

**ORDINANCE 19-05**

**AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE CITY'S LAND DEVELOPMENT REGULATIONS ("LDRS"); AMENDING SUBPART B OF THE CITY OF ALACHUA CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 3.7.2 (C), RELATING TO LANDSCAPE REQUIREMENTS FOR THE U.S HIGHWAY 441/ INTERSTATE 75 GATEWAY OVERLAY DISTRICT; AMENDING SECTION 6.2, RELATING TO TREE PROTECTION & LANDSCAPING STANDARDS; AMENDING SECTION 6.2.1, RELATING TO TREE PROTECTION STANDARDS; AMENDING SECTION 6.2.2, RELATING TO LANDSCAPING STANDARDS; AMENDING SECTION 6.2.3, RELATING TO SCREENING STANDARDS; AMENDING APPENDIX 6.2.2.A, RELATING TO THE LIST OF RECOMMENDED TREES/PLANTS AND NUISANCE TREES; AMENDING ARTICLE 10, PROVIDING DEFINITIONS FOR FLORIDA FRIENDLY LANDSCAPING AND QUALITY TREE PROTECTION AREA.; PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS**

**WHEREAS**, a Text Amendment ("Amendment") to the City's Land Development Regulations ("LDRs"), as described below, has been proposed; and

**WHEREAS**, the City advertised a public hearing to be held before the Planning and Zoning Board, sitting as the Local Planning Agency ("LPA"), on November 1, 2018; and

**WHEREAS**, the LPA conducted a public hearing on the proposed Amendment on November 13, 2018, and the LPA reviewed and considered all comments received during the public hearing concerning the proposed Amendment and made its recommendation to the City Commission; and

**WHEREAS**, the City advertised public hearings to be held before the City Commission on November 29, 2018, and on \_\_\_\_\_, 201\_; and

**WHEREAS**, the City Commission conducted public hearings on the proposed Amendment on December 10, 2018, and \_\_\_\_\_, 201\_, and provided for public participation at both public hearings; and

**WHEREAS**, the City Commission has determined and found the Amendment to be consistent with the City's Comprehensive Plan and City's LDRs; and

**WHEREAS**, for reasons set forth in this ordinance that is hereby adopted and incorporated as findings of fact, that the Alachua City Commission finds and declares that the enactment of this Amendment is in the furtherance of the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA:**

**Section 1. Interpretation of Recitals**

The above recitals are true and correct and incorporated in this ordinance.

**Section 2. Findings of Fact and Conclusions of Law**

The authority for the enactment of this ordinance is Chapter 163, Part I, Florida Statutes; Sections 166.021 and 166.041; and the City's Comprehensive Plan.

**Section 3. Amendment to the Land Development Regulations**

The proposed Amendment to the City Land Development Regulations are attached as Exhibit "A" and are hereby incorporated herein by reference.

**Section 4. Codification of and Correction of Scrivener's Errors**

The City Manager or designee, without public hearing, is authorized to correct any typographical errors which do not affect the intent of this ordinance. A corrected copy shall be posted in the public record.

**Section 5. Ordinance to be Construed Liberally**

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of the City of Alachua, Florida.

**Section 6. Repealing Clause**

All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

**Section 7. Severability**

It is the declared intent of the City Commission of the City of Alachua that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by any court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of the ordinance after the exclusions of such part or parts shall be deemed to be valid.

**Section 8. Effective Date**

This ordinance shall take effect immediately upon its adoption by the City Commission and the signature of the Mayor, and shall be applicable to all new applications for development or tree removal permits submitted after adoption of this Ordinance.

Passed on First Reading the 10th day of December, 2018.

PASSED and ADOPTED, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this \_\_\_\_ day of \_\_\_\_ 201\_\_.

**CITY COMMISSION OF THE  
CITY OF ALACHUA, FLORIDA**

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Gib Coerper, Mayor  
**SEAL**

**ATTEST:**

**APPROVED AS TO FORM**

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Adam Boukari , City Manager/Clerk

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Marian B. Rush, City Attorney

## EXHIBIT “A”

Section 3.7.2 (C) (5) (d) of the City’s LDRs is amended as follows (text that is underlined is to be added and text that is shown as ~~striketrough~~ is to be removed). Except as amended herein, the remainder of Section 3.7.2 (C) (5) (d) remains in full force and effect:

- (iii) Live Oak shall be used as the required canopy tree. Applicants shall use the following plant materials, in order to create a consistent and uniform planting program for the Gateway Overlay District:
- a. American Holly.
  - b. Crape Myrtle.
  - c. Drake Elm.
  - d. Ligustrum.
  - e. Red Maple.
  - f. Southern Magnolia.
  - g. Southern Red Cedar.
  - h. Oak.
  - i. Bradford Pear.

Section 6.2 of the City’s LDRs is amended as follows (text that is underlined is to be added and text that is shown as ~~striketrough~~ is to be removed). Except as amended herein, the remainder of Section 6.2 remains in full force and effect:

### **Sec. 6.2. - Tree Protection & Landscaping Standards**

#### **6.2.1 *Tree protection standards.***

- (A) *Purpose.* The purpose of these tree protection standards is to limit the destruction of and ensure the survival of as many trees as possible in the City. The maintenance of existing trees and replanting of new trees in necessary to promote the value of property and the quality of life of its citizens; to ensure the stabilization of soil by prevention of erosion; to reduce stormwater runoff and the costs associated with it; to replenish groundwater supply; to cleanse the air of harmful pollutants; and to provide greenbelts and buffers to screen against noise pollution, artificial light, and glare. It is the intent of this section to prohibit the unnecessary clearing of land so as to achieve no net loss of trees and to preserve, as much as possible, the existing tree canopy.
- (B) *Findings.* The City Commission finds that:
- (1) The protection and preservation of trees on public and private property within the City is not only desirable for aesthetic value, but essential to present and future health, safety, and welfare of its citizens;

- (2) Trees absorb carbon dioxide and return oxygen, a vital ingredient to life, to the environment;
  - (3) Trees are a valuable property asset that can affect an area economically; and
  - (4) A tree protection ordinance is necessary in order to promote community welfare through regulating the removal and destruction of trees prior to and during construction and occupancy.
- (C) *Scope.* The terms and provisions of this section shall apply to all real property lying within the incorporated limits of the City, including publicly owned lands, rights-of-way and easements, subject to certain exemptions specifically provided for in this section.
- (D) *Tree planting, relocation, replacement, credit, banking.*
- (1) *New trees.* New trees shall be installed to replace healthy regulated trees removed pursuant to this section. Regulated trees shall be replaced on a one-for-one basis. Healthy heritage and champion trees removed as provided herein shall be replaced on an inch-for-inch basis. Replacement trees shall be graded Florida No. 1 or better, as outlined in the most recent publication of the State of Florida, Department of Agriculture and Consumer Services, Division of Plant Industry, Grades and Standards for Nursery Plants, Part II, Palms and Trees. The term "healthy," as stated herein, means "good" or better per the standard definition from the International Society of Arboriculture (ISA) stating the tree has no major structural problems, no significant damage due to disease or pests, no significant mechanical damage, a full balance crown, and normal twig condition and vigor for its species. Palm trees may be utilized as replacement trees but at an increased ratio of 3:1 replacement and shall be a minimum of eight feet tall at the time of planting.
  - (2) *During development.* During development or site alteration activities, the following standards shall be met:
    - (a) Protective barricades shall be placed to define a protective area around existing trees to remain. Barriers shall be placed around all regulated trees at a minimum of two-thirds of the area of the dripline of the tree or stand of trees or at six feet from the trunk of the tree, whichever is greater. Protective barricades shall be placed at the dripline of all heritage trees, champion trees, and regulated palm trees. Protective barricades shall be placed around all trees to be retained on the site and shall remain in place until site clearing and construction activities are complete, except where land alteration and construction activities are approved within the protected area. If land alteration and construction activities are approved within the protected area, then the protective barricades shall only be removed when activities are occurring. Protective barricades shall be replaced upon completion of the activities within the protected area. Protective barricades shall be at least four feet high and constructed of either wooden corner posts at least four inches in width by four inches in depth by four feet in height buried one foot deep with at least two courses of wooden side slats at least two inches in width by four feet with colored flagging or colored mesh construction fencing attached or constructed of one inch angle iron corner posts with brightly colored mesh construction fencing attached.

