* The circumference around a Tree formed by the outermost branches or portion of the Tree crown to the ground as shown in Figure 1.

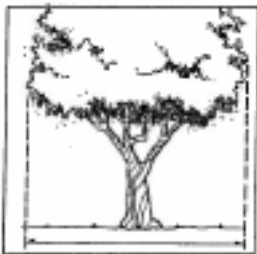


Figure 1.

*Emergency.* Any manmade or natural disaster that is specifically declared to be an Emergency through a resolution adopted by the Board.

*Final Construction Plan.* An approval granted pursuant to Chapter 74, of the Sarasota County Code, the Land Development Regulations.

*Grand Tree.* Any Tree that has been determined by the Administrator to have the characteristics as outlined in this article or any Tree designated a Florida State Champion, United States Champion, or World Champion by the American Forestry Association.

*Highway, Street, or Road.* A dedicated public way for purposes of vehicular traffic, including the entire area within the Right-of-Way. The term "Street" is generally used for urban and/or suburban areas.

*Invasive Plant.* Any nonindigenous plant that grows aggressively enough to crowd out Native Plants.

*Irreparable Injury.* Any action less than Tree Removal that results in irreversible or incurable harm so as to cause the unnatural decline of the Tree. Actions that are Irreparable Injury may include, but are not limited to: inflicting damage upon the root system by heavy machinery, changing the natural grade above the root system or around the trunk, inflicting damage that provides a pathway for infection or pest infestation, application of herbicides or other harmful chemical agents, infliction of trunk wounds, or improper removal of canopy that is generally inconsistent with ANSI A300 standards for Tree care.

*ISA.* The International Society of Arboriculture.

*Land Development Regulations.* Sarasota County Ordinance No. 81-12, as amended, or its successor (Chapter 74 of the Sarasota County Code of Ordinances).

*Listed Species.* Any plant or animal afforded protection pursuant to the Florida Administrative Code, including, but not limited to, species categorized as endangered, threatened, and species of special concern; or any plant or animal categorized as endangered or threatened pursuant to the U.S.

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Endangered Species Act, or bald eagles protected pursuant to the Bald and Golden Eagle Protection Act or other bird species protected pursuant to the U.S. Migratory Bird Treaty Act.

*Lot.* Includes "tract" or "parcel" and means the least fractional part of subdivided lands having fixed limited boundaries and an assigned number, letter, or other name through which it may be identified.

*Master Tree List.* A list maintained by the Administrator of Tree species, suitable and desirable for planting, and recommended according to site location, specifications, use and constraints.

*Myakka River Area.* The corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, contained in F.S. pt. III, ch. 258, together with a corridor of land including the maximum upland extent of wetland vegetation as determined by the Department of Environmental Protection pursuant to F.S. ch. 403, and Chapter 62-340, Florida Administrative Code.

*Myakka River Protection Zone.* The upland buffer that extends 220 feet on each side of the Wild and Scenic segment of the Myakka River (from river mile 7.5 to river mile 41.5), measured from the landward edge of the Myakka River Area.

*Natural Regeneration.* The regeneration of a stand of timber by leaving a minimum of 15 mature healthy trees per acre appropriately spaced to act as seed trees.

*Native Plant.* An indigenous plant.

*Naturalized Plant* means a plant that is not native to an area but has colonized without being invasive.

*Person.* Any individual, government, corporation, partnership, association, firm, trust, or other entity.

*Private Property.* Any property not owned by the Government including all agricultural, residential, commercial, industrial, office, professional, institutional, or recreational property in unincorporated Sarasota County.

*Private Street.* Any street that has not been dedicated for public use or not accepted for ownership or maintenance by the Board.

*Prune, Pruning, Trim, or Trimming.* The act of cutting or sawing to remove a dangerous hazard in a Tree, or to maintain or improve the form or health of a Tree, in a manner generally consistent with the American National Standards Institute (ANSI) A300 standards for Tree care operations by doing one of the following: (a) cleaning by removing dead, diseased, or broken branches; (b) thinning by removing density of branches, including for the purpose of creating a vista; (c) raising the crown by removing lower branches to provide for vertical clearance; (d) reducing to decrease height and/or spread of branches; (e) restoration by reshaping the crown after it has been damaged by improper pruning or by a storm. The term does not include those activities that do not specifically improve the form or health of a Tree, including those that constitute Tree Removal or cause Irreparable Injury to a Tree.

*Public Places.* All lands and Rights-of-Way owned by the County, excluding park lands and lands managed by other County agencies.

*Residential Street Tree Program.* The County's program to plant, maintain, and protect Trees within the transportation rights-of-way, owned by the County in fee simple, within or surrounding neighborhoods, subdivisions or an area represented by a homeowners' association or council. These Trees are County property and are protected under the provisions of this article.

*Right-of-Way.* The land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes. Specifically, land owned fee-simple or dedicated by easement to the State, the County and/or municipality devoted to or required for use as a public Roadway.

*Right-of-Way Use Permit.* Any authorization given to a Person to work in County-maintained Rights-of-Way as defined in Ordinance 81-12 (Chapter 74 of the Sarasota Code of Ordinances).

*Roadway.* The portion of a Highway, Street, or Road, including the shoulders, for the intended use of Vehicles.

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*Silviculture.* A commercial enterprise controlling the establishment, growth, composition, health, and quality of forests and woodlands of desired characteristics with the intent to produce, reproduce or manage a stand of pines (*Pinus* spp.) for the eventual sale to a timber company as pulp, paper or other timber products. This includes site preparation activities, prescribed burning and harvesting of Trees for sale.

*Stipulation.* A statement or a condition issued with a Tree Permit or with an approved plan, with which compliance is necessary for continued validity of the Tree Permit or other approval.

*Street Tree.* Any Tree that has any part of its trunk located in County transportation rights-of-way, including those Trees planted under the County Street Tree program, or cooperative Residential Street Tree Program. Trees naturally occurring within the transportation rights-of-way, and Trees planted in and around retention ponds and features created solely for the purpose of stormwater management in a road construction or enhancement project.

*Topping.* Internodal removal of woody branches containing heartwood or cutting back to a lateral branch too small to assume the terminal role as shown in Figure 2.

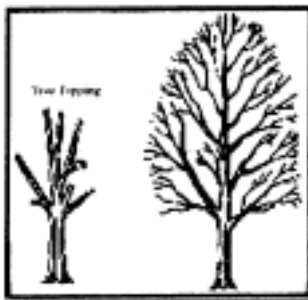


Figure 2.

*Travelway.* The portion of the Right-of-Way for the movement of Vehicles, exclusive of the shoulders, bike lanes, or gutters.

*Tree.* A living, woody, self-supporting plant, which when mature will reach ten feet or more in height, having a main stem or cluster of main stems, and any one stem measuring four and one-half inches DBH. Further, for the purpose of this article, all rooted species of mangrove or two-inch DBH scrub oak, including red mangrove (*Rhizophora mangle*), white mangrove (*Laguncularia racemosa*), black mangrove (*Avicennia germinans*), buttonwood (*Conocarpus erecta*), sand live oak (*Quercus geminata*), myrtle oak (*Quercus myrtifolia*), Bluejack Oak (*Quercus incana*), and chapman oak (*Quercus chapmanii*) are hereby declared to be Trees, and are hereby protected by the provisions of this article. In addition, all palms with more than four and one-half feet of Clear Trunk are declared to be Trees and are protected by the provisions of this article. This definition includes any tree planted, relocated or replaced pursuant to this article.

*Tree Location Survey.* A survey that provides the following information: location of all Trees, plotted by accurate techniques, common name of all Trees, and Diameter at Breast Height (DBH), printed on the proposed site plan as described in this article. A site plan printed on an aerial photograph may only be substituted if it is approved by the Administrator prior to submittal and if it is a recent, legible aerial photograph that reflects existing site conditions (scale: one inch equals 200 feet or less).

*Tree Permit.* The legal authorization for Tree Removal, Irreparable Injury to a Tree, Tree Relocation, and/or the requirement for Tree Protection and/or Tree plantings on a Lot, Right-of-Way, or easement, or within the CRPZ, pursuant to the provisions of this article. For the purposes of this article, a Tree Permit also includes the legal authorization to remove, disturb, or install shrubs, plants or other vegetation within a Right-of-Way.

*Tree Protection.* Avoiding direct and indirect damage to Trees.

*Tree Relocation.* To transplant, reestablish or move a tree to another place within a site or off site.

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*Tree Removal.* To cut down, poison, or in any other manner destroy, or cause to be destroyed, a Tree as defined in this article.

*Vehicle.* Every device in, upon, or by which any Person or property is or may be transported or drawn upon a Right-of-Way, excepting devices used exclusively upon stationary rails or tracks.

Sec. 54-583. - Administration.

- (1) *Administration.* The Administrator shall be responsible for carrying out the provisions of this article.
- (2) *Fees.* The Board is authorized to set reasonable fees and charges for the implementation of this article. Such fees shall be set by resolution. Fees charged will substantially finance the expenditures of administering this article. Any Person who conducts an activity that requires a Tree Permit, without first obtaining a Tree Permit, shall be required to obtain an after-the-fact Tree Permit and/or mitigate the impact in accordance with this article. Payment shall not preclude nor be deemed a substitute for prosecution of violations of the provisions of this article.
- (3) *Applicability and Interpretation.*
  - (a) In the application and interpretation of this article, all provisions shall be considered minimal requirements and construed liberally to effectuate the purposes of this article.
  - (b) This Article is not intended to repeal, abrogate, or impair any existing statutes, laws, ordinances, easements, covenants, or deed restrictions that impose more stringent restrictions on the protection or removal of Trees.
  - (c) Where this article conflicts with or overlaps another ordinance or statute, whichever imposes the more stringent restrictions for the protection of Trees shall prevail.
  - (d) Where any provision of this article refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any renumbering thereof or amendments thereto.
  - (e) This Article shall be applicable to private and public properties, easements, and Rights-of-Way, as set forth in the provisions of this article.
- (4) *Simultaneous Reviews.* In the event that an Applicant seeks authorization to conduct activities that are subject to overlapping code provisions from different Articles of Chapter 54 of the Sarasota County Code, County staff shall perform simultaneous natural resource reviews to the greatest extent practicable.
- (5) *Listed Species.* In cases where impacts to Listed Species may occur, Applicants shall be required to consult with the appropriate Federal and State wildlife agencies, to use recognized sampling techniques as defined by accepted methodology of the agency to identify listed species, and to provide documentation of such coordination and compliance prior to County approval to conduct any activities that could disturb listed species or the habitat.
- (6) *Jurisdiction.* The provisions of this article shall be effective throughout the unincorporated area of Sarasota County, Florida. It shall be effective within the incorporated municipalities to the extent that those municipalities adopt the same provisions and provide by interlocal agreement for enforcement by the County. The Board may provide for enforcement within any municipality through an interlocal agreement.
- (7) *Annexation.* Where any property permitted under the provisions of this article is annexed into an incorporated area, the governmental body for the incorporated area will enforce any lawful conditions imposed by the County in conjunction with the issuance of land use and development permits unless and until such conditions are modified, changed and/or deleted through the municipality's comprehensive plan and land development regulations. Trees protected pursuant to County-issued permits shall remain protected as part of a municipal-issued development permit or development order, unless modified, changed and/or deleted by the municipality through the municipality's comprehensive plan and land development regulations.



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### Sec. 54-584. - Prohibitions.

- (1) Unless otherwise exempted or authorized in a Tree Permit in accordance with this article, no Person shall:
  - (a) Engage in Tree Removal;
  - (b) Engage in Tree Relocation;
  - (c) Initiate Development when a Tree exists on a property;
  - (d) Cause Irreparable Injury to a Tree or Grand Tree;
  - (e) Cause Irreparable Injury to or Prune a Tree within a Canopy Road Protection Zone or Right-of-Way;
  - (f) Cause Irreparable Injury to or Prune other vegetation within a Right-of-Way; or
  - (g) Plant a Tree or other vegetation within a Right-of-Way.
- (2) Any Person violating any provision within this article or a Stipulation contained in a Tree Permit or a Development Permit that results in a prohibited activity shall constitute a violation of this article.
- (3) No person shall physically impede County staff who are engaged in the planting, maintaining, Pruning, treating, or removing of any Tree or portion of Tree in any public Right-of-Way.

### Sec. 54-585. - Exemptions.

- (l) *Exemptions.* The following exemptions exist from the provisions of this article:
  - (a) *Exotics.* The prohibitions in Section 54-584(1) shall not apply to any Tree species on the most recent Florida Exotic Pest Plant Council Category I list of invasive species. In addition, the prohibitions in Section 54-584(1) shall not apply to any one of the following Tree species: Brazilian Pepper (*Schinus terebinthifolius*), Punk or Melaleuca (*Melaleuca quinquenervia*), Australian Pines (*Casuarina* spp.), Carrotwood (*Cupaniopsis anacardioides*), Chinaberry (*Melia azedarach*), Chinese Tallow (*Sapium sebiferum*), or any Tree species prohibited by the Invasive Plant Species Ordinance No. 90-01, as amended (Chapter 54, Article XIX of the Sarasota County Code of Ordinances).
  - (b) *Emergencies.* The prohibitions in Section 54-584(1) shall not apply during Emergencies as described herein:
    1. No Tree Permit shall be required for governmental personnel or agencies in the performance of their official duties during an Emergency declared by the Board as provided herein.
    2. No Tree Permit shall be required when necessary to reestablish electric service during or immediately after a severe weather event or other electrical Emergency situation.
    3. When it is necessary to expedite the removal of damaged or destroyed Trees in the interest of public safety, health, and general welfare following high winds, storms, hurricanes, tornadoes, floods, freezes, fires or other manmade or natural disasters, the Board may by resolution declare an Emergency, and suspend the requirements of this article for a period of up to 30 days in the affected areas.
  - (c) *Agricultural Activities.* The prohibitions in Section 54-584(1) shall not apply to a Lot or portion thereof that is classified by the County Property Appraiser prior to any Tree removal as bona fide agricultural land under the agricultural assessment provisions of the Florida Right to Farm Act, F.S. § 193.461, where Tree Removal is undertaken or Irreparable Injury is caused solely for Agricultural or Silvicultural purposes. This exemption shall not apply to any Tree Removal or Irreparable Injury in preparation for, or in anticipation of, any Development or any construction of nonagricultural improvements. For the purposes of this article, evidence of such preparation or anticipation includes submittal of an application for a building permit for nonagricultural use, a

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special exception, a rezone, a Development of Regional Impact, a site and development plan, a preliminary subdivision plan, a conceptual Development plan, or other Development approval. Other than for properties that are sold to settle an estate, submittal of plans listed in this section within six years of the date of Tree Removal or Irreparable Injury would invalidate this exemption and require an after-the-fact Tree Permit and/or mitigation in accordance with the provisions of this article. Additionally, no Development Permit application shall be reviewed or a Development Permit issued for the property until such corrective action is taken.

1. Nothing herein shall be construed to affect the right of any Person engaged in the commercial enterprise of Agriculture or Silviculture. Any stand of timber that is harvested in the Myakka River Protection Zone shall be regenerated either by replanting, natural regeneration or by leaving a sufficient number of young Trees to replace the stand of timber.
  2. This exemption does not apply within a wetland or watercourse buffer required by the County.
  3. The Administrator may grant a limited exemption for Tree Removal associated with a property owner restoring a previous Agricultural exemption from the Sarasota County Property Appraiser.
- (d) *Nurseries.* The prohibitions in Section 54-584(1) shall not apply to plant or Tree nurseries for those Trees grown on the premises specifically for sale to the general public in the ordinary course of such plant or Tree nurseries' businesses.
- (e) *Certain Residential Lots.* The prohibitions in Section 54-584(1) shall not apply to owner-occupied residential Lots of five acres or smaller, after a certificate of occupancy has been issued for the residential dwelling(s) on that Lot. For owner-occupied residential Lots larger than five acres, no Tree Permit is required where the Tree is located within 150 feet of the residential dwelling after the certificate of occupancy is issued for the residential dwelling(s) on that Lot. This exemption shall not apply in conservation or preservation areas, or to Trees planted or relocated pursuant to a Tree Permit, or where the residential dwelling is to be demolished and reconstructed. This exemption does not apply to any Grand Tree on all properties. This exemption shall not apply within the Myakka River Protection Zone, except on lots that are a minimum of 2,200 feet from the bank of the main stem of the Myakka River. On those lots, no Tree Permit is required for Tree Removal or Irreparable Injury landward of the watercourse buffer. This exemption does not apply to Trees within a CRPZ.
- (f) *Roads, Utilities, and Stormwater Construction.* Tree Removal and Tree Relocation necessary for the construction of Sarasota County, State, and federal roads, utilities, or stormwater facilities. This exemption does not apply to any Grand Tree and this exemption shall not apply within the Myakka River Protection Zone or a CRPZ.
- (g) *Roads, Utilities, and Stormwater Maintenance.* Tree Removal and Tree Relocation necessary for the maintenance of existing roads, utilities, landscaping, or stormwater facilities within rights-of-way and easements, or to comply with state technical specifications (e.g., for sight clearance), performed or contracted by a duly constituted communication, water, sewerage, stormwater, electrical, other utility or government entity or pursuant to an approved Sarasota County Neighborhood Initiative Grant for work within a public right-of-way. This exemption does not apply to any Grand Tree and this exemption shall not apply within the Myakka River Protection Zone or a CRPZ.
- (h) *Pruning and Maintenance.* The prohibitions in Section 54-584(1) shall not apply to Government personnel conducting Pruning and maintenance activities. No Tree Permit is required for the Pruning and maintenance of any Tree on a private Lot, except when the Tree is located within a CRPZ or Right-of-Way, or if the Pruning of a Grand Tree does not meet the standards provided in Section 54-588.
- (i) *Tree Planting.* Except in a Right-of-Way, no Tree Permit shall be required for the planting of any Tree.

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- (j) *Habitat Management and Restoration.* Tree Removal and Tree Relocation necessary for native habitat management and environmental restoration activities conducted by a governmental agency. This exemption does not apply to Grand Trees.

### Sec. 54-586. - Permitting criteria and procedures.

- (1) *Tree Permits Required.* All Persons must obtain a Tree Permit before conducting any of the activities listed in Section 54-584(1) of this article, unless the activity qualifies for an exemption under Section 54-585 in this article.
- (2) *Criteria for Tree Permits.* The Administrator and Board shall apply the following criteria in deciding whether to issue a permit, and on any appeal of an Administrator's decision denying a permit, respectively.
  - (a) No Tree Permit shall be granted where the Applicant has failed to implement the principles of avoidance and then minimization of adverse impacts to Trees. For example purposes, avoidance and minimization may include, but not be limited to: alternative site designs, stem walls, root pruning, bio-barriers, other techniques to divert root systems, etc.
  - (b) No Tree Permit shall be granted unless the Development application or proposed activity is consistent with the permitted use of the property under the County Zoning Ordinance, as amended, or municipal zoning ordinance, if applicable.
  - (c) Development applications first submitted after October 30, 2002, shall be designed to protect Grand Trees. Exceptions may only be made for one of the following:
    - 1. Safety reasons; or
    - 2. If the Applicant can clearly demonstrate to the satisfaction of the Administrator during permit review, or the Board on appeal, respectively, that setting aside the space necessary to protect a Grand Tree would unreasonably prevent the Development of a Lot.
  - (d) Tree Permits must be consistent with the Environment Chapter of the Comprehensive Plan and shall be issued only where:
    - 1. Trees pose a safety hazard to pedestrian or vehicular traffic or unmanageably threaten to cause disruption to utility services;
    - 2. Trees pose a safety hazard to people, buildings, structures, Vehicles or other improvements;
    - 3. Trees completely prevent access to a Lot;
    - 4. Trees unreasonably prevent Development of a Lot or the physical use thereof;
    - 5. State or local regulations require fill to the extent that Trees cannot be saved and the required elevations are certified by the project engineer; or
    - 6. Trees are diseased or are weakened by age, storm, fire, or other injury, or as a result of suppression by other Trees or vines, or site conditions, to the extent that they have lost most of their function and value, or pose a danger to Persons, property, utilities, sidewalks, streets, sewers, other facilities, improvements or other Trees, if so determined by the Administrator, or by the Board on appeal, respectively. No permit shall be granted for the removal of any Tree if the hazard can be abated by any other reasonable means.
- (3) *Procedure.* When a Tree Permit is required, an application meeting the requirements of this subsection and Appendix I shall be submitted for review by the Administrator. The written application shall constitute authorization for County staff to enter the Lot to conduct inspections to determine if the Applicant is in compliance with the provisions of this article.
  - (a) *Tree Permits Associated with Development and Right-of-Way Use Applications.* A Tree Permit is required before any construction activity and/or the removal of native vegetation within the Drip Line of a Tree on any Lot where Development will take place or in any Right-of-Way. An

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application shall be submitted to the Administrator prior to or concurrent with the submission of preliminary subdivision plans, or a site and development plan, or an application for a building permit, or a Right-of-Way Use Permit, whichever is first required. Where Development requires approval under the Land Development Regulations, a Tree Permit shall not be issued until after Final Construction Plan approval is granted through the Land Development Regulations process.

- (b) *Preapplication inspection service.* The Administrator shall be available for preapplication conferences or inspections of the site involved.
  - (c) *Time frames.* Upon receipt of an application, the Administrator will conduct a sufficiency review including a field inspection to determine if the application is complete, and if the proposed plan is in compliance with the provisions of this article. If the application is not complete, the Administrator may request additional information, to be completed by the Applicant within a time frame specified in the request. The application review for single- and two-family Lots will be made within four working days of receiving a completed application. The application review for all other parcels will be made within seven working days of receiving a completed application. Upon completion of the review, the Administrator will notify the Applicant that the application is either insufficient, or does not comply with the provisions of this article, or that the Tree Permit is approved, or approved with Stipulations.
  - (d) *Permit Amendments.* Should an additional Tree or Trees need to be removed after a Tree Permit has been issued, the Applicant must obtain an amended Permit prior to the removal of the Trees. Any Tree Removal or Tree Relocation conducted prior to obtaining an amendment is a violation of this article.
  - (e) *Dead Trees.* If a Tree dies after a Tree Permit has been issued and prior to the issuance of a certificate of occupancy or certificate of completion, the Applicant shall notify the Administrator and request an inspection, prior to the removal of the dead Tree(s). An inspection by County staff will be made within two days of notification by the Applicant. Failure to notify the Administrator prior to the removal of any dead Tree constitutes a violation of this article. If the Tree death can be attributed to anthropogenic (man-caused) activities, as determined by the Administrator, Tree mitigation shall be required.
  - (f) *Final Inspections.* All Tree Permits will require, as a general condition, a final inspection to ensure compliance with the provisions of this article. Final inspections shall be scheduled by the Applicant after the final grade is complete. Final inspections will be completed by County staff within three working days after notification by the Applicant.
- (4) *Grand Tree Designation.* The standards set forth in Schedule A and Schedule B shall provide the parameters for Grand Tree designation in the County. Additionally, all Grand Trees shall have a 70 percent or greater Condition Classification.

Schedule A.

Species	Minimum Points Needed to be a Grand Tree
American Elm ( <i>Ulmus americana</i> )	100
Bald Cypress ( <i>Taxodium distichum</i> )	100
Hickory ( <i>Carya</i> spp.)	100
Live Oak ( <i>Quercus virginiana</i> )	100
Pine ( <i>Pinus</i> spp.)	100
Redbay ( <i>Persea borbonia</i> )	85

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Sand Live Oak ( <i>Quercus geminata</i> )	80
Southern Magnolia ( <i>Magnolia grandiflora</i> )	80
Southern Red Cedar ( <i>Juniperus silicicola</i> )	90
Sugarberry ( <i>Celtis laevigata</i> )	95
Sweetbay ( <i>Magnolia virginiana</i> )	90
Sweetgum ( <i>Liquidambar styraciflua</i> )	100

### Schedule B.

Measurements	Points
Trunk diameter (DBH)	one point per inch
Height to the nearest foot	one point per foot
Average canopy spread to the nearest foot (measure the longest and shortest diameters of the limb spread or Drip Line and divide by 2)	one point for each four feet

#### Sec. 54-587. - Public Education.

- (1) The Administrator shall develop a process to identify Grand Trees within the jurisdiction of this article and conduct a public relations and education program to recognize, promote, identify, and preserve Grand Trees within the County. This program shall provide the citizens of the County with the awareness and technical assistance necessary to preserve Grand Trees within the County and shall notify the owner of Grand Tree designation as identified on the current annual tax roll by regular U.S. mail.

#### Sec. 54-588. - Best Management Practices.

- (1) *Standard Best Management Practices.* The following Best Management Practices shall be applicable to all Tree Permits, unless specified otherwise herein. These standard Best Management Practices shall also be applicable to all activities that affect Grand Trees, Trees located within a CRPZ, and Trees located within public Rights-of-Way, regardless of whether a Tree Permit is required for the proposed activity.
  - (a) Prior to commencing work and throughout the duration of the authorized activity, the owner, developer, contractor or agent shall clearly mark (with red flagging) all Trees proposed to be removed and shall erect barricades around all Trees to be protected. The barricades must remain in place and be in good condition throughout the duration of the authorized activity. Barricades may be removed for the final grading. Removal of other vegetation within the protected zone may be accomplished only if authorized by the Administrator and only by mowing or hand clearing. Where unauthorized removal of native vegetation within the protected root zone occurs, the Administrator may require the replanting of understory vegetation. If improvements are to be located within the protected zone of Trees, clearing by machinery will be allowed, but only in the area and to the extent necessary to install the improvements. The Applicant, owner, developer, contractor or agent shall not cause or permit the movement of

## SARASOTA COUNTY-Trees

equipment, or the storage of equipment, material, debris, or the placement or grading of fill to be placed within the required protective barrier.

- (b) Throughout the duration of the authorized activity, the owner, developer, contractor or agent shall not cause or permit the cleaning of equipment or material or the storage or disposal of debris, fill, waste materials such as paints, oils, solvents, asphalt, concrete, mortar or any other material within the Drip Line of any Tree or clump of Trees or within any native habitat or buffer.
  - (c) No damaging attachment ropes or wires (other than supportive measures for a Tree), signs, posters, handbills, Tree Permits or other things may be fastened to any Tree. No gaseous, liquid, or solid substance which may be harmful to Trees shall come into contact with any portion of the Tree except pursuant to authorization under the provisions of this article or other County regulations.
  - (d) Protective barricades for Trees other than Grand Trees shall be installed no closer than the Drip Line of the Tree. Barricades may be placed three feet from the trunk of palms. Barricades shall be constructed in a post and rail configuration. The upright posts shall be a minimum of a two by two-inch (common industry standard) wooden stake, four feet long. Posts shall be implanted deep enough into the ground to be stable and extend a minimum height of three feet above the ground. A minimum of a one by four-inch (common industry standard) wooden board shall be used to connect the upright posts. Silt barriers or snow fencing may be substituted upon approval by the Administrator. The maximum distance allowed between upright posts is eight feet. More protective barricades may be substituted with the approval of the Administrator.
  - (e) Silt barriers, hay bales, or similarly effective erosion control barriers will be required in any area where erosion or siltation may cause damage to Trees.
  - (f) Where elevation changes are proposed within the protected zone of Trees, the Applicant will be required to justify the need for the elevation change and install retaining walls or drain tiles unless the Applicant demonstrates that such protection would be impractical. The Applicant shall have the choice of the type or design. These root protection measures shall be in place prior to the deposition of fill, or excavation of soil from the protected zone.
  - (g) The Administrator shall conduct periodic inspections of the site during land clearing and construction in order to ensure compliance with this article.
  - (h) The Administrator may allow certain activities to be conducted within the barricaded Drip Line of a Tree, so long as the County determines that the Tree will not be adversely affected.
  - (i) No Person shall deposit, place, store, park, or maintain upon any Tree or within the Drip Line of any Tree, or other plantings, planted in a public Right-of-Way or other Public Places, any Vehicle, stone, brick, concrete, soil, or other materials that may impede the free passage of water, air, and fertilizer to the roots of any Tree growing therein, except by written authorization of the Administrator.
  - (j) All Trees located within public Rights-of-Way shall be protected from all digging or trenching activity within the Drip Line of any Tree. The use of tunnels or directional bores shall be required of all Persons working in a County Right-of-Way unless the Applicant demonstrates the additional cost of the tunnel or bore will exceed the appraised value of the Tree. Tree values shall be established by the most current version the International Society of Arboriculture valuation system. The tunnel or directional bore shall start at one-half the Drip Line area or six feet (whichever is greater) from the basal flare of the Tree and end in the same dimension on the opposite side of the basal flare of the Tree.
- (2) *Grand Tree Best Management Practices.*
- (a) *Grand Tree Protection.* During Development all areas within the Drip Line of every Grand Tree shall be protected from activities that may disturb or injure the tree, (such as, but not limited to, cut and fill activities, building pad placements, Travelway construction, construction material storage, driving or parking of equipment, trenching, etc.). The Administrator shall issue written

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conditions for work within the Drip Line of a Grand Tree only when an arboricultural plan has been approved.

- (b) *Proper Grand Tree Care: Canopy and Root Pruning.* When activities affect a Grand Tree within the Drip Line or when pruning must be performed on the crown of a Grand Tree, the following arboricultural techniques are required:

1. Roots must be severed by clean Pruning cuts. Roots can be pruned by utilizing trenching equipment that is specifically designed for this purpose or by hand digging a trench and pruning roots with a chain saw, Pruning saw or other equipment designed for Tree Pruning. Root pruning shall be to a depth of 12 inches below existing grade or to the depth of the disturbance if greater than 12 inches below the existing grade. When underground utilities are to be installed through the Drip Line, root pruning requirements will be waived if the lines are installed via tunneling or directional boring as opposed to trenching.
2. All Pruning of Grand Trees shall conform to the latest edition of the ANSI (A300 Standards).
3. Neither canopy and/or root pruning can declassify a Tree from Grand Tree status. If Pruning activities have been conducted prior to the Administrator's determination regarding the classification of the Tree and the Tree would have met the requirements to be classified as a Grand Tree, the Administrator may classify it as such.

- (c) *Grand Tree Protection Barrier Requirements.* During Development activities or any other potential disturbance that will impact the area within the Drip Line of any Grand Tree, protective barriers shall be placed around each Grand Tree to prevent the destruction or damaging of roots, stems, or crowns of such Trees. Barriers shall remain in place and intact until the work is completed. Barriers may be removed temporarily to accommodate construction needs, provided that the manner and purpose for such temporary removal will not harm the tree and is approved by the Administrator. The following are the minimum requirements for protective barriers:

1. Protective posts shall be placed at the Drip Line of each Grand Tree, except when a plan has been approved by the Administrator to place the posts closer to the trunk.
2. Posts shall be a minimum of two by four inches or larger wooden post and shall be connected with a minimum of at least a one by four-inch wooden board and shall be clearly flagged. Other similar methods, such as construction fencing, may be permitted if approved in writing by the Administrator in advance of installation. Posts shall be implanted deep enough into the ground to be stable and extend a minimum height of three feet above the ground. Silt barriers and snow fencing may be a substitute at the discretion of the Administrator.
3. Where Development activity is permitted within the Drip Line of a Grand Tree, the Administrator may require additional Tree Protection provisions to be incorporated in the conditions of the Tree Permit to assure the protection of the Grand Tree.
4. Where elevation changes are proposed within the Drip Line from the trunk of any Grand Tree the applicant will be required to install retaining walls or drain tiles unless the applicant demonstrates such protection would be impractical. The applicant shall have the choice of the type or design. These root protection measures shall be in place prior to the deposition of fill, or excavation of soil within the Drip Line from the trunk.
5. A sign shall be installed at the edge of each Grand Tree barricade stating, "No activities are allowed within barricaded area, unless approved by the County." The text on the sign shall be written in English and Spanish. The Administrator may require a barricade sign for other types of Trees based on the site-specific conditions and when there is a higher potential for adverse impacts to a Tree.

- (3) *Canopy Road Best Management Practices.*

- (a) All Pruning of Trees within a CRPZ shall conform to the latest edition of the ANSI A300 Standards and does not compromise the integrity of the canopy to shade the road.

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- (b) *Requirements for utility pruning.* Franchised utilities must conform to current ANSI A300 standards when performing line clearing work in CRPZ to balance the requirement to preserve Canopy and maintain safe, reliable electric service.
  - 1. Franchised utilities must notify the Administrator by e-mail or mail three business days prior to any maintenance utility line clearing work in Canopy Roads.
  - 2. Franchised utilities must have an ISA certified Arborist directing the pruning of Trees in a Canopy Road.
  - 3. Utility pruning should only provide minimum safe clearance to protect utility lines with consideration for the combined movement of the conductors near Trees in severe weather, the species of the Tree, and the voltage of the conductor where applicable.
- (c) *Proper Tree Care; Canopy and Root Pruning.*
  - 1. When activities affect the Tree so that more than 25 percent of the area within the Drip Line is impacted or when Pruning must be performed on the crown of a Tree, the following arboricultural techniques are required:
    - a. When more than 25 percent of the area within the Drip Line will be impacted, the affected roots must be severed by clean pruning cuts where the activity impacts the roots. Roots can be pruned by utilizing trenching equipment that is specifically designed for this purpose or by hand digging a trench and pruning roots with a chain saw, pruning saw or other equipment designed for Tree Pruning. Roots within the Drip Line must be pruned to a depth of 12 inches below existing grade or to the depth of the disturbance if less than 12 inches from the existing grade. When underground utilities are to be installed through the Drip Line, root pruning requirements may be waived if the lines are installed via tunneling or directional boring as opposed to trenching.
    - b. All Pruning of Trees shall conform to the current ANSI A300 standards and be supervised by an ISA certified arborist. There shall be no flush cuts, stub cuts, or lion's-tailing of the Tree's crown.
    - c. It shall be a violation of this article to perform the techniques of Topping or other Pruning techniques that remove the vertical leader stems or other pruning that result in an unnecessary reduction of shade of Trees in the Tree Permit area.

### Sec. 54-589. - Tree planting, relocation, or replacement.

- (1) *Conditions.* As a condition of granting a Tree Permit, the Applicant may be required, where practical, to plant Trees, relocate the Tree(s) being removed or replace the Tree(s). The replacement(s) shall: have at least equal shade potential and other characteristics comparable to those of the Tree(s) removed, be a minimum of eight feet high at time of planting, have the potential of at least a 15-foot crown, be a species protected by this article, and be Florida Department of Agriculture Nursery Grade #1 or better. A Master Tree List of acceptable replacement Trees will be on file in the Administrator's office, and will be attached to Tree Permits that require planting. Alternatives with respect to size and species may be approved if the Applicant demonstrates that such substitutions will be consistent with the purposes of this article. Written approval from the Administrator is required prior to planting any alternative Tree.
- (2) *Tree planting.*
  - (a) *Tree Permits with Tree Removal.* In connection with the removal of any Tree(s) pursuant to a Tree Permit, a minimum number of replacement Trees shall be required based on the following square footage areas. A minimum of one Tree will be required for each 2,000 square feet of the parcel for which a Tree Permit has been issued.
    - 1. *Trees Within a CRPZ.* For Tree Removal within a CRPZ, the Tree planting ratio contained in Section 54-589(2)(a) may not be applicable. The Administrator shall determine on a



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case-by-case basis whether replanting is practical and necessary to maintain the value and function of the Canopy Road.

2. *Trees Within a Right-of-Way.* For Tree Removal within a Right-of-Way, there is no replanting requirement.
- (b) *Tree Permits on Properties with No Trees.* When Development is proposed on a property with no existing Trees, the following Tree planting requirements shall be applicable:
1. *Residential Properties.*
    - a. *Less than one-half acre.* One Tree shall be planted for each 2,000 square feet of the property.
    - b. *Greater than one-half acre.* A minimum of 11 Trees shall be planted.
    - c. *Alternative to planting on residential lots.* When subdividing a property, the Administrator may approve a request to plant Trees on a common tract or tracts within the same subdivision in lieu of planting on Lots, or a combination thereof. The total amount of Trees planted for the subdivision, shall be equal to or greater than one Tree planted for each 2,000 square feet for all of the residential Lots combined that are located within the subdivision. If this alternative is proposed, the following criteria shall apply:
      - (i) The planted Trees shall not be located within a preservation area;
      - (ii) The planted Trees shall be located adjacent to a native habitat area or a community park; and
      - (iii) The planted Trees shall be required to be maintained in perpetuity.
  2. *Commercial Properties.* One Tree shall be planted for each 2,000 square feet of the property.
- (c) *Tree Permits with No Impacts to Trees.* When Development is proposed on a property with existing Trees, but no impacts are proposed, the Applicant shall adhere to the requirements contained in Section 54-589(2)(b). Native Trees in good condition protected as part of a Tree Permit may be counted toward the total number of Trees required to be planted.
- (d) *Grand Trees.* All Grand Trees shall be replaced on a DBH inch for DBH inch basis. When the Administrator determines that site-specific conditions limit or prevent the replacement of Trees on-site (e.g., exceeding the one Tree for each 2,000 square feet replanting requirement), the applicant shall pay \$200.00 per DBH inch not replanted to the reforestation special revenue fund.
- (e) *Excavations.* For excavations of greater than 50,000 cubic yards, and for which a minor or major earthmoving permit is issued pursuant to Chapter 54, Article XII of the Sarasota County Code of Ordinances, the replanting requirement shall be reduced to a minimum of five Trees per acre, except that all such excavations that were issued earthmoving permits prior to June 8, 1998, shall not be subject to these replacement requirements. However, any Tree(s) left in good growing condition on the site shall be counted toward these minimum numbers.
- (f) *Replacement Tree Selection.* Selection of replacement Trees, their number and species shall be determined by analysis of Tree canopy cover, spatial limitations, other characteristics and soil conditions of the Lot.
- (g) *Tree Planting Requirements.* The following shall be applicable to all Tree plantings required pursuant to this article:
1. Replacement Trees shall be a species of similar height and crown spread, Florida #1 or better quality as per Grades and Standards for Nursery Plants (Florida Department of Agriculture and Consumer Services). All replacement Trees shall be a minimum of eight feet in height when planted, and have a trunk diameter of at least two inches (measured at

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six inches above the ground). Trees must be a minimum of 25-gallon container size or have a minimum two-foot root ball if field grown.

