



## Legislation Text

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**File #:** 19-0711, **Version:** 1

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**TO:** Honorable Mayor & Members of the North Port Commission

**FROM:** Peter D. Lear, CPA, CGMA, City Manager

**TITLE:** Follow-up Discussion on the City's Tree Protection Regulations

### **Recommended Action**

Discussion and possible action

### **Background Information**

At the March 4, 2019 Commission Workshop, the following direction was given to staff by the Commission per the approved minutes:

1. There was a unanimous consensus for staff to bring back code examples of other pre-platted communities for comparison.
2. There was a majority consensus to use the county's ordinance as a base for comparison of information.
3. There was a unanimous consensus for staff to bring back information about different mitigations inside the footprint of the home for residential.
4. There was a unanimous consensus for staff to bring back information for using DBH as an automatic point and the use of tree points on page 15 of the presentation.
5. There was discussion to bring back the canopy 2019 landmark designation using i-Tree and aerial photos after information is received.
6. There was a unanimous consensus to have information brought back regarding FEMA versus septic at various floodplains and fill requirements.
7. There was a unanimous consensus for staff to bring back comparable information regarding illegal land clearing, penalties and fines.
8. There was a unanimous consensus to check with other jurisdictions about using rear and front setback areas for planting trees.

Attachments 1 and 2 address Items 1, 2, 3, 4, 7, and 8 above.

- The worksheets in Attachment 1 evaluate the tree regulations in North Port and Sarasota County as well as three pre-platted communities - Port St. Lucie (St. Lucie County), Deltona (Volusia County), and Key Biscayne (Miami-Dade County) -- on 22 separate components.
- The PowerPoint included as Attachment 2 compares the City of North Port and Sarasota County with a beneficial or unique component from one or more pre-platted communities.

Attachment 3 addresses Item 5 above. While direction was not given to bring back Item 5 at this time, staff analyzed an additional 500 points on the 1995 aerial and 500 more on the 2019 aerial for a total of 1,000 points for each time frame. The results are included in Attachment 3.

Attachments 4, 5, and 6 address Item 6 above.

- Attachment 4 shows the unsewered parcels in the pre-platted portion of the City. The red areas are on septic, and the green areas have city sewer.
- The online FEMA maps of the Special Flood Hazard Area (SFHA) in the City are not visible unless zoomed in to a

much smaller area of the City. We can use an interactive map to do this during the workshop. The following are examples of two locations in the City when zoomed in:

- Attachment 5 is an example of the location of the SFHA in a central part of the City. Much of the pre-platted portions of the City are similar to this, i.e., the SFHA is mainly in or adjacent to ponds and drainageways.
- Attachment 6 shows an area in the northern part of the City, including the Estates, where the SFHA is more prevalent and affects development on residential lots to a greater extent.

Prior to the departure of City Arborist Ryan Pieper, he provided us with a list of recommendations:

1. The Public Works, Utilities, and Parks & Recreation departments should work together to develop Best Management Practices regarding their operating practices in order to increase the number and survivability of street trees and to enhance native canopy coverage;
2. More emphasis should be given to planting and preserving native trees on city-owned property in general.
3. Heritage Trees: 30-inch DBH automatically designates it; If DBH is smaller, use Sarasota County's point system to designate.
4. Require environmental assessment for non-residential lots.
5. Restrict tree cutting during nesting season unless a bird survey is done.
6. Charge a clearcutting fee - use it to assist in providing 35% canopy on private property, e.g., free or low-cost trees.
7. Mandate invasives to be removed completely for new development.
8. Add clarification for trees that fall directly on lot lines.
9. Require mitigation for heritage trees on residential lots as well.
10. Bond timeline - extend it for landscaping to ensure survivability.
11. Incentive program was never developed - this should be done.
12. Sec. 45-6 (D) and (I) - clarify that CDDs are not government and are not exempt.
13. Sec. 45-7(E)(2) lower from 4½" to 3"; (H)&(I) raise to \$300; (L)(1)(2) tree removal permit
14. Sec. 45-8 Tree Canopy (B)(1) Increase \$300 to \$400
15. Sec. 45-10 Tree protection during development (D)(I) Add a fine if material is left on adjacent property.
16. Sec. 45-11
  - (A)(1)(b) Change 3" to 2-3";
  - (B)(1) Change \$100 to \$200;
  - (G)(1) ....or buffering requirement
17. Sec. 45-13 Tree fund - Add land swaps as an option.
18. Sec. 45-14 Enforcement (B)(3) Residential - increase \$250 to \$300.
19. Sec. 45-19 Priority Tree List: Medium shade - add Other fruit, add Cabbage Palms planted en masse (3 or more); Small shade - add Citrus, call out Cabbage Palms since they are native.
20. Waivers in VDPPs are eroding canopy coverage in the West Villages area of the City.

## **Strategic Plan**

### Historical, Cultural, and Environmental Preservation

Protect and promote our natural, cultural, and historical heritage that help define the City's identity, contribute to the economy, maintain balance, and improve quality of life

Strategic Objective: Promote the City's historical, cultural, and natural environment

### Neighborhood Enhancement

Support the beautification and revitalization of our neighborhoods

## **Financial Impact**

Varies based on policy decisions made by Commission.

**Procurement**

N/A

**Attachments**

1. Worksheets and Tree-related Code Language for 5 jurisdictions
  - A. North Port
  - B. Sarasota County
  - C. Deltona
  - D. Key Biscayne
  - E. Port St. Lucie
2. PowerPoint comparing North Port and Sarasota with pre-platted communities
3. i-Tree Canopy Results using 1,000 points
4. Map of Unsewered Parcels
5. SFHA Example-Central City
6. SFHA Example-Estates

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