- (b) A minimum distance of ten feet shall be maintained from all retained regulated, heritage, and champion trees when installing underground utilities. If this results in unreasonable hardship, a soil auger shall be used to tunnel under the root systems.
- (c) No attachments shall be secured to trees designated to remain on site.
- (d) A three-inch layer of mulch shall be applied over the surface of any exposed roots of retained regulated, heritage, and champion trees and kept wet during the site clearing and construction phases.
- (e) Raising or lowering of grade within the dripline of existing trees to remain shall not be permitted unless otherwise approved by the Land Development Regulations Administrator or appointee.
- (f) During the site clearing or construction phases, the following activities shall be prohibited within the protective area unless approved with the appropriate protective strategies by the City during site plan or construction plan approval:
  - (1) The clearing of vegetation except by hand;
  - (2) The compaction, filling, or removal of soil deposits;
  - (3) The placement of debris;
  - (4) The placement or dumping of solvents or other chemicals;
  - (5) The placement or storage of construction materials, machinery or other equipment of any kind; and
  - (6) The use of concrete, asphalt, or other paving materials.
- (g) Any retained or relocated tree shall be replaced in accordance with the requirements of Subsection 6.2.1 (D) (1), if the tree dies within one year after site clearing and construction.
- (h) Any root pruning and/or pruning of retained regulated, heritage, and champion trees during the site clearing or construction phases shall be done in accordance with arboricultural standards and directly overseen by an ISA-certified Arborist.
- (3) *Incentives for preservation.* The City may approve a transfer of development rights on lands preserved for tree preservation beyond the requirements in this section during the site plan or preliminary plat process.
  - (a) Developers preserving portions of tree protection areas within a development site will be authorized during the site plan or subdivision plat process for an on site transfer of development rights at a density or intensity bonus rate of 3:1. For example, if a developer retains a contiguous five acre tract of quality tree protection area within their development site, and that property has a zoning density of three units per acre, then the developer would be authorized to transfer 45 dwelling units to the developable portion of their site. (Five acres times three dwelling units per acre times three equals 45 dwelling units.)

- (b) Any acreage used to calculate a credit for preservation shall be recorded as a permanent preservation area on the subdivision plat and in any covenants and deed restrictions and shall not be eligible for any future development rights.

(4) *Tree replacement.*

- (a) When the applicant is required to replace a regulated or heritage tree as a condition of approval for a tree removal, site plan or subdivision plat, the applicant shall select site-appropriate trees. If it is feasible, the regulated, heritage, or champion tree may be related on the same parcel of land. When selecting replacement trees from the recommended tree list, the applicant shall choose from a similar species or category as the tree that is being removed. For example, a canopy tree should be replaced with a tree from the canopy or large tree list.
- (b) If the applicant is required to replace a regulated or heritage tree as a condition of approval for a tree removal, site plan or subdivision plat, up to 25% of the trees required to meet the site landscaping, parking lot landscaping, or perimeter buffer standards may be counted towards the requirements of Subsection 6.2.1 (D)(1).
- (c) At least 50 percent of the total required replacement trees shall be shade trees and at least 75 percent of the total required trees shall be site-specific trees appropriate for the site.
- (d) Trees must meet the minimum requirements found in Section 6.2.2 (D)(9)(b)(ii).
- (e) Trees from the recommended tree list used to meet the requirements of this section shall be graded Florida No. 1 or better, as outlined by the most recent publication of the State of Florida, Department of Agriculture and Consumer Services, Division of Plant Industry, Florida Grades and Standards for Nursery Plants.
- (f) Trees shall be planted in accordance with xeriscaping principles and accepted arboricultural standards and practices.
- (g) The pervious area or tree lawn provided around trees shall be sufficient to permit root growth and provide for longevity of the tree species planted. The height of the tree at maturity and root size shall be considered in the selection of the trees.
- (h) Trees shall be planted in accordance with the City of Alachua Department of Public Services Requirements for Design and Construction, as amended.
- (i) No tree shall be planted within ten feet of a fire hydrant or utility pole, within 15 feet of a driveway apron, within 20 feet of a traffic sign, or within 25 feet of an intersection in order to ensure adequate visibility.
- (j) The owner of the parcel shall be responsible for the maintenance of all preserved, relocated, or replacement trees. All trees will be inspected by an arborist, forester, or registered landscape architect, hired by the owner, within six months after planting to ensure the trees are surviving in a healthy condition. A certified report shall be provided to the land development regulations administrator describing the condition of trees. Trees found to be in declining condition shall be replaced by the owner of the parcel.

within 30 days of submittal of the report. If replacement is necessary, there shall be a reinspection report submitted within six months after the replacement replanting.

- (k) Champion trees may not be removed except by Resolution of the City Commission finding that the following conditions have been met:

- (i) A report from a certified arborist documenting that:

- a. The tree is dead; or,
    - b. The tree is seriously diseased and treatment is not practical; or,
    - c. The tree is significantly damaged and remedial pruning would not be effective in rehabilitating the tree

(5) *Tree removal.*

- (a) When protected trees are allowed to be removed during land alteration/site clearing, the trees shall be identified by red flagging.
- (b) The rights-of-way of proposed roads, the corners of proposed buildings, the location of proposed drainage basins, manmade lakes, areas that require fill and other improvements shall be rough staked and protective barricades shall be installed around trees designated for protection prior to on-site inspection. If, on inspection, these areas have not been identified, a re-inspection will not be done until violations have been corrected.
- (c) A copy of the tree removal permit shall be posted on the site during these activities.

(6) *Tree credits.*

- (a) Where a minimum number of trees are required to meet the landscaping requirements of these land development regulations or an approved planned development, credit shall be given for the retention of “good” or better existing native trees, as defined in Subsection 6.2.2(D)(4). No credit will be given for the preservation of trees on the nuisance tree list. A table displaying a list of all trees claimed for credits under this subsection shall be included in the landscape plan; this table shall include common name, botanical name, caliper at DBH, health, number of tree credits being used, and reference number to location on tree survey provided as a part of the landscape plan.
- (b) In addition to the tree credit in Subsection 6.2.1(D)6(a) of this section, a double credit for will be given for each preserved healthy heritage tree accommodated by a change in design within portions of the site proposed for development (i.e., areas designated for off-street parking and loading, landscaping, building area, or stormwater management). Applicants requesting this tree credit shall demonstrate through the proposed site plan and application that special consideration in site design was utilized to preserve the healthy heritage tree. Should the preserved heritage tree die within the one year



maintenance period, the tree will be mitigated in adherence with the requirements for healthy heritage tree replacement in this section.

- (c) When trees are removed with an approved tree removal permit for the construction of new residential dwellings or a substantially remodeled residential dwellings qualifying as housing sold to low- and moderate-income families, such trees will be replaced at a rate of 50 percent (one-half tree per tree removed). Projects certifying that 50 percent or more of the residential dwelling units qualify as housing sold to low- and moderate-income families will receive a tree credit for replacement of removed regulated trees at a replacement rate of 25 percent (one-quarter tree per tree removed). For the purposes of this subsection, the term "housing sold to low- and moderate-income families" means families earning less than 80 percent of the Alachua County median income.