2. Trees shall be placed so that they will develop freely and at maturity will not crowd utility lines or other structures. The root ball must be planted at the proper height and in accordance with accepted nursery standards. Trees shall have a mulched bed a minimum of three feet in diameter and three inches deep to conserve water and promote growth.
  3. If Trees need to be staked, it shall be done in a manner that will not injure the Tree. The straps attached around the trunk shall be a broad, soft material and shall be tied loosely enough to allow movement of the trunk in the wind.
  4. If greater than ten Trees are required to be planted on a site, a minimum of three species shall be planted with no one species comprising more than 50 percent of the total numbers of Trees planted.
- (h) *Single-Family Tree Plantings.* For single-family platted Lots, the Administrator may approve the on-site relocation of a Tree planted pursuant to a Tree Permit. The County may also approve a different species of Tree to be replanted.
- (i) *Tree planting and other landscaping within a Right-of-Way.* When private installation of Trees or landscaping within a Right-of-Way is proposed, a maintenance agreement will be required in addition to a Right-of-Way Use Permit. The maintenance agreement shall be in a form satisfactory to the Administrator and may include insurance, performance assurances, and other provisions deemed necessary by the Administrator to protect the interests of the public.
- (3) *Tree bank.* Where a Tree(s) is (are) to be removed under the provisions of this article, the County shall have the option, with the Applicant's permission, to relocate the Tree(s) (not being relocated within the property) at the County's expense. If the County does not elect to relocate any such Tree, it may give the School Board or any municipality within the County the right to acquire any such Tree(s) at the School Board's or municipality's expense for Relocation. The relocation shall be accomplished within 15 working days of the issuance of a Permit, unless it is necessary to root prune the Tree(s) to assure survival, in which case the relocation shall be accomplished within 30 working days of the issuance of a Permit or other suitable schedule as agreed to by the Applicant and Administrator.
- (4) *Credit for other plantings.* Trees planted in compliance with the requirements of the Land Development Regulations (Chapter 74 of the Sarasota County Code of Ordinances) and landscaping requirements of the Zoning Regulations (Appendix A to the Sarasota County Code of Ordinances) may be used to help satisfy the requirements of this section.
- (5) *Timing.* Trees required to be planted in accordance with this section shall be in place prior to the issuance of a certificate of occupancy. In the event that Trees have been removed pursuant to a Tree Permit, but Development does not commence within the time frame specified pursuant to the Development Permit, the Administrator may require replanting at a specified time or a mitigation payment in accordance with this article.
- (6) *Location.*
- (a) Tree plantings shall not be located closer than three feet to any property line, or six feet from any utility line or County easement. Trees shall not be planted underneath or near utility lines unless they are a species that, when mature, will not interfere with the utility line.
  - (b) The planting site must have sufficient root zone and canopy space to reasonably allow the Tree(s) to grow to a mature size.
  - (c) A canopy Tree shall be planted no less than eight feet and no more than 15 feet from the Right-of-Way when determined to be feasible by the Administrator. The Administrator may require an alternative planting location elsewhere on the Lot based on site-specific environmental features.
- (7) *Tree survival.* Consultation with the Administrator is recommended during the entire Tree planting program. All Trees relocated or replaced in accordance with the terms of this article shall be replaced

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by the current property owner should the Trees expire anytime within seven years after planting, unless a Tree has expired due to a natural fire, lightning event, or hurricane event, as determined by the Administrator.

### Sec. 54-590. - Canopy Road Designation.

- (1) The Board is authorized to designate roads as Canopy Roads and set standards for the implementation of this article. Such standards shall be set by resolution after an advertised public meeting. Requests for Canopy Roads can be made by property owners residing on a potential Canopy Road, residents of the County, County staff, and the Sarasota Tree Advisory Council or other appropriate Sarasota County Advisory Council. Prior to the advertised public meeting, a written public meeting notice shall be provided to property owners residing on a potential Canopy Road and the appropriate neighborhood associations. The public meeting notice shall detail the Canopy Road standards that would become applicable if the road was designated a Canopy Road. In addition, a public meeting notice shall be posted on the potential Canopy Road a minimum of 15 days prior to the public meeting. Requests will be coordinated and brought to the Board by the Administrator for approval.
- (2) Canopy Roads shall have characteristics as set forth below.
  - (a) A Canopy Road shall have a minimum of 50 percent overhead coverage, per section of Travelway as measured by branching, Drip Line, shadows, and other visual cues. Evaluation shall be based on Tree canopy coverage as a percentage of overall Travelway length, on canopy condition and composition; and
  - (b) A Canopy Road shall consist of a minimum of 75 percent Native Plant species and Naturalized Plant species; and
  - (c) A Canopy Road may be composed of more than one segment of differently named roads providing they are contiguous.
- (3) Canopy Roads shall have appropriate signage to delineate the limits of the Canopy Road.

### Sec. 54-591. - Compliance and enforcement.

Sarasota County has the authority to enforce any permit or stipulation, as well as any provisions of this article per Chapter 2, Article VIII, of the Sarasota County Code of Ordinances and per provisions of the F.S. ch. 162.

#### (1) *Civil and Administrative.*

- (a) The Administrator may withhold issuance of a permit or deny an application or other authorization if there is an existing unresolved violation of the Sarasota County Code of Ordinances on the subject property.
- (b) The Administrator will issue a stop work order when it has been determined that work at the site:
  1. Is proceeding in violation of this article, a Permit or other authorization issued hereunder or proceeding without any required authorization; or
  2. Poses an imminent and significant hazard to the public health, safety, or welfare, or to the environment.
- (c) The County may issue an after-the-fact authorization to correct a violation when the following has been determined:
  1. The activities can meet all of the standards in this article at the time the Tree(s) was (were) removed.
  2. The activities can be authorized without approval by the Board.

#### (2) *Enforcement and Penalties.*

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- (a) A violation of any provision of this article shall be processed according to Chapter II, Article VIII, of the Sarasota County Code of Ordinances and per provisions of the F.S. ch. 162. Each day of any such violation shall constitute a separate and distinct offense.
  - (b) The Administrator may require corrective actions through a consent decree, including, but not limited to, restoration of any native habitats impacted as a result of the violation activities. The Administrator may also require monitoring in accordance with the standards established within the Land Development Regulations. If a compliance case ends up in a court of competent jurisdiction, the Administrator may require the violator to pay attorneys' fees.
  - (c) *Tree Removal or Irreparable Injury Violations on Private Property.* The Administrator may require a violator to mitigate any Tree removed or Irreparably Injured without authorization by either of the following alternatives:
    - 1. Replanting a Tree of twice the size and type on the property. The Applicant may choose to mitigate the violation by replanting the same type Trees with three-inch diameter or greater, in a sufficient number such that the total number of DBH inches of the replanted Trees equals twice the total number of DBH inches of Trees removed or Irreparably Injured without authorization. Trees shall be Florida #1 or better quality as per Grades and Standards for Nursery Plants (Florida Department of Agriculture and Consumer Services).
      - a. In lieu of replanting, or combination thereof, the Applicant may choose to mitigate the violation by paying a mitigation fee of \$200.00 per diameter inch of the Trees removed or Irreparably Injured without authorization.
    - 2. Any Grand Tree removed or Irreparably Injured in violation of this article or any Tree Permit issued hereunder shall be mitigated by paying a fee equal to \$500.00 per DBH.
  - (d) *Tree Pruning Violations.* Any Tree Pruned inconsistent with the requirements of Section 54-588 shall be mitigated by a fine not to exceed \$500.00.
  - (e) *Violations in Rights-of-Way and other Public Places.* Any Tree removed or any action which causes the removal or death of a Tree in violation of the provisions of this article, or any Tree Permit issued thereunder, may be mitigated by paying a fee of \$200.00 per diameter inch of the Tree(s) removed.
  - (f) Administrative costs, fees and penalties collected as part of enforcement of this article shall be placed in the County's reforestation special revenue fund, as established in Resolution No. 95-031. This fund shall be used only for the purposes of acquiring, planting, and protecting Trees within the County. A maximum often percent may be used to recover costs of administration and enforcement of this article. Any mitigation fee imposed by a hearing officer or Special Master shall be deposited into the reforestation special revenue fund. The Fund shall be kept and maintained by the Clerk of the Board.
  - (g) In the event that a violator engages in a Tree Removal without a Tree Permit and thereafter clears the land of stumps, the County's calculation of the number of trees removed and estimation of DBH for those trees through aerial photography and other evidence is entitled to a rebuttable presumption of correctness due to spoliation of the evidence of removal.
- (3) *Disbursement of Reforestation Special Revenue Funds.*
- (a) The County Administrator or designee shall have the authority to disburse funds for projects in accordance with the following criteria:
    - 1. Projects shall involve plantings on publicly owned land.
    - 2. Projects shall not be used to satisfy any landscaping required per the Zoning Regulations (Appendix A of the Sarasota County Code of Ordinances).

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3. Projects may include enhancement or restoration of native habitats, not required through permitting or regulation.
- (4) *Enforcement of Code by other means.* A violation of any of the provisions of this article or of any regulations adopted or Tree Permit Stipulations approved pursuant to this article shall be punishable in the same manner as a misdemeanor as provided by law.
- (5) *Responsible parties.*
  - (a) The property owner, contractor, service provider retained by the Applicant, or their representative, to conduct work covered by this article are jointly responsible for any activities authorized pursuant to this article.
  - (b) Prior to receiving the Tree Permit, the property owner(s) and the contractor conducting the work must submit a signed form provided by the County attesting that the County permit has been received and all conditions or stipulations are acceptable.
    1. Failure to sign the form will terminate the Tree Permit and may require reapplication.
    2. The property owner(s), contractor, or service provider, or Applicant, may decline to accept the permit by notifying the County in writing within 14 days of the County approval.
  - (c) Once work commences, all conditions or stipulations provided with the County approved Tree Permit shall apply and shall be enforceable. Failure to adhere to these conditions or stipulations may be cause for the posting of a stop work order on site, revocation of the County approval, and/or code enforcement pursuant to this article.
  - (d) For activities that are performed without the appropriate authorization, or are performed in a manner that is inconsistent with the authorized plans and/or stipulations of the permit, the Administrator reserves the right to report the action to the appropriate contractor licensing board.

### **Sec. 54-592. - Appeals.**

Any Person aggrieved by the administration or interpretation of any of the terms or provisions of this article may appeal to the Board, which, after a hearing, with notice to the appellant, may reverse, affirm, or modify, in whole or in part, the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Administrator from whom the appeal is taken. Any action pursuant to this section shall not stay any enforcement proceedings.

### **Sec. 54-593. - Severability.**

If any provision of this article is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

## **Appendix I**

- (1) *Tree Permit Applications.* All Tree Permit applications shall meet the requirements contained in this section and shall include a statement detailing the reasons why the proposed activities meet the permitting criteria of this article.
- (2) *Tree Location Surveys.* A Tree Location Survey is required for all proposed activities on undeveloped Lots as described in this section. A Tree Location Survey is not required when Tree Removal is proposed on a developed Lot, unless the Tree(s) proposed for removal is located within a CRPZ. Due to site-specific conditions, the Administrator may require a Tree Location Survey on developed Lots. On all developed lots, a written statement or a sketch shall be provided with the application identifying the Tree(s) proposed for removal and their location.

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- (3) *Information required on the Tree Location Survey.* When a Tree Location Survey is required, it shall depict the following information when applicable. All surveys shall be at a scale sufficient to enable the Administrator to determine if an application meets the requirements of this article.
- (a) The shape and dimensions of the Lot together with the existing and proposed locations of structures, utilities (e.g., power lines, water, sewer), and other improvements, if any.
  - (b) The location of all on-site native habitats and buffers as defined in the Environment Chapter of the County's Comprehensive Plan.
  - (c) The location of all existing Trees, identified by common or botanical name and DBH. Trees proposed to remain, to be transplanted, or to be removed shall be identified. Where clearing is occurring on part of a Lot, only the Trees in the area to be cleared and an additional 50 feet need to be located. Grand Trees shall be identified by DBH, height, the size of the Drip Line (in feet) and the proposed location of Tree protection barricades. Groups of Trees in close proximity (five feet spacing or closer) may be designated as a "clump" of Trees, with the predominant species, estimated number and average size listed. Limited clearing may be approved by the Administrator to provide proper preparation of the Tree Location Survey.
  - (d) If existing Trees are to be relocated, the proposed relocation for such Trees, together with a statement as to how the Trees will be protected during land clearing and construction and maintained after construction.
  - (e) A statement from the applicant indicating how any Trees that are not proposed for removal or relocation will be protected during land clearing, construction, or other proposed activity.
  - (f) Locations and dimensions of all setbacks and easements required by the Sarasota County zoning ordinance, as amended.
  - (g) Statements and plans clearly depicting grade changes proposed for the Lot and/or Right-of-Way and how such changes will affect Trees. Statement as to the form of root protection to be used, such as Tree wells or retaining walls. State the distance from Tree trunk to change in grade and the required elevations are certified by the project engineer.
  - (h) The applicant shall include a statement about any proposed Tree plantings.
  - (i) *In the event that there are no Trees located on the site, the Applicant shall so state on the permit application for all new construction, additions, and demolitions. Such statement shall be substantiated by an inspection of the site or the review of a recent legible aerial photograph that reflects existing site conditions, which shall be a binding determination that no Trees are presently on the site.*
  - (j) *Any other information requested by the Board or Administrator to assist in the review of a permit application or exemption determination.*
- (4) *Grand Trees.* If a Grand Tree exists on a Lot and the proposed activity will encroach within the Drip Line, the Administrator may require, in addition to a survey and a statement detailing how the proposed activities meet the permitting criteria of this section, a plan to be submitted by a forester, certified arborist (with current credentials) from the ISA or a Florida licensed landscape architect specifying the methods to be utilized to preserve the Tree. This plan shall address the protection of the root system, crown and trunk of the Tree and the means of supplying water and essential nutrients if applicable.
- (5) *Trees Located within a CRPZ.* In addition to a survey and a statement specifying how the application meets the permitting criteria of this section, the Applicant shall include:
- (a) A plan showing the scaled location of the Canopy Road Protection Zone. Border Trees shall be included in the plan depicting the CRPZ.
  - (b) A statement and plan clearly depicting if trimming is proposed within the CRPZ. All trimming shall be limited to Clear Zone heights, as defined in this article, unless exempted in this article.

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- (c) If encroachments into the CRPZ are proposed, a plan will be required to be prepared by an ISA certified arborist, an ASCA certified consulting arborist, landscape architect, or other specialist in the field of arboriculture specifying the methods to be utilized to preserve the vegetation. This plan shall address protection of the root system, crown, and stems of the Trees, a means of supplying water and essential elements to the root system, and the proposed location of the Tree protection barricades. This plan shall be subject to approval by the Administrator.

Secs. 54-594—54-620. - Reserved.

**Chapter 98-NATURAL RESOURCES PROTECTION, ARTICLE II-TREE PERMITS:** Removal; Exemptions; Permit; Relocation an replacement; Protection during development; Tree bank; Certificates of occupancy

**SUPPLEMENTARY REGULATIONS, Sec. 110-808 Landscaping requirements:** Landscape plan and irrigation plan; Review and enforcement; Approved plant species; Landscaped perimeter buffers;

PROGRAM ELEMENTS	NOTES
1. <b>Strictness/ Flexibility</b> – shall vs. should	<p><u>Tree Permit Regs:</u> 94 shall; 1 should; 10 exempt/exemption</p> <p><u>Landscaping Regs:</u> 176 shall; 8 should</p> <p><b>Sec. 98-29. Tree removal development permit requirements. (4) <i>Application for tree permit in connection with building or related improvements.</i></b> The application must demonstrate to the satisfaction of the city environmental staff that a reasonable effort has been made to situate the improvements so as to save as many of the existing trees found on-site as possible and to work with the existing grade to the greatest possible extent (see native trees below).</p> <p><b>Sec. 98-31. Relocation and replacement.</b> On residential lots, any trees removed outside the buildable area must be replaced with the same species or an alternative species acceptable to the city.</p>
2. <b>Fees</b> – What permits/ reviews are needed? How much \$?	<p>Removal - \$250 + consulting fees</p> <p>Certificate of compliance w tree removal - \$36</p> <p>Tree replacement fund - \$18.04 of CSSI (cross section square inch)</p>
3. <b>Enforcement/ Violations/ Penalties/ Fines</b>	<p>Maintenance violations must be corrected.</p> <p>\$180 per tree for permits issued after removal. Must replace trees or pay into tree replacement fund if required replacement trees are too numerous to be placed onsite and remain viable.</p> <p>If mitigation is not done, the City has a Special Magistrate to adjudicate matters regarding code enforcement. The maximum fine is \$250 per day and \$500 per day for repeat violations.</p>
4. <b>Incentives</b> – anything that encourages preservation?	<p>Not an incentive, it's required. <b>Sec. 110-808.</b> - Landscaping requirements. (e) <i>Landscaped perimeter buffers.</i> (9) <i>Buffer design guidelines.</i> c. <i>Maximum vegetation removal.</i> 1. Minimum 65% of any landscape buffer shall be set aside for preservation of existing trees.</p>
5. <b>Mitigation</b> for legal tree removal – Onsite? Offsite? Tree fund?	<p><b>Sect. 98-35(b). – Tree bank.</b> Paying into it is an option in lieu of replacement trees ONLY IF the required replacement trees would be too numerous to be placed onsite and remain viable.</p>
6. <b>Landscaping</b> – Is this handled separately?	<p>Yes, a separate section in their Supplementary Regulations that includes perimeter landscape buffers -- bufferyards, buffers along r-o-w, min planting requirements; mix of tree species; parking lot landscaping, plant lists.</p>
7. <b>Significant Trees</b> (heritage, grand, etc) – Size threshold? How are they protected?	<p><i>Historic trees</i>, which include any live oak or bald cypress 36" DBH or greater or other tree determined by the city commission to be of such unique or intrinsic value to the public. They can only be removed with a permit approved by the city commission</p> <p><i>Specimen trees</i> are protected based on DBH by species, e.g., magnolia-12"; sycamore-18". Amount of protection depends on size of property as follows:</p> <div><div>&lt; 3 acres – protect 80% of all specimen trees</div><div>3-5 acres – 65%</div><div>5-8 acres – 50%</div><div>&gt; 8 acres – 4 specimen trees per acre</div></div>
8. <b>Street Trees</b> – anything special?	<p><b>Sec. 110-808.</b> - <b>Landscaping requirements. (e)(5).</b> Landscape buffers are required along r-o-w – 25 feet wide along thoroughfares; 15 feet wide all other streets.</p>
9. <b>Trees allowed in easements or R-O-W?</b> Any mention of PW maintenance?	<p><b>Sec. 110-808.</b> - <b>Landscaping requirements. (e)(5)</b> <i>Landscape buffers along rights-of-way.</i> No public or private right-of-way, stormwater retention or detention area, building, impervious surface, or easement other than those listed above shall be located in any required buffer yard.</p>
10. <b>Native Trees/ Vegetation</b> – Are they required? Encouraged?	<p><b>Sec. 110-808.</b> - <b>Landscaping requirements. (i)(1)(a)</b> When 8 or more trees are required a mix of trees shall be planted with at least one native to Central Florida.</p> <p><b>Sec. 110-808.</b> - <b>Landscaping requirements. (i)(6)</b> <i>Preservation of existing native plants and material.</i> Every reasonable effort shall be made in the design and construction of all site improvements and alterations to save existing healthy trees and native vegetation and maintain the existing topography. The enforcement official may require alternate designs and construction techniques to better achieve tree and native vegetation preservation while still allowing the permitted use of the property. Existing native vegetation specified to remain shall be preserved in its entirety, with all trees, understory, ground cover and duff left intact. Areas of existing natural vegetation should not be irrigated.</p>
11. <b>Wildlife Habitat</b> – Is this specifically addressed?	<p><b>Sect. 98-26(a)(8).</b> No, it's just listed under purpose and intent as one of the values of trees</p>
12. <b>Tree List</b> – what types of trees are included? Mostly native? Florida-friendly?	<p><b>Sec. 110-808-Table 110-7.</b> Mix of native and non-native</p>
13. <b>Palms</b> – How are these handled?	<p><b>Sec. 98-31(b).</b> They are allowed as replacement trees for other species with specific limitations</p>
14. <b>Pruning</b> – are there standards for this?	<p>No, only as it relates to the Visibility clearance needed at intersections and driveways</p>
15. <b>Survivability</b> – Is this a program component?	<p><b>Sec. 98-31(c).</b> Yes, under relocation and replacement</p>
16. <b>Tree Fund</b> – Is there one? If so, what goes into it, and how is it used?	<p><b>Sect. 98-35(b). – Tree bank.</b> Yes, paying into it is an option in lieu of replacement trees ONLY IF the required replacement trees would be too numerous to be placed onsite and remain viable.</p>
17. <b>Single-family lots</b> – What is exempted? Not exempted?	<p><b>Sec. 98-31.</b> - <b>Relocation and replacement. (e)</b> <i>Residential construction-tree replacement requirements.</i> Single-family and duplex dwellings - trees removed inside the "buildable area" do not have to be replaced. All trees removed outside the buildable area must be replaced. Each lot requires 1 tree per 2,500 sq ft – either existing or planted.</p>
18. <b>Commercial/ Industrial</b> – Anything different or special?	<p><b>Sec. 110-808.</b> - <b>Landscaping requirements. (o)(1)</b> Comm &amp; Ind uses and zones are exempt from Landscaping requirements. However, development proposals shall provide at least 15% of landscape coverage of the property to include a variety of trees, shrubs and other plant materials. The development plan shall integrate such green spaces within parking areas, along building foundations and provide buffers that may include attractive fences where</p>



DELTONA (Volusia County) TREE REGULATIONS													
	appropriate along the perimeter of the property to mitigate visual impacts and enhance the aesthetic value of the property.												
19. <b>Education</b> – Do they spell out anything on this?	No												
20. <b>Best Management Practices</b> – Are there any?	Not specifically mentioned, but some of their practices could be considered BMPs												
21. <b>Canopy/ coverage requirement?</b>	1 tree per 2,500 square feet of lot area; On residential lots, all trees that are removed outside the buildable area must be replaced.												
22. <b>Any unique program elements?</b>	<p><b>Sec. 98-35. Tree bank</b> A. Where trees are to be removed, city with owner's permission may relocate trees to a location within the city limits for public use (i.e., not private property) at the city's expense. Or it could give trees to school board or county to be relocated at their expense inside the city limits for public use. OR B. If required replacement trees are too numerous for the site to accommodate, the owner can pay into tree fund for not meeting replacement requirements.</p> <p><b>Sec. 110-808(k)(m). Administrative Modifications-Enforcement Official</b> The EO may, in his or her discretion, waive or modify certain requirements in this section by an amount not to exceed 15%, if literal interpretation will seriously hamper the use to which the property is intended. The EO may also reduce required yard setbacks and parking spaces by up to 20% to protect and encourage preservation of large canopy, specimen, or historic trees EO may modify development standards if less than 1 foot</p> <p><b>Sec. Sec. 110-808. - Landscaping requirements. (i)(1)(a) Required mix of tree species.</b> When eight or more trees are required to be planted to meet the requirements of this section, a mix of tree species shall be provided, at least one of which shall be native to the Central Florida region. The minimum number of species to be planted are indicated below.</p> <table><tr><th colspan="2">REQUIRED MIX OF TREE SPECIES</th></tr><tr><th>Required Number of Trees Planted</th><th>Minimum Number of Species</th></tr><tr><td>8-14</td><td>2</td></tr><tr><td>14-20</td><td>3</td></tr><tr><td>21-30</td><td>4</td></tr><tr><td>30+</td><td>5</td></tr></table>	REQUIRED MIX OF TREE SPECIES		Required Number of Trees Planted	Minimum Number of Species	8-14	2	14-20	3	21-30	4	30+	5
REQUIRED MIX OF TREE SPECIES													
Required Number of Trees Planted	Minimum Number of Species												
8-14	2												
14-20	3												
21-30	4												
30+	5												

## DELTONA-Tree Permits

### ARTICLE II. - TREE PERMITS

#### Sec. 98-26. - Purpose and jurisdiction.

- (a) *Purpose and intent.* The city commission finds and determines that it is in the best interest of the public health, safety and welfare to protect and preserve trees and enhance tree cover in the city. The value of trees are many and varied and include, but are not limited to the following:
- (1) Trees are valuable producers of oxygen, a necessary element to the survival of man, and serve to reduce the environmentally dangerous carbon dioxide concentration in the air;
  - (2) The leaves of the trees trap and filter out ash, dust and pollen in the air;
  - (3) Trees may reduce wind velocity and noise levels;
  - (4) Trees may prevent erosion by stabilizing the soil through associated root systems and by breaking the force of raindrops pounding upon soil surfaces;
  - (5) Trees reduce the quantity of surface runoff and reduce the percentages of impervious surfaces;
  - (6) Trees help purify water by removing the nutrients from waters passing through the ground from the surface to the groundwater table;
  - (7) Trees provide shade and transpire water which helps to moderate temperatures and cleanse the air;
  - (8) Trees provide food, shelter and essential habitat for wildlife;
  - (9) Trees provide valuable visual aesthetics and psychological contrast to the manmade urban environment;
  - (10) Trees are a valuable asset and increase the economic and aesthetic value of developed and undeveloped properties.

Therefore, for the above-described reasons, the city commission has determined that it is necessary to enact this article.

- (b) *Jurisdiction.* This article shall apply to the incorporated areas of the city.

#### Sec. 98-27. - Removal of trees.

It shall be unlawful for any person to cut, move, remove or destroy through damaging or to authorize the same, of any tree, as defined herein, without obtaining a tree removal development permit (tree permit) in accordance with the provisions of this article.

#### Sec. 98-28. - Exemptions.

- (a) Notwithstanding any other provision to the contrary in this article, any person may cut down, destroy, or replace or authorize the removal of one or more tree(s) whose trunks lie wholly within the boundaries of property owned by said person without obtaining a tree removal permit, in accordance with the following exemptions.
- (1) *Residential owner-occupied.* Said property is classified (zoned) under chapter 110, as amended for single-family or two-family use area in a community development plan or PUD, excluding mobile home rental parks, and a single-family or two-family dwelling or mobile home is located on said property and said property is owner-occupied.
  - (2) *Agricultural use.* Said property is classified (zoned) under chapter 110, or used for agriculture or has been classified as agricultural land for ad valorem tax purposes by the Volusia County Property Appraiser. Provided, however, any person who removes or destroys trees on land which is classified or used for agriculture as described above, three years prior to the filing of an application for rezoning to a classification other than agriculture or special exception, or applied for subdivision approval under chapter 106 shall be presumed to have performed such

## DELTONA-Tree Permits

destruction or removal of trees with the intention of developing the land to a nonagricultural use. In order to rebut said presumption, said person may file a sworn affidavit with the city environmental staff attesting to the fact that no trees have been removed except in conformity with recognized agricultural management or production practices. The city environmental staff shall consider the following factors which shall be set forth in the affidavit in considering whether the trees have been removed in conformance with recognized agricultural management of production practices:

- a. The specific reason(s) for removal of said trees.
- b. The length of time the land has been in agricultural production.
- c. Whether the use has been continuous.
- d. The size of the area as it relates to efficient agricultural production.
- e. Whether the land has been sufficiently and adequately cared for within accepted commercial practices of the dominant type of production.
- f. Whether the land is under lease and if so, the type and terms of said lease.
- g. Whether the tree removal was done in the ordinary course of business.
- h. Any contract for sale in existence at the time of submitting the affidavit.
- i. Such other factors which are relevant to the determination of good faith land use.

After reviewing these factors, the enforcement official shall deny or approve the exemption. If the enforcement official denies said exemption, said denial may be appealed as provided in section 74-2(g).

- (3) *Deteriorated trees.* Said property contains trees which have deteriorated as a result of age, hurricane, storm, fire, freeze, disease, lightning or other act of God.
- (4) *Existing rights-of-way and easements.* Said property is within an existing public or private right-of-way or maintenance easement and contains trees which must be removed or thinned to ensure the safety of the motoring public and to maintain visibility of oncoming traffic at intersecting public streets or such other tree or trees which may disrupt public utilities such as power lines, drainage ways and similar public needs. Planned public or private rights-of-way shall be designed to preserve as many trees as possible. Provided, however, specimen trees in public or private rights-of-way or utility easements shall only be removed upon issuance of a tree removal permit. Said tree so removed shall be replaced with replacement stock, and said tree so replaced may be located in the right-of-way or elsewhere.
- (5) *Trees for sale.* Said property contains trees which are planted and grown for sale to the general public or for some public purposes. All licensed plant or tree nurseries and botanical gardens are exempt from this article.
- (6) *Exempt tree species.* Trees of the following species shall be exempt from the provisions of this article:

**Table 98-1: Exempt Tree Species**

Common Name	Botanical Name
Australian Pine	Casuarina litorea
Australian Pine	Casuarina glauca
Brazilian Pepper	Schinus terebinthefolius

## DELTONA-Tree Permits

Chinaberry	Melia azedarach
Citrus	Citrus species
Ear Pod Tree	Enterolobium cyclocarpa
Eucalyptus	Eucalyptus species
Punk Tree or Cajeput	Melaleuca quinquenervia
Silk Oak	Grevillea robusta
Woman's Tongue	Albizia lebbeck

Sec. 98-29. - Tree removal development permit requirements.

(a) An application for a tree removal permit shall be filed, processed and approved as follows.

(1) *Concurrent application for development order.* If the application is to be filed concurrently with development order review under this chapter, then it shall be filed as part of the development order review and shall include in addition to the requirements of the development order application, the following information:

- a. A tree survey to scale no greater than one inch equals 50 feet which identifies trees by location, common name and DBH. The tree survey should be part of the site development plan or subdivision ODP unless, in the judgment of the Planning and Development Services Director or his/her designee, the plans are illegible when combined.
- b. The survey shall denote the following information:
  1. Existing trees to be removed, relocated or retained; or
  2. Replacement stock to be planted.
  3. Existing trees to be removed and trees to be retained requiring protection shall be clearly designated on-site. Method of designation shall be included on the plans submitted for review.
  4. Existing and proposed utility easements.
  5. Existing and proposed improvements on the site.

(2) *Application without development order review.* Except as otherwise provided in subsection 98-29(a)(1), an application for a tree permit shall be filed, processed and approved as follows:

- a. An application and three sets of plans shall be filed with the planning and development services department the proper fee paid.
- b. An application and plans shall include the following information and exhibits:
  1. A diagram of the property at a scale no greater than one inch equals 50 feet which identifies any tree to be removed, its location and common name and DBH, any existing or proposed development on the site, and details of replacement stock to be planted, including location, size and species. Applicant shall submit two copies of the diagram with the application.
  2. Name, signature, address and telephone number of property owner.
  3. Legal description of the property and property appraiser's parcel number.
  4. North arrow, scale and identification of streets abutting the property.

## DELTONA-Tree Permits

5. Reason for removal of trees.
  6. Existing trees to be removed and trees to be retained requiring protection shall be clearly designated on-site. The designation method used shall be indicated on the plan submitted for review.
- c. The planning and development services department shall, within three working days from the date of filing, determine if the application is complete. If it is determined the application is incomplete, it shall be returned to the applicant.
  - d. If the application is determined to be complete, the planning and development services department shall transmit the application and plans to the city environmental staff. The city environmental staff shall have 15 working days from the date of receipt from the planning and development services department of a complete application to approve or disapprove the permit. If no action has been taken at the expiration of 15 working days the permit shall be deemed approved.
- (3) *Application option.* For any application in which the proposed site is one acre or more in land area, the applicant may identify trees by major tree groupings. The plan may show existing tree groupings with tree types identified by approximate percentages in those areas where no trees are proposed to be removed and no soil is to be disturbed in any manner. In all cases, trees to be removed and trees directly adjacent to the clearing area that are to be protected, shall be identified on the plan by type and location clearly designated on-site. The designation method used shall be indicated on the plan submitted for review.
- (4) *Application for tree permit in connection with building or related improvements.* A person may apply for the removal or authorize application for the removal of any tree whose location physically prevents the siting of structures, roads, utilities or related improvements on land owned by said person. The application must demonstrate to the satisfaction of the city environmental staff that a reasonable effort has been made to situate the improvements so as to save as many of the existing trees found on-site as possible and to work with the existing grade to the greatest possible extent. Any tree removed shall be subject to the relocation and replacement provisions found in section 98-31 of this article. Trees listed as exempt trees in section 98-28(a)(6) shall not qualify as replacement stock. No replacement stock shall be planted under existing or planned utility lines or above underground utilities.
- (5) *Historic and specimen trees.*
- a. Historic trees shall only be removed upon approval of a tree permit granted by the city commission.
    1. The tree permit application shall be filed, processed and reviewed in accordance with this section and section 98-30(a)(1).
    2. The city environmental staff shall send his report and recommendation on the application to the planning and development services department within 15 working days of receipt of the application from the planning and development services department.
    3. The planning and development services director or his/her designee shall prepare and submit a report on the application, including the city environmental staff's recommendation, to the city manager's office for inclusion on the next available city commission agenda.
    4. The city commission shall consider the report and shall approve, approve with conditions or deny the application. The report of the city commission action shall be transmitted back to the planning and development services department, stating any reasons for denial or conditions.
    5. Upon receipt of the city commission actions the planning and development services director or his/her designee shall immediately act pursuant to section 98-30(a)(2)b. concerning issuance of the tree permit.

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- b. *Specimen trees.* Specimen trees shall only be removed upon the granting of a tree permit issued, as provided in this article, by the city environmental staff, upon compliance with the following requirements:

**Table 98-2: Requirements to Remove Specimen Trees**

Number of Specimen Trees per Acre	Minimum Specimen Tree Protection Requirement Site
Less than 3 per acre or a portion thereof	80 percent of all specimen trees
3.0 to 5.0 per acre	65 percent of all specimen trees
5.1 to 8.0 per acre	50 percent of all specimen trees
8.0 or more per acre	4 specimen trees per acre

- (6) *Minimum tree coverage requirements.*
- a. In connection with the clearing of any lot for new construction, each lot except as otherwise provided in section 98-31(e), shall contain a minimum of one tree for each 2,500 square feet of lot area (rounded to nearest whole number). If the lot contains an insufficient number of existing trees to meet this requirement, or if the lot has no existing trees, replacement trees shall be provided.
  - b. Cross-sectional area may be used as replacement criteria in lieu of a designated tree size, provided the following requirements are met:
    1. The minimum tree requirements described in subsections 98-29(a)(6)a. and 98-29(a)(5)b. are adhered to; and
    2. The total cross-sectional area provided shall equal or exceed the sum of the cross-sectional area of a replacement stock multiplied by the minimum number of replacement stock required.
- (7) *Modification of application requirements.* Application requirements under the above-described provision may be modified upon agreement of the city environmental staff and the applicant to reflect specific on-site needs for information. Modification would be based on the type of development proposed, the vegetative cover being impacted, and the degree of impact anticipated.
- (8) *Residential application—Certification of compliance.* Application requirements in connection with single-family or two-family residential home construction: At the time of application for building permits for single-family or two-family residential home construction, the applicant must certify that he/she is in compliance with the requirements of this chapter. If no trees requiring a permit are to be removed, a signed "certification of compliance" will satisfy this requirement subject to on-site inspection and verification by the city. The certification of compliance form shall be provided by the enforcement official. If protected trees are to be removed, application for a tree removal permit must be submitted using procedures outlined in subsection 98-29(a)(2).
- (9) *Area tree protection requirements.* Fifteen percent of the square footage of any development shall be designated for the protection of trees. The area required to protect specimen trees may be included to satisfy this requirement. This required area may be constituted as one or more subareas within the development. Said area may include any landscape buffer or other landscape buffer or other landscape areas required by the zoning ordinance [chapter 110, Code

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of Ordinances] on a development. Such designated areas shall contain sufficient land area to comply with minimum tree protection standards to adequately protect the trees contained within the areas. A minimum of 50 percent of the required minimum number of trees as provided in 98-29(a)(6) shall consist of existing trees within said area. The city environmental staff may provide for a waiver or modification of this requirement if the development contains an insufficient amount of existing trees to meet this requirement or if the city environmental staff determines that modification of this requirement is warranted by specific on-site conditions.

### Sec. 98-30. - Considerations of city environmental staff.

- (a) In reviewing the application, the city environmental staff shall not grant said permit unless the applicant demonstrates that no more trees than reasonably necessary to achieve the proposed development will be cut down, destroyed or removed.
- (1) *Standards.* The city environmental staff shall consider the following standards in reviewing said application:
  - a. The extent to which the actual or intended use of the property requires cutting down or destruction of trees.
  - b. The desirability of preserving any tree by reason of its size, age or some other outstanding quality, such as uniqueness, rarity or status as an historic or specimen tree.
  - c. The extent to which the area would be subject to increased water runoff and other environmental degradation due to removal of the trees.
  - d. The heightened desirability of preserving tree cover in densely developed or densely populated areas.
  - e. The need for visual screening in transitional areas, or relief from glare, blight, commercial or industrial unsightliness, or any other affront to the visual or aesthetic sense in the area.
  - f. The effect that changes in the natural grade will have on the trees to be preserved.
  - g. The removal of tree(s) will significantly affect the natural clearing of the atmosphere by vegetation through particulate matter interception, the release of oxygen into the atmosphere as a by-product of photosynthesis.
- (2) *Issuance of permit—Conditions.*
  - a. If the application meets the requirements of this article, the city environmental staff shall approve the application and may attach such appropriate conditions to said permit in order to comply with the standards of subsection 98-30(a)(1). The city environmental staff may deny the application if it does not meet such standards, stating the reasons therefor.
  - b. Upon approval or denial of the application, the city environmental staff shall notify the planning and development services department. If the application is approved, the city environmental staff shall issue an approved tree removal permit, and forward said permit to the planning and development services department. The planning and development services department shall immediately forward the permit to the applicant subject to satisfaction of any conditions. If the application is denied, the planning and development services department shall notify the applicant, stating the reasons for the denial.
- (3) *Posting of permit.* The approved tree removal permit or a copy of the permit shall be clearly posted on the jobsite during all phases of clearing and construction activities.
- (4) *Termination of permit.* All tree removal permits shall expire one year from the date of issue unless time extensions are granted by the city environmental staff. Application for extensions of time shall be made in writing to the city environmental staff at least 30 days prior to the expiration of the permit.
- (5) *Notification of impending activity.* The person holding an approved tree removal permit shall notify the city environmental staff prior to the start of land-clearing activities. The notification

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may be either in writing or by telephone to the office of the city environmental staff. Notification shall be timely, allowing the city environmental staff sufficient notice to program necessary site inspections.

### Sec. 98-31. - Relocation and replacement.

- (a) *Relocation.* The application shall show relocation of trees if the applicant intends to preserve existing trees by relocation to suitable areas within the project site. Relocation shall be performed in accordance with sound industry practices, including watering, to ensure survival of transplanted stock. Cross-sectional area of relocated trees may be applied toward required replacement area.
- (b) *Replacement.* Trees identified for removal on the tree removal permit application shall be replaced by replacement stock. Replacement shall be based on the replacement of one-tenth of the total of the cross-sectional area of the trunk(s) of the tree(s) removed. Cross-sectional area shall be taken at the DBH of the tree. Single trees may be replaced with two or more trees provided the cross-sectional requirements are met. In no event shall replacement stock be less than six feet in height nor have a DBH of less than one and one-half inch. Replacement species shall be the same general species as the tree removed or an alternative species acceptable to the city environmental staff. Palms may be used as replacement stock up to the full cross-sectional replacement area of palms being removed from the site. Palms may be substituted as replacements for other species being removed under the following conditions:
- (1) If the cross-sectional area of palms being removed from the site comprises zero to 25 percent of the total cross-sectional area of trees being removed, palms may be substituted for replacement of non-palm species up to a maximum of 25 percent of the total replacement cross-sectional area required.
  - (2) If the cross-sectional area of palms being removed exceeds 25 percent of the total cross-sectional area of trees being removed, no substitution of palms for non-palm species will be allowed. The use of palms will be restricted to the replacement cross-sectional area originally calculated based on palms that are being removed.
  - (3) Since palms are generally moved as mature trees, it is necessary to equate cross-sectional area of commonly moved palms to cross-sectional area of commonly planted non-palm species when substituting palms for non-palm species under item (2) above. For the purpose of substitution of palms for non-palm species, a ratio of 16 square inches of replacement cross-sectional area of palms may be substituted for one square inch of replacement cross-sectional area of non-palm species.

