

ORDINANCE NO. 2022-09

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 71, NATURAL RESOURCES AND STORMWATER, ARTICLE IV, LANDSCAPING AND TREE PRESERVATION, DIVISION 1. – TREE PRESERVATION, DIVISION 2. – TREE REMOVAL AND REPLACEMENT, AND DIVISION 3. LANDSCAPE AND BUFFER REQUIREMENTS; UPDATING THE LANDSCAPE AND TREE CODES; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City last updated its landscape code in 2013, and the City Council requested an update to the tree and landscape requirements; and

WHEREAS, the City's Comprehensive Plan Future Land Use Element, Policy 6.5, Natural Open Space Development, states that private development should preserve existing vegetation; and

WHEREAS, the City's Comprehensive Plan Conservation and Open Space Element, Policy 1.1, Sustainable Land Development Strategies, states that the City should require invasive non-native vegetation be removed, and, as possible, require that native Florida species be preserved; and

WHEREAS, the City's Comprehensive Plan Private Property Rights Element, Policy 1.2, Property Usage, Maintenance, Development, and Improvement, states the City shall consider in its decisionmaking the right of a property owner to develop and improve his or her property, subject to state law and local ordinances; and

WHEREAS, the City desires more tree preservation, larger canopies on development sites and options for sustainable landscaping; and

WHEREAS, trees are a natural resource, and the City encourages planting, replacement and protection of trees for the benefits trees provide of shade, wildlife refuge, and psychological relief from the built environment; and

WHEREAS, the City Council finds that the adoption of this ordinance is in the best interests of the public health, comfort, safety, welfare, and quality of life of the citizens of the City of West Melbourne.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Melbourne, Brevard County, Florida, that:

Section 1. Findings. The foregoing recitals are hereby ratified and incorporated as findings of the City Council and as the legislative intent of this ordinance.

Section 2. Chapter 71 – Zoning, Article V. – Natural Resources and Stormwater, Article IV, Landscaping and Tree Preservation is hereby amended as set forth in **Exhibit "A"** attached hereto and incorporated by reference as if fully set forth herein.

Section 3. Inclusion in the Code. It is the intention of the City Council of the City of West Melbourne that the amendments set forth in the attached **Exhibit "A"** be made a part of the City of West Melbourne Code of Ordinances. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and similar or like errors may be corrected.

Section 4. Severability. The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held by a court of competent jurisdiction to be invalid or unenforceable, such decision shall not affect the validity of the remaining terms, provisions, clauses, sentences, or sections of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Conflict with Other Ordinances. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are hereby repealed to the extent inconsistent herewith.

Section 6. Effective Date. This ordinance shall become effective immediately upon its adoption by the City Council on second reading.

PASSED AND ADOPTED by the City Council of the City of West Melbourne, Brevard County, Florida, this 7th day of June, 2022.

1ST READING: May 17, 2022

2nd READING: June 7, 2022

LAND DEVELOPMENT REGULATIONS
Chapter 63 - DEFINITIONS
ARTICLE I. DEFINITIONS

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Sec. 63-7. Trees and landscaping definitions.

Acceptable trees. A list of acceptable trees shall be set forth in the "Manual of Acceptable Plantings" for the landscaping of sites within all zoning districts in the city. The "Manual of Acceptable Plantings", as adopted by resolution of the city council and amended from time to time, shall be maintained by the city clerk.

Caliper. The measurement of a tree trunk's diameter in inches at a height six inches above the ground for trees up to and including four inches in caliper, and at a height 12 inches above the ground for trees exceeding four inches in caliper. Caliper for multi-trunk trees shall be determined by measuring each trunk immediately above the fork and adding the total caliper.

~~Caliper.~~ The trunk diameter of planted trees as measured six inches above the ground for trees up to and including four inches in caliper. If the tree has an irregular enlarged base, then the caliper shall be taken up where the trunk has a regular circumference, but in no case higher than 4½ above ground. Caliper for multi-trunk trees shall be determined by measuring each trunk immediately above the fork and adding the total caliper

Canopy coverage. The aerial extent of ground within the drip line of the tree.

Canopy tree. Any self-supporting woody tree which has an average mature crown of greater than 30 feet and has trunks that can be maintained with over six feet of clear wood.

Conservation area. Lands which are part of a habitat management plan or wetland vegetative area, are seasonably flooded, and perform an environmental function as described in the City of West Melbourne Comprehensive Plan.

Critical protection zone. That area surrounding a tree within a circle described by a radius of one foot for each inch of the tree's DBH (ex. 12-inch DBH tree = 12-foot radius of a 24-foot diameter)

Critical root zone. The area surrounding a tree within a circle described by an area of 50% of the critical protection zone.

Diameter at breast height (DBH). The trunk diameter of existing trees measured at 54 inches above the ground.

Grubbing. Shall be defined as the removal of vegetation including non-protected trees less than 4" caliper in an area no wider than ten (10) feet.

Heavy machinery. Mechanical land clearing, earth moving, or earth-working equipment with a gross weight in excess of 5,000 pounds. For purposes of this ordinance all machinery which utilizes steel tracks for traction shall be considered to be heavy machinery.

~~Historic tree.~~ Any tree, except undesirable trees, with a DBH height of 36 inches or larger.

~~Land clearing.~~ The removal or grubbing, by any means, of any type of vegetation from land not including activities governed by tree removal permits.

Landscaping consists of any of the following or a combination thereof: material such as but not limited to, grass sod, groundcovers, shrubs, hedges, trees or palms; and nonliving durable material commonly used in landscaping such as but not limited to, rocks, pebbles or sand, but excluding paving. Related terms are defined as follows:

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- (1) *Drip line* means a vertical line running from the outermost horizontal circumference of the tree branches extending to the ground.
- (2) *Encroachment* means any protrusion of a vehicle outside a parking space, display area, or accessway into a landscaping area.
- (3) *Groundcover* means low growing plants planted in such a manner as to form a low continuous cover over the ground.
- (4) *Hedge* means a row of bushes or small trees planted close together in such a manner as to form a visual buffer.
- (5) *Mulch* means nonliving, small aggregate material such as wood chips or bark.
- (6) *Removal* includes remove, removing, or actual displacement or effective displacement through damaging of trees, hedges, or other landscape plants.
- (7) *Viable* means a tree or plant material which, in the judgment of the designated enforcement agency, is capable of sustaining its own life processes, unaided by man, for a reasonable period of time.

~~*Multi-trunk tree.* Trees that have more than one trunk attached at the base or separated by less than six inches of soil. Tree trunks separated by more than six inches of soil shall be considered separate trees.~~

Native vegetation. Plants that are indigenous to the State of Florida.

~~*Nonpreferred plants.* Any tree, shrub or groundcover not listed in the Manual of Acceptable Plantings for landscaping. These plants may be considered by the city, on an individual basis, if they are not on the prohibited plant list.~~

Palms means an unbranched tree with a crown of long feathered or fan-shaped leaves of tropical or subtropical species. These are species with a clear trunk of eight (8) feet or greater, commonly marked by a simple stem and terminal crown of large leaves.

Protected tree. Any tree, except undesirable and unprotected trees, which is at least four inches caliper. This designation ~~includes~~ excludes non-invasive species. ~~trees native to Florida or Florida-friendly trees including those in the Manual of Acceptable Plantings.~~

Sight Visibility Triangle. A triangular shaped area of land abutting a street that is required to be kept free of obstructions that could impede the vision of a pedestrian or the driver of a motor vehicles existing onto or driving on the street. This is a ten (10) foot long measurement along each of the lengths of the triangle shape.

~~*Specimen tree.* Any native tree or Florida-friendly~~ non-invasive tree, which is at least 18 inches up to 35.9 inches DBH.

~~*Shrubs* means self-supporting, non-deciduous species of plants capable of growing in the city.~~

~~*Tree* means a woody or fibrous perennial plant with an upright trunk which normally grows or is capable of growing to an overall height of a minimum of 15 feet in the central coastal area of the state and which has a trunk caliper of not less than four inches as measured three feet above actual grade.~~

Tree canopy means the branches, leaves, or other foliage from the woody vegetation exceeding five (5) feet in height, also referred to as the coverage of mature tree crowns.

