

North Port Environmental Advisory Board  
recommendations for the ULDC Chapter 11  
June 7, 2021 7 PM City Hall

## PROPOSED RECOMMENDATIONS

Consent Agenda nominees: The following accepted as written

- Article 1 Groundwater Wellhead Protection
- Article 2 Conservation Restricted Overlay Zone
- Article 7 Myakka Protection Zone
- Article 8 Archeological Resource protection Regulations

Consent Agenda YES  
 " with MAPS YES  
 ? YES

### EAB Recommendations for

Article 4, Section 11-20 Protected Wildlife Species page 11 of 59

After (1) statement, insert this statement

- (3) "Prior to vegetation or underbrush removal during land clearing within a designated protected species' habitat zone, shall first require approval from the Florida Fish and Wildlife Conservation Commission and/or US Fish and Wildlife Service, in writing placed on record with the City of North Port. However, no land clearing inside protected zones shall be conducted within the species' habitat zone during nesting season.
- (4) According to US Fish and Wildlife, "if a lot is being cleared, and it has endangered species or endangered species' habitat on that property, the property owner may be in violation of the Endangered Species Act. Violations of the ESA, under 16 USC 1540, is a class "A" misdemeanor, punishable by one year in jail, and/or \$100,000 fine for individuals, or \$200,000 fine for Corporations." This restriction supersedes local policies.
- (5) The City shall make every effort to maintain sustainability and a healthy

waterways systems/habitats for protected species listed in the Endangered Species Act, such as, but not limited to, the manatee, wood stork, Florida Scrub Jay and sandhill crane. To insure sustainable and healthy water systems/habitats, the Best Management Practices shall be followed as set forth by the Florida Department of Agriculture and Consumer Services recommendations, such as, but not limited to, Nutrient management, Irrigation management, Water resource protection, to include implimentation of manual clearing of vegetation in waterways instead of herbicide treatment. [https://www.fdacs.gov/Agriculture-Industry/water/Agricultural-Best-Management:Practices.](https://www.fdacs.gov/Agriculture-Industry/water/Agricultural-Best-Management:Practices)

*If there is a female, we cease construction until nesting season is over.*

Article 4, Section 11-20 Protected Wildlife Species page 11 of 59

*Consensus - yes*

**Add the following:**

"A. Prior to any development and/or vegetation or underbrush removal activities within a designated species habitat zone, there shall first be the required approval from the Florida Fish and Wildlife Conservation Commission and/or US Fish and Wildlife Service. However, no land clearing activities shall be permitted within the protected habitat species zone during nesting season."

B. If any protected Wildlife species are encountered during the course of any development or land clearing activities," all construction in the vicinity of the aprotected wildlife species must cease insert "immediately," and appropriate action must be taken in accordance insert "with" the appropriate state or federal permitting agency.

*(Consensus yes)*

Article 5, Section 11-21 Tree Protection Regulations, page 12 B.Purpose (6)

Insert this statement: (6) "The City shall conduct a periodic evaluation of the progress of attaining its 35% tree canopy goal every ~~10~~ 5 years to inform the City about what tree management practices should be improved or replaced. This evaluation will be performed by a independent consultant hired by the City, and completed within the year begun.."

*(Consensus YES)*

*\* But NOT ADOPTED BY STAFF?*

Article 5, Section 11-25G Heritage Tree Designation page 19

**Add these trees to the Heritage Tree List:**

CONSENSUS  
yes

Laurel Oak

Water Oak

maple.

Longleaf Pine

Sable Palm

CONSENSUS YES

Article 5, Section 11-28, B. Tree planting (1) c. Clearcutting page 24

10,000

**Add this statement:** "The minimum fine for clearcutting a lot is \$6,000. per lot. All building will cease until this fine is paid by the property owner. The minimum fine for clearing a lot without posting the permit is ~~\$2,000~~ 4,000 ."

Article 5, Section 11-23 Prohibitions page 13

**Add this statement at the very end of Section 11-23:**

"D. The Prohibitions of Section 11-23, (A. Prohibitions) shall NOT apply to owner-occupied residential lots of 5 acres or smaller after a CO has been issued."

(forget it NO)

Article 5, Section 11-31, Disbursement of Tree Funds , page 31

(E) 0

**Change sentence of (1) (c) to read:** "Projects shall include enhancement or restoration of native habitats, not required through permitting or regulation. The Tree Fund should be used soely to plant trees and to impliment a comprehensive tree planting program in order to achieve the city-wide goal of a 35% tree canopy with 50% being comprised of native species (Section 11-21, B (4), page 12"

create  
A NEW "E"  
CONSENSUS  
YES