(7) *Tree banking.*

- (a) The City may allow off-site mitigation for required tree replacement that cannot be accommodated through on-site mitigation. Trees authorized for off-site mitigation shall be planted in City-owned properties and parks, City rights-of-way, and preservation or conservation areas owned by the City. The City may also plant trees within the medians and rights-of-way of State and County roads where an interlocal agreement authorizes such plantings.
- (b) The City will establish a separate fund within the City's chart of accounts to be used exclusively for off-site tree mitigation payments. Funds withdrawn from this account shall be spent solely for the planting and maintenance of new trees in accordance with this section.
- (c) The off-site mitigation formula shall be equal to the cost of the replacement tree, plus installation (labor and equipment), plus maintenance for one year, plus fund administration. This formula will be multiplied by the number of replacement trees required to fulfill mitigation requirements. The fee for off-site tree mitigation shall be adopted by the City Commission through resolution.
- (d) Fees for off-site mitigation shall be determined and approved in accordance with the above section (7)(c) by the City prior to any public hearing related to the proposed site plan or plat. Fees for off-site mitigation shall be paid to the City prior to the issuance of any tree removal permit or building permit. Receipts for payment will be specifically marked for the off-site mitigation account.

(E) *Maintenance.*

- (1) *Trees overhanging street right-of-way.* Every owner of any tree overhanging any street right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the sidewalk. The City shall have the right, but not the obligation, to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with the visibility of any traffic control device or signs at intersections of streets.

- (2) *Dead or diseased trees on private property.* The City shall have the right, but not the obligation, to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the City. The owner of the land upon which such dead or diseased trees are standing or located shall be notified in writing by the Land Development Regulations Administrator to remove such trees and the removal shall be done by said owner at the owner's expense within 30 days after the date of mailing of such notice. In the event of failure of the owner to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the owners of the property through the action of the Special Magistrate.
  - (3) *Compliance by public agencies and utilities.* All public agencies and utilities shall comply with the permitting requirements of this section prior to commencing any pruning or removal of any regulated, heritage and champion trees. All public utilities, governmental agencies, and their subcontractors shall comply with the International Society of Arboriculture standards for pruning shade trees when pruning any trees on public property. Emergency removal requiring immediate action to protect the health and safety of the public are not subject to this section.
  - (4) *Property owner's responsibility.* It shall be the property owner's responsibility to adequately maintain the trees shown on an approved site plan or preliminary plan, to ensure healthy survival. Neglecting or abusing trees is a violation of this section.
  - (5) *Rights of the City.* The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the rights-of-way of all public streets, alleys, avenues, lanes and squares, parks, and any other public grounds, as may be necessary to ensure public safety or to preserve or enhance symmetry and beauty of such public grounds. The City may remove or cause to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewer, water and gas lines, or other public improvements, or is affected with any injurious fungus, insect or pest.
- (F) *Tree removal application and permit.*
- (1) *Exemptions.*
    - (a) Regulated trees, except for heritage or champion trees, on all lots and parcels of land with a single-family residential dwelling unit, not to include mixed-use portions of developments, are exempt from the requirements of this section. No person shall cut or remove any heritage or champion tree from any such lot or parcel of land without first obtaining a tree removal permit from the City.
    - (b) During any period of emergency, such as hurricanes, windstorms, floods, freezes, or other natural disasters, the requirements of this section may be waived for a definite period of time by the City Manager with respect to cutting and removing damaged trees in all areas affected by such disaster.
    - (c) Any tree determined to be in a hazardous condition by the Land Development Regulations Administrator, so as to endanger the health, safety, and welfare of persons

and property, and require immediate removal shall be exempt from the requirement of this section. Such tree may be cut and removed upon verbal authorization by the City Manager, or in his or her absence, the Land Development Regulations Administrator. The International Association of Arboriculture publication, A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas, shall be used as a guide and reference for determining the condition of a tree.

- (d) Agricultural lands. Lands that qualify for agricultural tax exemption by the Alachua County Property Appraiser and have an agriculture future land use designation on the City of Alachua Comprehensive Plan Future Land Use Map are exempt from the requirements of this section, except for the following:
  - (i) A tree removal permit shall be required for the removal of champion and heritage trees located within 50 feet of the property boundary line or within 400 feet of a public park; and
  - (ii) A notice of activity must be submitted to the Land Development Regulations Administrator no less than seven days prior to any cutting and removal of trees or the clearing of the land.
- (e) Forestry. All bona fide commercial forestry operations are exempt from the requirements of this section where trees are grown for silviculture purposes or for intended sale in the course of business. However, owners of commercial forestry operations shall submit a notice of activity to the Land Development Regulations Administrator prior to the commencement of any timber harvesting, mechanical site preparation, or land clearing.
- (f) The removal, trimming, pruning, or alteration of nonregulated trees or vegetation growing within the area of any public or private utility easement or drainage easement or right-of-way is exempt from the provisions of this section, provided such work is done by or under the control of the operating utility company, governmental agency, or entity responsible for the maintenance of said facility.
- (g) Removal of nuisance trees or trees identified in the Florida Exotic Pest Plant Council's List of Invasive Plant Species, as amended. is exempt from the terms and provisions of this section.

*(G) Site plan and subdivision plat requirements.*

- (1) Site plans and construction plan shall include consideration of tree preservation and approval shall constitute the issuance of a tree removal permit consistent with the approved plan.
  - (a) Applicants for site plans and construction plans shall provide aerial or ground photographs of any regulated, heritage, or champion trees to be preserved. The applicant shall mark and reasonably locate upon the site plan or construction plan drawing, all champion, heritage, and other regulated trees to be retained, relocated or removed. The applicant shall mark and reasonably locate upon the site plan or construction plan all nuisance trees or trees identified in the Florida Exotic Pest Plant

Council's List of Invasive Plant Species, as amended. The tree location drawing shall conform to the following:

- (i) Trees are to be identified by both common and scientific names.
  - (ii) Trees shown on the tree location drawing will be identified as to which trees will be saved, relocated or removed.
  - (iii) The tree location drawing is to be at the same scale as the site plan or construction plan.
  - (iv) The tree location drawing may be presented as a separate sheet within the site plan or construction plan; however, the trees must be included on one sheet of the site plan or construction plan that shows the location of the proposed buildings, driveways, off-street parking and loading facilities, stormwater management facilities, existing contours and finished elevations, overhead electric lines, underground utilities and any other proposed improvements that could potentially have a negative impact on existing trees.
- (b) In the event that no champion, heritage or regulated trees are found, it shall be so noted on the site plan or construction plan and a tree location drawing shall not be required.
- (c) A note shall be included that all vegetative materials identified in the Florida Exotic Pest Plant Council's List of Invasive Plant Species, as amended, shall be removed at time of development.
- (H) *Administration, enforcement and appeal.* In addition to the general provisions of Article 9, the following provisions shall apply to this section:
- (1) Except as specifically exempted in this section, it shall be unlawful for any person to cut or remove any regulated, heritage or champion tree from any lands within the City without first obtaining a tree removal permit from the LDR Administrator.
  - (2) No lands in the City, upon which are located regulated, heritage or champion trees, may be cleared, graded or developed, and no building permit shall be granted for such land without the owner or developer first applying for and receiving from the LDR Administrator a tree removal permit, except as exempted within this section.
  - (3) Removal of any regulated tree or any site work that is not done according to an approved tree removal permit is a violation of this section. When such violations occur prior to the final inspection of the project, the LDR Administrator will immediately issue a stop work order. Upon the issuance of such stop work order, all site work shall cease until a restoration plan is submitted by the applicant and approved by the LDR Administrator. The site stop work order shall remain in effect until the approved restoration plan has been implemented and completed. The owner, developer, subcontractor, or agent shall have 30 days to present a restoration plan to the LDR Administrator. If no restoration plan is presented within 30 days, the owner, developer, subcontractor, and agent shall be subject to all of the penalties, including fines, provided for violation of this section. No certificate of occupancy shall be issued until all trees and other vegetation shown on the approved restoration plan have been planted and grades restored.