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LAND DEVELOPMENT REGULATIONS
Chapter 71 - NATURAL RESOURCES AND STORMWATER
ARTICLE IV. LANDSCAPING AND TREE PRESERVATION

ARTICLE IV. LANDSCAPING AND TREE PRESERVATION

DIVISION 1. TREE PRESERVATION

Sec. 71-100. Purpose.

- (a) Trees as defined, regulated and protected in this chapter are declared to be a natural public resource, and the city encourages planting, replacement and protection of trees as set out in this article in the interest of the health, safety and welfare of city citizens. In addition, trees offer a haven for community wildlife and provide citizens with psychological relief from the increasing complexities of a manmade urban environment.
- (b) Also, certain trees, designated as specimen or historic trees by the city, shall be protected because of their ecological value, indigenous and non-indigenous character, size, age or historic association. Trees so designated shall be protected without regard to their location within the city's jurisdiction. To attain that end, it shall be unlawful to cut down, damage, poison, or in any other manner destroy or cause to be destroyed any tree as covered by the terms of this chapter except in accordance with this article.
- (c) Definitions of terms not described in the Tree Preservation Code are found in chapter ~~6263~~ under the "Definitions" section.

Sec. 71-101. Waivers.

Waivers from the strict provisions of this article and any other section of this Code affected by the subject matter of this article may be granted by the city in its discretion as an intrinsic part of the site plan approval. In granting such waivers, the city shall take into account the unique nature of each site as it relates to the overall goal of landscaping and preservation of existing vegetation on each site. Waivers requested by an applicant for economic reasons shall not be considered.

Sec. 71-102. Tree survey.

For those projects requiring site plan or preliminary subdivision plat approval, the ~~engineer~~/landscape architect or qualified landscape designer (those persons from nurseries and other related professions who design landscaping but are not landscape architects) for the applicant shall utilize the certified tree survey as provided for in this division to incorporate existing trees into the design of the project. The city staff shall review the proposed site plan or preliminary subdivision plat and the certified tree survey to determine the adequacy and accuracy of content and to ensure that every necessary and reasonable effort has been made by the applicant to preserve existing trees and to otherwise enhance the aesthetic appearance of the proposed development by the incorporation of existing trees into the design process.

- (1) For those sites which have existing trees, a certified tree survey by a land surveyor registered and licensed in the state shall be submitted as a part of the site plan or preliminary subdivision plat submittal. As allowed by City staff, for those sites larger than five (5) acres, a sample area of trees can be provided with aerial extrapolation of the tree clusters with at least one square (measuring a total area of 100 square feet) per 5 acres.
- (2) The tree survey shall be at the same scale as the site plan or subdivision plat. A ~~vertical plan~~ view of the trees to be removed overlaid with the proposed site improvements is strongly encouraged to demonstrate the impediments to preserving existing trees.

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- (3) All trees listed in the "Manual of Acceptable Plantings" as medium and large trees and measuring four inches or more in diameter at breast height (dbh) shall be identified by species and trunk size at dbh. Refer to the City's website for this list of protected trees and consult with City staff for clarification.
- (4) Groups of trees less than three feet apart may be designated as clusters, provided that any tree with a trunk dbh of 18 inches (specimen trees) or more in the cluster shall be specifically designated.
- (5) For sites on which development or tree removal activity is to occur on less than the entirety of the site, the tree survey may exclude those portions of the site which will not be affected by the development activity.

Sec. 71-103. Tree Removal Exceptions.

- (a) If any tree shall endanger health, safety or property and require immediate removal without delay, verbal authorization may be given by the designated public agency and the tree removed. Such verbal authorization shall later be confirmed in writing by the agency.
- (b) All state-approved and governmental plant or commercial tree nurseries and botanical gardens shall be exempt from the terms of this article, but only in relation to those trees which are planted and growing for the sale or intended sale to the general public in the ordinary course of business or for some public purpose.
- (c) All groves of trees in active commercial operation shall be exempt from the terms of this article, but only for bona fide agricultural purposes.
- (d) All trees which are required to be removed by law shall be exempt from the terms of this article.
- (e) Other exceptions shall be as specifically provided elsewhere in this article.

Sec. 71-104. Preservation of existing plant material.

- (a) In order to promote the regeneration of natural habitats, all existing native plant material in a healthy state which is on the site of development shall be considered beneficial and, within the limits of construction, shall be maintained. The standards set forth in this subsection may be adjusted, in part or in whole, to allow credit for healthy plant material on a site prior to its development if such an adjustment is consistent with the intent of this chapter. This determination shall be made by the city staff responsible for review.
- (b) In those areas of the city characterized by dense natural vegetation and those areas characterized by wetlands, the city shall determine whether an environmental inventory is necessary to identify threatened or endangered species. If it is determined that such an inventory is necessary, the applicant for a proposed site plan or subdivision shall be required to undertake such inventory and provide the results with the site plan or preliminary plat submittal. The city shall require an assessment of the potential adverse effects on threatened and endangered species for all proposed development sites which possess critical habitats for such species. When one or more threatened or endangered species are found on a development site, development activities which may cause harm to the species shall not be allowed until a management plan has been prepared which minimizes the adverse effects of the project on the species.
- (c) Those species designated as endangered or threatened by federal and state agencies shall be preserved if found on a site of proposed development. Such species shall be identified on an environmental report or by a registered landscape architect.

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Sec. 71-105. Tree protection measures.

The following tree protection measures shall be implemented on all construction sites as applicable:

- (1) *On-site conference.* For those sites required to preserve existing trees, the developer and the city shall meet on-site prior to land clearing to design a tree protection plan to be followed during construction.
- (2) *Clearing procedures.* The owner or developer shall be responsible for ~~insuring~~ ensuring that measures are taken during construction and the clearing of land to avoid damage to trees that are designated to remain. All felled materials shall be promptly removed to avoid potential damage to remaining trees and the harboring of insects and rodents.
- (3) *Protective barriers.* Rigid barriers shall be placed around all trees and vegetation designated to remain after construction. These barriers shall be located at the edge of the tree dripline ~~encircling the trunk or at the edge of construction if near proposed facilities.~~ Such barriers shall be at least four feet in height. No equipment, construction debris or signs shall be placed on the trees or in the tree dripline. Construction features such as utilities, other underground facilities, or hard above-ground facilities shall not be placed in the tree drip line until absolutely necessary due to construction sequencing, and then no more than 50% of the critical root zone may be impacted.
- (4) *Root pruning.* Where pervious conditions exist and construction will create an impervious condition adjacent to tree roots, the roots shall be pruned at a depth of 18 inches at the pervious/impervious border. Dry wells, vertical and horizontal tile drains, and coarse rock shall be provided where appropriate. At the sole discretion of the city, alternate pavement materials may be used adjacent to trees which are to remain on-site.
- (5) *Grade change barriers.* In those instances where significant grade changes will occur within or in close proximity to the critical root zone, a tree root protection barrier shall be installed.
- (65) *Construction of tree wells.* Tree wells ~~designed by a landscape architect~~ shall be constructed around all trees where over ~~six~~ four inches of fill is proposed within the dripline area. Specific details shall be approved by the city. No structure or impervious paving shall be located within the dripline of any tree unless approved by the city.
- (76) *Use of alternate surfaces in traffic areas.* In those locations where traffic is proposed within the tree dripline area, alternate pervious surfaces may be required. Specific details shall be approved by the city engineer and planning director. Alternate surfaces may be utilized in critical root zones where necessary and appropriate, as approved by city staff.
- (87) *Excavations.* Swaling and negative grade changes should be designed around the dripline area to the greatest extent possible. Piping should be used instead of creating open trenches in the tree dripline area. Where underground installations are required in the tree dripline of ~~protected specimen~~ trees, tunneling shall be used.
- (98) *Excessive trimming.* Pruning, shearing, topping or other means of shaping a protected tree beyond its natural form shall be prohibited unless the city determines the trimming is not excessive.
- (109) *Tree survival.* Except for any exemptions contained in section 71-103, all trees transplanted, replaced or existing that die shall be replaced. The city may waive the replacement requirements if there are other trees on-site that meet the minimum requirements of this Code. Unless otherwise authorized by a tree removal permit, no excess soil, addition of fill, construction materials or equipment, liquids or construction debris shall be placed within the dripline of any tree that is required to be preserved in its original location.

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Sec. 71-106. Transplanting of existing trees.