For example, a six-inch DBH palm tree containing 28.26 square inches may be substituted for a one and one-half inch DBH hardwood tree containing one and seventy-seven-one hundredths square inches of cross-sectional area. The following informational chart indicates common size comparisons.

**Table 98-3: DBH Size Comparisons**

DBH of Palm	DBH of Non-Palm Species
6" equates to	1½"
8" equates to	2"
10" equates to	2½"
12" equates to	3"
14" equates to	3½"



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16" equates to	4"
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This substitution ratio applies only when replacing non-palm species with palms.

- (c) *Tree survival.* As may be determined by the city environmental staff, all trees relocated or replaced in accordance with the terms of this article shall be replaced in the event the trees expire. Said replacement stock shall be maintained in accordance with sound industry practices, including watering.
- (d) *Natural vegetation retention areas.*
  - (1) Areas of the property may be designated as natural vegetation retention areas indicating that all existing vegetation will remain on that area of the site. Under this designation, trees meeting the minimum replacement size criteria up to trees of the minimum tree definition criteria may be retained as replacement stock for trees to be removed elsewhere on the site. Cross-sectional area of these replacement trees must be calculated and may be applied toward replacement volume needed on the site as a whole. Trees designated as replacement stock under this method obtain the status of protected trees.
- (e) *Residential construction—Tree replacement requirements.* Where property is classified (zoned) under chapter 110, as amended, for single-family, two-family or mobile home use excluding mobile home parks and the particular parcel is two and one-half acres in size or less, or is located in a residential use area in a community development plan or said use is in a residential planned unit development, except for the historic tree provision of 98-29(a)(5)a., tree removal within the buildable area is exempted from the replacement schedule and acquisition of a tree removal permit as otherwise required in the article. Trees left undisturbed within the buildable area which meet the minimum standards for replacement stock shall qualify as replacement stock. Further, each lot as classified above shall contain a minimum of one tree per 2,500 square feet of lot size, rounded up to the next whole tree. These trees may either be existing trees or planted replacements. Replacement stock required due to removal of protected trees may count toward this minimum tree requirement. Lots with no existing trees must meet the minimum tree requirement with planted stock. All planted trees must meet or exceed minimum size specification for replacement stock.
- (f) *Modification of requirements.* The replacement requirements shall be reduced upon determination of the city environmental staff if the applicant can demonstrate:
  - (1) That the plan has made every effort to locate improvements to avoid removing existing significant tree cover; and
  - (2) That the existing tree cover to remain after development is extensive and that the site area upon which improvements are made cover 35 percent or less of the total land area of the site; and
  - (3) That the application contains a comprehensive landscape plan showing areas to be covered with grasses, ground covers, shrubs and trees;
  - (4) The said development include road rights-of-way utility easement or drainage retention areas and complies with subsections (1) and (2) above.

If the above conditions are not met, but the director of planning and development services department or designee deems that modification of replacement requirements is warranted by the review standards and on-site conditions, the enforcement official may modify the replacement requirements.

### Sec. 98-32. - Tree protection during development.

- (a) *Prior to commencement of construction.* Prior to the commencement of construction of a development, the applicant shall clearly mark any tree or tree groups to be maintained in the proximity of any area where land clearing equipment is to be operated. The markings shall remain in

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place during construction. Said equipment shall be operated in a manner as to not injure or destroy any trees in accordance with this section.

- (b) *During construction.* During the construction stage of development, a temporary barrier at least three feet in height shall be formed a minimum radius of six feet from the base of the tree or trees and it shall include at least 50 percent of the area under the drip line of the tree(s). The developer shall not cause or allow the cleaning of equipment or material within the drip line of any tree or groups of trees to be maintained. Neither shall the developer cause or allow the disposal of waste material, such as paint, oil solvents, asphalt, concrete, mortar, or any other material harmful to the life of a tree within the drip line of any tree or groups of trees. No attachment, wire (other than protective guy wires), signs or permits may be fastened to a tree. Nothing contained herein shall be construed to prevent the designation of driveways or parking areas beneath tree branches so long as the impervious surface amounts to no more than 50 percent of the total area under drip line of the tree. In no event shall the impervious area be located closer than six feet from the trunk of the tree. In no event shall motorized equipment be allowed to park on or traverse that area which is to remain in its natural state surrounding a tree which is to be preserved.
- (c) *Natural soil level.* Except for palm trees, all trees and replacement stock shall have their natural soil level maintained. Tree wells and/or planter island shall be provided, if necessary, to maintain the natural existing soil level. All efforts shall be made to maintain natural drainage to such trees.

### Sec. 98-33. - Right of redemption.

- (a) Any person who violates any provision of this article may redeem themselves by replacing the tree within 90 days thereafter with appropriate replacement stock and after applying for and being issued a tree permit.
- (b) The cross-sectional area of the replacement stock shall be taken at the tree's caliper and shall be equal to the cross-sectional area of the tree(s) removed.
- (c) Upon considerations of the provisions of section 98-31(f), the city environmental staff may reduce the replacement schedule.

### Sec. 98-34. - Emergencies.

In case of emergencies such as windstorms, floods, freezes, forest fires, or other disasters, the requirements of this article may be waived by the city manager during the emergency period so that the provisions of this article would in no way hamper private or public work to restore order in the city.

### Sec. 98-35. - Tree bank.

- (a) Where a tree(s) is (are) to be removed under the provisions of this article, the city may with owner's permission, relocate the tree(s) to a location within the incorporated area for public use (not being relocated within private property) at the city's expense. If the city does not elect to relocate any such tree, it may give to the school board or Volusia County the right to acquire any such tree(s), at their expense, for relocation within the city's incorporated area for public use. The relocation shall be accomplished within 15 working days of the issuance of a permit, unless it is necessary to root prune the tree(s) to assure survival, in which case, the relocation shall be accomplished within a suitable time schedule as agreed to by all parties.
- (b) In the event the replacement trees required under this article would be too numerous to be placed upon site and remain viable and the city environmental staff determines a modification of the replacement requirements is warranted under section 98-31(f), the applicant or owner shall pay unto the city a fee for not meeting the replacement requirements. The amount of the fee shall be derived by multiplying the number of cross section square inches of otherwise required replacement trees not being replaced on site due to the modification by the square inch replacement charge determined from time to time by the city commission. This fee shall be remitted to the city at the time of the issuance of the tree removal permit and shall be used to provide for the planting and maintenance, including, but not limited to, irrigation, fertilization, inspection, trimming, pruning, and resetting, of

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trees along public rights of way, either upon public property or upon easements granted to the city for such purpose on private property adjacent to the right-of-way in question, or upon city owned property.

Sec. 98-36. - Issuance of certificates of occupancy—Conditions.

Compliance with this article, including any conditions attached to the tree removal permit, shall be a condition to the issuance of certificates of occupancy from the department of development and code administration. Under certain circumstances, conditions may warrant postponing installation of replacement trees due to unfavorable planting conditions. If conditions warrant, and if acceptable to the applicant and city environmental staff, a certificate of occupancy may be granted without completion of the replacement requirements under the terms of this chapter, provided the applicant agrees to be bound by said conditions, and appropriate performance guarantee is provided in accordance with the requirements of chapter 96, article III.

Secs. 98-37—98-50. - Reserved.

## DELTONA-Landscaping

### Sec. 110-808. - Landscaping requirements.

- (a) *Application to development.* The requirements of this section shall apply to all development within the City of Deltona. The requirements of this section apply to individual one- and two-family residential lots only to the extent that such lots are specifically addressed herein. This shall not be construed to exempt any residential developments that require approval from article II of the Land Development Code, Ordinance No. 96-25 [chapter 106, Code of Ordinances], as it may be amended from time to time.
- (b) *Landscape plan and irrigation plan required.* When the construction upon or the development of a new site or the redevelopment, reconstruction, upgrading, or expansion in use of a previously developed site will require a landscape plan and irrigation plan, the provisions of this section shall be applied to all landscaped areas required by this regulation consistent with the water-efficient landscaping standards established herein.
  - (1) *Landscape plan.*
    - a. The landscape plan shall graphically portray the layout of all landscape plant materials, turf areas, walls, fences and buffers, pavement and parking areas, curbing, structures, signs, easements, existing or proposed utility service lines and all other site improvements. The landscape plan shall list the common and botanical name, container size, quantity and spacing of each item. The landscape plan shall indicate the total regulated landscape area and size of each water use zone by square feet. In addition, the landscape plan shall clearly indicate the location of existing vegetation which shall remain undisturbed. Any existing trees six inches DBH or larger proposed for removal shall be clearly indicated.
    - b. Low water use zone plant material shall comprise at least 20 percent of the total regulated landscaped areas. High water use zone plant material which includes most turfgrasses shall comprise no more than 40 percent of the total regulated landscape area.
  - (2) *Irrigation plan.*
    - a. Irrigation systems shall be designed to correlate to the organization of plants into zones as described above. A temporary above ground irrigation system may be used in areas where low water use zone plant material are proposed. All permanent underground irrigation systems shall be automatic with cycling capacity and shall be designed to avoid irrigation of impervious surfaces. Irrigation systems shall be maintained to eliminate waste of water due to loss from damaged, missing or improperly operating sprinkler heads, valves, pipes, or controllers.
    - b. The irrigation plan shall be submitted showing a detailed layout and description of a permanent underground irrigation system providing 100 percent coverage of all landscaped areas. The irrigation plan shall include information such as sprinkler head type, pipe size, radius of throw, valve and backflow preventer and rain sensor device locations, location of well or source of water and other relevant information for an irrigation system.
    - c. Installed trees and plant materials shall be grouped together into zones according to their water use needs. The water use zones shall correlate to the water use zone designations identified in the approved plant species list set forth in Figure I to this chapter. Plants with similar cultural (soil, climate, and light) requirements should be grouped together and irrigated according to their water requirements. Turfgrass shall be irrigated on a separate zone from trees, shrubs and ground cover beds.
    - d. All water use zones shall be indicated on the landscape plan and irrigation plan. A rain sensor device or switch shall be required on any newly installed automatic irrigation system to prevent irrigation during periods of sufficient rainfall. The use of low volume, emitter or target irrigation is preferred for trees, shrubs and ground cover. The use of irrigation systems shall comply with all water use restrictions imposed by law.

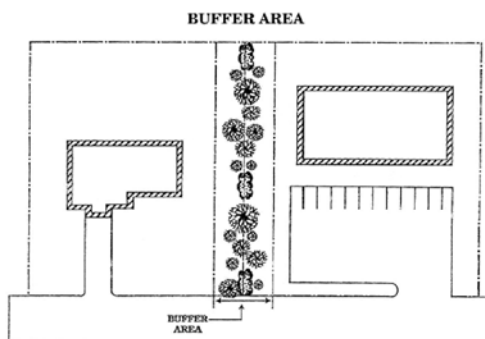
## DELTONA-Landscaping

- e. When an effluent reuse system is available to serve the premises and sufficient capacity exists, reclaimed water shall be used to irrigate any area required to be landscaped.
  - f. Irrigation systems shall be installed according to manufacturer's specifications and the Florida Irrigation Society Standards and Specifications for Turf and Landscape Irrigation Systems.
  - g. Refer to Code of Ordinances section 68-30, water use restrictions, regarding variances allowed for schedule dates of irrigation.
- (c) *Review and enforcement.* The landscaping and irrigation plan shall be reviewed by the Planning and Development Services Department, and no building permit or development order shall be issued for any structure until the landscaping and irrigation plan is approved. Any person aggrieved by a determination of the zoning enforcement official under this section may appeal that determination in writing to the city commission within 30 days after the rendition of a determination.
- (d) *Approved plant species list.* All plant material proposed to be installed on a site to meet the requirements of this chapter shall be site appropriate and selected from the following approved plant species lists.
- (1) Table 110-7 of this chapter.
  - (2) Waterwise Florida Landscapes, Third Printing, April 2006, or subsequent printings.
  - (3) The Florida-Friendly Landscaping Guide to Plant Selection & Landscape Design™, University of Florida, 2010 Edition or subsequent publications.

Use of any other plant material shall require prior approval by the enforcement official. The plants listed in Figure I to this part have demonstrated ability to grow and thrive in the Central Florida area.

Applicants, developers, and property owners are strongly encouraged to employ the Xeriscape™ principles as outlined in the Waterwise Florida Landscapes document noted in Section (d)(2) above.

- (e) *Landscaped perimeter buffers.* Landscape buffers shall be designed, established and maintained in accordance with this section.
- (1) *General interpretation.* When more than one requirement applies to a specific land use or development, the most restrictive requirement shall apply.
  - (2) *Bufferyards.* Landscaped bufferyards shall be established between differing land uses around development project perimeters in accordance with the requirements of this section. These requirements shall be deemed the minimum necessary to achieve compatibility between land uses. After determining the existing land uses, zoned uses, and planned land uses around the development project, in order to calculate the appropriate bufferyard widths, apply the widest bufferyard in order to provide the greatest protection among existing or possible future uses.



- (3) *Bufferyard requirements.* Existing canopy trees, understory trees, shrubs, and groundcover that are located within a required perimeter bufferyard may satisfy the requirements of this section. The type, size, density, and health of existing plant materials must result in a sustained buffer

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equivalent to what otherwise would be required under the landscape provisions of the Land Development Code. The existing bufferyard area shall remain free of any trash, debris or existing structures that would detract from the aesthetics and effectiveness of such bufferyard. Bufferyard requirements shall be determined as follows:

- a. Two adjoining uses: Calculate the numerical difference between the land use intensity factors of the two adjoining uses by subtracting the land use intensity factor of the least intense land use from that of the more intense land use (use Table 110-4 Land Use Intensity Factors).
- b. Between land uses opposite each other across a right-of-way: Where two differing land uses are opposite each other across a right-of-way, the intensity factor, per Table 110-4, shall be further reduced as listed in Table 110-2 (Reduction of Intensity Difference):

**Table 110-2 Reduction of Intensity Difference**

Right-of-way Width	Reduction of Intensity Difference
60 feet or less	1
61 feet to 100 feet	2
101 feet to 150 feet	3
151 feet or more	4

- c. Use the resulting land use intensity difference to determine buffer design type shown in Table 110-3.
- d. For minimum bufferyard requirements, see Section 110-808(e)(5) Landscape buffers along rights-of-way and Section 110-808(e)(7) Perimeter landscape buffers.

However, all development adjacent to rights-of-way shall provide landscaping adjacent to the right-of-way in accordance with the minimum requirements of this section.

All plant materials in required landscape bufferyards between differing land uses shall be evergreen, except where natural vegetation is preserved. Natural vegetation may be preserved within the required landscape bufferyard. Natural vegetation shall be supplemented with walls, berms, or planted landscaping to achieve the desired screening.

Plant materials shall be placed within the required bufferyard to produce the maximum screening effect between the affected properties. Trees shall be spaced within the bufferyard to provide a continuous screen at maturity. Trees shall be selected and planted so their crown spreads at maturity will be as close as possible to one another. The use of flowering understory trees is required in this bufferyard. Shrubs shall also be located within the bufferyard to provide maximum opacity, whether they are evenly spaced or clustered. Plants shall be selected to provide variety and interest, as well as screening. The entire bufferyard shall not be covered with only one plant species of any type.

Bufferyard design type shall be based on the land use intensity score difference using the following table:

**Table 110-3 Bufferyard Design Type Required Plantings**

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		Required Plantings per 100 lineal feet:		
Bufferyard Design Type	Width (feet)	Shade Trees	Understory Trees	Shrubs
1	5	2	2	20
2	10	3	3	30
3	20	4	4	40
4	30	5	6	50
5	40	7	8	60
6	50	8	10	70
7	60	9	12	80
8	70	10	14	90
9	80	10	16	100

(4) *Land use intensity factors.*

**Table 110-4 Land Use Intensity Factors**

Land Use Category	Intensity Factor
Forestry	0
Agriculture: Pasture/Fields/Nurseries/100'+ of water or space	4
Agriculture: Processing/Hatcheries	10
Residential: Less than two dwelling units/acre	1
Residential: 2.1—4 dwelling units/acre	2
Residential: 4.1—8 dwelling units/acre	3
Residential: 8.1—16 dwelling units/acre	4
Residential: Over 16 dwelling units/acre	5
Office: Less than 0.50 ISR*	4
Office: 0.50—0.65 ISR*	5
Office: Greater than 0.65 ISR*	6
General Commercial: Less than 0.50 ISR*	5
General Commercial: 0.50—0.65 ISR*	6

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General Commercial: Over 0.65 ISR*	7
Highway Commercial/Warehouse/Mini-warehouse: 0.50—0.65 ISR*	7
Highway Commercial/Warehouse/Mini-warehouse: Over 0.65 ISR	9
Enclosed Industrial: Less than 0.65 ISR*	8
Enclosed Industrial: Over 0.65 ISR*	9
All Outside Storage	9
All Outside Processes	10

\*Impervious Surface Ratio (ISR) may exceed 0.65 for the purposes of this section, because the measurement shall not include landscaped bufferyards required along rights-of-way.

(5) *Landscape buffers along rights-of-way.*

- a. *Minimum width.* The following landscape buffer widths shall be established and measured perpendicular to the property line at the right-of-way.
  1. All streets designated on the thoroughfare map in the Deltona Comprehensive Plan, as amended: 25 feet.
  2. All other streets: 15 feet.
- b. *Multifamily development.* Multifamily Development shall provide a landscape buffer of at least 20 feet on all streets, except where a greater buffer width is required by section(7)(a).
- c. *Neighborhood and transitional commercial and transitional office.* Neighborhood and transitional commercial and transitional office development, when lot frontages face one- or two-family residential development, shall provide a minimum landscape buffer of 30 feet along all streets.
- d. *Minimum length.* Landscape buffers shall extend along the entire length of the property boundary abutting a street right-of-way or adjacent property, and may only be altered for the following purposes:
  1. Construction of accessways as necessary and in compliance with an approved development plan. Accessways shall traverse the required buffer yards at angles between 80 and 90 degrees.
  2. Installation of stormwater, drainage or utility improvements as necessary and in compliance with an approved development plan. Such improvements and their associated easements shall traverse the required landscaped buffer yards by the shortest routes possible, and shall not have a length within the required buffer yard that exceeds 115 percent of the minimum required width of the buffer yard.
  3. Selective clearing for visibility of freestanding signs in accordance with an approved site or sign plan.
  4. The regular pruning of trees to provide clear trunk and visibility between three feet and eight feet above grade. Pruning to 15 feet above grade shall be required within the vision triangle at road and accessway intersections. Such pruning shall only be permitted for trees with height and maturity necessary to reasonably accommodate such activity. Such pruning shall be permitted only to provide a view of approved



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freestanding signs and traffic control devices, and to maintain drivers' visibility within required vision triangles at intersections and driveways, and to maintain the health of understory trees and shrubs. Other unnecessary excessive pruning shall be prohibited.

5. The regular removal of dead material and debris.
6. Installation of additional landscape materials required by this Code, including walls and fences.
7. Construction of loading/unloading zones as required by this chapter for commercial lots adjacent to a platted alleyway, in which the loading zones are located in the rear of the commercial building, to be accessed through the alleyway, and to be shielded from view of the street. Additional screening of the loading zone is required in this situation to protect the view of residential zoning districts also adjacent to the alleyway. Such screening requirements shall include the use of fences, walls, landscaped berms and/or hedges to the height of eight feet at 100 percent opacity along the sides of the loading zone that face a residential zoning district.

No public or private right-of-way, stormwater retention or detention area, building, impervious surface, or easement other than those listed above shall be located in any required buffer yard.

- (6) *Minimum planting requirements.* Minimum planting requirements within landscape buffers along rights-of-way shall be determined based upon the required buffer width.

**Table 110-5 Minimum Planting Requirements**

	Per 100 Lineal Feet of Property Line at the Right-of-Way		
Buffer Width (feet)	Shade Trees	Understory Trees	Shrubs
10	2	2	30
15	3	3	30
20	4	4	30
25	4	4	35
30	6	6	45
50	8	8	60
55	8	8	65
65	9	9	70

When possible, placement of shrubs shall not be linear, and in clusters containing no less than seven shrubs each.

- (7) *Perimeter landscape buffers.*
  - a. *Minimum width.* A minimum landscaped area shall be established along the entire length of all internal property lines, as described below.
    1. Five feet measured perpendicular to the property line for all land uses and major subdivisions, except multifamily and individual single-family lots. The landscaping for

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major subdivisions shall be around the subdivision perimeter, shall not be included within individual lots, and shall be maintained by a homeowners association.

2. Fifteen feet measured perpendicular to the property line for multifamily.

- b. *Minimum planting requirements.* One shade tree, two understory trees shall be planted per 50 lineal feet of property frontage at the right-of-way line and at adjacent property lines. A row of shrubs shall be planted within the buffer areas that will reach three feet in height within one year after planting and provide as nearly as possible 100 percent opacity.

(8) *Landscape buffers for double frontage residential lots.*

- a. *Minimum width.* Landscape buffers for all double frontage residential lots shall be 25 feet measured from the property line parallel to the abutting the rights-of-way.
- b. *Required vegetation.* A minimum of one shade tree and two flowering evergreen understory trees shall be planted in each bufferyard, and arranged to create maximum screening of the building or building site at maturity. Alternatively, the bufferyards may be left in natural vegetation, but must be supplemented with additional plants if the desired screening effect is not achieved. Shrubs shall be planted within the buffer to provide additional 100 percent opaque screening to a height of four feet at maturity.
- c. *Fences or walls.* Fences or walls may be installed within the required buffers in accordance with the requirements for fences and walls in the front yards of the zoning district in which the double frontage residential lot is located. If a 100 percent opaque fence or wall is installed to a height of four feet on a double frontage residential lot, shrubs are not required to be planted behind it, or in front of it. The finished side of such fences and walls shall face the exterior property line. Masonry and concrete fences shall be finished with false brick facades, or with stucco or split face block in earth tones or pastel colors.

(9) *Buffer design guidelines.*

- a. *Landscape material selection.* Landscape materials within buffers along rights-of-way shall be designed to display variety and color by utilizing flowering and variegated species. Such variety and color may be accomplished by using a combination of shrubs and ornamentals from the approved plant lists provided herein. Ornamentals may be substituted for required shrubs on a two ornamentals for one shrub basis. In no case shall more than 50 percent of the required shrubs be replaced by ornamentals.
- b. *Location of landscaping.*
  - 1. The placement of landscape materials within landscape buffers shall have a rational relationship to the existing patterns and densities of adjoining areas that have been preserved. Arrangements shall be organic or curvilinear, and shall not be linear unless dimensional limitations necessitate such an arrangement.
  - 2. Landscape materials shall be clustered into groupings, which simulate a natural, rather than man-made, appearance.
- c. *Maximum vegetation removal.*
  - 1. A minimum of 65 percent of any landscape buffer over ten feet in width shall be set aside for preservation of existing trees, except sand pines and exotic species. Removal of understory trees and shrubs may be permitted to provide for shallow swales without removal or damage to any existing shade trees in order to create retention areas. In no instance shall more than 50 percent of the preserved understory tree canopy be removed.

(f) *Landscaping adjacent to structures.*

- (1) *Minimum planting requirements.* The interior of any site, including those areas directly adjacent to structures shall be landscaped in accordance with the following provisions. Landscape materials required in this subsection are in addition to any landscape materials that may

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otherwise be required in this chapter, unless otherwise stated herein, or the principal structure is located within 50 feet of a perimeter lot line where, in such cases, the perimeter landscape requirement may serve to satisfy the foundation landscape requirement for that portion of the building most parallel to such lot line and further provided that these landscape materials are installed in a manner that provides an effective buffering result. The measurement of any exterior building to determine the required number of plantings shall not include overhead or loading area doors, openings for motor vehicle bays or entrances, or the perimeter of attached or detached canopies.

a. *Non-residential.*

1. One foundation plant shall be required for every one foot of the front of building, and for every one foot of the building exterior that is faces a street, parking area, or is exposed to view from adjacent residential property.
2. One understory tree shall be required for every 20 feet of the front of building, and for every 20 feet of the building exterior walls that are exposed to view from an adjacent street or parking area. One understory tree shall be required for every 15 linear feet of exterior building wall that is exposed to view from adjacent residential areas.

b. *Multifamily.*

1. One foundation plant shall be required for every one foot of the front of building and for every exterior wall that is exposed to view from an adjacent street. Two foundation plants shall be required for every one foot of every exterior wall of the building that is exposed to view from an adjacent single-family or two-family residential area.
2. One understory tree shall be required for every 20 feet of the front of building and for every exterior wall of the building that is exposed to view from an adjacent street. One understory tree shall be required for every 15 feet of the building that is exposed to view from an adjacent two-family or single-family residential area.
3. Landscaped berms, appropriately scaled, shall be provided adjacent to single-family and two-family development and on road frontages. Landscaped berms shall use topsoil that is clean and free of construction debris, weeds, rocks, noxious pests and diseases. Berms shall be stabilized to prevent subsidence and erosion. Berms shall not cause water runoff to adjacent properties or streets that is in excess of pre-development conditions or that otherwise poses a nuisance. Landscaped berms shall be at the maximum height possible for the width of the required buffer and the soil, topography, and drainage conditions on and adjacent to the site. All berms shall be planted with groundcover or sod, and shall be planted with a continuous hedge. In cases where more than 65 percent of the existing trees that are categorized as protected trees by the city's Land Development Code (excluding sand pines) must be removed to create the required landscaped berms, at least 15 percent of the developed site must be set aside in a natural vegetation retention area to preserve existing trees.

(2) *Planting.* Foundation plants required by this subsection may be comprised of shrubs and/or ground covers in any arrangement or combination provided that no less than 50 percent of the total required materials are shrubs.

(3) *Function of landscape materials.* Landscape materials required by this subsection should be located to achieve the following in order of priority:

- a. Provide transition between the building and the ground;
- b. Provide visual breaks along the front of monotonous building facades;
- c. Enhance walkways, entrances, seating areas, bus stops or any other pedestrian areas;
- d. Separate and buffer pedestrian and public areas from cruise lanes, drives and parking areas;

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- e. Provide direction to focal areas and main entrances;
  - f. Screen mechanical equipment, air conditioning units, or any other visible outdoor equipment; and
  - g. Screen service areas.
- (4) *Location of landscape materials.* Generally, landscape materials required by this subsection should be located within five to 25 feet of the building foundation. Emphasis should be afforded to those areas, which are visible from any public or private street or from any public area internal to the site.
- (g) *Landscaping of off-street parking areas.* Required off-street parking areas constructed after April 13, 1989, and having off-street parking spaces for more than eight vehicles, shall have interior landscaped areas covering a minimum of 15 percent of the total off-street parking area, excluding any required landscaped buffer areas. Landscaped islands shall be required at the ends of each row of interior parking spaces not abutting the perimeter of the parking area. A landscaped island shall be provided for every ten parking spaces. Interior landscaped areas shall be dispersed so as to define aisles.

Landscaped row ends shall have a minimum area of 175 square feet with no width less than ten feet and no length less than 17.5 feet if it abuts one parking space, or 35 feet if it abuts two parking spaces. Islands in parking bays, other than row ends, shall have a minimum landscaped area of nine feet width and 16 feet length. Every landscaped island, including row ends, shall include at least one tree. Row end islands abutting parking facility entry and exit accessways, and in front of principal buildings shall have at least one overstory tree. Interior landscaped areas, other than required landscaped islands, shall have a minimum area of 100 square feet with no dimension less than ten feet. Two feet of these landscaped areas may be part of the required depth of each abutting parking space, provided wheel stops or curbs are used to protect them.

Each landscaped area less than 400 sq. ft. shall include at least one understory tree. A canopy tree may be used in lieu of the understory tree if recommended by the director of development services or his or her designee. In landscaped areas of 400 sq. ft. or more any canopy tree may be used in lieu of an understory tree. A minimum of 35 percent of each landscaped area shall have a combination of shrubs less than four feet high, and ground covers. The remaining area shall be landscaped with shrubs, grass, ground cover, or other materials, such as stone, gravel or mulch.

Accessways longer than 100 feet that provide direct access to entry or exiting driveways classified as intermediate or major driveways by the city's Land Development Code, as it may be amended from time to time, shall have landscaped buffers on each side. These landscaped buffers shall be planted with groundcover, a continuous shrub hedge broken only by traversing sidewalks, and two understory trees and one overstory tree for every 50 lineal feet of buffer. Perpendicular interior vehicular accessways shall not traverse the landscaped buffer strip at intervals of less than 100 feet.

Where the strict application of this subsection will seriously limit the function of the parking area, as determined by the zoning enforcement official or his or her designee, the required landscaping may be located near the perimeter of the paved area.

- (h) *Wheel stops/curbing.* All landscaped areas shall be protected from vehicle encroachment by wheel stops or curbing. If curbing is raised above abutting landscaped areas, it shall be perforated to permit drainage from the paved ground surface area onto the landscaped areas. Curbing used to protect landscaped areas shall not be inverted, or Miami, curbing. Where a wheelstop or curb is utilized, no more than two feet of the paved area between the curb and the end of the parking spaces may be omitted if the area is landscaped in addition to the required landscaping herein with a material such as ground cover, rock, or gravel, requiring minimal maintenance.
- (i) *Landscape materials.* All plant materials shall be Florida No. 1 grade, or better; according to the current "Grades and Standards for Nursery Plants," State of Florida, Department of Agriculture, Tallahassee, except where in the discretion of the enforcement official natural vegetation is adequate to provide the necessary visual screening. Existing trees situated in the required buffer may be used

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to satisfy the buffer tree requirement. Existing upland native vegetation shall be incorporated, where appropriate, into off-street parking areas and landscape buffers of a proposed development.

- (1) *Tree planting standards.* Canopy trees shall have a minimum caliper at DBH of one and one-half inches and a minimum height of six feet, and understory trees shall have a minimum height of six feet and minimum caliper at DBH of three-fourths inch at installation. Trees shall not be planted where they interfere with site drainage.

Where utility lines are present, trees shall be placed at the edge of the required buffer area farthest from the utility lines. The requirements for canopy trees may be waived by the enforcement official if they interfere with above ground utility lines. Trees planted under, or close to, utility lines shall be selected to ensure that their crowns at maturity will not interfere with the utility lines. This does not change the number of trees required.

- a. *Required mix of tree species.* When eight or more trees are required to be planted to meet the requirements of this section, a mix of tree species shall be provided, at least one of which shall be native to the Central Florida region. The minimum number of species to be planted are indicated below.

**Table 110-6 Required Mix of Tree Species**

Required Mix of Tree Species	
Required Number of Trees Planted	Minimum Number of Species
8—14	2
14—20	3
21—30	4
30+	5

- (2) *Shrubs.* Shrubs and hedges shall be a minimum of two feet in height, at installation. Plants shall be spaced no less than three feet apart measured from center to center. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen within a maximum of one year after the time of planting.
- (3) *Ground cover.* Ground cover plants include plant materials which reach a maximum height of not more than 24 inches and may be used in lieu of grass. Ground cover plants must present a reasonably complete coverage at time of planting. Ground cover plants shall be a minimum of one-gallon size when planted and spaced a maximum of two feet on center. Ground covers must present a finished appearance and provide reasonably complete coverage at the time of planting.
- (4) *Turfgrass.* Grass areas shall be planted in species normally grown as permanent lawns in the city of Deltona. Grass areas may be sodded, plugged, sprigged or seeded; provided, however, that solid sod shall be used in swales or other areas that are found to be subject to erosion. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases. Turfgrass areas should be consolidated and limited to those areas on the site that receive occasional pedestrian traffic, provide for recreational uses, provide soil erosion control such as on slopes or in swales; or where turfgrass is used as a design unifier, or other similar practical use. Unless sod or grass seed is used, nursegrass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

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- (5) *Use of drought-resistant plant material.* All new or replacement plantings required for any off-street parking area or landscape buffer shall use, to the maximum extent possible, native plant material or other species with equivalent drought-resistant properties. The intent of this requirement is to promote and conserve the water resources of the city of Deltona and Volusia County.
- (6) *Preservation of existing native plants and material.* Every reasonable effort shall be made in the design and construction of all site improvements and alterations to save existing healthy trees and native vegetation and maintain the existing topography. The enforcement official may require alternate designs and construction techniques to better achieve tree and native vegetation preservation while still allowing the permitted use of the property. Existing native vegetation specified to remain shall be preserved in its entirety, with all trees, understory, ground cover and duff left intact. Areas of existing natural vegetation should not be irrigated.
- (7) *Mulch.* In order to preserve soil moisture, all planting areas not left in the natural state shall be mulched with no less than two inches of organic mulch. Wood chips, pine needles or oak leaves are preferred. Mulch shall be placed directly on the soil or landscaping fabric and planting areas shall be properly edged to retain mulch.
- (j) *Solid waste containers.* All solid waste containers shall be enclosed on at least three sides with a six-foot high screen. The screen shall consist of a masonry wall. A hedge consisting of shrubs of a species selected from Table 110-7C. planted one-foot apart within three feet of the solid waste container enclosure, and groundcover selected from Table 110-7D shall abut the enclosure walls, except that such hedge is not required in cases where solid waste containers are integrated and located within the interior of an area designated for commercial or industrial shipping and receiving and where the container enclosures are otherwise effectively buffered from view from adjoining properties planned or zoned for residential, office or institutional uses. The landscaping around the solid waste container enclosure shall be maintained in accordance with the requirements for maintenance of landscaping in this section, and shall be planted in a strip of soil wide and deep enough to ensure its survival.

The container shall be enclosed in such a manner so that said container will be screened from public streets and adjoining properties. A concrete or asphalt pad of appropriate size and construction shall be provided as a base for the container. The container pad shall be at the approximate level of the service vehicle approach areas so that the truck's loading mechanism can align with the container's sleeves.

The screened enclosure shall not be located within any street right-of-way or required yard area. Containers and enclosures shall be located so as to allow ease of access for collection trucks and direct access to drive areas. Straight-in or circular drives are encouraged to reduce truck-maneuvering problems. No parking or other obstructions shall be permitted in the access area for enclosures.

- (k) *Enforcement official.* The enforcement official may, in his or her discretion, waive or modify certain requirements in this section by an amount not to exceed 15 percent, if literal interpretation of this section will seriously hamper the use to which the property is intended.
- (l) *Maintenance requirements.* The property owner will be responsible for maintenance of all required landscape and irrigation improvements as originally approved. Therefore, these maintenance requirements shall carry with the land and shall be the responsibility of any subsequent owners of the property.

Landscape areas and site improvements shall be maintained in good condition for a healthy, neat, and orderly appearance and shall be kept free from weeds and debris. All plant materials shall be maintained in a healthy and vigorous condition through proper irrigation, fertilization, pruning, weeding, mowing, and other standard horticultural practices. Plant material should grow to their normal shape, color, and height, to fulfill the required functions of screening, shading, buffering, and aesthetic appeal set forth by the city of Deltona. The hat racking of trees is prohibited. All dead plants shall be replaced. This requirement includes, but is not limited to, the replacement of plants damaged by insects, diseases, vehicular traffic, acts of God, and vandalism. Mulch shall be maintained at the proper coverage and depth.

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The irrigation system shall be fully operational and shall be operated on a regular basis to provide the appropriate amount of water to the plant materials to maintain adequate plant health and growth. In situations where drought tolerant plant materials have not been properly maintained primarily due to lack of sufficient watering, the enforcement official may require the installation of a permanent irrigation system meeting the specifications of this chapter.

The city shall notify the property owner in writing of any maintenance violations. Upon notification of a maintenance violation, the property owner, or his/her duly authorized agent shall correct the violation or file an appeal per section 110-808(n) within 30 days.

If an existing site that is nonconforming with regard to landscape or buffer requirements, number of trees or other landscape standards is made more so by the removal, destruction or death of the plant material, then the owner shall be required to replace what was removed or destroyed in that area and to provide additional materials to the extent that it would be practically and economically feasible to do so, to meet minimum current standards.

**Table 110-7 Approved Plant Species List**

**Table 110-7A Canopy Trees**

CANOPY TREES (Mature Size 40' or more in Height)			
Common Name	Botanical Name	Water Zone	Native (Y/N)
American Holly*	Ilex opaca (or X attenuata)	L	Y
Bald Cypress	Taxodium distichum	L	Y
Black Cherry	Prunus serotina	M	Y
Black Gum/Swamp Tupelo*	Nyssa sylvatica	H	Y
Cabbage Palm*	Sabal palmetto	L	Y
Chinese Elm*	Ulmus parvifolia	L	N
Florida Elm*	Ulmus americana var. floridana	M	Y
Florida Scrub Hickory*	Carya floridana	L	Y
Formosan Gum	Liquidambar formosana	L	N
Date Palm*	Phoenix dactylifera	L	N
Desert Fan Palm*	Washington filifera	L	N
Green Ash	Fraxinus pennsylvanica	M	N
Laurel Oak	Quercus laurifolia	L	Y
Live Oak	Quercus virginiana	L	Y
Loblolly Pine	Pinus taeda	L	Y
Longleaf Pine	Pinus palustris	L	Y
Nagi Podocarpus*	Podocarpus nagi	M	N

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Oriental Sycamore	Platanus orientalis	M	N
Pecan	Carya illinoensis	M	N
Pignut Hickory	Carya glabra	L	Y
Pond Cypress	Taxodium ascendens	H	Y
Red Maple	Acer rubrum	H	Y
Redbud*	Cercis Canadensis	M	Y
Sand Pine	Pinus clausa	L	Y
Shumard Oak	Quercus shumardii	L	Y
Slash Pine	Pinus elliotti	L	Y
Southern Basswood*	Tilia floridana	M	Y
Southern Magnolia	Magnolia grandiflora	L	Y
Sugarberry	Celtis laevigata	L	Y
Sweetgum	Liquidambar styraciflua	L	Y
Sycamore	Plantanus occidentalis	H	Y
Tulip Tree	Liriodendron tulipifera	H	Y
Tupelo Gum	Nyssa aquatica	H	Y
Turkey Oak*	Quercus laevis	L	Y
Washington Palm*	Washingtonia robusta	L	N
Water Oak	Quercus nigra	M, L	Y
Weeping Willow	Salix babylonica	H	N
Winged Elm	Ulmus alata	L	Y

\*Canopy trees that may be used in lieu of understory trees in landscaping with the parking areas if recommended by the director of development services or his or her designee.