- (4) A list of fines for damaging trees by conduct in violation of this section will be adopted by the City Commission in a manner consistent with the adoption of other fees. Fines for such violations may be issued by Special Magistrate.
- (5) Appeals to the issuance of a tree removal permit shall be as authorized by these LDRs.
- (6) Violations of this section shall be heard by the Special Magistrate.
- (7) For the purposes of this section, the following are provided as a list of references, in addition to those publications previously referenced:
  - (a) The Florida Division of Forestry's Tree Protection Manual for Builders and Developers shall serve as the primary reference, whenever there is a question regarding tree protection standards, unless another publication is specifically referenced.
  - (b) The most current International Society of Arboriculture (ISA) standards shall be referenced for all public utilities, government agencies, and their subcontractors when pruning trees on public or private property and National Arborist Association Standards for Pruning Shade Trees when pruning regulated, heritage or champion trees.
  - (c) The Florida Division of Forestry's Silviculture Best Management Practices Manual shall be the reference used for the conducting of all commercial forestry operations.
- (8) The Land Development Regulations Administrator may establish technical standards setting forth administrative guidelines governing the enforcement of this section, requirements not specifically addressed in this section, and any other information needed for the uniform and orderly administration of this section. Such standards may be published in a technical manual which shall be on file in the office of the City Clerk.

6.2.2 *Landscaping standards.*

- (A) *Purpose.* The purpose of these landscaping standards is to provide an aesthetically pleasing environment for the residents of the City. The standards are intended to maintain and enhance property values, enhance the appearance of development, provide adequate buffers between incompatible uses, improve the character and appearance of the City, and reduce erosion and stormwater runoff.
- (B) *Applicability.* These standards shall apply to the following development in the City:
  - (1) *Single-family lots or dwellings.* The subdivision or development of eight or more single-family residential lots or dwellings.
  - (2) *Single-family attached dwellings.* The subdivision or development of eight or more single-family attached dwellings.
  - (3) *Two- to four-family dwellings.* The subdivision or development of eight or more two- to four-family dwellings.
  - (4) *Manufactured home park.* Subdivision for a manufactured home park.
  - (5) *Existing multifamily structure.* Development of a multifamily structure or redevelopment of an existing multifamily structure that results in an increase in building square footage of 60 percent or more.

- (6) *Nonresidential.* Development of a nonresidential structure or redevelopment of a nonresidential structure that results in an increase in building square footage or impervious surface by 50 percent or more.
- (7) *Parking lot.* Development of a parking lot for eight or more spaces.
- (8) *Existing parking lot.* Redevelopment or expansion of an existing parking lot that results in an increase of 20 or more spaces. Redevelopment or expansion includes items such as repaving, changes in ingress or egress, and reconstruction of stormwater drainage systems.
- (C) *Landscape plan required.* A landscape plan shall be submitted with an application for a site plan (Section 2.4.9), subdivision (Section 2.4.10), planned development (Section 2.4.3) or building permit, whichever occurs first, for any development or change in use that is required to provide landscaping in accordance with this section. The landscape plan shall contain the following information which spells out how the development proposed will comply with this section:
  - (1) *Identification of existing trees.* A survey showing the location, common name, and size existing regulated trees.
  - (2) *Identification of existing trees to be preserved.* The location, common name, and estimated size of existing trees that are to be preserved as part of a tree protection zone or preserved for credit.
  - (3) *Parking areas, buffers areas, and other planting areas.* The locations and dimensions of parking areas, perimeter buffer areas and other planting areas.
  - (4) *Identification of new plant materials.* The size, botanical name, common name and spacing of new plant materials.
  - (5) *Fences, walls or earthen berms.* The location and design of any fence, wall or earthen berm, indicating size and materials.
  - (6) *Barriers required to protect existing vegetation.* The location and description of any barriers required to be erected to protect any existing vegetation from damage, both during and after construction.
  - (7) *Maintenance.* Provisions for watering and other long-term maintenance to ensure serviceability, soil stabilization and plant protection.
  - (8) *Florida Friendly Landscaping.* A narrative explaining how Florida Friendly landscaping practices have been incorporated into landscape plan.
- (D) *Landscape standards.*
  - (1) *Site landscaping.* For purposes of this section the number of trees required is rounded to nearest whole tree or shrub (e.g., if number of canopy trees needed to meet site landscaping requirements is calculated at 9.5 trees then 10 trees would be required). The following site landscaping shall be required for the following :
    - (a) *Multifamily and townhouses.*
      - (i) Two canopy trees per acre, planted on the primary or street-facing side, and one canopy trees per acre planted on each of the exterior sides and exterior rear of each



primary structure. An existing canopy tree that is a native species and in good or better health can be utilized to fulfill this requirement. It is encouraged that the tree be located so that it may provide shade on the structure during the summer afternoon.

- (ii) 6 ornamental/understory trees per acre, with 50 percent planted in front and 25 percent on each side.
- (iii) A row of shrubs along the front facade of the structure, with consideration given to access to utility meters or mechanical equipment. Shrubs shall not be planted directly against the structure, but a minimum of two feet from the facade to facilitate adequate air circulation. In lieu of a horizontal line of shrubs along the front facade, shrub masses of three or more species may be utilized.
- (iv) For sites with multiple buildings, for each 100 feet of façade of the longest building face of any buildings at least one of the following options, located between all structures,:
  - a. Two canopy trees
  - b. Four understory trees
  - c. A row of shrubs along facades facing each other
  - d. Community garden area of at least 1,500 square feet
  - e. Fountain or other water feature
  - f. Shaded table or bench
  - g. Other significant landscape improvement as approved by LDR Administrator.
- (v) A combination of solid sod, seeding, and sprigs shall be used to cover 100 percent of the lot site disturbed by construction activities. Areas of native vegetation are not required to be sodded. An area within 20 feet of the front building facade shall be sodded with other disturbed areas to be sodded, seeded or sprigged.
- (vi) The site landscaping requirements found in 6.2.2 (D)(1)(a)(i) and (ii) are reduced by 50% for those developments on sites which are 43,560 square feet or less.

(b) *Public and institutional uses.*

- (i) Four canopy trees per acre, planted on the primary or street-facing side, three canopy trees per acre planted on each of the sides and rear of each structure, and an additional four canopy trees for each 100 lineal feet of facade, planted in front of the facade. An existing canopy tree that is a native species and in very good to excellent health can be utilized to fulfill this requirement if it is located within 25 feet of the building. It is encouraged that the tree be located, so that it may provide shade on the structure during the summer afternoon.