- (a) At the sole discretion of the city, existing trees which are located in areas to be disturbed and which are included on the acceptable tree list set forth in this chapter may be required to be transplanted elsewhere on the site.
- (b) For those sites on which existing trees are to be transplanted, representatives of the developer and the city shall meet on the site to plan for the safe relocation of such trees using the most recent protection measures.
- (c) Trees to be relocated which are ten inches or less in caliper shall be transplanted with a ~~mechanical tree spade~~ mechanism suitable to accommodate the ~~of sufficient~~ diameter as discussed and approved determined by the city.
- (d) Trees to be relocated which have a trunk caliper in excess of ten inches shall be root pruned a minimum of 18 inches in depth around the entire circumference of the tree. The diameter of the root pruning trench shall be of an adequate size as determined by a certified arborist. A minimum 30-day shock period is required unless a longer period is determined by a certified arborist. A crane shall be used to transplant the trees.
- (e) Tree foliage shall be sprayed with an anti-transpirant prior to relocation.
- (f) A water ring shall be placed over the root ball of each tree following relocation.
- (g) All transplanted trees shall be provided with an ample amount of water as required by the time of year and environmental conditions. Such watering provisions shall be described in detail on the site plan.

DIVISION 2. TREE REMOVAL AND REPLACEMENT**Sec. 71-107. Permit Required.**

Except as otherwise provided for in this chapter, no person shall directly remove, cut down, destroy, move, damage, severely top, or authorize such to any ~~woody or fibrous~~ protected tree ~~as defined in this chapter~~ listed in the Manual of Acceptable Plantings without first obtaining a tree removal permit from the city.

Sec. 71-108. Application.

- (a) Prior to the issuance of a tree removal permit, land clearing permit, or construction permit, the owner and/or agent shall submit a permit application to the city indicating the type of tree to be destroyed, cut down, removed, or moved and the location of each such tree in relation to existing structures, lot lines, setbacks, or other points of reference. The application shall also indicate the reason for the tree removal, destruction, moving, or cutting; who will perform the work; and such other information as may be required to effectively enforce this division.
- (b) The application shall be for only those trees which were approved to be removed or relocated at the time of site plan approval.
- (c) For those applications submitted in conjunction with a preliminary subdivision plat, the approved preliminary plat shall be used as an attachment for review. The application shall be for only those trees to be removed for the installation of utility, drainage, and roadway facilities. If the applicant desires to remove trees which are not located within rights-of-way or easements to be dedicated for utilities, drainage and roadways, a certified tree survey shall be submitted with the application.

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- (d) Any owner/builder in construction or development of a single-family or two-family (duplex) residence that sits on its own lot, whether detached or attached, is exempt from the requirement to obtain a tree removal permit on said lot. Developments consisting of three or more dwelling units per lot, whether detached or attached, shall submit, as an attachment to the construction permit application, a sketch or rendering drawn to scale indicating the types of trees and their location in relation to the proposed structure.
- (e) For those applications for properties having existing structures, if a site plan is not available, a sketch ~~or rendering~~ drawn to scale indicating the types of trees and their location on the site shall be submitted. A tree removal permit shall be issued if the tree, due to natural circumstances, is no longer viable as determined by a certified arborist or landscape architect, is in danger of falling, is too close to existing structures so as to endanger such structures, interferes with utility services, creates unsafe vision clearance, or constitutes a health hazard. It shall be determined by a certified arborist or landscape architect if the tree can be relocated on the site. If the tree is removed, a suitable replacement tree may be required on-site.
- (f) For those applications for vacant or undeveloped sites, land zoned for agricultural purposes, and public and private rights-of-way, a certified tree survey of the site shall be submitted as an attachment. The survey shall show the location of all existing trees as defined in this chapter and shall show the variety and caliper of the trees. For sites on which tree removal activity is to occur on less than the entirety of the site, those portions of the site which are determined by the city to be unaffected by the tree removal or clearing activity may be excluded from the tree survey. For the purpose of this subsection, a tree removal permit shall be issued if the tree, due to natural circumstances, is no longer viable as determined by a certified arborist, is in danger of falling, is too close to existing structures so as to endanger such structures, interferes with utility services, creates unsafe vision clearance, or constitutes a health hazard. It shall be determined by a certified arborist if the tree can be relocated on the site. If trees are removed, suitable replacements may be required if they are trees included on the acceptable list of the city.
- (g) Where it is verified by the city that no tree removal activity is involved in a proposed development or construction activity, the attachments prescribed in this section shall not be required.

Sec. 71-109. Review and approval procedures

- (a) Prior to the issuance of any land clearing permit, tree removal permit, or construction permit, city staff ~~the building official~~ shall review and consider each application prescribed by this division.
- (b) Subsequent to the approval of the application prescribed in this division, ~~the building official~~ city staff shall issue the appropriate tree removal permit.
- ~~(c) A tree removal permit issued under this division shall be in effect for a period not to exceed 60 days.~~
- ~~(c)~~ Provisions for replacement trees as required in section 71-114~~113~~ shall be included with the tree removal permit.

Sec. 71-110.

Requirements following issuance:

- ~~(a)~~ Upon issuance of a tree removal permit under this division, a copy of the permit shall be prominently displayed on the site prior to the removal, relocation or replacement of any trees. Tree removal permits issued in conjunction with building or construction permits shall be included with all other permit cards and shall be displayed alongside them on the site.
- ~~(b)~~ Prior to the issuance of a building permit or certificate of occupancy, ~~the building official~~ city staff shall certify that the final site is in substantial conformance with the original application and plans

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upon which the tree removal permit was issued. No final certificate of occupancy shall be issued nor electrical power cut-in authorization given until the relocation or replacement of trees, as required by the tree removal permit, has been completed and final tree inspection has occurred.

- (ef) Trees which are relocated from one area of the site to another but which do not survive transplanting shall be replaced with similar suitable tree(s) as specified by the city or mitigated by payment into the tree bank reserve fund pursuant to section 71-114.

Sec. 71-110. Tree Permit Exemptions ~~Sec 71-111 Invasive tree exemptions.~~

- (a) The following types of trees shall be exempt from this division, and no permit or fees shall be required for the removal, cutting down or destruction of these trees or any plants ~~others~~ on the State of Florida listing of exotic invasive plants and trees:

- (1) Melaleuca quinquenervia (cajeput, paperbark, punktree, melaleuca).
- (2) Melaleuca leucadendra (cajeput, broadleaf paperbark, broadleaf tea tree, river tea tree, weeping tea tree).
- (3) Casuarina glauca (Brazilian oak, scaly bark beefwood).
- (4) Casuarina equisetifolia (Australian pine).
- (5) Schinus terebinthifolius (Brazilian pepper).
- (6) Bischofia javanica (bishopwood, bischofia).
- (7) Ricinus communis (castor bean).
- (8) Enterolobium cyclocarpum (ear tree).
- (9) Melia azedarach (Chinaberry tree).
- (10) Grevillea robusta (silk oak).
- (11) Cupaniopsis anacardioides (carrotwood).
- (12) Sapium sebiferum (Chinese tallow).
- (13) Ficus benjamina (weeping fig).
- (14) Schefflera actinophylla (Schefflera).
- (15) Imperata cylindrical (Cogongrass)
- (16) Dioscorea bulbifera (Air Potato)
- (17) Cassia Bicapsularis (Butterfly Bush)
- (18) Paulownia tomentosa (Princess tree)
- (19) Syngonium (Arrowhead vine)
- (20) Paederia foetida (Skunkvine)
- (21) Megamelus Scutellaris (Floating Water hyacinth)
- (22) Lygodium microphyllum (Old World Climbing Fern)
- (23) Solanum (Tropical soda ash, Dogfennel)

- (b) ~~No tree removal notice, application, approval, permit, fee, or mitigation shall be required for the pruning, trimming, or removal of a trees on a lot that is actively used for improved~~ single-family

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residentially zoned lots purposes and that is either a conforming use or a legally recognized nonconforming use in accordance with the city's applicable land development regulations.

- ~~(e) No tree removal permit shall be required for the removal, cutting down, or destruction of a common pine which is removed by the owner or builder of a single-family residence proposed to be constructed on a lot.~~

Sec. 71-442111. General permit fee information.