**Table 110-7B Understory Trees**

UNDERSTORY TREES (Mature Size 12' to 35' Height) AND PALMS			
Common Name	Botanical Name	Water Zone	Native (Y/N)
American Hornbeam	Carpinus caroliniana	H	Y
Australian Fan Palm	Livistonia australis	L	N



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Bluejack Oak	Quercus incana	L	Y
Bradford Pear	Pyrus calleryana "Bradfordi"	M	N
Canary Island Date Palm	Phoenix canariensis	L	N
Carolina Ash	Fraxinus caroliniana	M	Y
Chapman Oak	Quercus chapmanii	L	Y
Cherry Laurel	Prunus caroliniana	M	Y
Chickasaw Plum	Prunus angustifolia	L	Y
Chinese Fan Palm	Livistonia chinensis	L	N
Coastal Plain Willow	Salix caroliniana	H	Y
Common Persimmon	Diospyros virginiana	L	Y
Crape Myrtle	Lagerstroemia indica	L	N
Dahoon Holly	Ilex cassine	M	Y
Decidious Holly	Ilex decidua	M	Y
Drake Elm	Ulmus parvifolia "Drake"	L	N
Dwarf Siberian Elm	Ulmus pumila	L	N
Eastern Red Cedar	Juniperus virginiana	L	Y
European Fan Palm	Chamaerops humilis	M	N
Firethorn Pyracantha Tree	Pyracantha coccinea	L	N
Flowering Dogwood	Cornus florida	L	Y
Fraser's Photinia	Photinia x Fraseri	M	N
Fringetree	Chionanthus virginicus	M	Y
Glossy Tree Privet	Ligustrum lucidum	M	N
Japanese Persimmon	Diospyros kaki	L	N
Jerusalem Thorn	Parkinsonia aculeata	L	N
Kawakami Pear	Pyrus calleryana "Kawakami"	M	N
Leyland Cypress	Cupressocyparis leylandii	M	N
Loblolly Bay	Gordonia lasianthus	H	Y
Loquat	Eriobotrya japonica	M	N
Mayhaw	Crataegus opaca	M	Y
Myrtle Oak	Quercus myrtifolia	L	Y

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Parsley Hawthorn	Crataegus marshalli	L	Y
Paw Paw	Asimina triloba	M	Y
Pindo Palm	Butia capitata	L	N
Podocarpus	Podocarpus macrophyllus "maki"	L	N
Queen Palm	Arecastrum romanzoffianum	L	N
Red Bay	Persia borbonia	L	Y
Ribbon Fan Palm	Livistonia decipiens	L	N
Sand Post Oak	Quercus stellata	L	Y
Saucer Magnolia	Magnolia soulangeana	M	N
Senegal Date Palm	Phoenix reclinata	L	N
Southern Juniper/Red Cedar	Juniperus silicicola	L	Y
Spiny Fiber Palm	Trithrinax acanthocoma	L	N
Star Magnolia	Magnolia stellata	M	N
Sweet Viburnum	Viburnum odoratissimum	M	N
Sweetbay	Magnolia virginiana	M	Y
Taiwan Flowering Cherry	Prunus campanulata	M	N
Waxleaf Privet	Ligustrum japonicum	M	N
Wax Myrtle	Myrica cerifera	L	Y
Wild Date Palm	Phoenix sylvestris	L	N
Windmill Palm	Trachycarpus fortunei	L	N
Yaupon Holly	Ilex vomitoria	L	Y

**Table 110-7C Shrubs, Small Palms and Cycads**

SHRUBS, SMALL PALMS AND CYCADS			
Common Name	Botanical Name	Water Zone	Native (Y/N)
Abelia	Abelia grandiflora	M	N
American Arborvitae	Thuja occidentalis	M	N
Asian Butterfly Bush	Buddleia asiatica	M	N
Banana Shrub	Michelia figo	M	N

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Bear Grass	Yucca smalliana	L	Y
Beautyberry	Callicarpa americana	L	Y
Boxthorn	Severinia buxifolia	N	N
Brook Euonymus	Euonymus americana	M	Y
Burford Holly	Ilex cornuta "Burfordi"	M	N
Camellia	Camellia japonica	M	N
Cardboard Plant	Zamia furfuracea	L	N
Cassia	Cassia spp.	M	N
Century Plant	Agave americana	L	N
Chapman Rhododendron	Rhododendron chapmannii	H	Y
Christmasberry	Lycium carolinianum	L	Y
Chinese Holly	Ilex cornuta	M	N
Chinese Witch Hazel	Loropetalum chinese	M	N
Chinese Juniper	Juniperus chinensis	L	N
Chinese Mahonia	Mahonia fortunei	M	N
Cleyera	Cleyera japonica	M	N
Common Buttonbush	Cephalanthus occidentalis	H	Y
Coontie	Zamia floridana	L	Y
Coralberry Ardisia	Ardisia crispa (or crenata)	M	N
Crinum Lily	Crinum asiaticum	M	N
Croton	Codiaeum variegatum	L	N
Dwarf Azaleas	Rhododendron obtusum	H	N
Dwarf Yaupon Holly	Ilex vomitoria "nana"	L	Y
Dwarf Palmetto	Sabal minor	L	Y
English Boxwood	Buxus sempervirens	M	N
Fatsia	Fatsia japonica	M	N
Feijoa	Feijoa sellowiana	M	N
Fetterbush	Lyonia spp.	L	Y
Firebush	Hamelia patens	L	Y
Firethorn Pyracantha	Pyracantha coccinea	M	N

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Florida Flame Azalea	Rhododendron austrinum	H	Y
Florida Elderberry	Sambucus simpsonii	M	Y
Florida Anise	Illicium floridanum	M	Y
Florida Privet	Forestiera segregata	M	Y
Fragrant Honeysuckle	Lonicera fragrantissima	M	N
Fraser's Photinia	Photinia fraseri	M	N
Gallberry	Ilex glabra	L	Y
Garden Hydrangea	Hydrangea macrophylla	H	N
Gardenia	Gardenia jasminoides	M	N
Golden-Dewdrop	Duranta repens	M	N
Groundsel Tree	Baccharis halimifolia	L	Y
Hardy Bamboo Palm	Chamaedorea microspadix	L	N
Heavenly Bamboo	Nandina domestica	L	N
Holly Malpighia	Malpighia coccigera	M	N
Indian Hawthorn	Raphiolepis indica	L	N
Indica Azaleas	Rhododendron indica	H	N
Japanese Boxwood	Buxus microphylla	M	N
Japanese Privet	Ligustrum japonicum	L	N
Japanese Holly	Ilex crenata	M	N
Junipers	Juniperus spp.	L	N
King Sago	Cycas revoluta	L	N
Kumquat	Fortunella japonica	L	N
Kurume Azaleas	Rhododendron obtusum	H	N
Lady Palm	Rhapis excelsa	M	N
Lantana	Lantana camara	L	N
Laurustius Viburnum	Viburnum tinus	H	N
Leatherleaf Mahonia	Mahonia bealei	M	N
Leucothoe	Leucothoe axillaris	H	Y
Mazari Palm	Nannorrhops ritchiana	L	N
Nagi Podocarpus	Podocarpus nagi	M	N

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Needle Palm	Rhapidothylus hystrix	M	Y
Oakleaf Hydrangea	Hydrangea quercifolia	M	Y
Oleander	Nerium oleander	L	N
Pittosporum	Pittosporum tobira	M	N
Plumbago	Plumbago auriculata	L	N
Podocarpus	Podocarpus macrophyllus	L	N
Pygmy Date Palm	Phoenix roebelinii	M	N
Radicalis Palm	Chamaedorea radicalis	L	N
Red Buckeye	Aesculus pavia	L	Y
Rosemary	Ceratiola ericoides	L	Y
Sandankwa Viburnum	Viburnum suspensum	H	N
Sasanqua Camellia	Camellia sasanqua	H	N
Saw Palmetto	Serenoa repens	L	Y
Scarlet Hibiscus	Hibiscus coccineus	M	Y
Scrub Palmetto	Sabal etonia	L	Y
Serrissa	Serissa foetida	M	N
Shiny Blueberry	Vaccinium myrsinites	L	Y
Shrimp Plant	Beloperone guttata	M	N
Silverthorn	Elaeagnus pungens	L	N
Slender Buckthorn	Bumelia reclinata	M	Y
Snowbell	Styrax americana	H	Y
Spanish Bayonet	Yucca aloifolia	L	Y
Spanish Dagger	Yucca gloriosa	L	Y
Sparkleberry	Vaccinium arboreum	L	Y
Spice-Bush	Lindera benzoin	M	Y
St. John's Wort	Hypericum spp.	M	Y
Star Anise	Illicium anisatum	M	N
Surinam Cherry	Eugenia uniflora	M	N
Swamp Honeysuckle Azalea	Rhododendron viscosum	H	Y
Sweet Pepperbush	Clethra alnifolia	M	Y

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Sweet Pinxter Azalea	Rhododendron canescens	H	Y
Sweet Viburnum	Viburnum odoratissimum	M	N
Sweetshrub	Calycanthus floridus	M	Y
Tar-Flower	Befaria racemosa	L	Y
Thryallis	Galphima (or Thryallis) glauca	L	N
Tough Bumelia	Bumelia tenax	M	Y
Walter Viburnum	Viburnum obovatum	M	Y
Witch Hazel	Hamamelis virginiana	M	Y
Yellow Anise	Illicium parviflorum	M	Y
Yellow Pineland Lantana	Lantana depressa	L	Y

**Table 110-7D Groundcovers**

GROUNDCOVERS			
Common Name	Botanical Name	Water Zone	Native (Y/N)
Algerian Ivy	Hedera canariensis	M	N
Asparagus Fern	Asparagus spp. (Sprengeri)	L	N
Beach Sunflower	Helianthus debilis	L	Y
Beach Morning Glory	Ipomoea stolonifera	L	Y
Bigleaf Periwinkle	Vinca major	M	N
Black Eyed Susan	Rudbeckia hirta	L	Y
Blue Daze	Convolvulus 'Blue Daze'	M	N
Blue Flag	Iris virginica	H	Y
Blue Lily of the Nile	Agapanthus africanus	M	N
Bugleweed	Ajuga reptans	H	N
Butterfly Iris	Dietes bicolor	H	N
Carolina Jessamine	Gelsemium sempervirens	M	Y
Cast Iron Plant	Aspidistra elatior	L	N
Cinnamon Fern	Osmunda cinnamomea	H	Y

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Confederate Jasmine	Trachelospermum asiaticum	M	N
Coontie	Zamia pumila	L	Y
Cordgrass	Spartina spp.	L	Y
Coreopsis	Coreopsis gladiata (or tinctoria)	H	Y
Creeping Fig	Ficus pumila	L	N
Creeping Juniper	Juniperus horizontalis	L	N
Creeping Phlox	Phlox nivalis	L	Y
Daylily	Hemerocallis spp.	L	N
Dwarf Coreopsis	Coreopsis auriculata 'Nana'	H	N
Dwarf Heavenly Bamboo	Nandina domestica 'nana'	M	N
Dwarf Oyster Plant	Rhoeo spathacea 'nana'	L	N
Dwarf Pittosporum	Pittosporum tobira 'Wheeleri'	M	N
English Ivy	Hedera spp.	M	N
Fancyleaved Caladium	Caladium x Nortulanum	M	N
Gaillardia	Gaillardia pulchella	L	Y
Gerbera Daisy	Gerbera jamesonii	M	N
Hall's Honeysuckle	Lonicera japonica 'Halliana'	L	N
Holly Fern	Cyrtomium falcatum	M	N
Japanese Garden Juniper	Juniperus procumbens	L	N
Leatherleaf Fern	Rumohra adiantiformis	M	N
Lilly Turf	Liriope spp.	M	N
Mondo Grass	Ophiopogon japonicus	M	N
Moss Pink	Phlox subulata	M	N
Nick's Compact Juniper	Juniperus c.p. 'Nick's Compacta'	L	N
Parson's Juniper	Juniperus squamata "Parsonii"	L	N
Periwinkle, Vinca	Catharanthus roseus	M	N
Prairie Iris	Iris hexagona	H	Y
Red Muhly Grass	Muhlenbergia spp.	L	Y
Royal Fern	Osmunda regalis	H	Y
Sedum	Sedum spp.	L	N

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Shield Fern	Thelypteris spp.	M	Y
Shore Juniper	Juniperus conferta	L	N
Society Garlic	Tulbaghia violacea	L	N
Star Jasmine	Trachelospermum jasminoides	M	N
Swamp Lily	Crinum americanum	H	Y
Sword or Boston Fern	Nephrolepis spp.	H	Y
Trailing Fig	Ficus sagittata	L	N
Virginia Creeper	Parthenocissus quinquefolia	H	Y
Wedelia	Wedelia trilobata	L	N
Weeping Lantana	Lantana montevidensis	L	N
Wintercreeper	Euonymus fortunei 'coloratus'	M	N
Yellow Pineland Lantana	Lantana depressa	L	Y

**Table 110-7E Non-Native Vines**

NON-NATIVE VINES		
Common Name	Botanical Name	Water Zone
Algerian Ivy	Hedera canariensis	M
Allamanda	Allamanda cathartica	M
Chinese Wisteria	Wisteria sinensis	L
Clematis	Clematis spp.	M
Confederate Jasmine	Trachelospermum asiaticum	M
Coral Vine	Antigonon leptopus	L
Downy Jasmine	Jasminum multiflorum	M
English Ivy	Hedera spp.	M
Hall's Honeysuckle	Lonicera japonica 'halliana'	L
Mexican Flame Vine	Senecio confusus	L
Star Jasmine	Trachelospermum jasminoides	M



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**Table 110-7F Turfgrasses**

TURFGRASSES		
Common Name	Botanical Name	Water Zone
Bahia Grass		M
Bermuda Grass		M
Centipede Grass		H
St. Augustine FX-10		M
St. Augustine Grass		H
Zoysia Grass		M

Water Zone Key:

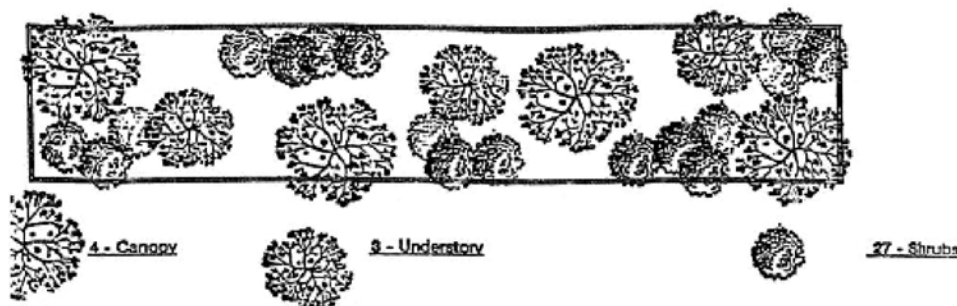
H = High Water Use Zone - Plants which are associated with moist soils and require supplemental water in addition to natural rainfall to survive. This zone includes shallow rooted turfgrass varieties.

M = Moderate Water Use Zone - Plants which survive on natural rainfall with supplemental water during seasonable dry periods. This zone includes deep rooted turfgrass varieties.

L = Low Water Use Zone - Plants which, once established, survive on natural rainfall without supplemental water. Because of the relatively high water requirements of turfgrass, no presently available varieties are included in this category.

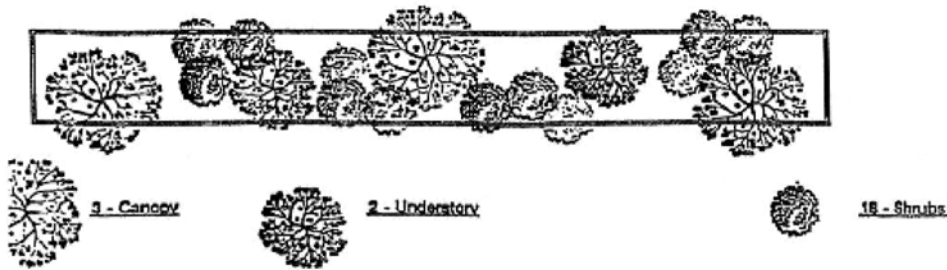
Sources: St. Johns River Water Management District Xeriscape Plant Guide South Florida Water Management District Xeriscape Plant Guide II Cooperative Extension Service

**Figure I  
Plant Material/100'**



**4—Canopy 3—Understory 27—Shrub**

Figure II  
Plant Material/100'



**3—Canopy 2—Understory 18—Shrubs**

Placement of plant material shall be in an irregular pattern, where possible, shrubs should be in clusters containing no less than three plants each.

(m) *Modification of development standards for site plan approval.*

- (1) This section is established to provide standards and procedures for the granting of administrative modifications of development standards. The modification of standards is specifically intended to promote high standards for final site plan reviews under chapter 75, Code of Ordinances, as it may be amended from time to time, provide flexibility in the administration of standards in recognition of site specific conditions, and to establish conditions to ensure compatibility, where standards are modified.
- (2) The enforcement official may approve a maximum reduction of up to 20 percent of the required minimum yard setbacks for principal and accessory buildings and/or the number of required parking spaces upon making a finding that the adjustment will protect and encourage the preservation of large canopy, specimen, or historic trees.
- (3) Modification of the development standards listed above of less than one foot shall be deemed to be non-substantial. The enforcement official shall be authorized to approve the modification at the time of request based upon the requirements of this chapter. Non-substantial modifications shall be deemed to have no effect on adjacent properties.
- (4) Nothing in this section shall supersede the planning and zoning board review process or deny access by the applicant to relief through the zoning variance review procedures.
- (5) Application for modification of standards may be reviewed prior to application for final site plan review or may be made in conjunction with final site plan review. Application shall be made to the planning and development services department in conformance with the submittal requirements of this section.
- (6) Upon acceptance of the application, the enforcement official shall review it and render his decision approving, approving with conditions, or denying the request. A modification of standards report shall be issued and be attached to the final site plan.
- (7) When the enforcement official approves the modification of standards, he may prescribe appropriate conditions and safeguards in conformity with the intent and provisions of this section.

(n) *Appeals.* Any person aggrieved by this decision of the enforcement official or any of the conditions imposed as part of the terms under which the modification of standards is approved, may elect to appeal the decision to the city commission. The appeal shall be filed under section 110-1002 City of

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Deltona Zoning Ordinance No. 30-98, as amended. The appeal shall be taken within ten working days after the decision is rendered by filing with the enforcement official and with the city attorney, a written notice of notice of appeal specifying its grounds, together with the appropriate fee.

- (o) Except as provided herein, the requirements of section 110-808 do not apply to properties that meet the following criteria:
  - (1) The property is currently used for, was used for, and is zoned for commercial or industrial use.
  - (2) The change in use will not require a rezoning.
  - (3) The proposed use is a permitted or conditional use in the current zoning district.
  - (4) No expansion will occur to the buildings gross square footage.

Development proposals that meet these criteria shall provide at least 15% of landscape coverage of the property to include a variety of trees, shrubs and other plant materials. The development plan shall integrate such green spaces within parking areas, along building foundations and provide buffers that may include attractive fences where appropriate along the perimeter of the property to mitigate visual impacts and enhance the aesthetic value of the property.

**Chapter 30-ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE IX-LANDSCAPE REGULATONS:** Required plans; Review criteria; Tree removal permit; Protection of trees during construction; Trimming; Minimum standards; Hat-racking prohibition; Certificate of Occupancy and Completion

**MIAMI-DADE COUNTY Chapter 24-ENVIRONMENTAL PROTECTION, BISCAYNE BAY AND ENVIRONS..., DIVISION 2-TREE PRESERVATION AND PROTECTION:** Permits-generally, natural forest communities, specimen trees; Review and evaluation; Preliminary review; Replacement; Protection during construction; Relocation; Fees; Prohibited species

PROGRAM ELEMENTS	NOTES																					
1. <b>Strictness/ Flexibility</b>	<p><u>Landscape Regs</u> – shall 72; should 1; <u>Tree Protection Regs</u> – shall 220; should 8 (all associated with shall, e.g., "All replacement small trees shall have a minimum height of six (6) feet at the time of planting and at maturity should have a canopy coverage of two hundred square feet under normal growing conditions.")</p> <p>Removal of trees and understory is very strict within designated "natural forest communities" (see #22-Unique Program Elements).</p>																					
2. <b>Fees</b> – What permits/ reviews are needed? How much \$?	<p><b>Sec. 30-235.</b> (b) -Permit fee. Established by the Council certain trees are called out as having no fee tied to their removal.</p> <p><b>Tree Removal/Relocation Permit Fee Schedule:</b></p> <table><tr><th>Zoning</th><th>Before Inspection</th><th>After Inspection</th></tr><tr><td>Single-Family</td><td>\$63 appl. + \$35 initial insp. = \$98</td><td>\$35 final insp. + \$12 per tree up to \$320 max</td></tr><tr><td>Multi-family</td><td>\$80 appl. + \$35 initial insp. = \$115</td><td>\$35 final insp. + \$12 per tree up to max. of \$395/(acre)(canopy)</td></tr><tr><td>Business</td><td>\$105 appl. + \$35 initial insp. = \$140</td><td>\$35 final insp. + \$12 per tree up to max. of \$395/(acre)(canopy)</td></tr><tr><td>Commercial</td><td>\$105 appl. + \$35 initial insp. = \$140</td><td>\$35 final insp. + \$12 per tree up to max. of \$660/(acre)(canopy)</td></tr><tr><td>Agricultural</td><td>\$55 appl. + \$35 initial insp. = \$90</td><td>\$35 final insp. + \$6 per tree up to max. of \$265/(acre)(canopy)</td></tr><tr><td>R-O-W/ Swale</td><td>\$28 appl. + \$35 initial insp. = \$63</td><td>\$35 final insp. + \$6 per tree up to max. of \$265/(acre)(canopy)</td></tr></table> <p>Inspection fees listed above are based on applications to remove and/or relocate and assess 20 trees or less. For projects with more than 20 trees, the inspection fees are adjusted as follows:</p> <p>&gt; 21 - 100 trees to be inspected: \$65</p> <p>&gt; 101 - 200 trees to be inspected: \$135</p> <p>&gt; More than 200 trees to be inspected: \$265</p> <p>The fees listed above are based on voluntary (not after the fact) applications.</p>	Zoning	Before Inspection	After Inspection	Single-Family	\$63 appl. + \$35 initial insp. = \$98	\$35 final insp. + \$12 per tree up to \$320 max	Multi-family	\$80 appl. + \$35 initial insp. = \$115	\$35 final insp. + \$12 per tree up to max. of \$395/(acre)(canopy)	Business	\$105 appl. + \$35 initial insp. = \$140	\$35 final insp. + \$12 per tree up to max. of \$395/(acre)(canopy)	Commercial	\$105 appl. + \$35 initial insp. = \$140	\$35 final insp. + \$12 per tree up to max. of \$660/(acre)(canopy)	Agricultural	\$55 appl. + \$35 initial insp. = \$90	\$35 final insp. + \$6 per tree up to max. of \$265/(acre)(canopy)	R-O-W/ Swale	\$28 appl. + \$35 initial insp. = \$63	\$35 final insp. + \$6 per tree up to max. of \$265/(acre)(canopy)
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3. <b>Enforcement/ Violations/ Penalties/ Fines</b>	<p><b>Sec. 24-49. (5) and (6)</b> Violations do not carry over to the mortgagee unless they are directly managing the property when the violation is recorded</p> <p><b>Illegal Land Clear:</b> For After-the-Fact (ATF) tree removal/relocation permits, the application and the per tree(s) fee are doubled.</p>																					
4. <b>Incentives</b> – anything that encourages preservation?	None are mentioned																					
5. <b>Mitigation</b> for legal tree removal – Onsite? Offsite? Tree fund?	<p><b>Sec. 24-49.2. (4)(l)(2)(a)</b> allows for mitigation plans to be submitted for violations of Section 24-49.2(l)(1)(c). These allow for mitigation plans outside of a particular boundary.</p>																					
6. <b>Landscaping</b> – Is this handled separately?	It is handled separately under <b>Article IX</b> . It has list of 9 goals to illustrate key aspects of each plan, e.g., resisting drought, cooling the area, and air quality, etc.																					
7. <b>Significant Trees</b> (heritage, grand, etc) – Size threshold? How are they protected?	<p>“Specimen Trees” are mentioned numerous times as being specifically protected, for example, they are often the exception to removal in most cases. It is defined as tree with any individual trunk which has a DBH of eighteen (18) inches or greater, but not including the following:</p> <p>(1) All trees listed in <b>Section 24-49(4)(f)</b>;</p> <p>(2) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to, mangos, avocados, or species of citrus;</p> <p>(3) Non-native species of the genus Ficus, and</p> <p>(4) All multi-trunk trees in the palm family, except Acoelorrhaphe wrightii and Phoenix reclinata which have a minimum overall height of fifteen (15) feet.</p>																					
8. <b>Street Trees</b> – anything special?	<p><b>Sec. 30-233.</b> Landscape plan review criteria. (5) Street trees shall be used to shade roadways, sidewalks, and provide visual order. All Street tree planting shall conform to the Village's Street Tree Planting System.</p>																					
9. <b>Trees allowed in easements or R-O-W?</b> Any mention of PW maintenance?	Showing location of easements and rights-of-way on plans is mentioned, but not whether your can plant in an easement. Rights-of-way are not private property and could not be planted by adjacent property owners.																					
10. <b>Native Trees/ Vegetation</b> – Are they required? Encouraged?	<p><b>Sec. 24-49.2 (1)(b)(i)(1)</b> “All species proposed for replanting shall be native to Miami-Dade County's pinelands”</p>																					
11. <b>Wildlife Habitat</b> – Is this specifically addressed?	<p><b>Sec. 30-230 (d)</b> Purpose and intent is to provide for the preservation of the existing natural forest communities, specimen trees, re-establish the native habitat along the beach and encourage the use of native plant materials.</p> <p><b>Sec. 24-49.2 (4)(l)(1)(b)(ii)</b> “Whether the preservation area affords maximum protection to areas of high wildlife utilization such as, but not limited to, nesting or breeding areas.”</p>																					
12. <b>Tree List</b> – what types of trees are included? Mostly native? Florida-friendly?	<p><b>Sec. 24-49.4 (2)(c)</b> The applicant shall submit a list of proposed replacement trees on a form provided by the Department, except when the total number of replacement trees exceeds twenty (20), and then the applicant shall be required to submit a landscape replacement plan consistent with the provisions of Section 24-49.4(3). Proposed replacement lists or plans are subject to Departmental approval.</p>																					
13. <b>Palms</b> – How are these handled?	<p><b>Sec. 30-238 (2)(a)</b> A maximum of 40% of tree requirement may be satisfied with palms. If palm trees are provided, every three palms shall be counted as a shade tree. <b>(b)</b> Minimum height of palms to be considered for shade tree substitutes shall be 12 feet.</p> <p><b>Sec. 24-49.4 (9)</b> ...no more than 30% of the replacement trees shall be palms. However, when native trees are removed, all replacement trees shall be native species.</p>																					
14. <b>Pruning</b> – are there standards for this?	<p><b>Sec. 30-239. - Hatracking prohibited.</b> All tree pruning shall conform to current standards of the National Arborist Association. Hatracking or topping shall not be permitted.</p>																					

KEY BISCAYNE (Miami-Dade County) TREE REGULATIONS

15. <b>Survivability</b> – Is this a program component?	<b>Sec. 24-49.4 (1)(b)</b> requires an 80% survival rate after 1 year for all pineland natural forest community replacement plantings; or in lieu of this, you can pay into the tree trust fund described below.
16. <b>Tree Fund</b> – Is there one? If so, what goes into it, and how is it used?	<b>Sec. 24-49.2 (4)(I)(2)(b)(ii)(3).</b> Yes, there is the “Miami-Dade County Tree Preservation Trust Fund” for planting plans that do not measure up to minimum preservation standards.
17. <b>Single-family lots</b> – What is exempted? Not exempted?	<b>Sec. 24-49 (4)</b> The following activities are exempt from tree removal permits <b>(a)</b> Removal of trees within the yard area of an existing single-family residence, provided the trees are not within a natural forest community, and are not specimen trees. <b>(b)</b> Removal for construction of a new single-family residence for lots 1 acre or less (Ag zoning), or ½ or less for any other zoning, EXCEPT for specimen trees and trees within a "natural forest community."
18. <b>Commercial/ Industrial Properties</b> – anything different or special?	<b>Sec. 30-238. - Minimum standards.</b> Minimum tree requirement is slightly more – 1 tree per 1,800 sq ft versus 1 tree per 1,875 sq ft for single-family and two-family residential
19. <b>Education</b> – Do they spell out anything on this?	Their website has a Guide to Trees and Power Lines; Citizen Forestry Manual; Tree Pruning Guide; 3-part presentation on preventative pruning and recovering from hurricanes; and links to webpages on "Right Tree Right place"; Tree Pruning Tips; Prohibited Plants; and Public Utilities, Easements & Tree Trimming
20. <b>Best Management Practices</b> – Are there any?	<b>Sec. 24-49.2.</b> “A review of each completed tree removal permit application shall be conducted by the Department. This review and all actions taken by the Department under the provisions of this article shall be conducted using best available practices from biology, botany, forestry, landscape architecture and other relevant fields, and shall be conducted in a manner that is consistent with all applicable goals, objectives and policies in the Comprehensive Development Master Plan for Miami-Dade County, Florida...”
21. <b>Canopy/ coverage requirement?</b>	<b>Sec. 24-49.4 (2)(f)(ii).</b> Canopy is discussed in numerous places, how to calculate existing coverage, how to credit replacing canopy, and the department needing to maintain a list of species for replacement tress with canopy coverage being the key element defining replacement strategies.
22. <b>Any unique program elements?</b>	<b>Native tree requirement. Sec. 24-49.2 (1)(b)(i)(1):</b> 100% of replanted trees are REQUIRED to be native to the area. <b>Natural Forest Community.</b> On sites 5 acres or more, you cannot clear more than 10% of the canopy and understory in a hardwood hammock natural forest community or more than 20% of any pineland natural forest community. The remaining areas are deemed preserve areas and shall be left in their natural state. If site is less than 5 acres and the restriction does not allow some use of the property, a permit may be issued for clearing up to ½ acre of hardwood hammock and 1 acre of pinelands.

## KEY BISCAYNE-Landscaping

### ARTICLE IX. - LANDSCAPE REGULATIONS<sup>[10]</sup>

**Editor's note**— Ord. No. 2010-6, § 2(Att. A), adopted Oct. 12, 2010, amended in its entirety the former Art. IX, §§ 30-230—30-241, and enacted a new Art. IX as set out herein. The former Art. IX pertained to Landscape Regulations and derived from Ord. No. 2000-5, § 2, 5-9-00; Ord. No. 2000-6, § 2, 5-9-00.

#### Sec. 30-230. - Purpose and intent.

It is the intent of this article to establish and require enforcement of landscape standards that will enhance, improve, and maintain landscaping in the Village through the application of following principles:

- (a) Promote xeriscape by encouraging the use of drought-tolerant landscape materials, grouping of plant material by water requirements and irrigation systems that conserve the use of potable water supplies.
- (b) Use landscape materials to visually define the hierarchy of roadways, and to provide shade and visual edge along roadways.
- (c) Prevent the destruction of the existing tree canopy and promote its expansion.
- (d) Provide for the preservation of the existing natural forest communities, specimen trees, re-establish the native habitat along the beach, and encourage the use of native plant material.
- (e) Promote the use of trees and shrubs for energy conservation by encouraging cooling through the provision of shade and the channeling of breezes, thereby helping to offset global warming and effects of added absorption of carbon dioxide.
- (f) Contribute to the processes of air movement, air purification, oxygen regeneration, ground water recharge, stormwater runoff retention, while aiding in the abatement of noise, glare, heat, air pollution and dust generated by impervious areas.
- (g) Improve the aesthetic appearance of the Village through the use of plant material, thereby protecting and increasing property values.
- (h) Reduce the negative impacts of invasive plant species as identified by the Florida Exotic Pest Plan Council and prohibit the use of noxious exotic plants which invade native plant communities.
- (i) Promote the concept of planting the appropriate tree in the correct location to avoid problems such as clogged sewers, cracked sidewalks, and power service interruptions.

#### Sec. 30-231. - Applicability.

The provisions of this chapter shall be considered minimum standards for all Village zoning districts, and shall apply to new construction on vacant Lots and for construction projects that have a value of 50 percent or greater of the assessed value of the Building(s) on a site.

#### Sec. 30-232. - Required landscape plans.

- (a) *Landscape plan required.* All new construction of Main Permitted Uses and substantial rehabilitation work where the value of the improvements exceeds 50 percent of the assessed value of the Building, shall be required to submit a landscape plan. No building permit shall be issued until the Building, Zoning, and Planning Department has approved the landscape plan. A final certificate of occupancy shall not be issued until the landscaping shown on the landscape plan has been installed and approved by the Building, Zoning, and Planning Department. All landscape plans for new construction on vacant Lots shall be signed and sealed by a landscape architect licensed to practice in the State of Florida.
- (b) *Components of a landscape plan.* A landscape plan must:
  - (1) Be drawn to scale, and include dimensions, property boundaries, north arrow, and street names.

## KEY BISCAYNE-Landscaping

- (2) Include a survey of the existing trees on the property with a diameter of three inches or greater measured at four feet above the base of trunk, with identification of non-exotic (see subsection 30-234(a)) trees.
- (3) Delineate existing and proposed Structures, Parking areas or other vehicular Use areas, Access aisles, sidewalks, driveways, the location of utilities and Easements, and similar features.
- (4) Designate common and botanical name, location, size (in height, spread and trunk caliper at four feet about base of trunk), quantity, and grade of living plant material proposed to be installed or maintained on the site.
- (5) Provide planting specifications to current American Association of Nurserymen landscape standards including but not limited to staking, fertilization, top soil, mulching, and applicable drainage and any subsurface treatments.
- (6) Identify and describe the location and characteristics of all non-living landscape materials to be used, such as fences, walls or pavements.
- (7) Show all landscape features, areas of vegetation required to be preserved by law, (including but not limited to trees, plants, shrubs, native habitats, wetlands, and mangroves), in context with the location and outline of existing and proposed Buildings, fences, and other structural improvements being contemplated on the site.
- (8) Indicate method to protect trees and native plant communities during construction according to the Miami-Dade County Landscape Manual standards.
- (9) Include a tabulation showing the statistical information necessary to evaluate compliance with the Article including net Lot area, quantity, size, and species of all plant material to be planted, preserved, or relocated; square footage of paved area; and such other information as may be required by the Building, Zoning, and Planning Director to make a determination that the landscape plan meets the requirements of this article.

### Sec. 30-233. - Landscape plan review criteria.

All landscape plans shall be reviewed in accordance with the following goals and objectives:

- (1) Landscape design shall enhance architectural features, relate structural design to the site, visually screen dissimilar Uses and unsightly views, reduce noise impacts from roadways and incompatible Uses, strengthen vistas and reinforce neighborhood site design and architecture.
- (2) Existing specimen trees and native vegetation shall be preserved in place to the maximum extent possible or relocated within the site.
- (3) The Landscape plan shall include native plant species to the maximum extent possible and shall in no event contain less than 30 percent of native landscaping.
- (4) Trees and shrubs shall be used to reduce energy consumption by shading Buildings and paved surfaces.
- (5) Street trees shall be used to shade roadways, sidewalks, and provide visual order. All Street tree planting shall conform to the Village's Street Tree Planting System.
- (6) Trees and shrubs shall be placed on the site in locations that take into consideration overhead utility lines, proximity to native plant communities, septic tanks, and sewer lines.

### Sec. 30-234. - Required irrigation plans.

- (a) *Applicability.* All Developments which are required to submit a landscape plan shall also provide an in-ground irrigation system with the exception of the following:
  - (1) Single Family homes where drought-tolerant, xeriscape landscaping has been utilized.

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- (2) Duplexes and Townhomes on Sites that are 7,000 square feet or less where drought-tolerant, xeriscape landscaping has been utilized. However, hose bibs shall be placed on the Building at 75-foot intervals.
- (b) *Components of an irrigation plan.* Required irrigation plans shall:
  - (1) Be drawn at the same scale as the landscape plan.
  - (2) Delineate the areas that are to be landscaped.
  - (3) Delineate existing and proposed Structures, Parking areas or other vehicular Use areas, Access aisles, sidewalks, driveways, the location of utilities and Easements, and similar features.
  - (4) Include water source, design operating pressure and flow rate per zone, total volume required for typical depths of application, and application rate.
  - (5) Include locations of pipes, controllers, valves, sprinklers, backflow prevention devices and electrical supply.

### Sec. 30-235. - Tree removal permit.

- (a) *Tree removal permit required.* No Person shall cut down, destroy, remove, relocate, destructively damage or cause to be cut down, destroyed, removed, relocated or destructively damaged any tree without first obtaining a permit from the Village. The issuance of a tree removal permit from the Village shall require proof that a permit has been obtained from the Miami-Dade County Department of Resource Management, if such permit is required by Division 2 "Tree Preservation and Protection" of Chapter 24 of the Miami-Dade County Code of Ordinances, as may be amended from time to time.
  - (1) *Schinus terebinthifolius* (Brazilian Pepper/Florida Holly).
  - (2) *Metopium toxiferum* (Poison Wood).
  - (3) *Casurina equisetifolia* (Australian Pine).
  - (4) *Melaleuca Quinquenervia* (Melaleuca).
  - (5) *Araucaria Heterophylla* (Excelsa, Northfolk Island Pine).
  - (6) *Brassaia Actinophylla* (Schefflera).
- (b) *Permit Fee.* The Village Council shall establish a fee for tree removal permits. However, no fee shall be charged for a permit to remove the following:
  - (1) *Schinus terebinthifolius* (Brazilian Pepper/Florida Holly).
  - (2) *Metopium toxiferum* (Poison Wood).
  - (3) *Casurina equisetifolia* (Australian Pine).
  - (4) *Melaleuca Quinquenervia* (Melaleuca).
  - (5) *Araucaria Heterophylla* (Excelsa, Norfolk Island Pine).
  - (6) *Brassaia Actinophylla* (Schefflera).
  - (7) *Bischofia javanica* (bishopwood).
  - (8) *Ricinus communis* (castorbean).
  - (9) *Psidium guajava* (guava).
  - (10) *Albizia lebbek* (woman's tongue).
  - (11) *Acacia auriculaeformis* (earleaf acacia).
  - (12) *Adenanthera pavonina* (red sandalwood).
  - (13) *Cupaniopsis anacardioides* (carrotwood).
  - (14) *Dalbergia sissoo* (Indian dalbergia, sissoo).
  - (15) *Ficus microcarpa* (=R. nitida: =F. retusa varnitida) (laurel fig).