- (ii) Eight ornamental/understory trees per acre, with 50 percent planted in front of the structure and 25 percent planted on each side.
- (iii) For sites with multiple buildings, for each 100 feet of façade of the longest building face of any adjacent buildings at least one of the following options, located between structures:
  - a. Two canopy trees
  - b. Four understory trees
  - c. Community garden area of at least 1,500 square feet
  - d. Fountain or other water feature
  - e. Shaded table or bench
  - f. Other significant landscape improvement as approved by LDR Administrator.
- (iv) A row of shrubs planted along all facades of the structure, with consideration given to access to utility meters or mechanical equipment. In lieu of a horizontal line of shrubs along the front facade, shrub masses of three or more species may be utilized. Shrubs shall not be planted directly against the structure, but a minimum of two feet from the facade to facilitate adequate air circulation.
- (v) A combination of solid sod, seeding, and sprigs to cover 100 percent of the lot site disturbed by construction activities. Areas of native vegetation do not have to be sodded. An area within 20 feet of the front building facade shall be sodded with other disturbed areas to be sodded, seeded or sprigged.
- (vii) For those uses that do not have a principal structure, site landscaping shall be distributed throughout site, as is practical.
- (c) *Business uses other than those use types found in the Industrial Services, Manufacturing and Production, and Warehouse and Freight Movement Use Categories .*
  - (i) Three canopy trees per acre, planted on the primary or street-facing side, two canopy trees per acre planted on each of the sides and rear of each structure, and an additional four canopy trees for each 100 lineal feet of facade, planted in front of the facade. An existing canopy tree located on site that is a native species and in very good to excellent health can be utilized to fulfill this requirement if it is located within 25 feet of the building. It is encouraged that the tree be located so that it may provide shade on the structure during the summer afternoon.
  - (ii) Six ornamental/understory trees per acre, with 50 percent planted in front of the structure and 25 percent planted on each side.
  - (iii) A row of shrubs planted along all facades of the structure, with consideration given to access to utility meters or mechanical equipment. In lieu of a horizontal line of shrubs along the front facade, shrub masses of three or more species may be



utilized. Shrubs shall not be planted directly against the structure, but a minimum of two feet from the facade to facilitate adequate air circulation.

- (iv) A combination of solid sod, seeding and sprigs to cover 100 percent of the lot site disturbed by construction activities. Areas of native vegetation do not have to be sodded. An area within 20 feet of the front building facade shall be sodded with other disturbed areas to be sodded, seeded or sprigged.
- (v) The site landscaping requirements found in 6.2.2 (D)(1)(c)(i) and (ii) are reduced by 33% for those developments on sites which are 1 acre or less.
- (d) *Business uses found in the Industrial Services, Manufacturing and Production, and Warehouse and Freight Movement Use Categories.*
  - (i) One canopy tree per acre, planted on the primary or street-facing side, two canopy trees per acre planted on each of the sides and rear of each structure, and an additional canopy tree for each 150 lineal feet of facade, planted in front of the façade of the primary structure. An existing canopy tree located on site that is a native species and in very good to excellent health can be utilized to fulfill this requirement if it is located within 25 feet of the building. It is encouraged that the tree be located so that it may provide shade on the structure during the summer afternoon.
  - (ii) Six ornamental/understory trees per acre, with 50 percent planted in front of the structure and 25 percent planted on each side.
  - (iii) A row of shrubs planted along front and side facades of the primary structure, with consideration given to access to utility meters or mechanical equipment. In lieu of a horizontal line of shrubs along the front and side facade, shrub masses of three or more species may be utilized. Shrubs shall not be planted directly against the structure, but a minimum of two feet from the facade to facilitate adequate air circulation.
  - (iv) A combination of solid sod, seeding and sprigs to cover 100 percent of the lot site disturbed by construction activities. Areas of native vegetation do not have to be sodded. An area within 20 feet of the front building facade shall be sodded with other disturbed areas to be sodded, seeded or sprigged.
  - (v) The site landscaping requirements found in 6.2.2 (D)(1)(c)(i) and (ii) are reduced by 25% for those developments on sites which are 3 acres or less.
- (e) *Alternative placement.* In cases where the configuration or topographical constraints of an existing site make the placement of required site landscaping impractical, the LDR Administrator may approve up to 50 percent of the required landscaping to be planted on City-owned properties and parks, City rights-of-way, and preservation or conservation areas owned by the City. in accordance with Subsection 6.2.2(D)(9) of this section, Alternative landscape plan.

(2) *Parking lot landscaping.*

- (a) *Interior landscaping.* All parking lots shall provide and maintain the following landscaped planting areas within the interior of the parking lot. These standards shall not apply to parking structures or vehicle display areas.
- (i) Each planting area shall contain an area adequate to accommodate the root growth of the plant material used. The size of the planting area and size of plant material at maturity shall allow for a 2½-foot bumper overhang from the face of the curb.
  - (ii) Interior planting areas shall be located within or adjacent to parking areas, consisting of one or more of the following:
    - a. Landscaped islands located at the end of parking bays; or
    - b. Landscaped islands located between parallel rows of cars, used to visually separate parking areas; or
    - c. Landscaped driveway medians with a minimum width of six feet if curbed or a minimum width of ten feet if not curbed; or,
    - d. Landscaped areas adjacent to parking lots, interior to the development area.
  - (iii) Each interior planting area shall contain locally adapted trees and shrubs at the following rate:.
    - a. Trees shall be required at the minimum rate of one canopy or ornamental/understory tree for every 1,800 square feet, or portion thereof, of the total parking lot area;
    - b. Shrubs shall be required at the minimum rate of ten shrubs per landscaped island
    - c. Tree islands must be located no more than eleven parking spaces from another tree island or landscaped island at end of parking bay.
    - d. No parking space shall be separated from the trunk of an interior parking lot ornamental or canopy tree by more than 80 feet;
    - e. In cases where the configuration or topographical constraints of an existing site make the placement of required site landscaping impractical, the LDR Administrator may approve up to 50 percent of the required landscaping to be planted on an adjacent public property in accordance with Subsection 6.2.2(D)(9) of this section, Alternative landscape plan.
    - f. The interior planting requirements found in 6.2.2 (D)(2)(iii)a and b are reduced by 50% when all parking bays within the parking lot area are located in the rear or side of the property.
    - g. Parking lot area shall be calculated as the paved or unpaved area dedicated to the short- or long term parking or unloading of vehicles, including associated drive-aisles adjacent to parking bays or loading areas.

- (iv) All planting areas shall be stabilized with ground covers, mulching, or other approved materials to prevent soil erosion and allow rainwater infiltration, and shall be irrigated or utilize a xeriscape irrigation alternative.
- (
- (vi) All planting areas shall be protected from vehicle damage by the installation of curbing, wheel stops or other comparable methods.
- (vii) Earthen berms may also be incorporated into the design of any required planting area. Any berm installed shall have a side slope of no greater than 2.5:1.
- (b) *Parking lot buffer.* All parking lots shall have landscape buffers around their exterior perimeter that shall be composed of trees, shrubs, ground cover and turfgrass as follows:
  - (i) The buffer shall form a continuous visual screen, excluding required site clearances at driveways. It shall be placed and located to ensure visibility and safety of pedestrians on the public street and persons in the parking lot.
  - (ii) The buffer for the parking lot shall be located on the exterior of the parking lot, immediately adjacent to the curbed and paved areas.
  - (iii) The buffer for the parking lot shall be a minimum of five feet, and an average of seven feet in width along the entire length of the perimeter of the parking lot. The width of the buffer may vary to allow for design creativity, as long as a minimum width of five feet is maintained.
  - (iv) The parking lot buffer shall have a minimum of:
    - a. Four canopy trees for every 100 lineal feet of buffer.
    - b. Two understory/ornamental trees per 100 lineal feet of buffer;
    - c. A continuous opaque screen of shrub material parallel to the parking lot area. The shrubs may be arranged in a linear or curvilinear pattern, as long as the screen does not have any visual breaks. The parking lot screen shall reach 36 inches in height within three years.
    - d. Other landscaping materials provided to meet any other requirement of this section may be considered a part of and count toward the requirement parking lot buffer, if such materials are located within 30 feet of the parking lot area.
  - (v) Any area of the parking lot buffer that is not covered in trees or shrubs shall be planted in ground cover, turfgrass or mulch. It is recommended that the area adjacent to the wheel stop is planted in turfgrass for maintenance purposes.
  - (vi) Except for large retail establishments, up to 50 percent of the parking lot buffer on any single lot side may be replaced with a short fence or wall that is a minimum height of three feet. The wall may be wood, decorative stucco or brick that matches the theme or materials of the development it is associated with. The minimum tree canopy requirements still apply.