- (a) Fees for tree removal permits shall be those established by resolution of the city council.
- (b) In lieu of the fees specified, the owner or developer may submit a tree replacement proposal on a tree-for-tree basis, and the replacement trees shall conform to the requirements of this chapter. Final approval of a tree replacement proposal shall be at the sole discretion of the city after review of the type, size, age, character and historic association of the tree.
- (c) Governmental agencies shall be exempted from permit fees but shall be subject to all other sections of this chapter.
- (d) No fee shall be charged for the following:
- ~~(1) Removal of trees located within a dedicated right-of-way or off-site utility easement for construction of required improvements to be dedicated to the city, such as streets, water, sewer and drainage.~~
 - ~~(2) Fifteen percent of the area designated for stormwater retention/detention on the approved preliminary plat for a subdivision having dedicated public roads.~~
 - ~~(3) Removal of any species of tree located within the building footprint or within three feet of the building footprint on any lot used for the construction of a single-family residence. In such case, a survey showing the location of the trees shall be submitted.~~
 - ~~(4) Removal of trees on single-family lots as specified in section 71-111 above.~~
- (e) Agricultural activity. The fee to be charged an applicant seeking to destroy trees in conjunction with a bona fide agricultural purpose shall be as established by city council resolution. This reduced fee, however, is to be charged only upon the applicant's submitting to the city of a covenant running with the land for a term of not less than five years indicating that the land noted therein shall not be utilized by the owner for any purpose other than a bona fide agricultural purpose. The covenant shall be promptly filed with the appropriate officer for recording in the same manner as any other instrument affecting the title to real property and may be released prior to its termination by a written instrument of the city releasing the owner from the terms of the covenant and which instrument must be promptly recorded in the same manner as any other instrument affecting the title to real property.

Sec. 71-443112. Tree preservation and credit.

- (a) Tree Canopy Preservation. Multiple-family residential, common areas in subdivisions, commercial, institutional, public, and industrial developments shall meet canopy coverage preservation equal to 10% of the site area.
- ~~(b)~~ *Eligibility.* To receive credit for the preservation of trees, the following must be met:
- (1) The tree shall be maintained at its original grade with no removal or addition of soil and no open cutting of roots within 50 percent of its tree dripline to be given the credit listed here beyond a one-to-one tree count.
 - (2) The tree shall not be damaged from skinning, barking or bumping which is potentially lethal to the trees.

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- (3) There shall be no evidence of active insect infestation to damage the tree.
- (4) Impervious surfaces shall not be adjacent to the trunk nor in 50 percent of its dripline.
- (~~cb~~) *Credit*. Credit shall be given for the preservation of existing trees to count towards the quantity and location of required trees for each development site in the following ratios:
 - (1) Any existing trees that are preserved and that measure at least a minimum ~~six~~ four inches ~~caliper~~ DBH shall be given credit on an inch-for-inch basis. See Section 71-113.c for more information on tree replacement inch equivalents.
 - (2) ~~Each one inch of specimen tree preserved shall correspond to one inch of a replacement tree that is required for removal of a 31-inch or larger tree.~~
- (d) Field Condition Changes. If during construction or other activity, the originally identified trees to be credited cannot be saved, then discussion shall occur with City Staff as to required mitigation accompanied by a revised set of landscape plans prior to final site inspection.

Sec. 71-113. On-site tree replacement.

All trees that are removed or destroyed on a development site, and not in existing road right-of-way, and subject to replacement by this section shall be replaced by a species of tree listed in the latest edition of the Florida-Friendly Plant List in "Florida Yards and Neighborhoods" edited by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS) or such other trees properly approved by the city, in accordance with the replacement tree schedule provided in Table 71.1, Tree Replacement Schedule. Single-family residential lots are not required to ~~follow~~ comply with this section.

~~The required number of replacement trees shall not exceed the total amount of trees required in accordance with division 3, Landscape and Buffer Requirements, without providing the property owner or developer the option for paying into a tree bank or planting larger caliper trees on-site to meet the landscape requirement for the site. If the total number of replacement tree required cannot be reasonably accommodated on a site, the total caliper inches shall be met by the placement of fewer, but larger, trees on the site, as approved by the Planning and Development Director, or his or her designee. Replacement shall occur prior to the issuance of a certificate of occupancy (if approval is pending) or ~~occur~~ within 30 days of removal or destruction, whichever date is earlier, unless a greater replacement period is provided for good cause within a clearing, grading, and tree removal permit.~~

TABLE 71.1: TREE REPLACEMENT SCHEDULE

<u>DBH (Diameter at breast height) - Removed Tree</u>	<u>Number of Replacement Trees</u>
<u>4" up to but not including 12"</u>	<u>1 tree</u>
<u>12" up to but not including 18"</u>	<u>2 trees</u>
<u>18" up to but not including 24"</u>	<u>4trees</u>
<u>24" up to but not including 36"</u>	<u>5 trees</u>
36" and above	inch per inch replacement ^(a)

TABLE 71.1: TREE REPLACEMENT SCHEDULE

<u>DBH (Diameter at breast height)- Removed Tree</u>	<u>Number of Replacement Trees</u>
<u>10" up to but not including 18"</u>	<u>1 tree</u>

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18" up to but not including 26"	2 trees
26" up to but not including 32"	3 trees
32" and above	4 trees ^(a)

- (a) *Reduced tree requirement.* At the discretion of the city, if the development site cannot accommodate additional trees, ~~the city can maintain the tree replacement ratio at four trees for each 36 inches of historic tree removed~~ a waiver can be requested.
- (b) *Characteristics of replacement trees.* The replacement tree(s) shall have at least shade potential, screening properties, and/or other characteristics comparable to that of the tree(s) requested to be removed. Therefore, a minimum of 50% of the replacement trees shall be large or medium trees and no more than 25% of the replacement trees may be palm trees.
- (c) *Size of replacement trees.* Replacement tree(s) are to be a minimum of ~~2 1/2~~3 inches caliper. ~~Replacement tree(s) that are a minimum of four inches caliper shall be counted as two replacement trees and replacement trees that are a minimum of six inches caliper shall be counted as three replacement trees.~~ Increased tree size can be applied as additional mitigation inches.
- (d) ~~*Planting of replacement trees.* Trees are to be planted as specified in sections 71-120 and 71-121 in perimeter areas and/or landscape islands.~~

Sec. 71-~~114~~115. Tree bank reserve fund.

The city establishes a tree bank reserve fund to provide applicants an alternative means for mitigating tree removal as stated here.

- (1) *Option of tree bank reserve fund.* If the quantity of trees required to replace the removed existing trees exceeds what can be reasonably accommodated on site ~~that required for planting new trees due to development of the site in accordance with division 3 of this article,~~ the property owner or developer shall have the option of tree replacement as payment to a city tree bank.
- (2) *Calculation.* The tree banking cost shall be established by resolution of the city council.
- (3) *Use of tree bank reserve fund.* All amounts paid into such tree bank shall be reserved solely for the purchase, installation and maintenance of trees on public property and right-of-way.

DIVISION 3. LANDSCAPE AND BUFFER REQUIREMENTS

Sec. 71-~~115~~116. General.

This division shall be the minimum requirements, installation and maintenance of certain landscaped areas in residential, commercial, institutional and industrial areas.

Sec. 71-~~446~~117. Landscape and irrigation plans.

- (a) Landscape and irrigation plans shall be required in conjunction with a site plan submittal for those projects located in commercial, industrial, professional, institutional, and multiple-family zoning districts, and in common areas of residential subdivisions.
- (b) Each landscape plan and each irrigation plan shall be on a separate sheet and shall be included in the series of sheets which compose the site plan.

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- (c) Landscape and irrigation plans shall be prepared by a professional engineer or landscape architect registered and licensed in the state and shall be signed and sealed by such engineer or landscape architect or prepared by a landscape designer.
- (d) For existing sites which require a site plan submittal for an addition or alteration, the landscaping and irrigation shall be brought into compliance with this chapter as required by ~~the city staff.~~
- (e) All landscape and irrigation plans shall be in accordance with the requirements set forth in this chapter.
- (f) Irrigation plans can be preliminary and an as-built shall be submitted to the city to show the final layout of irrigation lines.

Sec. 71-~~117418~~. Plant material.