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- (16) *Flacourtia indica* (governor's plum).
  - (17) *Hibiscus tiliaceus* (mahoe).
  - (18) *Leucaena leucocephala* (lead tree).
  - (19) *Mimosa pigra* (catclaw mimosa).
  - (20) *Thespesia populnea* (seaside mahoe).
  - (21) A dead or fatally diseased tree, which meets the requirements of subsection (d)(7).
  - (22) A tree that has a chronic pest infestation or other persistent harmful condition, which meets the requirements in subsection (d)(8).
  - (23) A tree causing substantial damage to hardscape features or structures, which meets the requirements in subsection (d)(9).
- (c) *Application.* The Tree Removal Permit Application shall contain the following information:
- (1) Location of the tree to be removed.
  - (2) A survey of the property showing the Buildings, Easements, utility services.
  - (3) If the permit request is supported by the criteria of subsections (d)(7), (d)(8) or (d)(9), the required statement of a professional holding an International Society of Arboriculture Arborist Certification.
  - (4) The Building, Zoning and Planning Director may waive the requirements of subsections (c)(1) and (c)(2), upon a determination that the required information can be obtained in the Village records or through a site visit.
- (d) *Tree removal evaluation criteria.* No tree may be removed unless one of the following conditions exists, as determined by the Building, Zoning, and Planning Director:
- (1) A Site Plan is submitted by the applicant that demonstrates a proposed Structure can be situated on the property only if specifically identified tree(s) are removed or relocated.
  - (2) The tree(s) is (are) located in such proximity to existing or proposed Structures that the utility or structural integrity of such Structures is or will be materially impaired.
  - (3) The tree materially interferes with the location, servicing, or functioning of Public Utility lines or service, and such interference cannot be mitigated by trimming or pruning.
  - (4) The tree obstructs views of oncoming traffic or otherwise creates a substantial traffic hazard, and such obstruction or hazard cannot be mitigated by trimming or pruning.
  - (5) Any law or Regulation that requires such removal.
  - (6) The tree is one listed in subsections 30-235(b)(1)—(20).
  - (7) A statement is submitted by a professional holding an International Society of Arboriculture Arborist Certification demonstrating that the tree is:
    - a. Fatally diseased; or
    - b. Suffering from a chronic irreversible disease.
  - (8) A statement is submitted by a professional holding an International Society of Arboriculture Arborist Certification, demonstrating that the tree is affected by a pest infestation affecting the owner's reasonable use and enjoyment of the property for which there is no scientifically recognized treatment to control the infestation, or alternatively, if there is such a recognized treatment, that such the recognized treatments have been applied as recommended and have been ineffectual in controlling the infestation.
  - (9) For single or two-family residential properties, a statement is submitted by a professional holding an International Society of Arboriculture Arborist Certification, demonstrating that the tree's root system has caused material damage to impervious exterior hardscape elements or structures (excluding elements constructed using movable sand-set pavers) and that the owner has unsuccessfully exhausted all available and approved methods to resolve the condition causing such damage, including but not limited to. root pruning or installation of root barriers, and that there is no practical alternative to rectify or mitigate the damage except for removal of the subject tree.

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- (10) A tree removal permit application may pertain only to a tree located on the applicant's own Lot, and not to any tree located on another owner's Lot or in the public right-of-way of other Village owned land.
- (e) *Replacement trees.*
- (1) Any tree that is removed must be replaced with:
- A single tree with not less than the same number of inches of caliper diameter and the same canopy diameter as the removed tree; or
  - Trees that cumulatively provide not less than the same number of inches of caliper diameter and the same canopy diameter as the removed tree; or
  - In the Manager's discretion based on a finding of hardship, trees that cumulatively provide as substantial a canopy replacement as is practicable under the circumstances.
- All replacement trees must be on the same site from which the tree was removed, except in cases of hardscape disruption and otherwise as approved by the Director.
- (2) If as a result of any tree removal, the Lot or property contains less than the minimum number of required trees specified in subsection 30-238(2), a replacement tree or trees must be planted on the subject Lot or property to satisfy the requirements of subsection 30-238(1) and (2): provided that if the removed tree is one of the trees identified in subsections 30-235(b)(1)—(20) and if such removal results in less than the minimum number of required trees specified in subsection 30-238(2), then, in such instance only, the Lot owner will not be required to plant a replacement tree or trees to satisfy the requirements of subsections 30-238(1) and (2). If a tree that is subject to permitted removal is to be destroyed, in the discretion of the Manager, the Village may, but shall not be required to, arrange for the removal and relocation of the tree to Village property at the Village's cost, and such tree shall be the property of the Village if it is relocated by the Village.
- (3) Where tree removal on a Lot results in less than the minimum quantity of trees specified in subsection 30-238(2), and where the removed trees are not replaced on the subject Lot due to Manager's finding of hardship, the applicant shall either:
- Replace a minimum of 50 percent of the removed canopy with a single tree or with multiple trees; or
  - Donate a tree to the Village that has a minimum of 50 percent of the removed canopy: unless the Manager determines otherwise based on hardship.
- (f) *Removal of trees on public lands.* No trees shall be removed from any public land including, but not limited to Rights-of-Way and swale areas, without the approval of the Building, Zoning, and Planning Director and Village Manager.

### Sec. 30-236. - Protection of trees during construction or land Development.

- (a) During any construction or land Development, protective barriers of specifications approved by the Building, Zoning, and Planning Director shall be placed and maintained around all trees to be retained on site to prevent their destruction or damage. The Developer shall use every precaution possible to avoid damaging such trees by preventing the use or storage of materials or equipment, compaction of soil over roots and/or the contamination of soil with such materials as paint, oil, solvents, asphalt, concrete, mortar, and the like, within the drip line.
- (b) No attachments other than those of a protective or non-damaging nature shall be attached to any tree except those trees approved to be removed.

### Sec. 30-237. - Tree trimming standards.

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All trees shall be trimmed in accordance with the National Arborist Association Standards except for the following tree species:

- (1) Australian Pine
- (2) Avocado
- (3) Brazilian Pepper
- (4) Citrus Species
- (5) Bischoefia
- (6) Mango
- (7) Melaleuca
- (8) Norfolk Island Pine
- (9) All palm species
- (10) Poison Wood

### Sec. 30-238. - Minimum standards.

The following standards shall be considered minimum requirements for all landscape plans:

- (1) *Tree size.*
  - a. Minimum height at time of planting: 14 feet.
  - b. Minimum diameter of tree trunk at four feet above crown of root structures 2.5 inches.
  - c. Minimum tree canopy to be seven feet in diameter, centered on the trunk.
- (2) *Minimum number of trees.*

Zoning District	Number of Required Trees
Single Family and Two-Family	one tree per 1,875 sq. ft. or fraction thereof
Office	one tree for each 1,500 sq. ft. or fraction thereof
Commercial	one tree for each 1,800 sq. ft. or fraction thereof
Government Use	meet requirement of zoning district with greatest contiguous area
Multiple Family, PUD and Hotel Resort	one tree for each 1,400 sq. ft. or fraction thereof
Institutional and Private Club	one tree for each 1,200 sq. ft. or fraction thereof

- a. A maximum of 40 percent of the tree requirement may be satisfied with palm trees. If palm trees are provided, every three palms shall be counted as one canopy tree.
- b. Minimum height of palms to be considered for shade tree substitutes shall be 12 feet.
- c. Prohibited trees and Street trees shall not be counted towards meeting this requirement.

- (3) *Shrubs and hedges—Quantity, height and spacing at time of planting.*

Shrub quantity	10 for each required tree
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Shrub and hedge height	Minimum 24 inches.
Hedge spacing	30 in. on center and maintained to form a continuous, unbroken, and solid screen

- (4) *Uncovered, surface Parking Lot buffer and interior planting.* The perimeter of each Parking Lot adjacent to any property line Lot shall be planted with a five-foot wide strip of hedge and shade trees at a spacing of one per 30 linear feet.

The net interior area of all Parking Lots (the area exclusive of the Setbacks and buffer planting area), shall contain ten square feet of landscaped area per Parking space and shade trees shall be planted within this area at a rate of one tree per 80 square feet of resultant landscaped area.

- (5) *Plant quality and Native Species Requirement.* All material shall meet or exceed the minimum standards for Florida Number One as provided in the most current edition of "Grades and Standards for Nursery Plants, Part I and II," prepared by the State of Florida Department of Agriculture and Consumer Services. At least 40 percent of all required plant materials must be native species.
- (6) *Supplemental Single Family and Duplex Zoning District Landscaping Regulations.* These Regulations are in addition to those listed above. Single Family homes and Duplexes shall provide the following landscaping prior to the issuance of any type of occupancy or approval to occupy the Building. The landscaping shall be maintained and remain in place for the life of the Building. If the landscaping is replaced a permit is required and shall include materials that match the below specifications:
- a. In no instance shall the Front Yard have less than one shade tree and three palms, or two shade trees.
  - b. In any Yard which faces a Street, shrubs shall be provided at the ratio of 20 per tree.
  - c. When the Structure has a side Wall in excess of 35 feet in length, there shall be a dense hedge of minimum 30-inch height planted 24 inches on center along the property line adjacent to all portions of the Wall greater than 35 feet.
  - d. On non-waterfront Residential lots, the area within five feet of a side Lot line that is also within 25 feet of the rear property line shall be planted with a dense, landscape screen at a height of at least four feet at time of planting, planted 36 inches on center, and attaining at least a ten-foot height. Within that same area on waterfront Residential lots, a hedge of minimum 24-inch height and 24 inches on center must be planted and cannot exceed a height of four feet.
  - e. On non-waterfront Residential lots, for those portions of the Structure with a rear Setback of less than 25 feet, the area within five feet of the rear property line shall be planted with a dense, landscape screen at a height of at least four feet at time of planting, planted 36 inches on center, and attaining at least a ten-foot height.

Sec. 30-239. - Hatracking prohibited.

All tree pruning shall conform to current standards of the National Arborist Association. Hatracking or topping shall not be permitted; however, crown reduction in excess of one-third shall be permitted under the following conditions:

- (1) If a tree interferes with utility lines or utility Structures.
- (2) If a tree has storm damage and in the opinion of the Building, Zoning, and Planning Director should be hatracked or topped in order to preserve the tree.

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### Sec. 30-240. - Landscape manual.

The Village shall utilize the Miami-Dade County Landscape Manual until such time as one is developed by the Building, Zoning, and Planning Department and adopted by Council resolution. The purpose of the manual is to provide illustrative interpretations of the Regulations listed in this article, best landscape practices, and related guidelines to insure that landscaping is installed and maintained in a manner that is consistent with the objectives [of] these Regulations.

### Sec. 30-241. - Certificate of occupancy and certificate of completion.

No certificate of occupancy or certificate of completion shall be issued until such time as all of the required landscaping is installed and approved by the Building, Zoning, and Planning Department. However, nothing herein shall prevent the issuance of a temporary certificate of occupancy so long as at least the sod portion of the landscaping has been installed.

### Sec. 30-242. - Artificial turf.

(a) *Definitions* . The following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this section:

- (1) *Corner Lot*. A Lot located at the intersection of two streets and abutting such streets on two adjacent sides.
- (2) *Artificial Turf*. An artificial product manufactured from synthetic materials that simulates the appearance of natural turf, grass, sod or lawn.

(b) *Installation*.

- (1) *Single Family and Two-Family Districts*. Within the VR, VE, IR and PS Districts, Artificial Turf shall not be permitted to be installed within a Front Yard of any Lot, or within a Street Side Yard of a Corner Lot.
- (2) *Other Districts*. Within all other zoning districts with the exception of the PROS Public Recreation and Open Space Use District and the GU Government Use District, Artificial Turf shall not be permitted to be installed within a Front Yard, or within a Side Yard facing a Street.

(c) *Installation, Maintenance and Repair* .

- (1) No person shall install Artificial Turf without first obtaining a permit from the Village Planning, Building and Zoning Department.
- (2) All Artificial Turf shall, at a minimum, be installed according to the manufacturer's specifications.
- (4) All seams shall be nailed and glued, not sewn, and edges shall be trimmed to fit against all regular and irregular edges to resemble a natural look.
- (5) If Artificial Turf is planned to be installed immediately adjacent to a seawall, the Artificial Turf shall be pinned or staked behind the seawall. No Artificial Turf or installation mechanism shall be attached directly to or placed on a seawall or seawall cap.
- (6) Artificial Turf shall be visually level, with the grain pointing in a single direction.
- (7) An appropriate solid barrier device (e.g., concrete mow strip, bender board) is required to separate Artificial Turf from soil and live vegetation.
- (8) Precautions for installation around existing trees, including a proper radius, shall be provided to ensure that tree roots are not damaged with the installation of the base material and that the overall health of the tree will not be compromised.
- (9) All Artificial Turf shall be maintained in a green fadeless condition and shall be maintained free of dirt, animal waste, mud, stains, weeds, debris, tears, holes, and impressions. Maintenance shall include, but not be limited to cleaning, brushing, debris removal; repairing of depressions

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and ruts to maintain a visually-level surface; elimination of any odors, flat or matted areas, weeds, and evasive roots; and all edges of the Artificial Turf shall not be loose and must be maintained with appropriate edging or stakes.

- (10) All Artificial Turf must be replaced if it falls into disrepair with fading or holes or loose areas. Replacement and repairs shall be done with like materials from the same manufacturer and done so in a manner that results in a repair that blends in with the existing Artificial Turf, without any matting.
- (11) All Artificial Turf shall be installed on a permeable backing in order to ensure proper drainage.
- (12) All Artificial Turf shall be of the highest quality available from a list of Village-approved manufacturers, and shall be a natural green color selected from a palette of colors approved by the Village.

Secs. 30-243—30-249. - Reserved.

## DIVISION 2. - TREE PRESERVATION AND PROTECTION

Sec. 24-49. - Permits for tree removal and relocation, improperly issued permits, violation of permit conditions, exemptions from tree removal permits; mortgagee exemption from liability.

- (1) It shall be unlawful for any person, unless otherwise permitted by the terms of this section, to do tree removal work or to effectively destroy any tree, or to effectively destroy any understory in a natural forest community, without first obtaining a permit from the Department.
- (2) No municipal or County official shall issue a tree removal permit that does not comply with the provisions of this section. Any such permit shall be void. A municipality shall not be limited from requiring tree removal permits for species exempt from tree removal permits required by this section, provided the tree is not within a natural forest community.
- (3) It shall be unlawful for any person to violate or not comply with any of the conditions of a Miami-Dade County tree removal permit.
- (4) The following activities are exempt from tree removal permits:
  - (a) Removal of trees within the yard area of an existing single-family residence, provided the trees are not within a natural forest community, and are not specimen trees. This exemption does not apply to trees which are growing on County rights-of-way adjoining existing single-family residences;
  - (b) Removal of trees for the construction of a new single-family residence, provided that:
    - (i) The lot is one (1) acre or less in size (43,560 square feet), if an AU zoned lot, or one-half (½) acre or less in size (21,780 square feet), for any other zoned lot; and
    - (ii) The lot is being developed as the principal residence of the owner-builder; and
    - (iii) The lot is not within an area designated as a natural forest community; and
    - (iv) The trees are not specimen trees.
  - (c) Removal of any dead tree, provided the tree is not within a natural forest community.
  - (d) Removal of trees within State-approved plant nurseries and botanical gardens, provided said trees were planted and are growing for the display, breeding, propagation, sale or intended sale to the general public in the ordinary course of business.
  - (e) Removal of trees for the establishment, maintenance and operation of a bona fide grove or bona fide tree nursery, except when the proposed tree removal is to occur in a natural forest community designated under Resolution No. 1764-84 or under subsequent revisions of the natural forest community maps or when the proposed tree removal will affect specimen trees as defined herein. Any person desiring to remove trees pursuant to this provision shall obtain written approval from the Department prior to the commencement of any such activities under this exemption.
  - (f) Removal of any of the following tree species with scientific nomenclature as set forth in Wunderlin, Richard P. and Hansen, Bruce F., Guide to the Vascular Plants of Florida, 2nd Ed. University of Florida Press, Gainesville, FL. (2003), a copy of which shall be maintained by the Director or Director's designee and available for review by the public. If the activity is within a natural forest community or lands protected by a covenant running with the land in favor of Miami-Dade County including, but not limited to, Environmentally Endangered Lands (EEL), Environmentally Sensitive Lands, or Tree Preservation Areas, a permit shall be required, but all application and permit fees shall be waived by the Department:
    - (i) All trees listed in Section 24-49.9.
    - (ii) Any of the following species:

*Araucaria heterophylla* (Norfolk Island pine)

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*Bauhinia purpurea* (Orchid tree)  
*Bauhinia variegata* (Orchid tree)  
*Calophyllum antillanum* (Mast wood)  
*Eugenia uniflora* (Surinam cherry)  
*Hibiscus tiliaceus* (Mahoe)  
*Metopium toxiferum* (Poisonwood)  
*Murraya paniculata* (Orange jasmine)  
*Pittosporum petandrum* (Taiwanese cheesewood)  
*Pongamia pinnata* (Tallow tree)  
*Pouteria campechiana* (Eggfruit)  
*Psidium cattleianum* (Cattley guava)  
*Psidium guajava* (Guava)  
*Syzygium cumini* (Java plum)  
*Syzygium jambos* (Rose apple)  
*Terminalia catappa* (Tropical almond)  
*Washingtonia spp.* (Washington palm)

- (g) Removal of any tree which has been destroyed or effectively destroyed by an Act of God, or by acts outside of the control of any person, individually or otherwise, who has or had a legal, beneficial or equitable interest in the real property upon which such tree is located, which acts could not have been prevented by the exercise of reasonable care by any such person, individually or otherwise, who has or had a legal, beneficial or equitable interest in the real property upon which such tree is located. Where a tree has been destroyed or effectively destroyed by acts outside of the control of a person who has or had a legal, beneficial or equitable interest in the real property upon which such tree is located, which acts could not have been prevented by the exercise of reasonable care by such person, this provision shall be construed to impose joint and several liability upon the person(s) destroying or effectively destroying such tree, and to exempt from liability for such destruction or effective destruction the person who has or had a legal, beneficial or equitable interest in the real property upon which such tree is located.
  - (h) Removing, trimming, cutting or altering of any mangrove tree or removal of any tree located upon land which is wetlands as defined in Section 24-5. Trees located upon land which is wetlands as defined in Section 24-5 and mangrove trees located anywhere in Miami-Dade County shall be subject to the permitting requirements of Article IV of this chapter.
  - (i) Removal of a tree or trees within a bona fide fruit grove for the express purpose of converting said bona fide fruit grove to another bona fide agricultural purpose, provided however, that the owner of the real property upon which the bona fide fruit grove is planted has entered into a covenant agreement with Miami-Dade County in the form approved by the Board of County Commissioners, which covenant requires that said property shall only be used for bona fide agricultural purposes for a period of five (5) years from the date of execution. The form for said covenant agreement shall be approved by the Board of County Commissioners by resolution concurrently with the approval of this ordinance so that all covenant agreements submitted pursuant to this provision can be executed and accepted by the Director and then recorded in the Official Records of Miami-Dade County without the necessity of additional public hearings. In the event that the provisions of said covenant are not complied with, the Director may commence an action in law or equity to ensure adherence with the replanting requirements contained in Section 24-49.4 of the Code of Miami-Dade County.
- (5) Any mortgagee with respect to property upon which any violation of this tree ordinance has occurred shall not be liable for such violation unless, prior to said violation, said mortgagee has foreclosed



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upon said property or participated in the management or control of said property, or unless said mortgagee has effected or caused the tree ordinance violations occurring on said property.

- (6) Notwithstanding the provisions of Section 24-31(7) herein, if actions or omissions constituting a violation of this article occurred at a time when the completed actions or omissions were not prohibited by law, such completed actions or omissions shall not constitute a violation of this article.

### **Sec. 24-49.1. - Permits generally.**

Tree removal permits are required for the removal or relocation of any tree not specifically exempted under Section 24-49(4). The Department shall provide permit application forms which shall be used by permit applicants. An owner, agent of the owner, or lessee of a property may apply for a tree removal permit. If the permit application is a lessee or agent of the owner, a statement from the owner of the property indicating that the owner has no objection to the proposed tree removal shall be submitted with the application. The permit applicant shall submit to the Department a completed application form. Permit application forms shall be accompanied by two (2) sets of site plans which are subject to review and approval by the Department. The site plan shall include the locations of all existing tree resources and all proposed structures or utilities which may require removal or relocation of trees. The Department may require that said plans be prepared by either a landscape architect, architect or an engineer registered in the State of Florida. If the submitted site plan does not provide sufficient information to determine which trees will be affected by the proposed development, the Department may require that a tree survey of the site be prepared and submitted to the Department for review.

### **Sec. 24-49.2. - Review and evaluation of permit applications, natural forest community standards, specimen tree standards.**

A review of each completed tree removal permit application shall be conducted by the Department. This review and all actions taken by the Department under the provisions of this article shall be conducted using best available practices from biology, botany, forestry, landscape architecture and other relevant fields, and shall be conducted in a manner that is consistent with all applicable goals, objectives and policies in the Comprehensive Development Master Plan for Miami-Dade County, Florida. Upon receipt of a completed permit application, the Department shall determine whether the site contains any portion of a natural forest community, specimen trees or any other trees subject to the provisions of this article as follows:

- (1) If a site contains any portion of a natural forest community, then the provisions of Section 24-49.2(l) shall apply. If any person is in doubt as to whether a particular property has been designated as a natural forest community, said person may request a written determination from the Department. Said written determination shall state whether or not a particular property has been so designated by the Board of County Commissioners in the forest community maps under Resolution 1764-84 and shall be prepared by the Department within twenty (20) days of receipt of said request.

Any property owner of a designated natural forest community site may request that the Department verify the designated boundaries of a specific natural forest community site or may request that a specific site be deleted from the approved natural forest community maps. Requests for verification of the designated boundaries of a specific natural forest community site or the deletion of a specific site from the approved maps shall be made in writing to the Department. Upon receipt of such requests, Departmental staff shall inspect the site and make a determination whether the approved boundaries accurately reflect the current boundaries of a natural forest community as defined herein, or whether a site should be deleted from the approved maps. If it is determined that the approved boundaries of a specific natural forest community site are no longer accurate, the Director or the Director's designee shall modify the approved boundary of the natural forest community. One (1) copy of the modified boundary shall be furnished to the person who originated the request within thirty (30) days of receipt of

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the original request and another copy shall be made permanently available at the Department for reference by the public. If it is determined that a specific natural forest community site in its entirety no longer meets the definition of a natural forest community as defined herein, the Director shall recommend to the Board of County Commissioners that the site be deleted from the approved natural forest community maps.

- (2) If a site contains any specimen trees, then the provisions of Section 24-49.2(II) shall apply.
- (3) If there are trees present on a site other than any portion of a natural forest community or specimen trees, then the replacement provisions of Section 24-49.4 shall apply.
- (4) In the event that a site contains any combination of natural forest community, specimen trees or other trees, then Sections 24-49.2(I), 24-49.2(II), and 24-49.4 shall be applied in proportion to the presence of each type of tree or community.

The standards to be applied in reviewing tree removal permit applications involving natural forest communities or specimen trees are as follows:

(I) *Natural Forest Community Standards.*

- (1) Upon receipt of an application for tree or understory removal work in a natural forest community, Departmental staff shall verify that the site currently meets the definition of a natural forest community as defined herein. If Departmental staff determine that a site no longer meets the definition of a natural forest community, then the Director shall recommend to the Board of County Commissioners that the site be deleted from the natural forest community maps. Upon approval by resolution of the Board of County Commissioners, the site will no longer be subject to the provisions of Section 24-49.2(I), but may nevertheless be subject to the provisions of Sections 24-49.2(II) and 24-49.4. In the event that Departmental staff determine that the site currently meets the definition of a natural forest community as defined herein, but the boundary line shown on the approved maps no longer accurately reflects the boundary of a natural forest community as defined herein, the boundary of the natural forest community as shown on the approved maps shall be modified by the Director or the Director's designee. One (1) copy of the modified boundary shall be furnished to the property owner and another copy shall be made permanently available at the Department for reference by the public. If the boundaries of a natural forest community are modified, only that area encompassed within the modified boundary of the natural forest community shall be subject to the provisions of this section.
  - (a) Except as provided in Section 24-49.2(I)(1)(c) below, a permit shall not be issued to clear more than ten (10) percent of the canopy and understory of any hardwood hammock natural forest community or more than twenty (20) percent of the canopy and understory of any pineland natural forest community, provided said sites are five (5) acres or greater. If a site has a total area of less than five (5) acres and the natural forest community covers all or a portion of the site, a permit may be issued to clear up to one-half ( $\frac{1}{2}$ ) acre within a hammock natural forest community and up to one (1) acre within a pineland natural forest community, only if the clearing of ten (10) percent or twenty (20) percent, respectively, does not allow some use of the property.
  - (b) The remaining portions of all natural forest community sites, outside of the areas where tree and understory removal have been permitted by the Department, shall be deemed preserve areas and shall be left in a natural state. Additional clearing of trees or understory shall be prohibited in these preserve areas, except as authorized by other provisions of this article. Firebreaks for pineland natural forest community preserves shall be permitted, and the total area encompassed by the firebreaks (up to a maximum of ten (10) percent of the natural forest community site) shall not be included in the total area which is permitted to be cleared, pursuant to Section 24-49.2(I)(1)(a) and (c). Required dedicated public

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rights-of-way and required public utility easements in pineland and hammock natural forest communities shall be excluded (up to a maximum of ten (10) percent of the natural forest community site) from the total areas permitted to be cleared, pursuant to Section 24-49.2(l)(1)(a) and (c). The criteria for determining which portion of a natural forest community shall be preserved are as follows:

- (i) Whether the preservation area affords maximum protection to rare, threatened and endangered species.
  - (ii) Whether the preservation area affords maximum protection to areas of high wildlife utilization such as, but not limited to, nesting or breeding areas.
  - (iii) Whether the preservation area is located to minimize the number of trees and understory vegetation that is to be removed and disturbed for development.
  - (iv) Whether the preservation area is located to protect the geological and archaeological value of the site.
  - (v) Whether the preservation area is located contiguous with another natural forest community.
- (c) Permits for tree and understory removals within natural forest communities that are issued in accordance with Section 24-49.2(l)(1)(a) and (b) above shall not require any tree or understory replacement. As an alternative to Section 24-49.2(l)(1)(a). above, a permit may be issued to clear up to an additional ten (10) percent of a pineland natural forest community, provided that tree and understory replacement are a requirement of the permit. Said tree and understory replacement shall provide for the replacement of one hundred (100) percent canopy coverage equal to the square footage of the additional area to be cleared regardless of the actual tree canopy contained therein to account for the replacement of the trees and understory, pursuant to the provisions of Section 24-49.4(1)(b)(i).
- (d) Any permit issued for the removal of trees and understory within a natural forest community shall include a specific requirement which allows a minimum of fifteen (15) days for the salvaging of native plant materials within the area which is permitted to be cleared. However, any person desirous of salvaging plant materials must first have authorization from the permittee or owner of the property, which authorization shall not be unreasonably withheld. The Department shall maintain a list of persons interested in salvaging native plant materials and shall notify them immediately upon issuance of such a permit.
- (2) Alternatives to the provisions of Section 24-49.2(l)(1). In order to provide for unique design considerations for the replacement requirements in Section 24-49.2(l)(1)(c) above, and to address natural forest community sites which are within the 1990 Urban Development Boundary, the following shall apply:
- (a) Alternative tree and understory replacement plans may be submitted for projects which require mitigation, pursuant to Section 24-49.2(l)(1)(c) above, that are outside of the 1990 Urban Development Boundary. Said alternative plan shall be prepared by a landscape architect or other individual knowledgeable in the field of natural area restoration, and shall indicate the deviations from the standard requirement and justification for approval.
  - (b) Alternative tree and understory replacement and preservation plans may be submitted for projects which affect natural forest communities which are located within the 1990 Urban Development Boundary and which cannot meet the express terms of Section 24-49.2(l)(1). In such cases, the applicant shall have the burden of demonstrating that a proposed project meets the intent of this article and that the provisions of Section 24-49.2(l)(1) cannot be met.

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- (i) At a minimum, an alternative tree and understory replacement and preservation plan shall include:
  - 1. A statement sealed by a landscape architect registered in the State of Florida that indicates that he has prepared the submitted plan and that the intent of this article can effectively be met through the submission of an alternative plan; provided, however, if the project only encompasses a single family residence with ancillary facilities, then said statement and plan may be made by an individual knowledgeable in the field of natural area restoration;
  - 2. The proposed location of all vegetation preservation and replantings (consisting exclusively of native species), all property lines, and all proposed or existing structures, driveways and utility easements; and
  - 3. A tabulation that identifies any deviations from the requirements of Section 24-49.2(l)(1) and explicitly provides for equivalent compensation by alternative replanting (consisting exclusively of native species) or trust fund contributions.
- (ii) Approval of the plan shall be determined by the Department. The Department shall consider the following factors in evaluating the alternative preservation plan:
  - 1. Whether the proposed plan preserves a portion of the natural forest community.
  - 2. Whether the proposed plan provides for on-site or off-site replanting, including understory replanting.
  - 3. Whether the proposed plan provides for an equitable contribution to the Miami-Dade County Tree Preservation Trust Fund when the minimum preservation standards of Section 24-49.2(l)(1) are not met.
- (3) Modified preservation and replacement plan based upon justifiable, detrimental reliance allowed. In order to address these cases in which a person has purchased natural forest community property in justifiable, detrimental reliance upon written representations of Department staff made prior to the enactment of Chapter 24-49 of the Code of Miami-Dade County regarding replacement and preservation requirements for said property, the following shall apply:

Any owner of a natural forest community property who has purchased natural forest community property in justifiable, detrimental reliance upon written representations of Department staff made prior to the enacting of Chapter 24-49 [Article IV] of the Code of Miami-Dade County may submit to the Department an application for approval of a modified replacement and preservation plan which shall incorporate the replacement and preservation requirements reflected in the agreement relied upon. In such cases, the applicant shall have the threshold burden of demonstrating to the Department and the Board of County Commissioners the detrimental, justifiable reliance which provides the basis for his application.
- (a) The Department shall make its recommendation to the Board of County Commissioners, and the Board of County Commissioners shall make its decision, for denial or approval with conditions of the modified replacement and preservation plan. In evaluating the proposed modified preservation and replacement plan, and in making the threshold determination of whether the applicant has purchased natural forest community property in justifiable, detrimental reliance upon written representations of Department staff made prior to the enactment of Chapter 24-49 [Article IV] of the Code of Miami-Dade

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County, the Department shall make its recommendation, and the Board of County Commissioners shall make its decision, based upon the following factors:

- (i) At a minimum, the application for modified replacement and preservation plan shall reflect that the elements provided for in Section 24-49.2(l)(2)(b)(i) 1, 2, and 3 above are included in the proposed plan, provided, however, that, if the Board of County Commissioners determines that the applicant purchased natural forest community property in justifiable, detrimental reliance upon written representations of Department staff made prior to enactment of Chapter 24-49 of the Code of Miami-Dade County, and if the written representations relied upon did not address tree replacement or tree compensation requirements, then the tree replacement or tree compensation requirements applicable at the time of such justifiable, detrimental reliance may be made a part of the modified replacement and preservation plan.
- (ii) In addition to the elements provided for in Section 24-49.2(l)(2)(b)(i) 1, 2, and 3, the application for modified replacement and preservation plan shall include information regarding the following factors:
  - 1. The nature of the written representations relied upon: Whether the representations by the Department could be construed to be a final determination regarding preservation and replacement requirements for the subject property; and
  - 2. The existence of a permit or written consent agreement with the Department: Whether a tree removal permit or consent agreement with the Department was entered into by the owner of the subject property or his immediate predecessor in title prior to purchase of the subject property; and
  - 3. The circumstances of the property purchase: Whether (a) the purchase of the subject property occurred before or after enactment of Chapter 24-49 of the Code of Miami-Dade County, and (b) the purchase of the subject property occurred close in time to the date of the written representations relied upon, and (c) the owner has legal representation or other professional assistance in negotiating and concluding said purchase; and
  - 4. Subsequent dealings with the Department: Whether the applicant had dealings with the Department occurring subsequent to the date of the written representations relied upon and prior to the date of purchase of the subject property.

The Board of County Commissioners shall hold a public hearing concerning the application. A notice of the time and place of said public hearing shall be published in a newspaper of general circulation in Miami-Dade County a minimum of seven (7) days prior to the public hearing. Said notice shall include a brief description of the proposed replacement and preservation plan and the location of the subject natural forest community property.

- (iii) Appeal from denial of modified preservation and replacement plan. Any person aggrieved by any decision of the Board of County Commissioners pursuant to this Section 24-49.2(l)(3) may seek judicial review in accordance with the Florida Rules of Appellate Procedure.

## (II) *Specimen Trees Standards.*

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- (1) *Specimen trees application.* Specimen trees shall be preserved whenever reasonably possible. Upon receipt of an application to remove a specimen tree, the Department shall consider the following factors in evaluating said application:
  - (a) Size and configuration of the property.
  - (b) Size and configuration of any proposed development.
  - (c) Location of the tree relative to any proposed development.
  - (d) Whether or not the tree can be preserved under the proposed plan or any alternative plan.
  - (e) Health, condition and aesthetic qualities of the tree.
  - (f) Whether the tree poses a threat to persons or property.
- (2) *Alternate plans.* If, upon review of the factors enumerated in Section 24-49.2(II)(1), the Department determines that a specimen tree cannot reasonably be preserved under the proposed plan, then the applicant shall provide an alternate plan when feasible, which shall include preservation of the specimen tree and design alterations consistent with the scope and intent of the initially-proposed plan. Alterations consistent with the scope and intent of the initially-proposed plan may include, but shall not be limited to:
  - (a) An adjustment of building orientation on a site.
  - (b) An adjustment of lot lines within a site proposal for more than one (1) lot when said adjustment will not cause an unreasonable loss of usable space. An applicant shall have the burden of proof in the determination of what constitutes an unreasonable loss of usable space.
- (3) *Specimen tree relocation.* If preservation of the specimen tree and any alternate design consistent with the scope and intent of the initial plan are mutually exclusive, then the Department may issue a permit to relocate the specimen tree. If the tree removal permit requires relocation, then the applicant shall be required to relocate the tree in accordance with the standards set forth in Section 24-49.6.
- (4) *Removal of specimen trees.* If relocation of the specimen tree is not feasible, due to the size, health, location, species or any other factor, then a permit may be issued for removal, and tree replacement shall be required.
- (5) *Replacement requirements for specimen trees.* As a condition of the issuance of a tree removal permit for the removal of a specimen tree, tree replacement requirements shall be twice those specified in Section 24-49.4(2)(c). In the event that replacement is not feasible on-site, then alternative off-site replacement shall be required, or, as a last alternative, there shall be a contribution to the Miami-Dade County Tree Trust Fund for the full value of the replacement trees. Notwithstanding the above, there shall also be an equitable contribution to the Miami-Dade County Tree Trust Fund for the irreplaceable loss of the aesthetic and environmental contributions of the specimen tree(s), according to the contribution schedule established by the Board of County Commissioners, pursuant to Section 24-49.9.
- (6) *Exemptions from specimen tree replacement requirements.* An applicant may be exempt from the replacement requirements of Section 24-49.2(II)(5), but subject to the tree replacement requirements in Section 24-49.4(2)(c), under the following circumstances:
  - (a) Upon submittal of a statement from a landscape architect registered in the State of Florida which indicates that a specimen tree, due to disease, condition, growth habit or any other reasonable botanical factor, does not provide the aesthetic or environmental contribution associated with a specimen tree. Said statement shall

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include the specific reason(s) for the claimed exemption from the provisions of Section 24.49.4(2).

- (b) When preservation of the specimen tree would cause a foreseeable risk to property.
- (c) When a site contains more than one (1) specimen tree, and fifty (50) percent or more of the existing specimen trees and at least fifty (50) percent of the existing specimen tree canopy area is preserved.

### Sec. 24-49.3. - Preliminary review of projects involving tree removal or relocation.

The Department shall review and comment on the following actions: Any application for zoning relief which requires a public hearing before the Miami-Dade County Community Zoning Appeals Board or the Board of County Commissioners; applications for plat approval; administrative site plan review; applications for approval of development plans by the developmental impact committee and the South Florida Regional Planning Council; proposed plans for new roadways or improvements to highway design projects; proposed plans for new public park and recreational areas and other public facilities. This review procedure shall determine if a tree removal permit is required under Section 24-49, and whether the following standards, when applicable, are adhered to:

- (1) Any proposed action that does not involve specimen trees or development in a natural forest community shall be subject to the replacement standards in Section 24-49.4.
- (2) Development within natural forest communities or involving specimen trees:
  - (a) If it is determined that the proposed development site is within a natural forest community or involves removal of a specimen tree, the standards set forth in Section 24-49.2 shall apply. Proposed site actions that are not in accordance with said standards shall receive a recommendation of denial from the Department.
  - (b) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action requiring a public hearing before the Miami-Dade County Community Zoning Appeals Board or the Board of County Commissioners for any land use involving division of property into parcels less than five (5) acres within natural forest communities without obtaining the prior written recommendation of the Director or the Director's designee. The Director or the Director's designee shall issue his written recommendation of approval only if the Director or the Director's designee determines that a preservation area equivalent in size to the minimum preservation area required for the site under Section 24-49.2(1) has been designated prior to the proposed action.

### Sec. 24-49.4. - Replacement requirements for tree removal.

- (1) *Tree replacement requirements.* As a condition of the issuance of a tree removal permit, the permittee shall be required to replace trees that are authorized to be removed under the provisions of this section. The number of trees and number of species of trees required for replacement shall be determined according to the procedures contained herein. When the replacement canopy area exceeds ten thousand (10,000) square feet, replacement shall be described in a landscape replacement plan which shall meet the minimum requirements of Section 24-49.4(3), and no tree removal permit shall be issued until said plan has been approved by the Department, except as provided in Section 24-49.4(4).
  - (a) The following are exempt from this section:
    - (i) All tree removal activities included in Section 24-49(4).
    - (ii) All tree removal permits affecting natural forest community sites which meet the specific preservation requirements of Section 24-49.2(1)(a) and (b).