(3) *Perimeter buffers.*

(a) *Applicability.*

- (i) Development subject to the standards of this section shall provide a perimeter buffer to separate that use from adjacent land uses in accordance with Table 6.2-1, Perimeter Buffer Classifications. The perimeter buffer shall have the width, amount of vegetation, and other features to properly mitigate negative effects of continuous uses.
- (ii) Development located within the CSV, AG, CBD and PD districts shall not be required to provide a perimeter buffer in accordance with the requirements of this section.

- (b) *Types of buffers.* Table 6.2-1, Perimeter Buffer Classifications, in this subsection describes the four different types of buffers and their optional configurations. Any one of the three optional configurations may be utilized to meet the standards of this subsection. In cases where an option utilizing a fence is selected, the fence shall comply with the standards of Section 6.3, Fencing standards. If an existing tree proposed to remain is being used as credit towards perimeter buffer, it must be located within the area designated for that perimeter buffer. Trees required for buffering shall be distributed evenly along each perimeter, except that up to 33% of the required number of trees may be clustered.

Table 6.2-1. Perimeter Buffer Classifications

| Buffer Type and Configuration  | Screening Requirement Within Buffer Yard  |  |  |
|--|---|--|--|
|  | Option 1  | Option 2   | Option 3   |
| <p><b>A. Basic</b></p> <p>This buffer area functions as basic edge demarcating individual properties with a slight visual obstruction from the ground to a height of ten feet</p>                    | One canopy tree every 60 linear feet, plus one understory or ornamental tree per 60 linear feet   | One canopy tree every 60 linear feet, plus one hedge | One four-foot high berm or fence                                       |
| <p><b>B. Aesthetic</b></p> <p>This buffer area functions as an intermittent visual obstruction from the ground to a height of at least 20 feet, and creates the impression of spatial separation</p> | One canopy tree every 50 linear feet, plus one understory or ornamental tree every 40 linear feet | One canopy tree every 40 linear feet, plus one hedge | One four-foot berm or fence, plus one canopy tree every 40 linear feet |

|   |  |  |  |
|---|--|--|--|
| without eliminating visual contact between uses   |  |  |  |
| <b>C. Semi-opaque</b><br>This perimeter buffer functions as a semi-opaque screen from the ground to at least a height of six feet   | 1 canopy tree every 30 linear feet, plus one evergreen hedge   | 1 canopy tree every 30 linear feet, plus one shrub per eight linear feet   | One fence or wall, plus one canopy tree every 30 linear feet |
| <b>D. Opaque</b><br>This perimeter buffer functions as an opaque screen from the ground to a height of at least six feet This type of buffer prevents visual contact between uses and creates a strong impression of total separation | One canopy tree every 25 linear feet, one understory tree every 40 linear feet, plus one evergreen hedge | One canopy tree every 25 linear feet, one understory tree every 35 feet, plus one shrub hedge per five linear feet | One fence or wall, plus one canopy tree every 25 linear feet |

- (c) *Buffer class application.* Table 6.2-2, Buffer Class Application, below specifies the type of landscaped perimeter buffer that must be installed adjacent to an existing use or vacant land. The proposed uses are designated with their associated use class and cross-referenced with the numbered columns along the horizontal row under the adjacent use heading. The buffer type is indicated by letter and the total buffer width in feet is indicated by number.

| Table 6.2-2. Buffer Class Application                                  |                  |                               |                 |
|--|------------------|-------------------------------|-----------------|
| Letter = Buffer type; Number = Required width in feet                  |                  |                               |                 |
| A = Type A; B = Type B; C = Type C; D = Type D; N = No buffer required |                  |                               |                 |
| Proposed Use   | Adjacent Use     |                               |                 |
|  | Residential Uses | Public and Institutional Uses | Commercial Uses |

|                               |   | 1            | 2            | 3            | 4        | 5        | 6        | 7        | 8        | 9        | 10     |
|-------------------------------|---|--------------|--------------|--------------|----------|----------|----------|----------|----------|----------|--------|
| Residential uses              |   |              |              |              |          |          |          |          |          |          |        |
| 1                             | Single-family detached dwelling, manufactured home, mobile home   | N            | N            | N            | B<br>7.5 | N        | N        | N        | N        | N        | N      |
| 2                             | Single-family attached, two- to four-family dwelling, townhouse development   | C<br>10      | A<br>10      | B<br>10      | C<br>7.5 | B<br>7.5 | A<br>5   | N        | N        | N        | N      |
| 3                             | Multiple-family development, group living uses  | D<br>10      | B<br>10      | A<br>10      | D<br>7.5 | C<br>7.5 | A<br>7.5 | N        | N        | N        | N      |
| Public and institutional uses |   |              |              |              |          |          |          |          |          |          |        |
| 4                             | Parks and open areas  | N            | N            | N            | N        | N        | N        | N        | N        | N        | N      |
| 5                             | Community services, day care, educational facilities, institutions  | C<br>15      | B<br>15      | A<br>15      | C<br>10  | A<br>7.5 | B<br>7.5 | B<br>7.5 | A<br>7.5 | A<br>5   | A<br>5 |
| 6                             | Animal services, government facilities, health care facilities, public safety, transportation, utilities  | D<br>15      | C<br>15      | B<br>15      | D<br>10  | B<br>7.5 | A<br>7.5 | B<br>7.5 | A<br>7.5 | A<br>5   | A<br>5 |
| Business uses                 |   |              |              |              |          |          |          |          |          |          |        |
| 7                             | Eating establishment (except drive-through), conference and training center, offices, retail sales and service (50,000 gross sq. ft. or less), indoor recreation/entertainment, sexually oriented business, visitor accommodation | D<br>25<br>1 | C<br>15<br>1 | B<br>15<br>1 | D<br>15  | C<br>10  | C<br>10  | A<br>5   | A<br>5   | B<br>7.5 | B<br>5 |
| 8                             | Drive-through eating establishment, retail sales and service (more than 50,000 gross sq. ft.), outdoor recreation/entertainment   | D<br>25<br>1 | D<br>15<br>1 | C<br>15<br>1 | D<br>15  | D<br>10  | D<br>10  | C<br>7.5 | A<br>7.5 | C<br>7.5 | B<br>5 |
| 9                             | Commercial parking, self-service storage, vehicle sales and services  | D<br>15      | D<br>15      | C<br>15      | D<br>15  | D<br>10  | D<br>10  | C<br>7.5 | C<br>7.5 | A<br>7.5 | B<br>5 |

|   |  |         |         |         |         |         |         |          |          |          |        |
|---|--|---------|---------|---------|---------|---------|---------|----------|----------|----------|--------|
| 10  | Industrial services, manufacturing and production, warehouse and freight movement, waste-related services, wholesale sales | D<br>20 | D<br>20 | D<br>20 | D<br>15 | C<br>10 | C<br>10 | B<br>7.5 | B<br>7.5 | B<br>7.5 | A<br>5 |
| <sup>1</sup> In cases where a business property containing a freestanding restaurant abuts a residential district, the buffer shall be a minimum of 30 feet in width. |  |         |         |         |         |         |         |          |          |          |        |

(d) *Responsibility for perimeter buffer installation.*

- (i) Where a developing parcel is adjacent to a vacant parcel, the developing parcel may provide one-half of the perimeter buffer required adjacent to the vacant land in accordance with Table 6.2-2, Buffer Class Application. Determination of the required buffer width and type shall be based upon the highest use classification available for the vacant property based upon its current zoning.
- (ii) Where a developing parcel is adjacent to an existing use, then the developing parcel shall provide the full buffer required adjacent to the existing use as indicated in Table 6.2-2, Buffer Class Application, unless a perimeter buffer meeting the standards of this section already exists on either lot. Where a perimeter buffer exists, but does not meet the standards of this section, the developing use shall be responsible for providing all the additional planting material necessary to meet the standards of this section.