- (a) *Quality.* Plant material used in conformance with this section shall equal or exceed the standards for Florida No. 1, as given in "Grades and Standards for Nursery Plants, parts I and II, State Department of Agriculture", and any amendments thereto. ~~Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases.~~
- (b) *Native Plants.* A minimum of 50% of plantings on site shall be native.
- ~~(b) *Crown or spread.* Trees as referenced in this section shall have an average mature spread or crown a minimum of 15 feet.~~
- (c) *Palm trees.* ~~Palm trees shall only be an acceptable plant material substitute for required trees in landscape islands of parking lots when said palms measure four inches in caliper, in landscape islands of parking lots or half of the single-family residential tree plantings; however, palm trees may be used as accents to the required trees meet the following requirements:~~
 - (1) Measure at least ten inches dbh or with a minimum clear trunk measurement of 10 inches;
 - (2) Sabal palms must be planted in clusters of three (3) to count for one (1) required tree. Larger palms such as Date Palms may be used as a required tree on a one-to-one basis.
- (d) *Acceptable trees.* A list of acceptable trees shall be set forth in the "Manual of Acceptable Plantings" for the landscaping of sites within all zoning districts in the city. The "Manual of Acceptable Plantings", as adopted by resolution of the city council and amended from time to time, shall be maintained by the city clerk. All multi-trunk trees shall have a cumulative caliper inch measurement of at least 3 inches in caliper.
 - (1) *Large trees.* Those large trees as described in the "Manual of Acceptable Plantings" shall be used only where:
 - a. There is an area for plant and root spread of at least ~~20 feet~~ 300 square feet;
 - b. The mature spread of the tree is 30 feet minimum;
 - c. There is well-drained soil; and
 - d.e. The tree is planted at least six feet from roads, sidewalks and driveways to prevent damage to the surface. As an alternative, a large tree can be replaced with medium or small trees listed in the "Manual of Acceptable Plantings".
 - e. *Underground utilities.* All trees shall be planted at least 7.5 feet away from underground utilities.

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f. Root barriers may be used on a case-by-case basis as authorized by city staff.

Large trees shall be a minimum of ten feet in height and ~~2½~~ 3 inches in caliper, ~~measured four inches above grade.~~

Large trees shall be planted no closer than 25 feet on center from another large tree, unless clustered at a closer distance depending on the species.

- (2) *Medium trees.* Medium trees, as described in the "Manual of Acceptable Plantings", shall be used in areas where there is insufficient area for large trees and where there is well-drained soil.

Medium trees shall be a minimum of eight feet in height, a maximum mature spread of 20 feet, and a caliper of 1½ ~~2~~ inches ~~in caliper, four inches above grade.~~

- (3) *Small trees.* Small trees, as described in the "Manual of Acceptable Plantings", shall be used in areas where rooting space is limited or near power lines.

Small trees shall be a minimum of six feet in height and 1½ inches in caliper, ~~four inches above grade.~~

- (4) *Tree Diversity.* At least 50% of required trees on site shall be large or medium trees. Additionally, sites shall include diverse tree species to prevent the creation of a monoculture. Tree diversity requirements stipulated in Table 71.2 shall be achieved.

TABLE 71.2: TREE DIVERSITY REQUIREMENTS

Site Size (Ac)	Number of Tree Species Required
0 - 20 Ac.	5 tree species
21 - 50 Ac.	7 tree species
51 to 100 Ac.	9 tree species
101 More Ac.	11 tree species

- (5) *Underground utilities.* All trees shall be planted at least 7.5 feet away from underground utilities.

- (e) *Acceptable shrubs and plants.* ~~Required shrubs and plants, as described in shall be selected from the "Manual of Acceptable Plantings", shall be required to be installed along the perimeter of a site as specified in subsection 71-117(a). The "Manual of Acceptable Plantings" identifies appropriate shrubs and plants to be used in rights-of-way.~~

The shrubs shall be a minimum of 24 inches ~~2½ feet~~ in height and ~~one foot~~ 18 inches in width immediately upon planting. ~~and~~ The spacing shall depend on the spread of the plants chosen.

- (f) *Grass sod.* All disturbed areas which are not otherwise landscaped shall be fully sodded, including all retention areas and conveyance swales. St. Augustine and Argentine Bahia varieties shall be the acceptable sod types within all zoning districts of the city. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases.

- (g) *Groundcover.* The city reserves the right to require or accept groundcover alternatives to grass sod in all zoning districts within the city. Groundcover in lieu of grass sod shall be planted in such manner as to present a finished appearance and reasonably complete coverage within three months after planting. Those plants acceptable for use as groundcover are listed in the "Manual of Acceptable Plantings".

- (h) *Planting beds.* All planting beds shall be mulched with cypress, pine bark, melaleuca, eucalyptus, natural stones or other equivalent substitute material approved by the city a minimum of three ~~two~~ inches in depth.

- (i) *Soils.* Soils used in planting beds shall be of acceptable quality as determined by the city to allow for optimum plant growth. Soils shall be free of large rock and other similar material or substances, and

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shall be aerated if compacted and planting soils shall only be used in the root ball areas. The pH for soils shall be in the range of the proposed plant material.

Sec. 71-118119. Minimum tree plantings for single-family lots.

A minimum of four trees no less than six feet in height shall exist or shall be planted on each newly developed residential lot of more than 10,000 square feet. A minimum of three trees no less than six feet in height shall exist or shall be planted on each newly developed residential lot of less than 10,000 square feet. Table 71.23 lists the minimum tree requirements for single family lots ~~provides the summary of these requirements.~~ A maximum of two ~~common~~ pine trees can be used to fulfill the requirement. All required trees shall be of a species included in the "Manual of Acceptable Plantings" set forth in this chapter and can include fruit trees with a woody stem; provided, however, that one of the required trees may be a species of the citrus family. Trees shall be compatible with the existing soil and drainage condition and shall be provided with adequate water and fertilizer to encourage growth. Trees shall be planted in locations so as not to cause danger to or interference with existing structures or utilities at the time of maturity. The remainder of the lawn shall be landscaped with sod or suitable groundcover to alleviate resulting dust pollution.

TABLE 71.23: TREE PLANTINGS FOR SINGLE-FAMILY (as described above)

Lot Size	Minimum Requirement	Other Criteria
10,000 square feet or larger	4 trees that are <u>at least 86</u> feet tall	Max. of 2 common pines; Max. of 1 <u>fruit tree</u> citrus tree and/or 2 palms to meet code plus other trees
Less than 10,000 square feet	3 trees that are <u>at least 86</u> feet tall	Max. of 2 common pines; Max. of 1 <u>fruit tree</u> citrus tree and/or 2 palms to meet code plus other trees

Sec. 71-119120. Landscape buffers ~~Perimeter landscaping for multiple-family and nonresidential.~~

- (a) Landscape buffer. The owner, tenant and/or agent of an ~~proposed multi-family or nonresidential site shall provide a landscape buffer along the perimeter off-street parking or other vehicular use area shall landscape between such area and abutting properties and between such area and adjacent rights-of-way as provided in this section. The perimeter landscaping shall be installed as provided in this section.~~ This landscape buffer is not the same as the landscape islands described in Section 71-1204.
- (b) Minimum buffer size. ~~Landscape buffers shall be~~ A ~~landscape strip~~ a minimum of ten feet in width shall be required ~~between any paved area and all property lines as measured from the back of the curb~~ property line, but when shared with stormwater systems, in no case shall the landscape area be less than five feet in width.
- (c) Landscaping shared with stormwater systems. Portions of the required landscape buffers may be used as conveyance swales or retention areas provided that:
- (1) A continuous flat area a minimum of five feet in width, not to exceed a two percent grade (note this width and grade on plans), is provided for the plantings; and
 - (2) The elevation of the flat area is above the outfall elevation; or
 - (3) Wetland types of trees are planted along the banks of stormwater areas.