## MIAMI-DADE-Tree Regulations (used by KEY BISCAYNE)

- (iii) Trees which have been successfully relocated, pursuant to Section 24-49.6.
  - (b) Natural forest community replacement requirements.
    - (i) Pursuant to Section 24-49.2(I)(1)(c)., tree and understory replacement for pineland natural forest communities shall include the following:
      - 1. All species proposed for replanting shall be native to Miami-Dade County's pinelands.
      - 2. For each additional one-half ( $\frac{1}{2}$ ) acre which is permitted to be cleared, fifty (50) replacement pine trees (*Pinus elliotti* var. *densa*) shall be provided. Said pine trees shall meet the standards in either Section 24-49.4(4)(a)(i) or (ii); if the pine trees meet the standards of Section 24-49.4(4)(a)(i), then six hundred twenty-six (626) pineland understory and ground cover plants which meet the standards of Section 24-49.4(4)(a)(ii) shall be provided; if the pine trees meet the standards of Section 24-49.4(4)(a)(ii), then six hundred seventy-six (676) pineland understory and ground cover plants which meet the standards of Section 24-49.4(4)(a)(ii) shall be provided. The number of replacement plants for areas which are less than one-half ( $\frac{1}{2}$ ) acre shall be determined on a prorated basis.
      - 3. The diversity of understory and ground cover species provided shall be maximized to the greatest extent possible based on availability of materials.
      - 4. An eighty (80) percent survival rate after one (1) year shall be guaranteed for all pineland natural forest community replacement plantings.
    - (ii) As an alternative to Section 24-49.4(1)(b)(i) above, a monetary contribution, equal to the cost of the replacement plants, labor costs for installation, and survival rate guarantee costs, may be made to the Miami-Dade County Tree Trust Fund. Said funds shall be utilized by the County to reestablish pineland on County-owned property or to purchase pinelands for preservation purposes.
    - (iii) All other applications for the removal of trees or understory within natural forest communities which meet the requirements of Section 24-49.2(I)(1)(a) and (b) or Section 24-49.2(I)(2) shall not require any tree or understory replacement.
  - (c) Specimen tree replacement requirements. As required in Section 24-49.2(II)(5), the replacement requirements for the removal of a specimen tree shall be twice those specified in this section, except as noted in Section 24-49.2(II)(6).
- (2) *Procedures for determining tree replacement requirements.* The Department shall determine the total number of replacement trees required for the issuance of a tree removal permit according to the following procedural steps:
- (a) *Step 1: Determining existing tree canopy coverage on-site.* The area of existing tree canopy coverage of a site shall be determined by the Department, using one (1) or any combination of the following methods: Review of aerial photography; on-site inspection; and review of a tree survey. The Department may require the applicant to submit a tree survey for the purpose of this determination.
  - (b) *Step 2: Determining impact area of proposed project.* The area of existing canopy coverage which will be affected (impact area) by the applicant's proposed development shall be determined by the Department. This determination shall be based on a site plan and completed tree removal permit application form submitted to the Department by the applicant.
  - (c) *Step 3: Determining number of replacement trees required to be planted.* The total number of trees required for replacement shall be based on the area of impact and the category of replacement tree selected by the applicant. Each replacement tree shall compensate for a portion of the tree canopy lost in the impact area. The following table shall be used as a standard for determining the required number of replacement trees:

Category	Portion of Impact Area that each
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### MIAMI-DADE-Tree Regulations (used by KEY BISLAYNE)

Replacement Tree:	replacement tree compensates for in square feet:
Shade Tree 1	500
Shade Tree 2	300
Palm Tree 1	300
Palm Tree 2	100
Small Tree	200

Any combination of shade trees, palm trees, or small trees shall be acceptable replacement, provided the total number of trees from all replacement categories compensate for the lost canopy. In the event that a replacement tree actually has more canopy coverage at the time of planting than the amount of credit allowed under the tree replacement formula above, then the applicant shall receive full credit for the canopy coverage provided by the replacement tree at the time of planting. The applicant shall submit a list of proposed replacement trees on a form provided by the Department, except when the total number of replacement trees exceeds twenty (20), and then the applicant shall be required to submit a landscape replacement plan consistent with the provisions of Section 24-49.4(3). Proposed replacement lists or plans are subject to Departmental approval. The Department shall approve proposed replacement trees that are consistent with the standards of Section 24-49.4(3).

- (d) *Step 4: Location of replacement trees.* Specific placement of replacement trees on-site shall be determined by the applicant. If the site cannot accommodate the required replacement trees because of insufficient planting area as determined by the Department, then the applicant shall be required to plant replacement trees at an off-site location subject to Departmental approval, or, as a last alternative, shall provide an equitable contribution to the Miami-Dade County Tree Trust Fund to compensate for those replacement trees which cannot be accommodated on site. The amount of the contribution shall be determined according to the provisions of Section 24-49.8. If any applicant is in doubt as to whether a particular site can sufficiently accommodate the required number and species of replacement trees as initially determined by the Department, then the applicant shall submit a statement prepared by a landscape architect registered in the State of Florida, indicating whether, in his professional opinion, the site can accommodate the required number of trees and species. Upon receipt of said statement, the Department shall reevaluate its initial determination and provide the applicant with a revised determination of requirements. In the event that the landscape architect is in agreement with the Department's determination of available planting space, however, due to design considerations, the applicant would elect to propose an alternative landscape enhancement plan or an equitable contribution to the Miami-Dade County Tree Trust Fund, then the provisions of Section 24-49.4(4) or 24-49.2(II)(5), respectively, shall apply.
- (e) *Step 5: Minimum species diversity standards.* When more than ten (10) trees are required to be planted in accordance with the provisions of this section, a diversity of species shall be required. The number of species to be planted shall be based on the overall number of trees required. The applicant shall be required to meet the following minimum diversity standards:

<i>Required Number of Trees</i>	<i>Minimum Number Species of</i>
11—20	2
21—50	4

# **MIAMI-DADE-Tree Regulations (used by KEY BISCAYNE)**

51 or more	6
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Permittees shall not be required to plant in excess of six (6) species. The number of trees of each species planted shall be proportional to the number of species required. A minimum of fifty (50) percent of all replacement trees planted shall be native to Miami-Dade County, and no more than thirty (30) percent of the replacement trees shall be palms. However, when native trees are removed, all replacement trees shall be native species. As an alternative to the minimum species diversity required herein, an applicant may propose an alternative species diversity in an alternative landscape enhancement plan described in Section 24-49.4(4).

(f) *Step 6: Minimum standards for replacement trees.*

- (i) All replacement trees shall have a minimum quality of a Florida No. 1 grade or better.
- (ii) The Department shall maintain a list of species for each category of replacement tree. This list may be amended from time to time, as necessary. Replacement tree heights shall be determined by overall height measured from where the tree meets the ground to the top-most branch.
  - 1. All category 1 replacement shade trees shall be a minimum of twelve (12) feet in height at the time of planting and at maturity should have a canopy coverage of five hundred (500) square feet under normal growing conditions.
  - 2. All category 2 replacement shade trees shall be a minimum of eight (8) feet in height at the time of planting and at maturity should have a canopy coverage of three hundred (300) square feet under normal growing conditions.
  - 3. All category 1 replacement palm trees shall have a minimum height of ten (10) feet at the time of planting and at maturity should have a canopy coverage of three hundred (300) square feet under normal growing conditions.
  - 4. All category 2 replacement palm trees shall have a minimum height of three (3) feet at the time of planting and at maturity should have a canopy coverage of one hundred (100) square feet under normal growing conditions.
  - 5. All replacement small trees shall have a minimum height of six (6) feet at the time of planting and at maturity should have a canopy coverage of two hundred (200) square feet under normal growing conditions.

(3) *Requirements for a landscape replacement plan.* Except as provided in Section 24-49.4(4), a landscape replacement plan shall be submitted to the Department by the permit applicant when a minimum of ten thousand (10,000) square feet of replacement canopy is required under the provisions of Section 24-49.4(2). All landscape replacement plans shall meet the following minimum standards:

- (a) The number of trees, number of species of trees, and size of trees proposed for planting shall be consistent with Section 24-49.4(2).
- (b) The applicant shall submit a site plan that includes the proposed replacement locations of all replacement plantings and tree relocations, all property lines, and all proposed and existing structures, driveways and utility easements.
- (c) The canopy spread of any tree that is proposed for preservation shall be shown on the plan. Where a portion of the canopy of a tree or trees shall be removed without removal of the trees, a notation shall be made on the plan.

(4) *Alternatives to the provisions of Sections 24-49.4(2) and 24-49.4(3).* Instead of replacing all affected trees pursuant to the provisions of Sections 24-49.4(2) and 24-49.4(3), an applicant may propose to relocate existing trees or propose a unique project design which provides reasonable assurance that the project complies with the intent to maintain tree canopy.

## MIAMI-DADE-Tree Regulations (used by KEY BISCAINE)

- (a) Generally, as an exception to the requirements of Section 24-49.4(2), and in order to provide for development of exceptional or unique landscape designs which cannot meet the express terms of Section 24-49.4(2), an applicant may submit an alternative landscape enhancement plan. As an alternative to the requirements in Section 24-49.4(2)(c), tree replacement credit may be granted for planting shrubs or ground covers, based upon the following table, provided, however, that a minimum of fifty (50) percent of the required canopy replacement is achieved by using shade trees and palm trees as required by Section 24-49.4(2)(c).

<i>Category of Tree Alternative Shrub or Ground Cover:</i>	<i>Portion of Impact Area that Each Tree Alternative Shrub, or Ground Cover Compensates for in Square Feet:</i>
Shrub 1 (including small palms)	60
Shrub 2/Ground Cover	30

- (i) All category 1 tree alternative shrubs shall be a minimum of two (2) feet in height at the time of planting and at maturity should have a canopy coverage of sixty (60) square feet under normal growing conditions.
  - (ii) All category 2 tree alternative shrubs or ground covers shall have a root system sufficient to sustain growth and at maturity should have a canopy coverage of ten (10) to twenty (20) square feet under normal growing conditions.
- (b) The applicant shall have the burden of demonstrating that a design meets the intent of this article. At a minimum, an alternative landscaping enhancement plan shall include, without limitation:
- (i) A statement, prepared by a landscape architect registered in the State of Florida, which indicates that the intent of this article can be effectively met through the submission of the alternative design; and
  - (ii) A site plan, prepared by a landscape architect registered in the State of Florida, that includes the proposed location, scientific name or description of all vegetation to be preserved or planted, all property lines, and all proposed or existing structures, driveways and utility easements; and
  - (iii) A tabulation that identifies any deviations from the requirements of Section 24-49.4(2) and explicitly provides tree replacement alternatives.
- (c) The Department shall approve an alternative landscape enhancement plan when:
- (i) The design preserves and incorporates existing vegetation; and
  - (ii) The design exceeds the minimum requirements or equivalent of Section 24-49.4(2).
- (d) Preservation credit for relocated trees. Permittees who successfully relocate trees shall receive full credit for the relocated trees and the tree replacement requirements herein shall not apply to such relocated trees. All relocated trees shall meet the standards set forth in Section 24-49.6 for tree relocation.

### Sec. 24-49.5. - Tree protection requirements during construction.

- (1) During site development, protection requirements for trees designated for preservation under an approved tree removal permit shall include, but not be limited to, the following:
- (a) Protective barriers shall be placed around each tree, cluster of trees, or the edge of the preservation area no less than six (6) feet (in radius) from the trunk of any protected tree,

## MIAMI-DADE-Tree Regulations (used by KEY BISLAYNE)

cluster of trees, or preservation area unless a lesser distance is specified by the Department. Protective barriers shall be a minimum of four (4) feet above ground level and shall be constructed of wood, plastic or metal, and shall remain in place until development is completed and the Department has authorized their removal. Protective barriers shall be in place prior to the start of any construction.

- (b) Understory plants within protective barriers shall be protected.
  - (c) No excess oil, fill, equipment, building materials or building debris shall be placed within the areas surrounded by protective barriers, nor shall there be disposal of any waste material such as paints, oils, solvents, asphalt, concrete, mortar or any other material harmful to trees or understory plants within the areas surrounded by protective barriers.
  - (d) Trees shall not be braced in such a fashion as to scar, penetrate, perforate or otherwise inflict damage to the tree.
  - (e) Natural grade shall be maintained within protective barriers. In the event that the natural grade of the site is changed as a result of site development such that the safety of the tree may be endangered, tree wells or retaining walls are required.
  - (f) Underground utility lines shall be placed outside the areas surrounded by protective barriers. If said placement is not possible, disturbance shall be minimized by using techniques such as tunneling or overhead utility lines.
  - (g) Fences and walls shall be constructed to avoid disturbance to any protected tree. Post holes and trenches located close to trees shall be dug by hand and adjusted as necessary, using techniques such as discontinuous footings, to avoid damage to major roots.
- (2) Exceptions to the provisions of Section 24-49.5(1). Exceptions to the requirements of Section 24-49.5(1) shall be approved only when the permittee receives specific written authorization from the Director or the Director's designee. The Director or the Director's designee shall not issue written approval unless the Director or the Director's designee determines that the affected tree(s) can be adequately protected without meeting the requirements of Section 24-49.5(1), or due to exceptional circumstances it is not practical or reasonable to meet the requirements of Section 24-49.5(1).
- (3) If the requirements of Section 24-49.5(1)(a) through (g) are not adhered to by the permittee and the trees are effectively destroyed, then all such trees shall be replaced according to the standards of Section 24-49.4(2), in addition to being subject to the penalty provisions of Sections 24-29, 24-30 and 24-31 of the Code of Miami-Dade County.

### Sec. 24-49.6. - Tree relocation standards.

The relocation of any tree that is subject to the provisions of this article shall be consistent with the following minimum standards:

- (1) Trees other than palms:
  - (a) Tree roots shall be severed in such a manner as to provide a root ball which is sufficient to ensure survival of the tree when relocated. A sufficiently-sized planting hole shall be provided at the relocation site to ensure successful regrowth.
  - (b) After root severing, adequate time shall be allowed prior to replanting to ensure survival of the tree(s). After root severing and prior to relocation, tree(s) shall be watered a minimum of twice weekly. After relocation, tree(s) shall be watered a minimum of twice weekly until the tree(s) are established.
  - (c) During removal and transportation of the tree, the root ball and vegetative portions of the tree shall be protected from damage from wind or injury.
  - (d) Any tree that dies or becomes nonviable within one (1) year of relocation shall be replaced according to the standards set forth in Section 24-49.4(2).
- (2) Palms:

## **MIAMI-DADE-Tree Regulations (used by KEY BISLAYNE)**

- (a) A ball of earth at least one (1) foot from the base of the tree shall be moved with the tree.
- (b) Fronds shall be securely tied around the bud prior to relocation and shall remain securely tied around the bud during the entire relocation process and for a minimum of one (1) week after relocation.
- (c) The bud shall be protected from damage or injury during relocation.
- (d) Any palm that dies or becomes nonviable within one (1) year of relocation shall be replaced according to the standards set forth in Section 24-49.4(2).

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

Sec. 24-49.7. - Permit issuance, confirmation of natural forest community maps, existing permits, approvals and consent agreements.

- (1) The Department shall deny an application, or approve an application and issue a permit (subject to conditions, limitations or restrictions), for the activity proposed under the permit application, provided:
  - (a) The required application fee and permit fee is submitted to Miami-Dade County.
  - (b) A performance bond, if required, has been posted. As a condition of issuing a tree removal permit, the Department may require the posting of a performance bond to guarantee compliance with all other conditions, limitations, and restrictions of the tree removal permit (the permitted activity), including, without limitation, planting of all required replacement trees. The bond shall be equivalent to one hundred (100) percent of the estimated cost of the permitted activity and may be in the form of a letter of credit, surety, cash, or certificate of deposit. All performance bonds shall remain in force for a minimum of either one (1) year after the actual completion date of the permitted activity (to ensure that any replanted trees which perish are replaced), or until viability of all replanted trees has been achieved, whichever occurs last. However, at the discretion of the Director or the Director's designee, performance bonds may be partially released in phases based upon partial completion of planting or other permit requirements.
  - (c) All required plans or covenants are submitted and are in compliance with the standards herein.
- (2) All permits shall clearly specify all conditions, limitations and restrictions required by the Department. The permit applicant shall acknowledge that the permit applicant fully understands and agrees to comply with all of said conditions, limitations or restrictions by signing the permit prior to its issuance.
- (3) All tree removal permit applications which remain incomplete for a period of one hundred twenty (120) days shall be denied. A new tree removal permit application shall be required for all work previously proposed under a permit application which has been denied.
- (4) The natural forest community maps approved by the Board of County Commissioners on December 12, 1984, by Resolution No. 1764-84, all tree removal permits issued pursuant to Chapter 26B, Department approvals, and all consent agreements executed in order to resolve alleged violations of Chapter 26B of the Code of Miami-Dade County, Florida, are hereby confirmed and shall remain in full force and effect, and all conditions, restrictions and limitations contained therein shall continue to apply, and compliance therewith shall be enforceable pursuant to the provisions of this chapter.

(Ord. No. 04-214, §§ 1, 5, 12-2-04; Ord. No. 08-55, § 2, 5-6-08)

Sec. 24-49.8. - Permit fees; schedule.

The Department shall charge and collect application and permit fees and trust fund contributions at the rates established by separate administrative order which shall not become effective until approved by

## MIAMI-DADE-Tree Regulations (used by KEY BISLAYNE)

the Board of County Commissioners. Applications from government agencies for tree removals in areas dedicated to public use may, in the discretion of the Director, be exempted from application fees and permit.

(Ord. No. 04-214, §§ 1, 5, 12-2-04; Ord. No. 08-55, § 2, 5-6-08)

Sec. 24-49.9. - Prohibited plant species and controlled plant species.

- (1) Controlled plant species listed in the Miami-Dade County Landscape Manual on the effective date of this ordinance shall not be planted within 500 feet of native plant communities as defined pursuant to Section 18-3, Code of Miami-Dade County, Florida. Additionally, the following exotic pest plant and nuisance species, with scientific nomenclature as set forth in Wunderlin, Richard P. and Hansen, Bruce F., Guide to the Vascular Plants of Florida, 2nd Ed. University of Florida Press, Gainesville, FL. (2003), a copy of which shall be maintained by the Director or Director's designee and available for review by the public, may not be sold, propagated or planted anywhere in Miami-Dade County. If present on a development or redevelopment site, they shall be removed prior to development or redevelopment, and their sale, propagation, planting, importation or transportation shall be prohibited. Pursuant to this subsection and in accordance with Chapter 19 of the Code of Miami-Dade County, Florida, developed sites shall be maintained to prevent the growth or accumulation of prohibited species including grass, weeds and non-native undergrowth.

*Abrus precatorius* (Rosary pea)

*Acacia auriculiformis* (Earleaf acacia)

*Adenanthera pavonina* (Red beadtrees, red sandalwood)

*Albizia lebeck* (Woman's tongue, lebeck tree, siris tree)

*Antigonon leptopus* (Coral vine, queen's jewels)

*Ardisia crenata* (Scratchthroat, coral ardisia)

*Ardisia elliptica* (Shoebutton, shoebutton ardisia)

*Bischofia javanica* (Javanese bishopwood, bishopwood, bischofia, toog)

*Casuarina* spp. (Australian pine, sheoak, beefwood)

*Cestrum diurnum* (Dayflowering jessamine, day blooming jasmine, day jessamine)

*Cinnamomum camphora* (Camphortree, camphor tree)

*Colubrina asiatica* (Asian nakedwood, leatherleaf, latherleaf)

*Cupaniopsis anacardioides* (Carrotwood)

*Dalbergia sissoo* (Indian rosewood, sissoo)

*Dioscorea alata* (White yam, winged yam)

*Dioscorea bulbifera* (Air potato, bitter yam, potato vine)

*Eichhornia crassipes* (Common water-hyacinth, water-hyacinth)

*Ficus altissima* (Council tree, lofty fig, banyan tree, false banyan)

*Ficus benghalensis* (Banyan tree, banyan fig, Indian banyan, East Indian fig tree, Bengal fig)

## MIAMI-DADE-Tree Regulations (used by KEY BISCAYNE)

*Ficus microcarpa* (Indian laurel, laurel fig, Malay banyan, Chinese banyan, glossy leaf banyan)\*  
*Flacourtia indica* (Governor's plum, Madagascar plum, batoko plum, ramonchi)  
*Hydrilla verticillata* (Water thyme, hydrilla)  
*Hygrophila polysperma* (Indian swampweed, green hygro)  
*Hymenachne amplexicaulis* (Trompetilla, West Indian marsh grass)  
*Imperata cylindrica* (Cogongrass)  
*Ipomoea aquatica* (Water-spinach)  
*Jasminum dichotomum* (Gold Coast jasmine)  
*Jasminum fluminense* (Brazilian jasmine, jazmin de trapo)  
*Leucaena leucocephala* (White leadtree, lead tree, jumbie bean, tan-tan)  
*Ludwigia peruviana* (Peruvian primrosewillow)  
*Lygodium spp.* except *L. palmatum* (Climbing fern, e.g. Old World climbing fern, Japanese climbing fern)  
*Macfadyena unguis-cati* (Catclaw vine)  
*Melaleuca quinquenervia* (Punk tree, melaleuca, cajeput, paperbark tree, tea tree, swamp tea tree)  
*Melia azedarach* (Chinaberrytree, Chinaberry)  
*Merremia tuberosa* (yellow morning-glory, woodrose, Hawaiian woodrose)  
*Mikania micrantha* (Mile-a-minute, bittervine)  
*Mimosa pigra* (Black mimosa, Catclaw mimosa)  
*Neyraudia reynaudiana* (Burmareed, silkreed)  
*Paederia spp.* (Sewervine, skunkvine, onion vine)  
*Panicum repens* (Torpedograss)  
*Pennisetum purpureum* (Elephantgrass, Napiergrass)  
*Pistia stratiotes* (Water lettuce)  
*Pueraria montana* var. *lobata* (Kudzu)  
*Rhodomyrtus tomentosa* (Rose myrtle, Downy rose-myrtle)  
*Rhynchelytrum repens* (Rose natalgrass, Natal grass)  
*Ricinus communis* (Castorbean, castor oil plant, palma christi, wonder tree)  
*Sapium sebiferum* (Popcornrtree, Chinese tallowtree)  
*Scaevola taccada* (Beach naupaka, scaevola, half-flower)  
*Schefflera actinophylla* (Australian umbrella tree, octopus tree, Queensland umbrella tree)

## MIAMI-DADE-Tree Regulations (used by KEY BISCAYNE)

*Schinus terebinthifolius* (Brazilian pepper, Christmas berry tree, Florida holly)

*Senna pendula* var. *glabrata* (Valamuerto, Climbing cassia, Christmas cassia, Christmas senna)

*Solanum tampicense* (Aquatic soda apple, wetland nightshade)

*Solanum viarum* (Tropical soda apple)

*Talipariti tiliaceum* (Mahoe, sea hibiscus, yellow mahoe)

*Tectaria incisa* (Incised halberd fern)

*Thespesia populnea* (Portia tree, seaside mahoe, cork tree, false rosewood)

*Tribulus cistoides* (Puncture vine, burrnut, Jamaican feverplant, billy-goat weed, large yellow caltrop)

*Urochloa mutica* (Paragrass)

\* *Ficus microcarpa* may be propagated for export outside of the State of Florida.

(2) Definitions for Section 24-49.9(1), Sections 24-49.9(3)(a), 3(b), and 3(c):

- (a) *Importation* shall mean the conveyance by any means of plants into Miami-Dade County.
- (b) *Planting* shall mean the placing on or setting into the ground of live plant material.
- (c) *Propagation* shall mean the physical act of causing plants to multiply by any process of reproduction from plant stock.
- (d) *Sale* shall mean the act of transferring or conveying plants to a purchaser for consideration.
- (e) *Transportation* shall mean the act of carrying or conveying plants from one (1) place to another for the purpose of sale, planting, importation or propagation.

(3) Variances.

- (a) A variance by the Director from the requirements or prohibitions of this section may be requested, subject to the conditions justifying variance approval outlined below in Section 24-49.9(3)(b). Said variance request shall be made in writing to the Director and shall include the following information:
  - (i) Name and address of the person or persons requesting the variance.
  - (ii) Location of the property for which the variance is requested.
  - (iii) A sketch or drawing indicating the location within the subject property where the planting or field propagation of the otherwise prohibited plant species will occur. (Container propagation shall be exempt from said sketch or drawing requirements.)
  - (iv) The reason or reasons for requesting the variance.
- (b) The Director may, in the Director's discretion, issue a variance from the provisions of this subsection based upon the following factors:
  - (i) Proximity of the subject planting or propagation to any environmentally sensitive areas (e.g., wetlands, hammocks, pinelands, dunes).
  - (ii) Lack of appropriate alternative plant species to fulfill the same purpose or purposes for planting.
  - (iii) The designation of a tree as a Historic Tree by the local Historic Preservation Board.
  - (iv) Compensatory actions proposed to offset impacts for any adverse environmental impact or cumulative adverse environmental impact which may result from granting the variance.



**MIAMI-DADE-Tree Regulations (used by KEY BISCAVNE)**

- (c) The Director shall issue or deny a variance request within thirty (30) days of receipt of the variance request, provided the required information described in Section 24-49.9(3)(a)(i) through (iv) above has been submitted.

(Ord. No. 04-214, §§ 1, 5, 12-2-04; Ord. No. 08-55, § 2, 5-6-08; Ord. No. 13-24, § 3, 3-5-13)

Chapter 154 – LANDSCAPE AND LAND CLEARING CODE: Landscaping; Tree protection and preservation; Land clearing; Wall plan appendix;  
Suggested tree list appendix

PROGRAM ELEMENTS	NOTES
1. <b>Strictness/ Flexibility</b> shall vs. should, etc	32 shall; 3 should Preservation is not required on single-family platted lots as long as the minimum landscape requirements are met.
2. <b>Fees</b> – What permits/ reviews are needed? How much \$?	<b>Appendix A Fee Schedule.</b> Tree Removal Permit - \$35, Tree Preservation Mitigation - \$200/inch DBH of required mitigation, Landscape Modification Variance - \$710, Amendment to Approved Landscape or Street Tree Planting Plan - \$515, Land Clearing Plan Review- \$360 + \$40/acre.
3. <b>Enforcement/ Violations/ Penalties/ Fines</b>	<b>Sec. 154.27.</b> Removal of protected trees without a permit – 3x the number of replacement trees and 2x the application fee; Land clear without permit – fee into tree preservation fund or mitigation at a 4:1 ratio, where having a buffer is vital to public interest P&Z can require replanting.  The city has a Special Magistrate who conducts a code compliance violation hearing and assesses the fines. It would be \$25 per violation per day with a maximum of \$100 per day.
4. <b>Incentives</b> – anything that encourages preservation?	<b>Sec. 154-16(F)</b> In the Intent section, “It is the intent of this article to provide for and <u>encourage</u> the preservation of existing tree canopy and other vegetation, wherever practicable, during any land clearing or development within the City.” <i>Parking Space Reduction to Protect Existing Trees:</i> “reduces required parking by 10% to the extent that the reduction in the amount of required pavement will preserve existing healthy trees.”  <b>Sec. 154-16(G).</b> <i>Building Setback Reduction to Protect Existing Trees:</i> Can obtain up to a 10 ft reduction in rear or front setback when this would protect an existing tree at least 12 in in diameter measured 4.5 feet above the ground. This reduction cannot go beyond the minimum necessary to protect the trees and not be detrimental to the character of the surrounding area.
5. <b>Mitigation</b> for legal tree removal – Onsite? Offsite? Tree fund?	<b>Sec. 154.16.</b> Any tree removal permit requires a mitigation plan. Replacement trees are at a 1:1 inch DBH ratio. Trees preserved or relocated onsite count as equivalent, trees planted onsite count as ½ credit. If onsite mitigation isn’t possible, applicant will pay into Tree Fund a fee established by City Council. Inspection required 12 months after DO to ensure vegetation is still alive.
6. <b>Landscaping</b> – Is this handled separately?	<b>Sec. 154.03.</b> Tree Preservation is a section within the Landscape and Land Clearing Code but has different restrictions. Landscaping is Article I of Chapter 154, with the landscaping design standards in Sec. 154.03. Trees on single family platted lots are handled within Landscaping rather than Tree Preservation. There is a table requiring a certain number of trees based on lot size, a 10,000 sq. ft. lot requires 4 trees. These can be preserved or replanted. For townhouse and Planned Unit Developments, trees must be a minimum of 12 feet in height when planted with a 5 ft crown spread and caliper of 2.5 inches.
7. <b>Significant Trees</b> (heritage, grand, etc) – Size threshold? How are they protected?	<b>Sec. 154.14(A).</b> Use the term “protected tree” which includes any tree with DBH of 12 inches of greater, any replacement tree, and any tree that is represented in a landscape plan, a street tree planting plan, or used to secure a building permit, clearing permit, or CO. A tree removal permit is required for all protected trees. A tree removal permit will not be issued for a protected tree unless it meets one of the following: it is located within a net buildable area of a given site, its located within a ROW, its located within an easement or stormwater management tract, it could create a safety hazard, it interferes with utilities, it is diseased/injured/could fall, or it unreasonably prevents development of a parcel. A land clearing permit will not be issued for property with protected trees until a mitigation plan has been approved.
8. <b>Street Trees</b> – anything special?	<b>Sec. 154.11.</b> References made to a “street tree planting plan” but no standards or requirements listed for street trees.
9. <b>Native Trees/ Vegetation</b> – Are they required? Encouraged?	<b>Sec. 154.04(B).</b> Extra consideration is given to plans which preserve native vegetation and drought-tolerant plantings. 15-ft native vegetation buffer required for SF lots along the North Fork of the St. Lucie River. Replantings should be the same or similar to the native upland species found in the vicinity. Per landscape requirements, at least 50% of required trees must be native. There is a Florida Friendly section that advocates for native plants.
10. <b>Wildlife Habitat</b> – Is this specifically addressed?	<b>Sec. 154.01.</b> Trees in reference to wildlife is only briefly mentioned in the Purpose and Intent section.
11. <b>Tree List</b> – what types of trees are included? Mostly native? Florida-friendly?	<b>Appendix C</b> is the “City of Port St. Lucie Suggested Tree List”. Mix of native and nonnative trees included and indicates if they’re drought tolerant.
12. <b>Palms</b> – How are these handled?	<b>Sec. 154.03(A)(1).</b> Minimum for landscape standards: Palms must have a minimum clear trunk height of 10 ft. except certain types have 6ft. and no more than 25% can be palms (Building Façade landscape strip is exempt from this). For townhouse and PUDs, no more than 50% of required trees can be palms.
13. <b>Pruning</b> – are there standards for this?	<b>Sec. 154.05(F).</b> No specific standards; just states trees shall be allowed to grow to their normal height and can’t be pruned to maintain growth at a reduced height. These restrictions don’t apply to trees under power lines.
14. <b>Survivability</b> – Is this a program component?	<b>Sec. 154.03(H)(3).</b> Mentioned in context of choice of "Florida-friendly" and xeriscape plants materials, irrigation. These have a higher chance of surviving.
15. <b>Tree Fund</b> – Is there one? If so, what goes into it, and how is it used?	<b>Sec. 154.16. - Tree protection and mitigation. (E)</b> Yes, if a site is not suitable for on-site mitigation or does not have the capacity to hold the required mitigation, the applicant will contribute a fee decided by the City Council by resolution into the Fund. To be used to enhance tree canopy coverage. Specifically, for the acquisition, maintenance, and planting of trees on public lands. May also cover relocation of trees to public lands and periodic giveaway of saplings to the public.
16. <b>Single-family lots</b> – What is exempted? Not exempted?	<b>Sec. 154.03(A).</b> Single family platted lots are exempt from preservation requirements as long as the minimum landscape requirements are met and maintained (minimum for 10,000 sq. ft. lot is 4 trees). Requires specific number of trees based on lot size and these can be preserved or replanted.
17. <b>Commercial/ Industrial</b> – Anything different or special?	<b>Sec. 154.03(C).</b> General Landscape Requirements are for all commercial, multi-family, industrial, institutional, and planned unit development areas. Includes Site Perimeter, Building Façade, and Vehicular Use Area landscape requirements. Minimum 10 ft landscape strip at perimeter adjacent to ROW and abutting properties which shall contain 1 tree for each 30 linear feet, a continuous hedge, and 1 shrub each 2 linear feet and at least 24-inch high at time of planting. Additional 5-foot building façade landscape strip required for general commercial uses but not industrial. 10-foot landscape strip required at perimeter of off-street parking areas with same requirements as site perimeter strip. Landscape islands also required with at least one shade tree each. A landscape buffer strip is required where commercial or industrial abuts open space or residential. These require a 6 ft. wall with a 14 ft tree every 30 feet and buffer width depends on parcel size. Trees must have a 12 feet minimum height when planted with minimum 2.5-inch caliper.

PORT ST LUCIE (St. Lucie County) TREE REGULATIONS	
18. <b>Trees allowed in easements or R-O-W?</b> Any mention of PW maintenance?	<b>Sec. 154.03. - Landscape design standards (I)(5) Drainage Easement Landscaping.</b> Landscaping may encroach a maximum of ten (10) feet into a twenty (20) foot drainage easement, provided that: <ol style="list-style-type: none"> <li>1) The applicant demonstrates that the site development requirements constrain the site; and</li> <li>2) The presence of the landscaping does not impede access, maintenance activities, or interfere with the operation of the City's drainage infrastructure as determined by the City Engineer; and</li> <li>3) The owner completes a Revocable Encroachment Permit.</li> </ol> <p>b. Landscaping located in a drainage easement will require the owner to complete a Revocable Encroachment Permit. This permit shall be requested during the site plan review process and completed prior to issuance of the engineering permit for site work. The permit allows the placement of the wall and landscaping within the easement; however, if needed, the City will be allowed access to the easement for access, maintenance, making improvements to the drainage system, or installing new drainage facilities. In the event that the landscape buffer impedes the City's access, the owner will be responsible for the cost to remove and replace the wall and/or landscaping upon completion of the drainage work by the City.</p>
19. <b>Education</b> – Do they spell out anything on this?	No
20. <b>Best Management Practices</b> – Are there any?	<b>Sec. 154.03(I).</b> Yes, with respect to planting near utilities. References FPL’s “Plant the Right Tree in the Right Place” policies. “Trees shall not be planted within 10 feet of any City underground infrastructure.” “No landscaping shall be planted in such a manner as to adversely affect drainage or underground or above ground utility facilities.” With respect to drainage, allows landscaping up to 10 feet within a 20-foot drainage easement with a Revocable Encroachment Permit.
21. <b>Any unique program elements?</b>	Parking incentive to keep existing trees. Sapling giveaways to the public

## PORT ST. LUCIE-Landscape and Land Clearing

### CHAPTER 154. - LANDSCAPE AND LAND CLEARING CODE

#### Sec. 154.01. - Purpose and intent.

- (A) This article is intended to improve and protect the environment and the value and the character of the community and properties by providing for the installation and maintenance of landscaping and the preservation of natural plant growth. The provision for landscaping and the retention of natural plant growth reduces erosion, provides shade, buffers incompatible uses, aids in urban temperature control, and improves the aesthetic quality of a community and properties, thereby promoting the public health, safety, and general welfare. This chapter requires specific water conservation measures including the preservation of native vegetation for landscaping purposes, where applicable, to minimize water use, conserve energy, limit nutrient loading to surface waters, and provide mature vegetation for aesthetics, shade and wildlife habitat. The specific objectives of these regulations are to: preserve and protect existing vegetation, promote water conservation, and encourage greater use of native cold-tolerant and drought-tolerant landscape material.
- (B) The standards established in this chapter are to be considered the minimum requirements and shall apply to all areas of the city. The Site Plan Review Committee, Planning & Zoning Board, and/or the City Council may from time to time require, as a part of site plan approval, more stringent requirements on landscaping for a particular site plan.
- (C) Landscape guidelines which preempt this chapter may be adopted by the City Council for certain areas of the city.
- (D) Administrative amendments to approved Site Plans pursuant to §158.237(K) shall not be required to provide a landscape plan unless the proposed amendment would substantially affect the approved landscape plan.

#### Sec. 154.02. - Definitions.

See Chapter 153.

### ARTICLE I. - LANDSCAPING

#### Sec. 154.03. - Landscape design standards.

The use of landscaping shall be required for all site development as follows:

- (A) **Single-family Residential Landscaping.** Each developed single-family or townhouse lot or parcel shall contain a minimum number of trees selected from Appendix C: City of Port St. Lucie Suggested Tree List, based on lot or parcel size per the following chart. Trees not shown on the suggested tree list may be used provided they meet the minimum requirements and are of the appropriate USDA plant hardiness zone and ecological setting.

Lot Size (square feet)	Number of Trees
Up to 2,500	1
Up to 5,000	2
Up to 7,500	3
Up to 10,000	4
Each additional 2,500 over 10,000	1

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1. For townhouse development and Planned Unit Developments, other sections of this chapter may exceed these requirements.
  2. Trees shall be a minimum of twelve (12) feet overall height when planted with a minimum five foot crown spread. At planting, the trees shall have a caliper of at least 2.5 inches. Existing non-exotic healthy trees may be used to satisfy this requirement. A tree protection barrier (See Appendix D — Tree Protection Barrier Detail) shall be placed around all trees to be preserved prior to any land preparation or construction of structures or other improvements. Larger trees may be used to meet the minimum requirements provided the total caliper requirements are met. For example, one five inch caliper tree may be substituted for two 2.5 inch caliper trees.
  3. No more than fifty (50) percent of the required trees may be palm trees.
  4. The property owner is responsible for maintaining all required landscaping in good health and appearance.
- (B) **Planned Unit Development (PUD)** . PUD development shall have landscaping installed in accordance with the requirements described in §154.03(C) unless a landscape plan is approved for a PUD project, then the PUD landscape plan will be enforced in lieu of the requirements of this chapter.
- (C) **General Landscaping Requirements.** The following landscaping requirements shall apply to all commercial areas, multi-family residential areas, institutional areas, industrial areas, and planned unit developments. The provisions of this section shall not apply to platted single-family homes unless otherwise specifically stated herein. See Section 154.04 for required landscape material standards.
1. **Site Perimeter Landscaping Requirements.** Site perimeter landscaping shall be provided in accordance with the following standards:
    - a. A landscape strip at least ten feet in depth, exclusive of curbing, shall be located adjacent to all rights-of-way and abutting properties, unless indicated otherwise. Landscape strips within an easement shall be in accordance with Section 154.03(E). Necessary access ways through all landscape strips shall be permitted in order to utilize the parking or other vehicular use areas or to access the rear of the landscape strip for maintenance purposes. These accessways may be subtracted from the linear dimension used to determine the number of trees required.
    - b. **Special Areas — Port St. Lucie Boulevard, Prima Vista Boulevard, and St. James Drive.** Properties with a depth in excess of 200 feet having a front or side facing Prima Vista Boulevard, St. James Drive, or Port St. Lucie Boulevard shall provide a landscape strip at least 15 feet in depth.
    - c. One tree shall be provided for each 30 linear feet of right-of-way or abutting property, or fractional part thereof. Trees may be placed in any arrangement within the landscape strip provided that the spacing between tree trunks is no greater than 50 feet. A continuous hedge shall extend the length of the landscape strip. One shrub shall be required for each 2 linear feet and the shrubs shall be at least 24 inches in height at the time of planting. The remainder of the landscape strip shall be planted with grass, ground cover, shrubs, or other landscape treatment, excluding paving.
  2. **Building Façade Landscaping Requirements.** A landscape strip shall be located around the perimeter of a building that is visible to the general public, patrons, or residents, unless noted otherwise. Landscaping shall be designed to be complementary to the building façade. Plantings shall include trees, hedging, and ground cover placed around the buildings excluding paved access areas. Tree species shall be a minimum of eight feet overall height when planted. Requirements for small trees to be planted in clumps of two does not apply to building façade landscaping. Shrubs shall be at least 24 inches in height at the time of planting. Minimum width requirements are as follows:

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Building Façade Landscape Strip Requirements	
Zoning District	Minimum width and planting specifications for required landscape buffer strip
RM, I, PUD CG, CN, CH, P, LMD	5 feet, one tree or palm for every 30 linear feet and one shrub for every two linear feet of the building's perimeter.
IN, WI, CS, U	Not required

- a. Where an arcade is located along the front or sides of a building, the Site Plan Review Committee may modify the requirements for building façade landscaping provided some arrangement of the required landscaping around the building is provided.
  - b. Alternative building façade planting may be permitted (e.g., architectural planters, vegetative walls, etc.) by the Site Plan Review Committee and applied as a credit towards meeting building façade planting requirements if demonstrated and determined that the methodology is of equal benefit and appropriate irrigation is provided.
3. **Vehicular Use Area Requirements.** The following landscaping requirements shall apply within vehicular use areas.
  - a. A landscape strip at least ten (10) feet in depth, exclusive of curbing, shall be provided around the perimeter of an off-street parking area or other vehicular use areas, unless indicated otherwise. This landscape strip shall be located adjacent to the vehicular use area and shall include one tree for each 30 linear feet, or fractional part thereof. A continuous hedge, wall, or other durable landscaping barrier shall be located within this landscape strip. If such a barrier is of non-living material, it shall be a minimum height of three (3) feet and one shrub or vine shall be planted for each five linear feet or fractional part thereof. Such shrubs or vines shall be located along the exterior side of the barrier. If a continuous hedge is used, one shrub shall be required for each 2 linear feet and the shrubs shall be at least 24 inches in height at the time of planting. The remainder of the landscape strip shall be planted with grass, ground cover, shrubs, or other landscape treatment, excluding paving. Necessary access ways through the landscape strip shall be permitted in order to allow access to the rear of the landscape strip for maintenance purposes.
  - b. A landscape strip that is at least five (5) feet in depth, exclusive of curbing, shall be located between a building and a loading space except where access is required. This landscape strip shall be planted with one tree for each 30 linear feet, or fractional part thereof. One shrub shall be required for each two (2) linear feet and the shrubs shall be at least 24 inches in height at the time of planting.
  - c. A landscape strip that is at least five (5) feet in depth, exclusive of curbing, shall be located between a building and a driveway or a sidewalk, unless indicated otherwise. This landscape strip shall be planted with one tree for each 30 linear feet, or fractional part thereof. One shrub shall be required for each two (2) linear feet and the shrubs shall be at least 24 inches in height at the time of planting.
  - d. Landscape strips within an easement shall be in accordance with Section 154.03(E).
    1. **Parking Lot Interior Landscape Islands and Maximum Number of Continuous Parking Spaces.** Parking bays shall have a landscape island located at each end in order to break up excessively long runs of parking spaces. Each landscape island shall have at least one shade tree with the remainder of the island landscaped with ground cover, mulch, shrubs, or other treatment excluding paving.