(e) *Location of perimeter buffers.*

- (i) The perimeter buffers required by this section shall be located along the outer perimeter of the parcel and shall extend to the parcel boundary line or right-of-way line; however, the buffers may be located along shared access easements between parcels in nonresidential developments.
- (ii) Within shopping centers or other nonresidential centers or developments, the perimeter buffer area between outparcels in the same development may be provided, totally or in part, elsewhere on the site. For example, a 20-foot buffer between uses may be shifted elsewhere on the site (preferably within the site's interior) as long as the total area is provided for. The intent of this subsection is to provide for more flexibility in site design and to potentially save large natural areas that may exist elsewhere on the site.

(f) *Development within perimeter buffers.*

- (i) The required buffer shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this section or that require removal of existing vegetation, unless otherwise permitted in these LDRs.

- (ii) No grading, development, or land disturbing activities shall occur within the buffer unless approved by the LDR Administrator.
  - (iii) Sidewalks and trails may be placed in perimeter buffers, provided damage to existing vegetation is minimized.
  - (iv) Except for stormwater management facilities and necessary direct interconnections to existing systems, utilities are not permitted in perimeter buffers.
- (4) *Credits for preservation of existing trees preserved.* Canopy or ornamental/understory trees that are in very good to excellent health, that are protected before and during development of the site and maintained thereafter in a healthy growing condition, can be used to comply with up to 75% of the landscaping standards for Subsections 6.2.2(D)(1), Site landscaping; 6.2.2(D)(2), Parking lot landscaping; or 6.2.2(D)(3), Perimeter buffers, of this section. Credits for the preservation of existing canopy or ornamental/understory trees will be based on the standards in Table 6.2-3, Credit for Existing Trees Preserved.

Table 6.2-3. Credit for Existing Trees Preserved

| Size of Tree (DBH in inches)<br><br>(measured 4½ feet from<br><br>natural ground level) | Number of Trees Credited |
|---|--------------------------|
| 3.00-9.99   | 1                        |
| 10.00-19.99   | 3                        |
| 20.00-29.99   | 6                        |
| 30.00-39.99   | 12                       |
| 40.00-49.99   | 20                       |
| 50.00 or more   | 25                       |

- (5) *Credits for the provision of pedestrian amenities.* The amount of required site landscaping or required vegetation in a perimeter buffer may be reduced by up to ten percent based on the



provision of three or more of the following pedestrian amenities, which shall be located adjacent to a sidewalk or multiuse trail:

- (a) Benches;
  - (b) Exercise equipment;
  - (c) Playground equipment;
  - (d) Fountains or other water features;
  - (e) Gazebos or other gathering places;
  - (f) Pedestrian-scale lighting;
  - (g) Raised planters meeting the requirements of this Article; or
  - (h) Public art features.
- (6) *Credits for the provision of natural wooded open space.* The amount of required site landscaping or required vegetation for any required site landscaping, perimeter (except for arterial buffering), or parking lot landscaping or buffering may be reduced by no more than 35% if a minimum 50' buffer (at a rate of 2 canopy trees per each 50' linear feet and 2 understory/ornamental trees per each 50') is provided upon any side or rear of the site that meets the following conditions:
- (a) If located along a perimeter of the property, this natural wooded open space may count towards any required buffer, unless located adjacent to existing single family residential development or vacant lands zoned A, CSV, RSF-1, RSF-3, RSF-4 or RSF-6 in which case this natural wooded open space area buffer must be in addition to any required buffer.
  - (b) Total natural wooded open space must be designated on the site plan as such and meet the minimum area requirements found in the Table below:

| Development Area in Acres | Natural Wooded Open Space Designated Area (% of Development Area) |
|---------------------------|---|
| Less than 1 acre          | 15%   |
| 1.00-2.99 acres           | 15%   |
| 3.00-4.99 acres           | 14%   |
| 5.00-6.99 acres           | 13%   |
| 7.00-8.99 acres           | 12%   |
| 9.00-9.99 acres           | 11%   |
| 10 acres or more          | 10%   |

- (c) Development within this area shall be prohibited except for: underground utilities, unpaved paths, paved paths not exceeding ten feet, and limited lighting along any paths.

The amount of required vegetation or landscaping may be further reduced to no more than 50% if either or both of the following conditions are met, in addition to the conditions found in (a),(b), and (c) above:

- (d) The proposed natural wooded open space area is contiguous with a previously approved natural wooded open space (a minimum of 50' contiguous for development sites 3 acres or less in area and a minimum of 100' contiguous for development sites more than 3 acres).
- (e) The proposed natural wooded open space area is contiguous with a publicly owned property a minimum of ten acres in size with a zoning designation of Conservation (CSV).

(7) *Xeriscaping and Florida Friendly Landscaping Standards*

(a) *Purpose and intent.*

- (i) *Purpose.* The purpose of these standards is to establish minimum standards for the development, installation, and maintenance of landscaped areas on a site with water use efficiency as a goal, without inhibiting the use of creative landscape design. Xeriscape encourages specific water conservation measures including the re-establishment of native plant communities, the use of site-specific plant materials, and the use of native vegetation.

- (ii) *Intent.* The intent of this section is to:

- a. Recognize the need for and protection of groundwater as a natural resource through the application of enhanced xeriscape practices;
- b. Ensure water-efficient landscaping is used to the maximum extent practicable to maximize the conservation of water by using site-adapted plants; and
- c. Ensure efficient watering methods are used that will generally result in a reduction of irrigation requirements, costs, energy, and maintenance.

(b) *Standards.* Development requiring landscaping or perimeter buffers in accordance with this section shall comply with the following xeriscape standards:

- (i) *Preserve and maintain native vegetation.* Existing and native vegetation shall be maintained and preserved to the maximum extent practicable.
- (ii) *Group plant material into water use zones based on water needs.* Plant material shall be located in water use zones according to the water needs of the genus and species, as follows:
  - a. *High water use zones.* Where plant material associated with moist soils is located that requires supplemental water in addition to natural rainfall. Plant

- material that falls in the high water use zone shall be limited to less than 50 percent of the total landscaped area of the site.
- b. *Moderate water use zones.* Where plant material can survive on natural rainfall with supplemental water during seasonal dry periods.
  - c. *Low water use zones.* Where plant material can survive on natural rainfall with no supplemental water.
- (iii) *Ensure plant types are appropriate for soils.* Plant types appropriate for the soils on the site shall be used, and enhanced, if needed, to give the soil more moisture retention capabilities.
- (iv) *Use of mulch.* Mulches shall be used and maintained around all trees located in landscaped areas not planted or not appropriate for growing turfgrass or ground cover, and in all planted areas.
- (v) *Use of low water use plants.* Plants shall be selected based on their adaptability to the site based on water use, desired effect, color, texture, and mature size. The landscape should be designed to give the desired aesthetic effect and plants should be grouped in accordance with their respective water needs. The use of native or Florida-Friendly species shall be used, to the maximum extent practicable.
- (vi) *Efficient irrigation.* The irrigation system used for landscape shall be designed to correlate to the water use plant zones established in the landscape design. A preliminary irrigation plan shall be submitted at time of site plan, or construction plan application submission with a note that the following standards for irrigating the site shall be used in the design of the system:
- a. *In the high water use zone.* All portions of the zone shall be provided with an automatic irrigation system with low volume heads that are timed to produce no more than two inches of water per week in established landscapes.
  - b. *In the moderate water use zone.* All portions of the zone shall be provided with a readily available water supply within 100 feet, to supplement natural rainfall when needed, and to help ensure that watering will take place until the plant material is established.
  - c. *In low water use zones.* All portions of the zone shall be provided with a readily available water supply within 50 feet, to supplement natural rainfall when needed, and to help ensure that watering will take place until the plant material is established.
  - d. *Rain sensor devices.* Shall be required on all automatic irrigation systems to avoid irrigation during periods of sufficient rainfall.
  - e. *The irrigation system.* Shall be designed to minimize irrigation overthrow onto impervious surfaces and to negate any ponding effects.
  - f. *Final submission at building permit or construction plans application.* A final irrigation plan shall be submitted at the time of building permit application or

construction plan application and shall be reviewed to ensure that the design standards found in this subsection have been met.