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(de) *Shrub placement and maintenance.*

- (4) ~~Shrubs shall be planted within the required landscape buffer to form a continuous strips adjacent to abutting properties, and adjacent to public rights-of-way. The result shall be a hedge planted and maintained so as to form a continuous unbroken solid hedge. Shrubs adjacent to abutting properties shall be maintained at a height of five feet when fully mature with a plant type able to reach this height.~~
- (2) A minimum 75% opacity shall be achieved in no less than two years after installation and 100% opacity shall be achieved at maturity. Shrubs adjacent to abutting properties shall be no less than 24 inches in height at installation and maintained at a height of three to four feet when fully mature adjacent to non-residential properties and six feet (6') maturity at locations adjacent to residential properties unless required with a specific development order.
- ~~(32) Shrubs adjacent to rights-of-way shall be maintained so as not to~~ shall not obstruct visibility along the abutting roadways. ~~but shall not be less than three feet in height.~~

(ed) *Reserved.*(fe) *Trees.*

- (1) Large or medium trees shall be planted within the required landscape buffer strips adjacent to abutting properties and adjacent to rights-of-way, at a rate of one tree per 40 linear feet of property line except adjacent to vertical structures when minor deviations of spacing are allowed, and shall be spaced every 40 linear feet or fraction thereof adjacent to abutting properties, but trees meeting the requirement for one every 40 linear feet of property line may ~~Trees within buffers may be clustered in groups along the abutting roadways instead of being planted at an exact spacing of 40 linear feet. Small trees spaced every twenty-five (25) linear feet may be used instead in areas where overhead utilities limit the placement of large or medium trees.~~
- ~~(2) If existing trees are preserved, then the ratio or required trees shall be reduced to one for every 50 linear feet of property where the existing trees are kept or along a public road right-of-way. If the preserved existing trees are in the middle of the development site or where the closest property line is not clearly defined, the reduced ratio of one tree/50 feet shall apply along a road right-of-way as agreed upon between the city and the applicant.~~
- (gf) Groundcover Landscape buffer remaining areas. The remainder of the required landscape strips buffers shall be planted with grass sod, shrubs, or groundcover.
- ~~(g) Landscaping shared with stormwater systems.~~ The landscape strips are required for the purpose of planting small or medium trees, shrubs and other landscape materials and to provide open green space. However, portions of the required landscape strips may be used as conveyance swales or retention areas provided that:
- ~~(1) A continuous flat area a minimum of five feet in width, not to exceed a two percent grade, is provided for the planting of small trees and hedges; and~~
- ~~(2) The elevation of the flat area is above the outfall elevation; or~~
- ~~(3) Wetland types of trees are planted along the banks of stormwater ponds.~~
- (h) Landscaping adjacent to curbs. When a landscape area abuts parking spaces, trees and hedges shall be installed a minimum of five feet from the back of the curb to allow for vehicle overhang. Shrubs shall be installed a minimum of three feet from the back of the curb. Groundcovers shall be planted immediately adjacent the back of curb. Two feet of the landscape area may be acceptable as part of an area that has 20-foot depth of each abutting parking space.

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- (i) *Planting area protection.* All ~~perimeter~~ landscape areas adjacent to vehicular use areas shall be raised and curbed to provide protection from vehicle encroachment, unless part of an existing site or in the redevelopment area. Curbing shall be in conformance with the requirements set forth in the city's development regulations pertaining to parking lots. Curb cuts to drain into stormwater areas must be approved by City staff.
- (j) *Sight visibility clearance.* No landscaping, tree, fence, wall or similar item shall be installed in the vicinity of any corner, street intersection or an intersecting road right-of-way and driveway that the city determines is an obstruction to visibility, extends into the intersection sight visibility lines, or is a traffic hazard. A sight visibility triangle is required at driveways to be a minimum of 10 feet by 10 feet.
- (k) *Multiple-family requirements.* In addition to the ~~perimeter landscape requirements~~ landscape buffers required ~~set forth~~ in this section, the owner, tenant and/or agent of a multiple-family project of more than five acres shall ~~also~~ provide the following:
- (1) An opaque screen ~~of a material~~ (six foot vegetative or manmade) of a material approved by the city, shall be maintained at all times in a sightly condition, ~~between any vehicular use area and the~~ adjacent to a common lot line, except along road rights-of-way where shrubs can be kept at a reduced height to prevent visibility obstruction.
 - (2) A landscape ~~strip buffer with~~ strip buffer with a minimum width of 20 feet ~~in width~~, parallel with all common lot lines, when adjacent to single-family residential areas, planted with a minimum of one tree for every 40 linear feet or fraction thereof. The remainder of the landscape strip shall be planted with grass sod, shrubs, or groundcover.
 - ~~(3) The 20-foot wide landscape strips as mentioned above shall also be planted with a minimum of one tree for every 40 linear feet or fraction thereof.~~
 - ~~(4) The remainder of the landscape strip shall be planted with grass sod or groundcover.~~

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Figure 71.4: LANDSCAPE BUFFER REQUIREMENTS

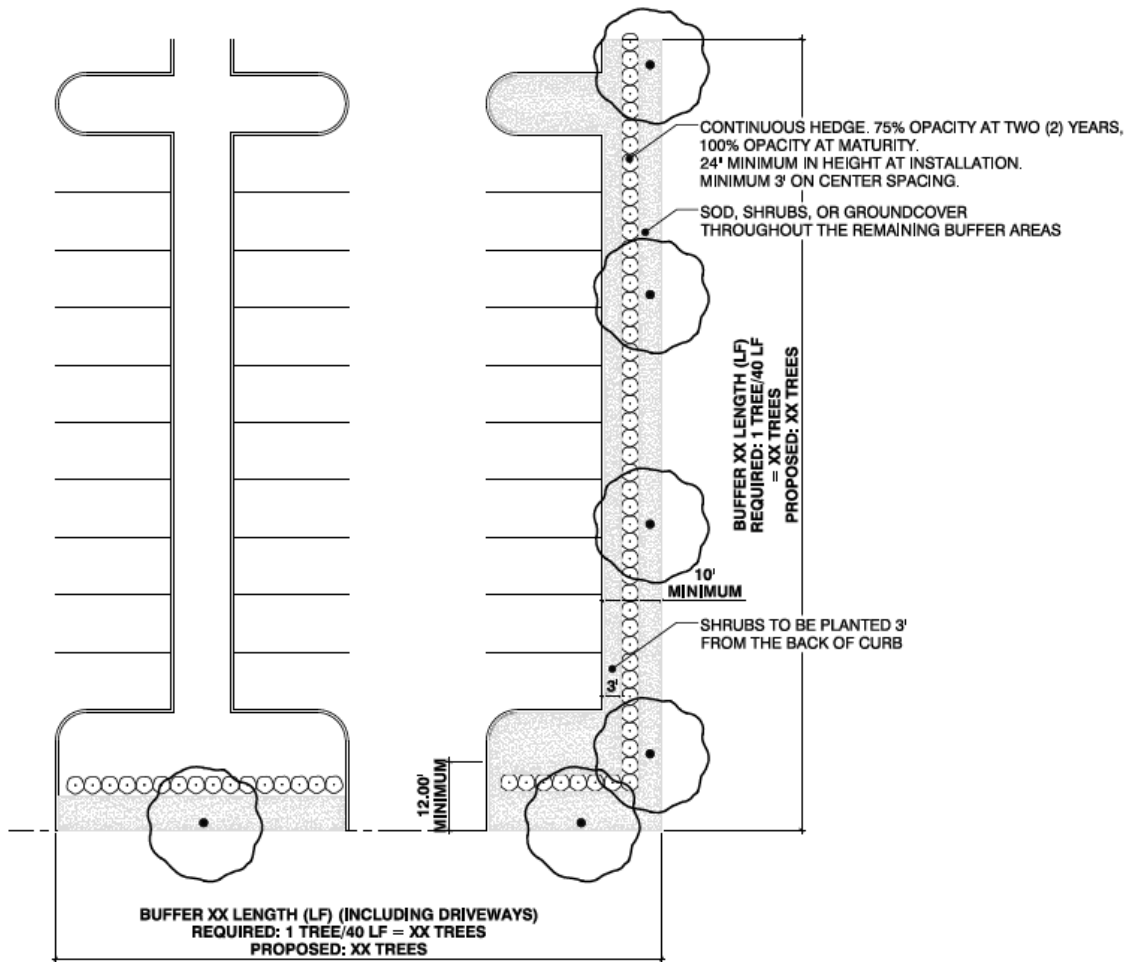
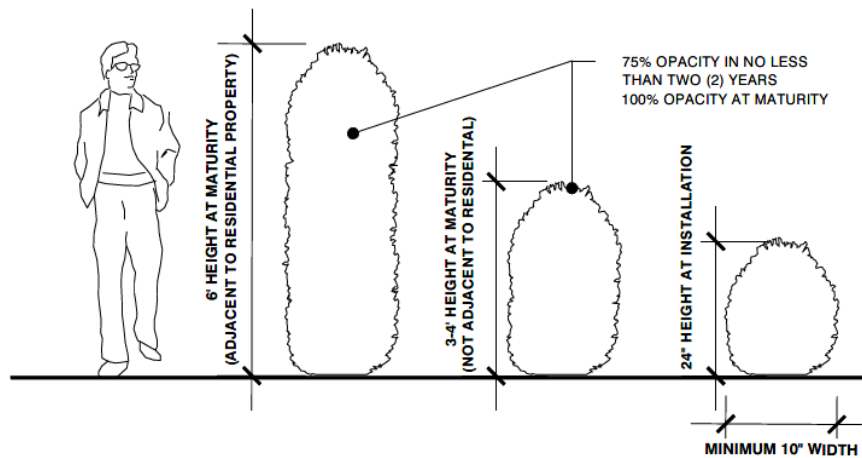