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- a. Sites greater than two (2) acres shall utilize one of the following two options:
    - i. A landscape island at each end of a parking bay shall be provided that has a minimum width of 15 feet and a minimum total area of 250 square feet, exclusive of curbing. The parking bay shall contain no more than 12 continuous parking spaces nor extend more than 130 linear feet, whichever is more restrictive.
    - ii. A landscape island at each end of a parking bay shall be provided that has a minimum width of 10 feet and a minimum total area of 150 square feet, exclusive of curbing. The parking bay shall contain no more than 8 continuous parking spaces nor extend more than 90 linear feet, whichever is more restrictive. The abutting parking bays shall contain no more than 8 parking spaces nor extend more than 90 linear feet. Otherwise, the landscape island shall be at minimum 15 feet in width as indicated in Option No. 1.
  - b. Sites two (2) acres or less in size. A landscape island at each end of a parking bay shall be provided that has a minimum width of 10 feet and a minimum total area of 150 square feet, exclusive of curbing. The parking bay shall contain no more than 12 continuous parking spaces nor extend more than 130 linear feet, whichever is more restrictive.
  - c. For properties zoned CS, WI, IN, and U, parking lot interior islands are to be provided unless the required shade trees are provided elsewhere on site and depicted on the landscape plan.
  - d. Curbing. All interior landscaping areas shall be curbed to prevent vehicular encroachment. Required curbing shall conform to FDOT type D or F.
  - e. Interior portions of off-street parking facilities that are not specifically designed as parking spaces or maneuvering areas shall not be paved for vehicle use. These areas shall be planted and permanently maintained with trees and shrubs, and finished with ground cover or other landscape material. Mechanical, electrical, or utility equipment (excluding a fire hydrant) are prohibited from being located within a required landscape island.
2. **Landscape Buffer Strip Requirements.** Landscape Buffer Strips are areas where a wall or fence is required in addition to landscaping.
- a. Landscape Buffer Strip Abutting Residential or Open Space Land Uses — Wall Required. A wall is required in a landscape buffer strip where commercial, industrial, institutional, office, or public facility uses abut property to the side or rear which is designated with a residential or open space land use, or which has a residential use such as an assisted living facility. The required wall installation must be completed prior to the issuance of foundation permits for the building. A wall is required in a landscape buffer strip where multi-family development abuts property to the side or rear which is designated with single-family zoning or PUD zoning with single-family uses. See chart below for the minimum depth requirements for landscape buffer strips:

a. Parcel Size	Buffer Depth
Less than 2 acres	10 feet
Greater than 2 acres and less than 5 acres	15 feet*

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Greater than 5 acres	20 feet*
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\* Properties having a depth of 260 feet or less shall have a landscape buffer that is at least 10 feet in depth.

- b. **Landscape Buffer Wall Standards.** Walls shall be designed as architectural walls. When a landscape buffer strip is located adjacent to a right-of-way, the architectural wall shall be set back a minimum of 5 feet from the right-of-way in order to provide an area on the outside for landscaping and maintenance, unless noted otherwise. A landscape buffer strip within an easement shall be in accordance with Section 154.03(E). When a landscape buffer strip is located adjacent to a residential property, the architectural wall shall be located at least 2 feet from the property line and the area inside of the wall shall be landscaped. No landscaping along the outside of the wall shall be required. The architectural wall shall be located no closer than 2.5 feet to an interior paved surface or a parking space in order to allow space for shrubs and other landscaping. The wall and plantings shall be permanently maintained and kept in an acceptable state of repair. See drawings located in Appendices "A" & "B" at the end of this chapter.
  - i. **Height.** The architectural wall shall be at least 6 feet in height measured from the finished floor elevation of the primary structure on the subject property, not to exceed 8 feet, unless otherwise required for industrial uses.
  - ii. **Design.** The wall shall have columns or wall offsets at least every 20 feet. Columns shall extend beyond the face of the wall on both sides by at least 3 inches and they shall be at least 13 inches in width. Offsets shall be at least 16 inches in depth. A decorative band or cornice located along the top of the wall shall be at least 8 inches in height. The primary color used on the wall shall match the primary color used on the building located on the site. The wall color shall be selected from the approved colors table located in the "City of Port St. Lucie Design Standards".
  - iii. **Access.** Gates may be required in order to provide pedestrian access to adjoining areas and to provide access for landscape and wall maintenance. Gates shall be opaque.
- c. **Landscape Material.** One tree, at least 14 feet in height, shall be provided for each 30 linear feet of the landscaped buffer strip, or fractional part thereof. When a landscape buffer strip is located adjacent to a right-of-way, trees, continuous hedging, and ground cover shall be planted on the right-of-way side of the wall. The hedge plant materials shall be at least 24 inches high when planted and shall be planted 24 inches on center. The remainder of the required landscape buffer strip shall be landscaped with grass, ground cover, shrubs, hedges, or other landscape treatment, excluding paving. The area inside the wall shall have at least one shrub for each 2 linear feet, or fractional part thereof, and the shrubs shall be at least 24 inches in height when planted.
- d. **Landscape Buffer Strip Adjacent to Residential Properties Located within Conversion Areas — Fence Required.** Where commercial, industrial, institutional, office, multifamily, and public facility uses abut property to the side or rear on which there is an existing house and which is zoned as single-family residential and which is located within a Conversion Area, a landscape buffer strip that is at least 10 feet in depth located along the side



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adjacent to the residential property shall be provided, unless indicated otherwise. Landscape strips within an easement shall be in accordance with Section 154.03(E). Necessary accessways through the landscape strip shall be permitted in order to allow access to the rear of the landscape strip for maintenance purposes. A six-foot high opaque wooden fence or fence of similar appearance shall be used as a temporary buffer, in lieu of architectural wall. The temporary buffer shall remain until such time that the adjacent property is no longer zoned single-family residential or until the house is removed from the adjacent property. One tree, at least 12 feet in height, shall be provided for each 30 linear feet, or fractional part thereof. A continuous hedge shall extend the length of the landscape strip. One shrub shall be required for each 2 linear feet and the shrubs shall be at least 24 inches in height at the time of planting. The remainder of the required landscape buffer strip shall be landscaped with grass, ground cover, shrubs, or other landscaping, excluding paving.

3. **Perimeter Landscaping for Open Lot Storage Areas.** Open lot storage areas shall be fenced and landscaped on all sides, except for necessary access ways for ingress and egress from the open lot storage areas and where the storage area is screened from view from surrounding property by intervening buildings and structures. Landscape strips within an easement shall be in accordance with Section 154.03(E). Necessary accessways through the landscape strip shall be permitted in order to allow access to the rear of the landscape strip for maintenance purposes. One tree, at least 14 feet in height, shall be provided for each 30 linear feet, or fractional part thereof. Along areas facing a street right-of-way, the required landscaping shall be located in front of the wall or fence.
- (D) **Landscape Strips Combined.** Where the edges of required landscape strips are spaced apart 20 feet or less, a single landscape strip may be utilized and the landscaping may be distributed over the entire width of the combined landscape strips. However, requirements for landscape buffer strips shall not be modified. Where a landscape buffer strip and a landscape strip are spaced apart 20 feet or less, only a landscape buffer strip shall be required. Where requirements for a landscape strip differ, the more stringent requirements shall take precedence.
- (E) **Landscaping for Refuse Collection and Recycling Areas.** One shrub or vine shall be planted at two-foot centers along the outside perimeter of the dumpster enclosure wall. See Section 158.232 of the Zoning Code for refuse and recycling dumpster location, screening, and size requirements.
- (F) **Mechanical, Electrical, and Utility Equipment.** A hedge that is at least 24 inches in height when planted and that is spaced at least 24 inches on center shall be planted around mechanical, electrical, and utility equipment except where access to the equipment is necessary. Lift stations shall have a wall or fence located around the perimeter except where the gate is located. The gate shall be semi-transparent in order to allow for visual inspection of the equipment by the Utility Department. The lift station's alarm light shall be clearly visible above the wall or fence at all times. Hedging shall be located around the wall or fence. Air conditioning condensing and compressor units shall not be located on a side of a building that faces a street right-of-way.
- (G) **Gated and/or Walled Entrances.** Trees, shrubs, and groundcover shall be planted along a wall or fence and around a guard house located at a gated entrance. At minimum, a landscape strip that is at least ten (10) feet in depth shall be located along the side that is visible to the general public. At least one tree for each 15 linear feet, or fractional part thereof, of the walled entrance (excluding the gates) shall be provided. One shrub shall be required for each two (2) linear feet and the shrubs shall be at least two (2) feet in height at time of planting.

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- (H) **Water Efficient Landscaping.** All developments for which landscaping is required shall incorporate the principles of waterwise landscaping into the landscaping design based on the following requirements, in addition to the general landscape requirements of this chapter.
1. A minimum of fifty (50) percent of each required planting material shall be drought tolerant as recognized as drought tolerant (\*) in Appendix C: City of Port St. Lucie Suggested Tree List and in the "Waterwise South Florida Landscapes" plant guide, published by the South Florida Water Management District, as amended. Each type of required planting material, trees, shrubs, and ground cover shall be calculated separately, and each type shall meet the required percentage minimum.
    - a. Plant materials shall be grouped in accordance with their respective water and maintenance needs to provide for efficient irrigation. Plants with similar water, soil, climate, sun, and light requirements shall be grouped together. Proposed irrigation zones shall be shown on the landscaping plan.
    - b. The use of sod/turf grass shall be limited to where it is most functional in the landscape plan. Irrigated sod shall be considered a high water use zone. Sod/turf grass shall be placed so that it can be irrigated using separate zones.
  2. Irrigation System Design Standards. Landscaped areas shall be irrigated to maintain required plant materials in good and healthy condition. Florida Friendly or Xeriscape areas must have a readily available water supply to provide temporary irrigation until plantings are established. Natural areas and native vegetation left undisturbed by development may be excluded from the irrigation system. The design plans for the irrigation system shall be submitted with the required landscape plan for review and approval by the Site Plan Review Committee. The required irrigation plan shall be prepared by or under the landscape architect's authority and demonstrate compliance with the following irrigation standards:
    - c. All landscaped areas requiring irrigation shall be provided with a fully automated irrigation system that provides 100 percent coverage with 100 percent overlap with a minimum design distribution uniformity (D.U.) of .70. Temporary or minimal irrigation systems acceptable to Florida Friendly or Xeriscape practices may be used when a Florida Friendly or Xeriscape plan has been approved by the Site Plan Review Committee. These temporary systems must comply with the same efficiency and design requirements as permanent systems.
    - d. All non-single-family residential irrigation systems shall consider the use of a non-potable water supply such as reclaimed water, storm water, ground water, or surface water, if such supply is available.
    - e. Automatic irrigation systems shall incorporate the following criteria:
      - i. Zoning — Irrigation systems shall be designed to ensure turf and landscape areas are irrigated on separate zones. In addition, all spray, rotor, and drip zones shall be zoned separately.
      - ii. Pressure compensating bubblers shall be installed for all new trees. A minimum of one (1) bubbler per tree is required. The bubblers shall be zoned separately, when possible.
      - iii. Moisture sensor or rain gauge equipment shall be required and installed on automatic irrigation systems to avoid irrigation during periods of sufficient rainfall and/or soil moisture — one per controller.
      - iv. Irrigation systems shall be designed to minimize overspray and runoff onto paved surfaces, structures, and non-vegetated areas.
      - v. Continuously maintained and in good working order.

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- vi. Hydraulics — All irrigation designs must ensure mainline and lateral line piping shall be sized to limit velocities to 5 feet per second (fps), or less, and a maximum pressure variation with each zone and within all mainline piping of ten (10) percent via the friction factor method.
  - vii. All spray heads and drip emitters must be pressure regulating and have check valves. All rotors must have check valves and pressure regulation is to be utilized, as required, to ensure proper coverage and minimize misting.
  - viii. Water windows — all irrigation systems must be designed to be able to irrigate the entire site in one ten (10) hour day, or less.
  - ix. Irrigation systems must be designed to be able to apply a peak daily irrigation demand of .3 inches of water to each zone.
  - x. All irrigation system designs must meet or exceed those requirements outlined as best design and/or management practices by the Florida Irrigation Society (FIS), American Society of Irrigation Consultants (ASIC), and the Irrigation Association (IA).
- (I) **Landscaping and Utilities.** All landscape plans must show the location of existing or proposed utility lines that could be impacted by the vegetation being planted. No landscaping shall be planted in such a manner as to adversely affect drainage or underground or above ground utility facilities.
- 1. No tree shall be planted where it could, at mature height, conflict with overhead power lines. Trees planted within any easement with overhead utilities shall comply with the latest edition of F P L's publication "Plant the Right Tree in the Right Place," and take into consideration the mature height and spread of the species beneath or adjacent to existing overhead utilities. Where overhead utilities exist, small trees, with a mature height of less than twenty (20) feet may be substituted for required shade trees at a ratio of 1:1.
  - 2. All landscaping within ten (10) feet of underground or above ground Port St. Lucie Utility Systems Department (PSLUSD) utility infrastructure shall comply with PSLUSD technical specifications, policies, and codes.
  - 3. Trees shall not be planted within ten (10) feet of any PSLUSD underground infrastructure.
  - 4. In locations where the perimeter landscape buffers must be designed to be located within ten (10) feet of underground or above ground PSLUSD utility infrastructure due to site constraints, the following list of trees, palm trees, and shrubs shall be used in these areas to meet the landscape buffer requirements. Trees and palm trees may be planted not less than seven (7) feet from the underground PSLUSD infrastructure. The remainder of the landscape strip shall be planted with grass and ground cover.

Perimeter Landscape Materials	
Trees	
Pigeon Plum	<i>Coccoloba diversifolia</i>
Yaupon Holly	<i>Ilex vomitoria</i>
Weeping Holly	<i>Ilex vomitoria 'Pendula'</i>
Crape Myrtle	<i>Lagerstroemia indica</i>
Japanese Privet Tree	<i>Ligustrum japonicum</i>
Wax Myrtle	<i>Myrica cerifera</i>

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Simpson's Stopper	<i>Myrcianthes fragrans</i>
Jerusalem Thorn	<i>Parkinsonia aculeate</i>
Tallowwood Plum	<i>Ximenia Americana</i>
Wild Lime	<i>Zanthoxylum fagara</i>
Palm Trees	
Chinese Fan Palm	<i>Livistona chinensis</i>
European Fan Palm	<i>Chamaerops humilis</i>
Windmill Palm	<i>Trachycarpus fortunei</i>
Pindo Palm	<i>Butia capitata</i>
Ponytail Palm	<i>Beaucarnea recurvata</i>
Florida Thatch Palm	<i>Thrinax radiata</i>
Shrubs	
American Beautyberry	<i>Callicarpa americana L.</i>
Apple, seven year	<i>Casasia clusiifolia</i>
Boxthorn	<i>Severinia buxifolia</i>
Boxwood	<i>Buxus microphylla</i>
Buttonbush	<i>Cephalanthus occidentalis</i>
Cardboard Palm	<i>Zamia maritima</i>
Christmas Berry	<i>Lycium carolinianum</i>
Coco Plum	<i>Chrysobalanus icaco</i>
Coontie	<i>Zamia floridana</i>
Crown of Thorns	<i>Euphorbia milii</i>
Dwarf Palmetto	<i>Sabal minor</i>
Dwarf Poinciana	<i>Caesalpinia pulcherrima</i>
Dwarf Schefflera	<i>Schefflera arboricola</i>
Dwarf Yaupon	<i>Ilex vomitoria</i> , 'Stokes Dwarf' or 'Nana'
Fakahatchee Grass	<i>Tripsacum suspensum</i>
Firebush	<i>Hamelia patens</i>
Firethorn, Red	<i>Pyracantha coccinea</i>
Florida Privet	<i>Forestiera segregate</i>
Glossy abelia	<i>Abelia x grandiflora</i>

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Golden Dewdrop	<i>Duranta erecta</i>
Indian Hawthorne	<i>Raphiolipsis indica</i>
Jasmine, primrose	<i>Jasminum mesnyi</i>
Juniper, Chinese	<i>Juniperus chinensis</i>
Juniper, Pftizer	<i>Juniperus chinensis 'Pftizeriana'</i>
Lyonia, Rusty	<i>Lyonia ferruginea</i>
Macho Fern	<i>Nephrolepis biserrata</i>
Mound Lily	<i>Yucca gloriosa</i>
Myrsine	<i>Rapanea punctata</i>
Oleander	<i>Nerium oleander</i>
Pampas Grass	<i>Cortaderia selloana</i>
Pittosporum	<i>Pittosporum tobira</i>
Plumbago	<i>Plumbago auriculata</i>
Sand Cordgrass	<i>Spartina bakeri</i>
Sandankwa Viburnum	<i>Viburnum suspensum</i>
Saw Palmetto	<i>Serenoa repens</i>
Star Jasmine	<i>Jasminum nitidum</i>
Sweet Viburnum	<i>Viburnum odoratissimum</i>
Sea Oxeye Daisy	<i>Borrchia arborescens</i>
Spanish Bayonet	<i>Yucca aloifolia</i>
Texas Sage	<i>Leucophyllum frutescens</i>
Turk's-cap	<i>Malvaviscus arboreus</i>
Walter's Viburnum	<i>Viburnum obovatum</i>
Wax Myrtle	<i>Myrica cerifera</i>
Wild Olive	<i>Osmanthus americanus</i>

5. Drainage Easement Landscaping. Landscaping may encroach a maximum of ten (10) feet into a twenty (20) foot drainage easement, provided that:
  - 1) The applicant demonstrates that the site development requirements constrain the site; and

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- 2) The presence of the landscaping does not impede access, maintenance activities, or interfere with the operation of the City's drainage infrastructure as determined by the City Engineer; and
  - 3) The owner completes a Revocable Encroachment Permit.
- a. The perimeter wall can be located within a twenty (20) foot drainage easement provided that:
    - 1) The applicant demonstrates that the site development requirements constrain the site; and
    - 2) The presence of the wall does not impede access, maintenance activities, or interfere with the operation of the City's drainage infrastructure as determined by the City Engineer; and
    - 3) The owner completes a Revocable Encroachment Permit.
  - b. Landscaping and/or walls located in a drainage easement will require the owner to complete a Revocable Encroachment Permit. This permit shall be requested during the site plan review process and completed prior to issuance of the engineering permit for site work. The permit allows the placement of the wall and landscaping within the easement; however, if needed, the City will be allowed access to the easement for access, maintenance, making improvements to the drainage system, or installing new drainage facilities. In the event that the landscape buffer impedes the City's access, the owner will be responsible for the cost to remove and replace the wall and/or landscaping upon completion of the drainage work by the City.
- (J) **Certification by Landscape Architect.** The landscape architect shall certify in writing to the Director of Planning and Zoning that the landscaping and irrigation have been installed in accordance with the landscaping and irrigation plans approved by the Site Plan Review Committee. No certificates of occupancy or similar authorization will be issued unless the certification has been received verifying the landscaping and irrigation meet the requirements provided herein, and are in conformance with the approved landscape and irrigation plans for the project. This requirement shall not apply to single-family homes.
- (K) **Other Areas.** All property, except for land utilized for principal structures, accessory structures, off-street parking areas, other vehicular use areas, and required landscaped areas shall be landscaped with at least grass, ground cover, or mulch.
- (L) **Removal of Exotic Vegetation.** All new development and redevelopment shall be required to remove all pestilent exotic vegetation designated as Category 1 on the Exotic Plant Pest Council's most recent list of "Florida's Most Invasive Species" including, at a minimum: *Melaleuca leucadendra* (Punk Tree), *Schinus terebinthefolius* (Brazilian Pepper), and *Casuarina species* (Australian Pine), *Acacia auriculiformis* (Earleaf Acacia), *Albezia lebbeck* (Woman's Tongue), *Bishofia javanica* (Bishofia/Toog), *Brassaia actinophylla* (Schefflera), *Enterolobium cyclocarpum* (Ear Pod Tree), *Eucalyptus spp.* (Eucalyptus), *Grevillia robusta* (Silk Oak), and *Sapium sebiferum* (Chinese Tallow), *Araucaria heterophylla* (Norfolk Island Pine), *Syzygium cumini* (Java Plum), *Melia azedarach* (Chinaberry), *Dalbergia sissoo* (Rosewood), *Cupianopsis anacardiodes* (Carrotwood) and *Lygodium microphyllum* (Old World Climbing Fern), *Dioscorea bulbifera* (Air Potato Vine), and *Pueraria montana var. lobata* (Kudzu).
- (M) **Preservation of Existing Non-Exotic Vegetation.** Preservation of existing non-exotic vegetation shall be required whenever possible since this plant material is known to adapt to soil and climate conditions that occur in the city area. Existing trees and vegetation may satisfy the landscape buffer requirements in this chapter, in total, or in part provided it is of a quality comparable to Florida No. 1 as given in "Grade and Standards for Nursery Plants", State of Florida, Department of Agriculture, Tallahassee, Trees to be preserved shall be protected by a root barrier (See Appendix D — Tree Protection Barrier Detail).

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- (N) **Building Area Increase.** When the building area on a developed site is increased by more than 500 square feet, the landscaping on the site shall conform to current code as much as reasonably possible.

### Sec. 154.04. - Landscape material standards.

The following shall be considered minimum standards for all landscape materials:

- (A) **Plant Materials.** Plant material used in conformance with the provisions of this chapter shall conform to the most recent standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants", State of Florida, Department of Agriculture, or equal thereto. Trees and plants used in a required landscape design shall be cold-tolerant, drought-tolerant, or appropriate for the environmental setting in which they are to be planted. The "Waterwise South Florida Landscapes" plant guide, published by the South Florida Water Management District, as amended, should be used to determine appropriate vegetation. Plant materials which are known to be intolerant of paving environments or temperature below 32° F or 0° C, or whose physical characteristics may be injurious to the public or which produce a quantity and/or quality of debris so as to present maintenance difficulties shall not be specified for use under this chapter.
- (B) **Florida Friendly or Xeriscape plant materials.** Florida Friendly or Xeriscape landscaping means a type of quality landscaping that conserves water and protects the environment by using site appropriate plants, an efficient watering system, proper planning and design, soil analysis, practical use of turf, the use of mulches, and proper maintenance. The intent is to establish and maintain a healthy landscape by matching the right plants with existing site conditions to minimize the use of additional resources, such as water, fertilizer, and pesticides. A Florida Friendly or Xeriscape plan may be approved by the site plan review committee when the applicant can assure the health and survivability of all landscaping plant materials. Plant materials shall be approved native and suitable non-native trees, shrubs, and ground covers that require minimal maintenance when planted under appropriate conditions. Appendix D: City of Port St. Lucie Suggested Tree List and the South Florida Water Management District "Waterwise South Florida Landscapes" plant guide shall be used as a guide for choosing plant materials.
- (C) **Trees.**
1. Trees shall be a species having an average mature spread of crown greater than 20 feet. Trees shall have a trunk that is maintained in a clean condition with over five feet of clear wood (no branches).
  2. Tree species shall be a minimum of twelve (12) feet overall height when planted with a minimum five (5) foot crown spread. At planting, the trees shall have a caliper of at least 2.5 inches. Palm trees shall have a minimum clear trunk height of ten (10) feet except for Canary Island Date Palm, Edible Date Palm, and Bismark Palm. Canary Island Date Palm, Edible Date Palm, and Bismark Palm shall have a minimum clear trunk height of six (6) feet. For the requirements of Section 154.03(C)(2) "Landscaping around Building Façade", the minimum height may be reduced to eight (8) feet. Required trees may be selected from Appendix C: City of Port St. Lucie Suggested Tree List located at the end of this chapter and/or the "Waterwise South Florida Landscapes" plant guide, published by the South Florida Water Management District provided the trees are of the appropriate USDA plant hardiness zone and ecological setting. Additional tree species may be considered based upon certification from a Florida registered landscape architect as to appropriate USDA plant hardiness zone and ecological setting. Smaller trees having an average mature spread of crown less than 20 feet may be arranged in groupings or clumps of two (2) or more so as to create the equivalent of a 20-foot crown spread; however, the grouping or groupings shall count as one (1) tree. Substitutions do not apply to certain portions of this chapter which identify specific planting requirements. The requirement for smaller trees to be planted in clumps of two or more so as to create the equivalent of a 20-foot crown spread does not apply to building façade landscaping or landscaping below overhead power lines.

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3. No species designated as Category 1 on the Exotic Plant Pest Council's most recent list of "Florida's Most Invasive Species," shall be used to meet the requirements of this section.
4. No more than twenty-five (25) percent of required trees shall be palm trees. The building façade landscape strip is exempt from this requirement.
5. At least fifty (50) percent of all required trees shall be native species.
6. At least twenty (20) percent of the required trees shall be flowering trees.
7. At least seventy-five (75) percent of the trees located within landscape islands shall be evergreen shade trees.
8. When more than ten (10) trees are required to be planted to meet the requirements of this Code, a mix of species shall be provided. The minimum number of species to be planted is indicated in the following table. When a mix of species is required, no single species shall exceed a 2 to 1 ratio relative to all other individual species.

Required Tree Species Mix	
Number of Trees Required	Minimum Number of Species
11—20	2
21—30	3
31—40	4
41+	5

9. Trees of species whose roots are known to cause damage to public roadways, utilities, sidewalks, or other public works shall not be planted closer than 10 feet to those public works.
  10. In those instances where a tree(s) is planted closer than five (5) feet from a sidewalk, or structure, a root barrier(s) shall be installed. Root barriers for trees shall be installed along the edge of structure, paving, or curb. The root barrier shall be a minimum of twenty-four (24) inches deep, but depending on the size, location, and species of tree to be planted, a larger barrier may be required. The root barrier shall be installed with twenty (20) linear feet, centered from the trunk, for large trees and fifteen (15) linear feet for smaller trees. All root barriers shall be linear.
- (D) **Shrubs and Hedges.** Shrubs shall be a minimum of two feet in height when measured immediately after planting. When used for screening purposes they shall be spaced a maximum of twenty-four inches on center and shall be maintained so as to form a continuous, unbroken, solid screen within a maximum of one year after time of planting. If wider growing plants are used, spacing may be increased, but should provide a full appearance with adjacent plants touching each other. Required shrubs shall be selected from the "Waterwise South Florida Landscapes" plant guide, published by the South Florida Water Management District. Additional species may be considered based upon certification from a Florida registered landscape architect as to appropriate USDA plant hardiness zone and ecological setting. Saw Palmetto can have a minimum size of 12 inches and be spaced a maximum of thirty-six inches on center. At least twenty-five (25) percent of all shrubs shall be native species.
- (E) **Ground Cover.** Ground covers, other than grass, shall be planted in such a manner as to present a finished appearance and a reasonably complete coverage within four months after planting. Ten (10) percent of the groundcover shall be flowering groundcover. Groundcover shall be selected from the "Waterwise South Florida Landscapes" plant guide, published by the South Florida Water Management District. Additional species may be considered based upon



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certification from a Florida registered landscape architect as to appropriate USDA plant hardiness zone and ecological setting.

- (F) **Lawn Grass.** Grass areas shall be planted in species normally grown as permanent lawns in the county. Limit the use of sod to a maximum of 50 percent of site landscaping.
- (G) **Vines.** Vines shall be a minimum of 30 inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.
- (H) **Synthetic Plants.** Synthetic or artificial material in the form of trees, shrubs, ground cover, vines, or artificial turf shall not be used in lieu of plant requirements in this section.

### Sec. 154.05. - Installation and maintenance of required landscaping.

The following standards shall apply:

- (A) **Planting Practices.** All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. Soil improvement measures may be required to ensure healthy plant growth. All elements of landscaping shall be installed so as to meet any other applicable ordinances. A plant's or tree's growth characteristics shall be considered before planting to prevent conflicts with utilities, views, or signs. See Section 154.03(I) for landscaping and utilities.
- (B) **Staking.** All balled and burlapped trees and palms shall be staked. Trees and palms shall be staked until the roots have become established for a period typically between 6 months and 1 year or as specified by a landscape architect.
- (C) **Responsibility.** The owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance at all times and shall be kept free from refuse and debris. Maintenance shall include, but is not limited to, trimming, replacement of all dead plant material, removal of all invasive and exotic plant material, and removal of refuse and debris. If vegetation which is required to be planted or preserved dies it shall be replaced with equivalent vegetation.
- (D) **Irrigation.** All sodded and planted areas shall be provided with an irrigation system except for Florida Friendly or Xeriscape areas. Florida Friendly or Xeriscape areas must have a readily available water supply to provide temporary irrigation until plantings are established. A Florida Friendly or Xeriscape plan may be approved by the Site Plan Review Committee when the applicant can assure the health and survivability of all landscaping plant materials. See Section 154.03(H) for irrigation requirements.
- (E) **Nonconformance.** If at any time after issuance of a certificate of occupancy the landscaping of a development is found to be in nonconformance, the Planning and Zoning Department shall issue notice to the owner, tenant, and/or agent that action is required to comply with this chapter and the owner, tenant, and/or agent shall have 30 days to restore the landscaping as required. Failure to comply will result in a Code Compliance Board hearing.
- (F) **Pruning and Topping.** Pruning restrictions shall not apply for trees located under power lines. Trees shall be pruned only as necessary to promote healthy growth. Trees shall be allowed to attain their normal size and shall not be severely pruned or "hatracked" in order to permanently maintain growth at a reduced height. Trees may be periodically pruned or thinned in order to reduce leaf mass in preparation for tropical storms. All pruning shall be accomplished in accordance with the National Arborist Association's standards.
- (G) **Vertical Clearance Over a Roadway.** Trees that encroach into roadways shall be maintained in accordance with the St. Lucie County Fire District Fire Prevention Code.
- (H) **Walls and Fences.** All walls, fences, and entrance features shall be maintained in working order and shall be free from structural deterioration, sagging, disrepair, or other deterioration or

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defects so as to present a neat and orderly appearance at all times and shall be kept free from mildew, peeling paint, and graffiti.

- (I) Permitted landscaping existing on the effective date of this chapter shall be maintained as originally permitted. However, replacement trees and plants must meet the current requirements of this chapter.

### Sec. 154.06. - Submission of landscaping plan; approval prior to enactment.

- (A) A landscaping plan prepared, signed, and sealed by a Florida registered Landscape Architect shall be submitted as part of the site plan submission required by Chapter 158 (Zoning Code) and shall be enforced under this chapter.
- (B) Such plan shall be approved by the Site Plan Review Committee prior to the issuance of a building or paving permit and shall contain the following:
  - 1. Name, address, and phone number of the owner, landscape firm, and designer.
  - 2. North arrow, scale, and date (minimum scale one inch: = 50 feet).
  - 3. Property lines, easements, and rights-of-way.
  - 4. Location of all existing and proposed electrical, mechanical, and utility equipment and location of all utility services (electrical power lines, cable lines, water lines, sewer lines, and the like).
  - 5. Location of any existing or proposed structure.
  - 6. Location of proposed site features such as earthen mounds, walls, fences, and water areas.
  - 7. Location of any existing or proposed vehicular use areas.
  - 8. Location of any existing or proposed sidewalks, curbs, and wheel stops.
  - 9. Location of required landscape strips and landscape buffer strips.
  - 10. Location, caliper, height, description of all landscape material including name, quantity, spacing, and installation.
  - 11. Location and area of landscaping for freestanding signs.
  - 12. Location of stormwater retention/detention ponds, swales, underground pipes, and other related features.
  - 13. If a landscape buffer wall is required, provide a note on the Site Plan and Landscape Plan that states that the height of the wall shall be at least 6 feet above the finished floor height, not to exceed 8 feet, unless otherwise required for an industrial use.
  - 14. All landscape plans must demonstrate compliance with the requirements of Chapter 154, City of Port St. Lucie Landscape Code. In tabular format, provide the following information:
    - a. Number of shrubs and trees provided and the number of shrubs and trees required for all area landscaping requirements.
    - b. Identify the fifty (50) percent drought tolerant plant material by showing the quantity, percentage, species, and soil moisture range for drought tolerant plant materials.
    - c. Verify that fifty (50) percent of all required trees are native species.
    - d. Verify that twenty-five (25) percent of all required shrubs are native species.
    - e. Verify that twenty (20) percent of the required trees are flowering trees.
    - f. Verify that seventy-five (75) percent of the required trees located within landscape islands are evergreen shade trees.
    - g. Verify that the use of sod is limited to less than fifty (50) percent of the site.
    - h. Verify that no more than twenty-five (25) percent of the required trees are palm trees.

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- i. Identify proposed irrigation zones by low or high water use.
  - j. If applicable, verify the mix of tree species.
  - k. If applicable, identify non-potable water source.
15. An Irrigation plan showing head layout, mainline routing, mainline sleeving, point of connection specifications and details, installation details, project specifications, project notes, and an equipment legend shall be submitted as part of the application for a building permit.
16. As deemed necessary, City staff may request that dimensions be shown.
- (C) Landscaping approved prior to the adoption date of this chapter. Landscape plans approved prior to the adoption date of this chapter, as part of the site plan review process, shall be enforced under the procedure contained in this section.
- 1. When an off-street parking or loading lot existed as of the effective date of this chapter and such off-street parking lot is enlarged in area or capacity, landscaping for the entire parking lot, both old and new, shall comply with this chapter.
  - 2. When an off-street parking or loading lot existed as of the effective date of this chapter and the building that the parking or loading lot services is reconstructed or remodeled in excess of 50 percent of its value, landscaping shall be provided as set forth in this chapter.

### Sec. 154.07. - City planning; enforcement.

The Zoning Administrator or a designated representative is hereby authorized to enforce this chapter. This chapter shall be deemed a part of Chapter 158 (Zoning Code) and violations shall be enforced in the same manner as are similar Zoning Code violations. The Planning and Zoning Department shall provide initial notice of violations based on complaints received. Additional corrective action will be forwarded to the Code Compliance Division or as needed for further enforcement.

### Sec. 154.08. - Contracting with outside agencies.

The City may contract with any qualified outside agency to review landscape plans, and to inspect landscaping plans according to the requirements of this chapter.

### Sec. 154.09. - Variances.

The procedure for seeking a variance to the terms of this chapter shall be in accordance with §158.295 through §158.302 of the Zoning Code. The applicant shall submit an application, pay the associated review fee, and submit a landscape plan to apply for a variance.

### Sec. 154.10. - Exception to landscaping requirements.

When developed properties are affected by a right-of-way acquisition program of the City, County, or State, the requirements of this chapter shall be waived by the amount of property required for acquisition, subject to the approval of the Site Plan Review Committee.

### Sec. 154.11. - Administrative reviews of a landscape plan.

- (A) Minor revisions to a Landscape Plan or Subdivision Landscape and Street Tree Planting Plan may be reviewed and considered for approval by the Zoning Administrator. The Zoning Administrator may refer the request to the Site Plan Review Committee for a recommendation. Minor revisions to a Landscape Plan include the following:
- 1. **Relocation.** The relocation of twenty (20) percent or fewer of the required number of trees, shrubs, or groundcover, provided that the landscaping to be relocated is not located within a drainage or utility easement or right-of-way.
  - 2. **Substitution.** The substitution of twenty (20) percent or less of a species for another species, provided that the proposed species is listed on the "Suggested Tree List" (Appendix C) or in the

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"Waterwise South Florida Landscapes" plant guide, published by the South Florida Water Management District and that the landscaping proposed to be substituted is not located within a drainage or utility easement or right-of-way. Substitutions must be in conformance with the requirements of this chapter. Additional tree species may be considered based upon certification from a Florida registered landscape architect as to appropriate USDA plant hardiness zone and ecological setting.

- (B) Major revisions to a Landscape Plan or Subdivision Landscape and Street Tree Planting Plan shall be approved by the Site Plan Review Committee and shall require the submittal of a revised landscape or Street Tree Planting Plan as set forth in §154.06.