Figure 71.5: SHRUB HEIGHTS



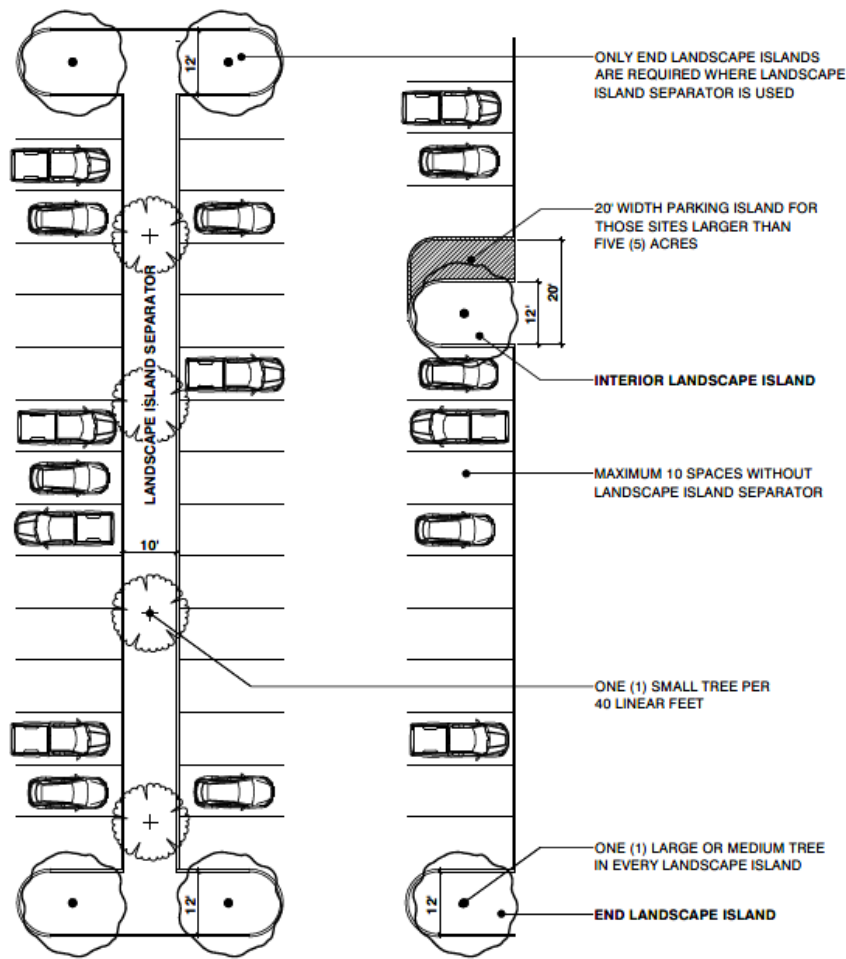
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Sec. 71-120124. Landscape islands.

- (a) *End islands.* The ends of parking space aisles for all development within commercial, industrial, professional, institutional and multiple-family zoning districts shall be defined by landscape islands. The islands shall be a minimum of ~~ten~~ twelve feet (12') in width, from back of curb to back of curb, with the length equal to that of the abutting parking space, unless length and width adjustment is required for fire equipment or emergency vehicles. A minimum of one ~~small or medium or larger~~ tree (only with a root barrier) shall be planted within each island. The remainder of the island shall be planted with grass sod, shrubs, ornamental grasses, or groundcover.
- (b) *Landscape Islands.* To provide relief from the expanse of paving, the following shall be required in addition to that set forth subsection (a) of this section:
- (1) For all sites, there shall be no more than an average of 10 ~~20~~ consecutive parking spaces without a landscape island, except that parking rows adjacent to required landscape separators shall only be required at the end of each parking row.
 - (2) ~~Parking space islands.~~ Landscape islands required to separate parking spaces shall be a minimum of 20 feet (20') in width for sites five acres or greater and ~~ten~~ twelve feet (12') in width for those sites that are less than five acres in size, from back of curb to back of curb, with the length equal to that of the abutting parking space.
 - (3) ~~Trees in islands.~~ A minimum of one large or medium tree shall be planted within each island. The remainder of the island shall be landscaped with grass sod, shrubs, ornamental grasses, or groundcover.
 - (4) In lieu of the requirement set forth in subsection (b)(1) of this section, a landscape island separator may be used between double-loaded interior parking spaces. The separator shall be a minimum of ten feet in width, from back of curb to back of curb. A minimum of one small tree shall be planted for each 40 linear feet or fraction thereof. If this design is selected, the number of islands required for the perimeter parking spaces and any unaffected interior parking spaces shall be based on the total remaining spaces using the requirements set forth in this subsection.
- (c) All landscape islands shall be raised and curbed to provide protection from vehicle encroachment. Curbing shall be in conformance with the requirements in the city's codes for parking lots. Curb cuts for drainage into bioswales or rain gardens are permissible with city staff approval.

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Figure 71.6: LANDSCAPE ISLANDS



Sec. 71-121422. Interchange commercial overlay.

Pursuant to the city's zoning code, the following shall also apply to those properties in a one-mile radius to the interchange with commercial zoning:

- (1) All buildings shall have a perimeter planting strip adjacent to the building, clear of all doors and accessways, four feet wide. This area shall be planted with shrubs minimum three feet on center, grass and/or groundcover.
- (2) Variations to this requirement may be approved by the city, providing that the original intent and purpose of this section is met along at least two intersecting wall planes, and there are unusual circumstances provided to the city.
- (3) At a minimum, an equal area shall be set aside within the development for any building perimeter landscape reduction.

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Sec. 71-~~122~~123. Installation and inspection.

- (a) It shall be the developer's responsibility and requirement to install the landscaping in accordance with the site plan which was approved by the city.
- (b) The approved landscape plan must be available on site for reference by city staff performing inspections. The approved landscape plan shall not be amended or deviated from without the written approval of city staff. Should circumstances require amendment to or deviation from the approved landscape plan, city staff shall be promptly notified of such request.
- (~~c~~b) It is recommended that the developer contact the city prior to the installation of the landscaping in order to ensure that the proposed landscaping will meet the requirements set forth by the site plan and in this chapter.
- (~~d~~e) If root barriers around trees are used, city staff must be contacted prior to installation to inspect these devices.
- (~~e~~e) Prior to the issuance of a certificate of occupancy or a certificate of completion by the city, the landscaping shall be inspected by the city to determine if such landscaping was installed in accordance with the approved site plan.
- (~~f~~d) No certificate of occupancy or certificate of completion shall be issued until such time as the landscaping is approved.

Sec. 71-~~123~~124. Irrigation.

For all projects requiring the installation of landscaping, an automated irrigation system shall be provided. The system shall have a minimum of a two-inch shallow well and a pump of sufficient size for the project. A complete design for the system shall be required including an irrigation controller, working rain sensor, valve types and sizes, polyvinyl chloride line schedules and sizes and irrigation sprinkler types including nozzles. The volume of water in gallons per minute shall be specified for each zone.

The system shall provide for ~~complete~~ site coverage without intrusion onto impervious areas. Irrigation systems shall meet or exceed the standards and specifications provided for in turf and landscape irrigation systems.

- a) A maximum of 50% of on-site irrigation may be high volume irrigation. All other irrigation areas must incorporate low volume irrigation, such as drip irrigation zones.
- b) All plantings shall be grouped according to similar water needs and site conditions as follows:
 - a. 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 most turfgrass areas.
 - b. Moderate Water Use Zones: Plants which survive on natural rainfall with supplemental water during seasonal dry periods. Bahiagrass turf is considered moderate water use.
 - c. Low Water Use Zone: Plants which survive on natural rainfall without supplemental water.

In the absence of a complete design for the irrigation system, as-built drawings of the irrigation system including mainline layout, valve locations, controller location, and water source location shall be submitted to the city prior to inspection.

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Sec. 71-~~124~~125. Landscape maintenance.

- (a) Following the installation of the landscaping, the owner, tenant and/or agent, if any, and any future owner of the project, shall be severally responsible for continuously maintaining such landscaping in a healthy, neat and orderly condition, including the replacement of dead plant material. The code enforcement official shall be responsible for ensuring the maintenance of landscaping after the issuance of a certificate of occupancy and may obtain assistance from other departments as necessary. Failure to provide continuous maintenance of landscaping shall constitute a violation of the approved site plan and this chapter.
- (b) It shall be the intent of this chapter that all landscaping planted within the city shall be allowed to grow to full maturity in order to provide the amenities associated with the landscaping. To this end, it shall be unlawful for any person, owner and/or tenant to top any tree which is planted in the city. Topping is defined as the severe cutting back of limbs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires where pruning practices are impractical shall be replaced with trees of equal or higher environmental value as specified by a certified arborist. However, nothing in this chapter shall exempt this subsection for trees which may be located near detached signs or which are perceived to obstruct building visibility.
- (c) Required perimeter hedges adjacent to abutting residential properties shall be maintained at a minimum height of ~~five~~ six feet. Hedges adjacent to rights-of-way shall be maintained so as not to obstruct visibility along the abutting roadways, but shall not be less than twenty-four (24) inches ~~2½ feet~~ in height at maturity. All other perimeter hedges shall be maintained at a minimum of three to four feet in height.
- (d) If the owner and/or tenant of a developed site proposes to alter the on-site landscaping, a drawing showing the proposed changes and an explanation of the need for the changes shall be submitted to the city prior to any alteration of the site. Following the submittal, the city shall make a determination as to whether to allow the proposed alteration or not allow it. In no case shall the landscaping be altered, except to replace dead or damaged plant material, without prior approval of the city. Replacements for dead or damaged plant material shall be accomplished using plants from the "Manual of Acceptable Plantings".

Sec. 71-~~125~~126. Planting within public rights-of-way.

- (a) *City policy.* Private owners, developers and civic associations frequently find occasion to request permission to plant various trees and shrubs within public rights-of-way. Since such plantings may in any given instance interfere with needed traffic visibility, interfere with utility placement, or be otherwise objectionable, the city establishes this uniform policy as stated in the subsections below which will be applicable to all road and canal rights-of-way within the incorporated area of the city. If road drainage or utility improvements are proposed by the city, the owner will be notified in advance of this action and shall have the option to relocate the plantings at his expense. If, however, the owner does not see fit to exercise this option, plantings may be removed by the city.
- (b) *Approval of planting.* Approval for a private owner to plant within the right-of-way will be given only where the planting is of a low maintenance type and the owner is willing and able to maintain the planting in an acceptable condition. Maintenance shall include watering, fertilizing, pruning, spraying for insects and diseases, removal of weeds and any other practices necessary to maintain the planting in an acceptable condition. If authorized planting is not properly maintained, the city may clear and remove such planting, after due notice to owner.
- (c) *Location of planting.* Location of plants shall be as follows:

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- (1) *Planting within road rights-of-way.* All planting within a road right-of-way shall not obstruct visibility at intersections along the roadway and shall be as follows:
- a. *Arterial roads and residential streets.* The spacing between trees shall be governed by the ultimate spread of the species and by the conditions present where the trees are to be planted. Planting will not be allowed where it conflicts with the location of an existing or proposed underground utility.
 - b. *Median planting.* Planting within the median of a divided highway may be in serious conflict with traffic safety and underground utility placement; therefore, it is necessary to consider each request on an individual basis.
- (2) *Planting within canal rights-of-way.* Control of planting within canal rights-of-way and easements is necessary to provide proper access for maintaining the canals. As there are varied conditions associated with the canal location, it will be necessary to consider each request for planting within a canal right-of-way on an individual basis.
- (d) *Procedure for obtaining permission.* A private owner, developer or civic association desiring to plant within the public right-of-way shall submit a written request to the code enforcement officer. Accompanying the request shall be two copies of detailed plans of the proposed planting including the following information:
- (1) Existing utilities and location of proposed plantings to them.
 - (2) Existing roadways and dimensions of the roadways.
 - (3) Existing and proposed elevations.
 - (4) Setbacks, yard requirements and easements.
 - (5) The type, size and number of plant materials to be planted.
 - (6) Cultural information for plants including pH, light conditions and the soil moisture at the site.
 - (7) The mature height and spread of the proposed planting.
- (e) *Review; issuance of permit.* Using the information in subsection (d) of this section, the request shall be reviewed by the city. If approved, a permit will then be issued.

~~Secs. 71-127—71-129. Reserved.~~

Secs. 71-126 Low Impact Development Bonus

Developers are encouraged to incorporate low impact development (LID) techniques on their developments to protect water quality and encourage sustainable development. Some of the techniques typically used include, but are not limited to, stormwater runoff treatment, on site stormwater retention, reductions of heat island effect, reductions in water use, protection of wildlife habitat.

A ten percent reduction in the number of new trees required within Division 3 of this Chapter will be applied to those developments that utilize at least two of the following techniques:

- (1) 75% of on-site irrigation is low volume irrigation, such as drip zone irrigation.
- (2) 100% or more of plant quantities on site are Florida Friendly and of that 75% shall be native to central coastal Florida.
- (3) All large trees planted on site are 4" caliper or greater; medium and small trees are minimum 3" caliper. To receive the bonus, all trees must be 1.0 inches in caliper greater than the minimum sizes.

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LAND DEVELOPMENT REGULATIONS
Chapter 74 – DEVELOPMENT STANDARDS
ARTICLE II. OFF-STREET PARKING AND LOADING AREAS AND ACCESS

* * *

Sec. 74-53. - General standards.

(a) Except as specifically provided for in Section 74-55, all off-street parking areas and vehicle use areas for commercial, industrial, professional, multiple-family and institutional sites shall be paved with an asphalt or concrete surface in accordance with the specifications set forth in this article.

(b) Where off-street parking is required, such required parking shall be provided on the same lot or premises with the commercial, industrial, professional, multiple-family or institutional building being served, including out parcels. Parking which is required as set forth in this article may be located off-site. The off-site parking must include shared parking and must connect to the adjacent site with connecting driveways.

(c) When shared parking is desired to reduce the required on-site parking requirements, adjacent sites with direct connection of parking lots must obtain use of required parking spaces located within the adjacent site through a parking space easement which is agreed upon by the owners of both sites and is recorded with the clerk of the circuit court. The city shall also approve such an agreement. This exception can only be approved if the adjacent developments have a shared driveway and the shared parking agreement, and if there is not an existing parking problem at the adjacent site regardless of the number of their required parking spaces. For adjacent developments meeting these requirements, the total number of off-street parking spaces required can be reduced by ten percent where the location of shared parking provides convenient access to the principle uses of either development.

(d) Parking spaces shall be used for vehicular parking only. Unless otherwise allowed by this Code, no sales, dead storage, dumpsters, repair work, dismantling, or servicing of any kind shall be allowed in parking spaces.

(e) Required off-street parking areas for vehicles shall have individual parking spaces marked by striping. Parking lots shall be restriped in conformance with the parking space dimensions set forth in this article.

(f) There shall be no more than ~~20~~ an average of ten (10) consecutive parking spaces without a landscape island break. Refer to Chapter 71 ~~chapter 94~~ for all other landscape requirements.

(g) All off-street parking areas shall be designed so as to have adequate access to a paved public or private right-of-way and to interior maneuvering areas. Except for one- and two-family dwellings, parking areas shall be arranged so that no vehicle shall be required to back from the areas directly onto streets, alleys, sidewalks or rights-of-way and so that any vehicle may be parked and unparked without moving another vehicle.

(h) All off-street parking areas and vehicular use areas shall be maintained in accordance with the approved site plan so as to present a neat and orderly appearance free of refuse, debris and potholes.

(i) Within shopping centers, parking spaces shall not be allowed to the rear of a building unless adequate lighting is provided for pedestrian and employee use, and unless pedestrian and employee access is provided either to the rear of the building and/or to the front of the building via adequate walkways.

(j) Parking spaces for all dwelling units shall be located on the same property as the principal building being served.

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(k) Accessory parking may be located in a required front, rear, or side yard for one- and two-family dwellings.

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