### Sec. 154.12. - Exemption or modification to landscape buffer wall requirement.

- (A) Requests to substitute landscaping for an architectural wall that is a required feature of a landscape buffer strip or requests to be exempt from installing the landscape buffer strip requirement shall be reviewed by the City Council.
- (B) **Public Hearing Required.** Before making its decision on a request for a landscape modification, the City Council shall hold a public hearing thereon.
- (C) **Notification Requirements.** The following notification procedures shall be utilized:
  1. Notice of public hearings shall be published at least seven (7) days prior to the hearings, in a newspaper of general circulation in the City. The notice shall include the dates, times, places, and locations of hearing, and shall contain a description of the relief or action sought and the subject property.
  2. In addition to the required notices heretofore set forth, other methods of notification may be utilized by the City Council at its option. These methods may include, but not be limited to, mail notification to owners of property within a maximum of 750 feet to property forming the subject of the public hearing and notice may be posted upon the property which is the subject of the public hearing. The Zoning Administrator is authorized to post any notice upon property and it shall be unlawful for any person to remove or tamper with that notice during the time period as may be established for the maintenance of the notice.
- (D) **Conduct of Hearings.** Any interested person shall have the right to submit oral or written testimony at the hearings. All testimony and exhibits submitted at the hearing shall be incorporated into the application file and shall be considered a part of the record on the application.
- (E) Requests to substitute landscaping for an architectural wall that is a required feature of a landscape buffer strip where commercial, industrial, institutional, office or public facility uses abut property to the side or rear which is designated with an open space land use, but used for drainage or stormwater retention, shall be subject to approval of the Site Plan Review Committee. The Zoning Administrator may refer the request to the City Council for approval.

## ARTICLE II. - TREE PROTECTION AND PRESERVATION

### Sec. 154.13. - Legislative intent.

- (A) In recognizing that trees provide a meaningful contribution to a healthy, beautiful, and safer community attributable to their carbon dioxide absorption, oxygen production, dust filtration, wind and noise reduction, soil erosion prevention, wildlife habitat, surface drainage improvement, beautification and aesthetic enhancement of improved and vacant lands, and recognizing that most species of trees require at least two decades of growth to begin to exhibit such beneficial qualities, it is the intent of this article to establish policies, regulations, and standards necessary to ensure that the city, which has been declared a "Tree City USA" community, will continue to realize the benefits provided by its urban forest.
- (B) To achieve the objectives listed above, the city deems it necessary to provide for the protection and preservation of trees, to prevent the reduction of the existing tree canopy, and to prevent the

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unnecessary removal of trees and other native vegetation. The provisions of this chapter are enacted to:

1. Provide standards for the protection of trees as part of the land development process;
  2. Prevent large-scale land clearing without provision for the preservation of protected trees;
  3. Provide for the replacement of tree canopy removed as a result of the construction process; and
  4. Preserve the community's character and quality of life well into the future.
- (C) Purpose. It is the objective of this article to safeguard the public health, safety, and welfare through Tree Protection and to promote the findings of this article by following the guidelines contained herein.
- (D) Applicability. This article applies to protected trees on public and private property.

### Sec. 154.14. - Permit required for tree removal.

- (A) **Trees requiring tree removal permits.** Except as provided for in the article, no person shall, directly or indirectly, cut down, substantially alter, destroy, remove, relocate, damage, or authorize any such act involving a protected tree situated on land within the city, without first obtaining a tree removal permit. The term "protected tree" shall apply to any tree having a D.B.H. of 12 inches or greater, any replacement tree, and any tree that is represented in a landscape plan, street tree planting plan, or other planning document for the purposes of securing an approved building permit, clearing permit, or certificate of occupancy.

Exceptions are as follows:

1. Platted single-family lots are exempt from the preservation requirements of this article as long as the minimum landscaping requirements, as may be required by this chapter, are met and maintained. Preserved trees may be substituted for tree planting required by the landscaping section of this Code.
2. Any tree located in botanical gardens or in state-approved or government nurseries and groves which are grown for sale or public purpose.
3. Non-native fruit trees cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to: mangos, avocados, or species of citrus.
4. No permit shall be required to remove non-native invasive or undesirable species listed under Section 154.03(L).
5. Any property subject to the upland habitat preservation requirements of the Natural Resources Code that is providing on site or off site upland habitat preservation and/or mitigation.
6. Preserve and Parks Management Activities. No permit shall be required for tree removal associated with an adopted management plan for government maintained or privately maintained parks, recreation areas, wildlife management areas, conservation areas, and preserves. The purpose of the tree removal activity shall be to protect and preserve the natural values and functions of the ecological communities present, such as, clearing for firebreaks, conducting prescribed burns, or construction of fences. The Zoning Administrator shall be notified in advance of any clearing of native vegetation on a site.
7. Utility companies authorized to provide utility service may remove protected tree(s) that endanger public safety and welfare by interfering with utility service in an existing utility easement or public right-of-way, provided work is done by or under the control of the operating utility company and said company has received all necessary licenses or permits to provide utility service within the easement.
8. Any activity conducted by a lawfully operating and bona fide commercial nursery or agricultural operation, when the activity occurs on property owned or lawfully occupied by the person conducting such activity.

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9. Pruning and trimming of trees or other vegetation when necessary to conduct a survey or site examination for the preparation of subdivision plats, site plans, or tree surveys, providing that such pruning and trimming is conducted under the direction of a Florida registered surveyor or engineer.
  10. Routine landscape maintenance such as limited trimming or pruning of vegetation that is not intended to result in the eventual death of the plant, or any other landscaping activity which is commonly recognized as routine maintenance.
- (B) During the period of an emergency such as a hurricane, flood, or any other natural disaster, the requirements of this chapter may be temporarily waived by the City Manager, so that private or public work to restore order in the city will in no way be hampered.

### Sec. 154.15. - Permit procedure and criteria for issuing permits.

- (A) Permits for the removal or relocation of a protected tree shall be obtained by filing an application with the Planning and Zoning Department. Approval of the application and issuance of a tree removal permit shall be required prior to any land clearing or grubbing, prior to any disturbance of the root system or site development, or prior to the occurrence of any changes to an existing developed site. When a development order is issued for a site plan, subdivision application, or a landscape modification application, a separate tree removal permit shall not be required if the trees to be removed are identified and mitigated on the approved landscape plan.
- (B) No tree removal permit shall be issued unless the Zoning Administrator finds that at least one of the following criteria is satisfied with respect to each protected tree designated for removal:
1. The tree is located within the net buildable area of a given site as identified on the tree survey and site plan by the applicant.
  2. The tree is located within an existing or proposed right-of-way.
  3. The tree is located within an existing or proposed easement, stormwater management tract or facility, provided that only the minimum area reasonably necessary for the service or use shall be considered for purposes of determining whether there is necessity for tree removal.
  4. The tree is located where it creates or will create a safety or health hazard or a nuisance with respect to existing or proposed structures or vehicles or pedestrian routes and there is no reasonable alternative to relocate or reconfigure the improvements. The Zoning Administrator or City Arborist may require verification of claim(s) be provided by a statement from a certified engineer or certified arborist in the State of Florida.
  5. The tree is located where it interferes with the installation, delivery, or maintenance of proposed or existing utility services to the site.
  6. The tree is confirmed by the Zoning Administrator, City Arborist, or by a certified arborist to be diseased, severely injured, or in danger of falling.
  7. The tree unreasonably prevents development of a lot or parcel of the physical use thereof. However, a tree removal permit shall not be granted where the applicant has failed to design and locate the proposed improvements so as to minimize the removal of trees consistent with the permitted use of the lot or parcel under the zoning ordinance as amended.
  8. For criteria 4, 5, and 6, the Zoning Administrator may allow the protected tree to be replaced with one tree meeting the minimum requirements of the City Code when no feasible alternative other than removal of such tree exists. Trees may be selected from Appendix C: City of Port St. Lucie Suggested Tree List located at the end of this chapter and/or the "Waterwise South Florida Landscapes" plant guide, published by the South Florida Water Management District, provided the trees are of the appropriate USDA plant hardiness zone and ecological setting. Additional tree species may be considered based upon certification from a Florida registered landscape architect as to appropriate USDA plant hardiness zone and ecological setting.

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- (C) In lieu of submitting a tree removal permit application, an applicant may submit a no tree verification statement stating that no trees protected by this article exist on site. If such statement is verified by the Zoning Administrator (or Zoning Administrator designee), no permit will be required.
- (D) Tree removal applications for trees located on 'common' property must be accompanied by a letter from the Board of Directors of the Homeowner's Association indicating it was the consensus of the Board that the tree be removed.
- (E) Inspections. An application for a tree removal permit constitutes consent by the property owner and/or applicant for the City to conduct site inspections on the subject property, pursuant to permit requirements.

### Sec. 154.16. - Tree protection and mitigation.

- (A) Any tree removal permit shall require a mitigation plan. Any replacement trees that are the subject of such mitigation shall be planted, relocated, or preserved before issuance of a certificate of occupancy or similar authorization. Replacement trees meet the minimum requirements of this Chapter. Mitigation shall be as follows:
  - 1. Replacement trees shall be in addition to the minimum landscape requirements set out in this article.
  - 2. Any tree which is the subject of a mitigation plan shall be replaced at a ratio of one inch D.B.H. for each inch of D.B.H. removed. The following mitigation credit shall apply:
    - a. Trees preserved or relocated on-site shall count as equivalent replacement D.B.H.
    - b. Trees planted on-site shall count as one-half (1/2) credit towards the mitigation requirements.
- (B) A tree location survey, prepared by a registered land surveyor, professional engineer, registered forester, certified arborist, or landscape architect, identifying all existing trees with a D.B.H. of 12 inches or greater is required for all development applications and shall be included with any site plan, subdivision, application, clearing plan, or similar authorization. A tree survey may be required as part of an application for PUD zoning at the discretion of the Zoning Administrator. This tree location survey drawing shall be overlaid directly upon the site plan or subdivision application sufficiently to provide the accurate location of all existing trees which are proposed to be destroyed, relocated, or preserved, the botanical name, and common name of each tree, and the diameter (to the nearest half inch at 4.5 feet above ground), height and canopy spread of each tree. If existing trees are to be transplanted, the proposed relocation for such trees shall be shown on the drawing, together with a statement as to how such trees are to be protected during land clearing and construction and maintained after construction shall be included. The survey shall also include a statement indicating how trees not proposed for removal or relocation are to be protected during land clearing and construction, if applicable. The number of trees to be retained, relocated, removed, and the new trees to be replanted by diameter to the nearest half inch shall be shown in tabular form.
- (C) The replanting design shall provide adequate space for root and crown development.
- (D) The property owner shall be responsible for maintenance of the mitigation trees, such responsibility to include replacement of unhealthy and dead trees. The property owner shall submit to an on-site inspection of the planted/preserved vegetation twelve (12) months after the issuance of the final development order or permit approval. If it is determined that the planted vegetation is dead, diseased, or otherwise not in compliance with provisions of this Code and the original approved mitigation plan, the property owner shall be provided notice and directed to correct any such deficiencies and replace all non-compliant materials within sixty (60) days.
- (E) Tree Preservation Fund. If it is demonstrated to the satisfaction of the Zoning Administrator, or the Zoning Administrator's designee, that the site is not suitable for on-site mitigation or does not have the capacity to hold all of the required mitigation, then the applicant may contribute a fee established by the City Council by resolution per inch D.B.H. required for mitigation, to be used by the city to enhance tree canopy coverage. Tree preservation funds shall be expended, utilized and disbursed

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for the acquisition, maintenance, and planting of trees on publicly owned lands and any other ancillary costs associated with the planting of trees on public lands. Ancillary costs shall not exceed thirty (30) percent of the cost of the particular tree planting project and may include landscape design services, irrigation, mulch, root barriers, tree grates, or other materials necessary for the proper installation and maintenance of tree planting projects. This fund may also be used for the relocation of trees to public lands and for periodically distributing saplings to the public to increase tree canopy coverage in association with the City's Keep Port St. Lucie Beautiful tree giveaway program. Any such monies contributed in satisfaction of the applicant's mitigation requirement shall be placed in a specially designated fund titled "The City of Port St. Lucie Tree Preservation Fund", the use of which must be consistent with this article.

- (F) **Parking Space Reduction to Protect Existing Trees.** A ten (10) percent reduction in the number of required parking spaces on the site shall be allowed to the extent that the reduction in the amount of required pavement will preserve existing healthy trees in an undisturbed, natural condition. The amount of reduction can be determined only after taking into consideration any unique site conditions and the impact of the reduction on parking needs for the use. This reduction is discretionary and subject to the approval of the Zoning Administrator.
- (G) **Building Setback Reduction to Protect Existing Trees.** Upon the request of the applicant, the Zoning Administrator may permit the applicant to obtain up to a ten (10) foot reduction in front or rear setback requirements when this would be sufficient to protect an existing tree as determined by a certified arborist or landscape architect. To qualify for this exception, the tree(s) shall be at least twelve (12) inches in diameter, measured four and one-half (4.5) feet above the ground. The tree must also be in a condition and location such that it will not present a hazard to life or property following site development, and can be expected to remain healthy for at least twenty years as determined by a certified arborist or landscape architect. A reduction in the setback requirement shall be authorized only when all the following facts and conditions are found to exist:
  - 1. The applicable yard setback requirements would make it impossible to protect existing tree(s) without causing undue hardship; and
  - 2. The requested yard reduction does not go beyond the minimum necessary to protect the tree(s) as determined by a certified arborist or other tree professional; and
  - 3. The yard reduction will not result in a development that is materially detrimental to the character and design of the surrounding area.

### Sec. 154.17. - Penalties.

- (A) If protected trees are removed without a permit or otherwise in violation of this chapter, the number of replacement trees shall be up to three times the amount for every offense and the applicant shall be charged twice the normal application fee for tree removal. Each tree removed in violation of this article or any permit issued pursuant to this article shall constitute a separate violation. Remedial action shall be taken to restore the property consistent with a restoration plan approved by the Zoning Administrator or payment into the city tree fund in an amount equal to the cost of the three (3) to one (1) ratio. No certificate of occupancy or similar authorization shall be issued for any development until all applicable permits or restoration plan conditions have been accomplished.

### Sec. 154.18. - Alternative compliance.

- (A) An applicant may submit a landscape plan which varies from the strict application of the requirements of this chapter in order to accommodate unique site features or utilize innovative design. An alternative compliance landscape plan shall be approved only upon a finding that it fulfills the purpose and intent of this article as well as or more effectively than would adherence to the strict requirements of this chapter.
- (B) **Evaluation.** In evaluating proposed alternative compliance landscape plans, consideration shall be given to proposals which preserve native vegetation and use drought-tolerant plantings and other



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low water use landscape design principles and where the design may accomplish one or more of the following:

1. Ensures preservation of the maximum predevelopment vegetation on the site; and
2. Is designed to assure that the overall appearance and function of the proposed project is compatible with other properties in the immediate area; is demonstrably responsive to the environmental attributes of soil, slope, hydrology, and vegetative communities unique to the site; is consistent with sound planning and site design principles, and contingent upon:
  - a. Structures and other improvements are designed as to utilize existing site characteristics of topography, existing vegetative communities, and any unique environmental feature;
  - b. Conflicts between vehicular and pedestrian circulation are avoided;
  - c. Planting plans indicate a diversity of plant species in the categories of ground covers, shrubs, and trees;
  - d. Integration of proposed and existing vegetation is demonstrated in the plans with an emphasis on maintaining native community buffers and corridors, preserving or restoring forest community types, and providing for the natural ecological function of each type by using such techniques as preserving a diversity of upper story, mid-story, and understory;
  - e. Plant schedules contain botanical and common names, sizes of materials by dimension and container size, location by dimension, and notation describing species diversity;
  - f. Planting specifications and species selected for the site are suitable for individual site environmental characteristics of soil slope, aspect, wetness and microclimate; and
  - g. Plans indicate compatibility with adjacent site environmental features.

Sec. 154.19. - Reserved.

### **ARTICLE III. - LAND CLEARING**

Sec. 154.20. - Legislative intent.

- (A) It is the intent of this article to provide for and encourage the preservation of existing tree canopy and other vegetation, wherever practicable, during any land clearing or development within the city. In retaining existing tree canopy and other vegetation, aesthetics are improved, soil erosion is reduced, groundwater is increased, air is purified and air temperature is modified, thus contributing to the public health and general welfare of the community. In areas where preservation is considered unfeasible, planting or seeding by artificial means will aid in the above mentioned advantages for the public good.
- (B) Additionally, this article provides for the regulation of stormwater discharges from cleared areas and/or construction sites through the implementation of the National Pollutant Discharge Elimination System (NPDES) program. Stormwater discharge regulation will contribute to the public health and general welfare of the community and environment by minimizing the likelihood of harmful pollutants from washing into local surface waters.

Sec. 154.21. - [Definitions.]

See Chapter 153.

Sec. 154.22. - General requirements.

- (A) The provisions of this chapter shall be held to be minimum requirements, adopted for the protection and promotion of the public health, safety, or general welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations,

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ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

- (B) Any development that disturbs one acre or more is required to have an approved land clearing plan, SWPPP, and clearing permit prior to clearing or developing the land.
- (C) Any operation that disturbs one acre or more or is part of a common plan of development that will disturb one acre or more will be required to make an application for an NPDES generic permit for stormwater discharge from large and small construction activity by completing an NOI and submitting to FDEP.
- (D) While a site is being cleared and/or developed, BMPs shall be installed to prevent or reduce pollution of non-point sources from entering the City's stormwater system and/or state surface waters as required by NPDES and other regulations. If the installed BMPs are deemed insufficient, or found to be failing, adjustments to the BMPs must be made to remedy the failure in a timely manner, but no later than seven days after notice.
- (E) All development shall comply with the requirements of Chapter 157, Natural Resource Protection. A site survey for gopher tortoises shall be conducted on all properties having native upland vegetation. If gopher tortoises are identified on the property, then the property must also be surveyed for listed species associated with gopher tortoise burrows. A general survey for listed plant species may also be required depending on the characteristics of the site. No land clearing permit shall be issued for any land containing or adjacent to wetlands, containing listed plant or animal species, or for parcels greater than or equal to two acres in size until an environmental site assessment has been submitted and approved by the City. Upland preservation requirements shall not be applicable to any lot or parcel under two acres in size.
- (F) A land clearing permit does not authorize the damage, removal, relocation, or destruction of protected trees. No land clearing permit shall be issued when protected trees exist on the property until a tree preservation/mitigation plan has been approved by the City. Land clearing permits shall only be issued after all landscape, natural resource protection, NPDES, and drainage requirements have been addressed.
- (G) The clearing of platted single-family parcels bordering on waterways of the North Fork of the St. Lucie River shall require a plot plan, erosion control plan, and clearing permit as stipulated in Ordinance 81-17. A 15-foot native vegetation buffer shall be preserved or provided along the mean high water line as a means to deter shoreline erosion. For these parcels, the residential plot plan survey shall also show the 15-foot buffer in addition to the requirements outlined in §150.404. The residential plot plans shall be submitted to the Engineering Department for review.
- (H) **Approved DRI or PUD.** Grading and excavation of roads, stormwater lakes, and drainage canals/ditches that are identified on an approved DRI or PUD master plan shall be permitted provided the applicant has obtained appropriate SFWMD and USACE permits, SWPPP, mass grading plan, City approval of the environmental site assessment report, obtained the clearing permit from the city and the applicant acknowledges that such activities shall be at the applicant's own risk prior to final development plan approval.
- (I) **Exceptions.** It shall be unlawful to clear any lot located within the City without first having obtained a valid building permit, a land clearing permit, or similar authorization except for the following activities:
  - 1. Maintenance of roads, drainage ditches, and swales located in platted or dedicated public or private rights-of-way, and utility or drainage easements.
  - 2. Minimal clearing of lines less than 10-feet wide for surveying purposes, to install sediment and erosion control measures.
  - 3. Minimal clearing for the maintenance of property access and for minor recreational pursuits such as fishing, nature trails, boardwalks, and wildlife observation: 5-feet maximum trail width.
  - 4. All plant or tree nurseries and commercial timber operations shall be exempt from the terms and provisions of this article in relation to those trees planted or growing on their premises which are

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so planted or growing for the sale or intended sale to the general public or in the ordinary course of the grower's commercial business.

5. Removal of exotic invasive vegetation listed under Section 154.03(M).

- (J) Unless exempted under §154.22 (I), all land clearing activities shall be associated with an active development order such as an approved site plan, subdivision plat, or building permit and shall occur in conjunction with the construction phase of the project.

### **Sec. 154.23. - Land clearing plan.**

- (A) Any project that disturbs one acre or more is required to have a land clearing plan and SWPPP prior to clearing or development of the property. The process for submittal and review of the plans shall be in accordance with the site plan review requirements set forth in the Zoning Code.
- (B) The required information for the clearing plan and SWPPP is provided in the Engineering Design Standards for Land Development.
- (C) Standards for review. In review of the land clearing plans, mass grading plan, and SWPPP, the Site Plan Review Committee should consider the following:
1. The preservation of existing tree canopy, upland habitat, wetland communities, and other vegetation (excluding exotic species) to the maximum extent possible.
  2. The applicant's method for protecting vegetation to be retained or preserved during and after the land clearing process.
  3. SWPPP compliance with Florida Department of Environmental Protection (FDEP) guidelines.
  4. Provision of appropriate BMPs to reduce or prevent pollution from leaving the site.
  5. Stabilization of the disturbed areas.

### **Sec. 154.24. - Land clearing permit.**

- (A) Any project that disturbs one acre or more is required to have a land clearing permit prior to clearing or development of the property.
- (B) Application for a land clearing permit shall be made in accordance with the process outlined in the Engineering Standards for Land Development.

### **Sec. 154.25. - Right of site plan review committee to impose permit conditions.**

The Site Plan Review Committee may impose upon any land clearing permit any conditions as are necessary to accomplish the standards as set forth in this article.

### **Sec. 154.26. - Appeal of decisions of committee.**

If the land clearing permit is denied, the property owner may appeal to the City Council. These appeals shall be initiated by filing with the City Clerk a Notice of Appeal within thirty (30) days of the denial. The City Council shall, within thirty (30) days of receiving such Notice of Appeal, schedule a hearing on the same and, after hearing, may deny, approve, or modify the clearing plan by majority vote.

### **Sec. 154.27. - Penalty.**

Whoever violates Chapter 154, Article III Land Clearing by clearing land for which a land clearing permit is required without having first obtained that permit, or violates any conditions of an applicable permit, or by clearing land in violation of §154.22 (I) and (J), shall be required to mitigate for the cleared area by paying a fee that will be deposited into the conservation trust for upland preserve, if applicable, or the tree preservation fund, if applicable, and/or may be required to reforest the property where deemed necessary. The following provisions shall apply:

- (A) If protected trees are removed from the site, each tree shall constitute a separate violation.

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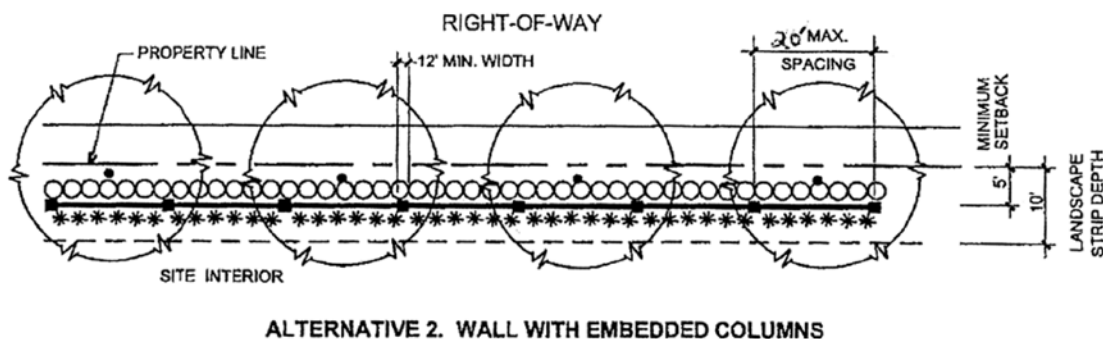
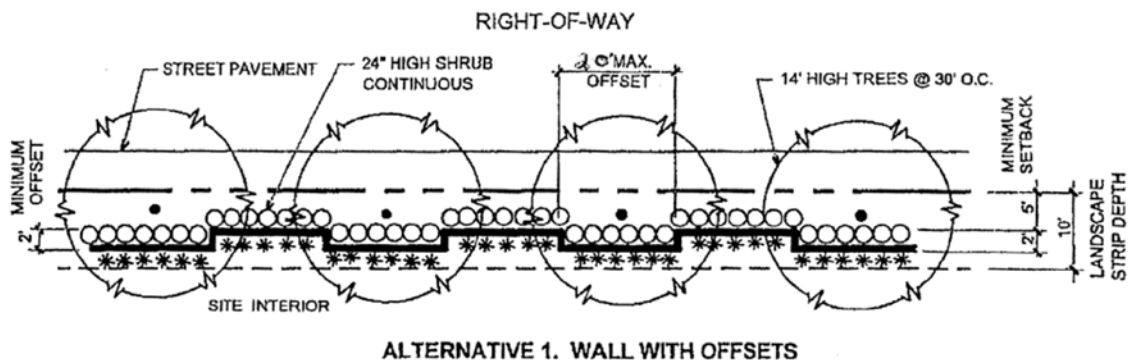
- (B) When land has been cleared in violation of applicable upland preservation requirements, mitigation, in the form of restoration, set aside or substitute native habitat, and/or payment of a fee into the Conservation Trust Fund, shall be required. Mitigation shall be based on a 4:1 ratio: four acres shall be mitigated for every one acre cleared. In lieu of paying a mitigation fee, the Planning and Zoning Department may require that illegally removed vegetation be replanted where having a vegetation buffer is vital to the public interest or the environment. The following provisions shall apply to the reforestation of cleared areas:

### 1. Vegetation.

- a. **Trees.** For every one acre of land, forty (40) canopy trees that are the same or similar to the native upland tree species found in the near vicinity shall be provided. Two (2) palm trees or understory trees may be substituted for one canopy tree. Palm trees may be substituted for twenty (20) percent or fewer of the canopy trees and understory trees may be substituted for an additional twenty (20) percent or fewer of the canopy trees. One-third of the trees shall be at least eight (8), twelve (12), and fourteen (14) feet in height respectively at the time of planting. All palms shall be at least eight (8) feet in clear trunk height.
- b. **Shrubs.** For every one acre of land, 200 shrubs that are the same or similar to the native upland shrub species found in the near vicinity shall be provided. Shrubs shall be at least two (2) feet in height at the time of planting.

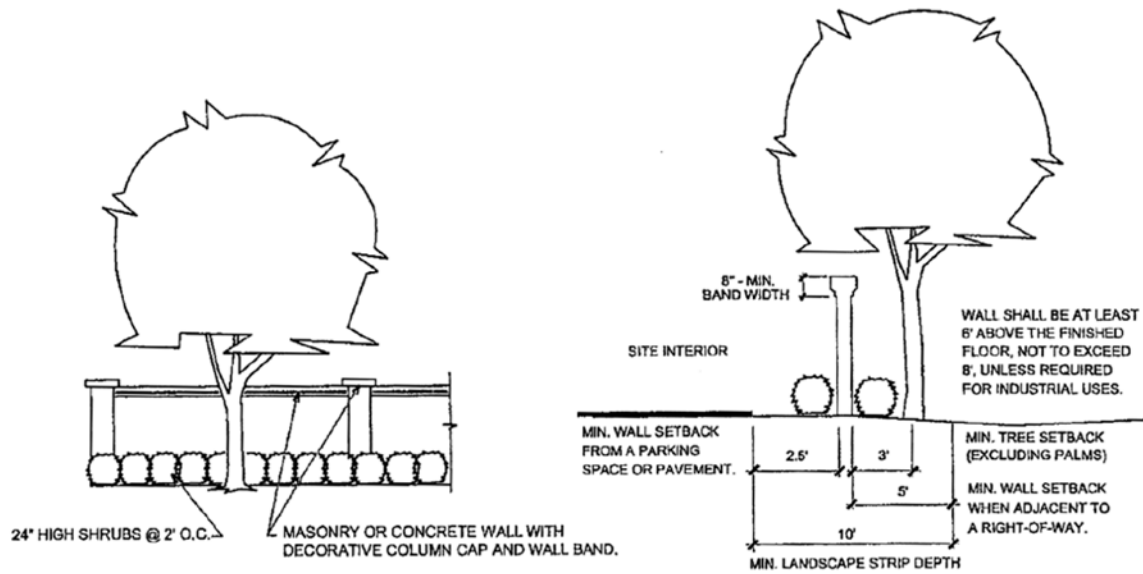
## APPENDIX A. - —REQUIRED WALL PLAN — ADJACENT TO A RIGHT-OF-WAY

IF THE ADJACENT LOT IS ZONED AS SINGLE FAMILY RESIDENTIAL AND IT IS LOCATED WITHIN A CONSERVATION AREA, AN OPAQUE FENCE THAT IS AT LEAST 6' FOOT IN HEIGHT IS REQUIRED, UNLESS REQUIRED OTHERWISE FOR INDUSTRIAL USES



## APPENDIX B. - — REQUIRED WALL ELEVATION DETAIL — ADJACENT TO A RIGHT-OF-WAY

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(Ord. No. 15-70, § 1, 9-14-15)

[APPENDIX C. - — CITY OF PORT ST. LUCIE SUGGESTED TREE LIST]

Appendix C: City of Port St. Lucie Suggested Tree List							
Common Name (Species Name)	Native	Drought Tolerance	Frost Tolerance	Mature Size (Ft.) HXW	Growth	Plant Type	Description
APPROVED TREES — TYPE A							
Avocado ** <i>Persea americana</i>	No	X	T(28)	30'X25'	S	E	Large edible fruit.
Bald Cypress <i>Taxodium distichum</i>	Yes	XX	H	80'X25'	M	D	Long lived tree.
Elm, Chinese (Drake) <i>Ulmus parvifolia</i>	No	XX *	H	35'X35'	M	E	Weeping form
Golden Rain Tree <i>Koelreuteria elegans</i>	No	X	H	30'X20'	M	D	Yellow fall flowers, followed by attractive orange seed pods.
Golden Shower	No	X	T	40'X35'	M	D	Yellow flowers in

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<i>Cassia fistula</i>							summer.
Gumbo Limbo <i>Bursera simaruba</i>	Yes	XX *	T	40'X35'	F	D	Use closer to coast, smooth reddish bark.
Holly, American <i>Ilex opaca</i>	Yes	XX	H	40'X20	M	E	Prefers acidic soils
Holly, East Palatka <i>Ilex attenuata</i>	Yes	X	H	30'X15'	S	E	Requires acid soil.
Hong Kong Orchid Tree <i>Bauhinia x blakeana</i>	No	XX *	H	30'X25'	S	E	Pink-purple flowers all year.
Jacaranda <i>Jacaranda acutifolia</i>	No	XX *	T	40'X50'	M	D	Extensive roots, flowers in spring and summer.
Magnolia, Southern <i>Magnolia grandiflora</i>	Yes	XX *	H	80'X40'	M	E	Flowering shade tree, requires acid soil.
Mango ** <i>Mangifera indica</i>	No	X	T(25-30)	115'X33'	F	E	Large edible fruit.
Maple, Red <i>Acer rubrum</i>	Yes	/	H	50'X30'	F	D	Prefers wet soils.
Oak, Laurel <i>Quercus laurifolia</i>	Yes	XX *	H	80'X45'	F	E	Wildlife value, short lived tree.
Oak, Live <i>Quercus virginiana</i>	Yes	XX *	H	60'X40'	M	E	Long lived tree.
Palm, Bismark <i>Bismarckia nobilis</i>	No	XX *	H	30' to 60'	S	P	Massive fan palm
Palm, Canary Island Date <i>Phoenix canariensis</i>	No	XX *	H	40'	S	P	Nutrient deficiencies, needs extra magnesium.

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Palm Edible date <i>Phoenix dactylifera</i>	No	XX *	H	70'	S	P	
Palm, Florida Royal <i>Roystonea regia</i> = <i>R. elata</i>	Yes	XX *	H	80'	M	P	Prefer rich, moist soils
Pine, Slash <i>Pinus elliotii</i> var. <i>densa</i>	Yes	XX *	H	100'X30'	F	E	Very sensitive to soil grade changes or compaction.
Palm, Wild Date <i>Phoenix sylvestris</i>	No	XX	H	40'	M	P	Also known as Toddy Palm or India date Palm.
Queens Crape Myrtle <i>Lagerstroemia speciosa</i>	No	XX	T	40'X30'	F	D	Pink to lavender flowering tree May to June
Red Bay <i>Persea borbonia</i>	Yes	XX	H	40'X30'	M	E	Dark purple fruit attracts birds.
Red Cedar <i>Juniperus silicicola</i>	Yes	XX *	H	35'X25'	F	E	Wildlife value.
Royal Poinciana <i>Delonix regia</i>	No	XX *	T(28)	40'X40'	M	D	Red-orange flowers in summer
Sweet Bay Magnolia <i>Magnolia virginiana</i>	Yes	XX	H	30X15	M	E	Dark green leaves. White flowers summer. Colorful red fruit in fall.
Sweetgum <i>Liquidambar styraciflua</i>	Yes	XX *	H	70'X40'	F	D	Glossy star-shaped leaves, prickly fruit balls in fall.
Sycamore (Buttonwood)	Yes	XX *	H	90'X60'	F	D	Large leaves, long-lived.

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<i>Plantinus occidentalis</i>							
<b>APPROVED TREES — TYPE B</b> The following may be planted in clumps of two (2) and counted as one (1) tree. The requirement may be reduced to one (1) tree when there is only space for a five foot landscape strip around a building façade. Type B trees will count as one tree for single family and townhouse lots.							
Buttonwood <i>Conocarpus erectus</i>	Yes	XX *	T(28)	35'X25'	M	E	Variety 'sericea' — Silver Buttonwood — 25'X20'
Cherry Laurel <i>Prunus caroliniana</i>	Yes	X	H	25'X15'	M	E	Poisonous to humans.
Crape Myrtle <i>Lagerstroemia indica</i>	No	XX *	H	25'X15'	M	D	Flowering Tree May to June.
Holly, Dahoon <i>Ilex cassine</i>	Yes	XX *	H	25'X15'	M	E	Requires acid soil.
<b>Holly, Yaupon</b> <i>Ilex vomitoria</i>	Yes	XX *	H	20'X15'	S	E	
Japanese Privet <i>Ligustrum japonicum</i>	N	XX *	H	15'X20'	M	E	
Jerusalem Thorn <i>Parkinsonia aculeata</i>	No	XX *	H	20'X25'	F	D	Yellow flowering tree March to May, thorns.
Loquat <i>Eriobotrya japonica</i>	No	XX *	H	20'X15'	F	E	Edible fruit.
Palm, Cabbage <i>Sabal palmetto</i>	Yes	XX *	H	40'	S	P	Long-lived tree. Florida state tree.
Palm, Chinese Fan <i>Livistona chinensis</i>	No	X	H	25'	S	P	
Palm, Cliff Date <i>Phoenix rupicola</i>	No	XX *	H	25'	S	P	



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Palm, Foxtail <i>Wodyetia bifurcata</i>	No	XX *	T(27)	30'	F	P	Tolerate a variety of well-drained soils
Palm, Pindo <i>Butia capitata</i>	No	XX *	H	15'	S	P	Wildlife value.
Palm, Washingtonia <i>Washingtonia robusta</i>	No	XX *	H	80'	F	P	Becomes very tall.
Palm, Windmill (Chusan) <i>Trachycarpus fortunei</i>	No	XX *	H	25'	S	P	
Pink Trumpet Tree <i>Tabebuia heterophylla</i>	No	XX	T(25)	25'X20'	F	D	Requires pruning to develop strong structure
Simpson's Stopper <i>Myrcianthes fragrans</i>	Yes	XX	H	20X15	S	E	
Silver Trumpet Tree <i>Tabebuia aurea</i> = <i>T. caraiba</i>	No	XX *	T(28)	25'X15'	M	D	Yellow flowers in Spring.
Wax Myrtle (Bayberry) <i>Myrica cerifera</i>	Yes	XX *	H	20'	M	E	Multiple trunks.

Required shrubs and ground cover shall be selected from the "Waterwise South Florida Landscapes" plant guide, published by the South Florida Water Management District, as amended. The plant material must be appropriate for the USDA plant hardiness zone.

**LEGEND**

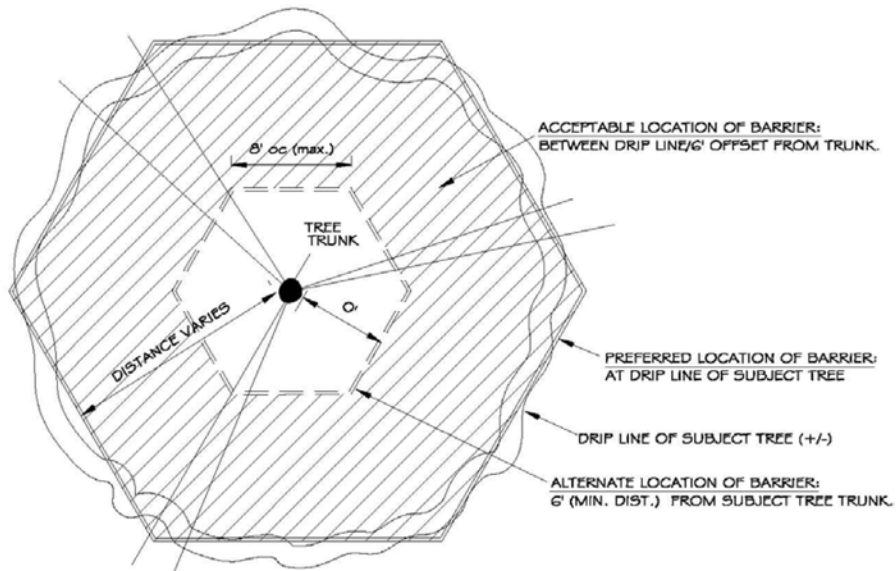
Drought Tolerance	High — (XX), Moderate — (X), None — (/), Approved for Xeriscaping — (XX *)
Growth	Slow (S), Moderate (M), Fast (F)
Type	Evergreen (E), Deciduous (D), Palm (P)
Frost Tolerance	Hardy (H), Tender (T)

\* Drought tolerance will vary depending on soil conditions and other environmental factors.

## PORT ST. LUCIE-Landscape and Land Clearing

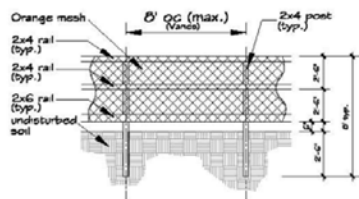
" This tree is only eligible to meet the requirements for single family houses.

### APPENDIX D. — TREE PROTECTION DETAIL



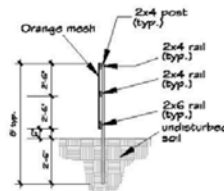
BARRICADE PLAN

N.T.S.



BARRICADE ELEVATION

N.T.S.



BARRICADE SECTION

N.T.S.

#### BARRICADE NOTES:

1. TREE PROTECTION BARRICADE TO BE ERECTED PRIOR TO COMMENCEMENT OF ANY WORK.
2. NO CONSTRUCTION WITHIN BARRICADE WITHOUT OWNER APPROVAL.
3. EXCAVATION (IF APPROVED BY OWNER) WITHIN TREE PROTECTION AREAS IS LIMITED TO HAND TOOLS (NO MACHINERY)