- (vii) *Maintenance*. Proper maintenance shall be used to preserve and enhance the quality of the landscape. As part of the submitted landscape plan, a maintenance schedule must be submitted addressing the following: the checking, adjusting, and repairing of the irrigation system, and the resetting of the irrigation schedule according to the season, remulching, fertilizing, weeding, pruning, and mowing.
  - (viii) *Drip irrigation or emitters*. Landscapes that apply all of the xeriscape principles may use drip irrigation or emitters for the planted area until the plant material is established.
  - (ix) *Incentive for 100% Florida Friendly Landscaping*. The amount of any required site or perimeter buffering landscaping may be reduced by 10% if the development area is completely (100%) landscaped using Florida Friendly practices and plant material as certified by a registered landscape architect. For subdivisions subject to these landscape requirements, a restrictive covenant must be included that requires individual lot owners to maintain Florida Friendly landscaping on their lots and, if applicable, requires the home owners association to maintain Florida Friendly landscaping in common areas.
- (8) *Time for installation of landscaping*.
- (a) *Approved by City*. The installation of landscape for all development projects shall be complete, inspected and approved by the City prior to the scheduling of any final inspection.
  - (b) *Completeness*. Completeness shall be based on compliance with the standards of this section and the landscape plan. The landscape of the subject development site shall be free from trash or construction debris, plastic pots or containers from the installation and miscellaneous debris associated with the landscape installation.
- (9) *Plantings*. Landscape plantings shall comply with the following standards:
- (a) *Plant types*. Plantings shall be categorized as one of the following plant types:
    - (i) Canopy trees
    - (ii) Understory/ornamental trees
    - (iii) Shrubs
    - (iv) Vines
    - (v) Groundcover
    - (vi) Annual/Perennial flowers
  - (b) *Plant size*.

- (i) Plant material to comply with 'Florida #1' grade quality standard or better as defined and specified within the latest edition of the 'Florida Grades and Standards for Nursery Plants' as published by the Florida Department of Agriculture and Consumer Services, Division of Plant Industries. Provide healthy, vigorous stock grown in a recognized nursery in accordance with good horticultural practices and free of disease, pests, and defects.
- (ii) Canopy trees shall be a minimum of eight feet in height with a minimum caliper of 2".
- (iii) Ornamental or understory trees shall have a caliper of 1½ inches at time of planting.
- (iv) Palm trees may be utilized as landscaping trees but at an increased ratio of 3:1 replacement and shall be a minimum of eight feet tall at the time of planting.
- (v) Shrubs shall be a minimum of 3 gallon and groundcovers shall be a minimum of 1 gallon.
- (vi) To curtail the spread of disease or insect infestation in plant species, new plantings shall comply with the following standards:
  - a. When fewer than 20 trees are required on a site, no more than 50 percent shall be of one type;
  - b. When more than 20 but fewer than 40 trees are required to be planted on site, no more than 50 percent of the required plantings shall be of one single species; or
  - c. When 40 or more trees are required on a site, no more than 50 percent of the required trees shall be of one single species.
- (vii) Landscape plant materials shall be placed in accordance with either the standardized landscape specifications or best practices adopted by the Florida Nurserymen's Association or the Florida Society of Landscape Architects.
- (c) Raised planters, planter boxes, or raised landscape beds may be utilized to meet landscape requirements for understory tree, ornamental tree, or shrub numerical requirements if the following standards are met:
  - a. For rectangular shaped planters or boxes: Must be a minimum of 5 feet in width and 12 inches in height; or,
  - b. For all other shaped planters or beds (such as round or oval planters): must be a minimum of 28 inches in height and have a diameter of 36 inches or a circumference of 132 inches; and,
  - b. Must be constructed of or must be clad in a material similar in nature and/or color of the cladding of the principal structure located on the site

(10) *Alternative landscape plan.*

- (a) *Generally.* An alternative landscape plan may be used where unreasonable or impractical situations would result from application of this section, or to replace a

damaged tree pursuant to Subsection 6.2.1 of this section, alternative plans, materials or methods may be justified from natural conditions, such as streams, natural rock formations, topography and physical conditions related to the site. Also, the lot configuration and utility easements may justify an alternative landscape plan.

- (b) *Allowable deviations.* The LDR Administrator shall approve an alternative landscape plan. Allowable deviations from the standards of this section include, but are not limited to the following:
  - (i) A reduction in the total number of required trees and/or alteration of the spacing requirements between trees when underground connections to public facilities or public utilities, or public easements or rights-of-way, are located upon or in close proximity to the parcel or whenever a fewer number of trees would be more desirable in terms of good landscape planning practice.
  - (ii) A reduction in the count, spacing, or species diversity standards which would be more desirable in terms of good landscape planning practice considering the nature of the parcel and adjacent parcels.
  - (iii) Up to a 33 percent reduction in the total number of required trees provided that the cumulative caliper size of all trees to be planted meets or exceeds the total caliper inches that would have been provided otherwise.

(E) *Installation of landscaping.*

- (1) *Time limit.* All landscaping, including mulching and seeding, shall be completed in accordance with the approved site plan (Section 2.4.9), subdivision (Section 2.4.10), planned development (Section 2.4.3), or building permit, prior to issuance of an occupancy permit unless the LDR Administrator grants an exception to meeting this requirement due to extreme weather conditions. In this case, an irrevocable letter of credit shall be in place to ensure that all landscaping requirements will be met at a predetermined later date. The installation of these requirements shall comply with the required planting standards set forth in this section.
- (2) *Extensions and exceptions.* The LDR Administrator may grant exceptions and extensions to the above time limit in the following circumstances and under the following conditions:
  - (a) Exceptions may be granted due to unusual environmental conditions, such as drought or freezing conditions. In such cases, the LDR Administrator may issue a conditional occupancy permit for a period of 30 to 180 days, depending on the Administrator's recommendation for the next earliest planting season.
  - (b) Exceptions may be granted due to the substitution or unavailability of plant species or acceptable plant size as specified in the landscape plan in cases where such materials are not commercially available within a reasonable time.
  - (c) Exceptions may be granted due to circumstances beyond the developer's or landowner's control, such as incomplete construction or utility work to occur in a proposed landscaped area within 30 days after expected site completion, provided the developer or landowner submits a letter from the utility company stating the estimated installation

date. In such cases, the LDR Administrator may issue a conditional occupancy permit for a defined period not to exceed 30 days.

- (F) *Maintenance of landscaping.* The landowner shall be responsible for the maintenance of all landscaping installed to comply with the standards of this section for a period of one year after the occupancy permit is issued. Such areas shall be maintained in accordance with the approved landscape plan. All plant life shown on a landscape plan shall be replaced if it dies, is seriously damaged, or removed.
- (1) *Damage due to natural occurrence.* In the event that any vegetation or physical element functioning to meet the standards of this section is severely damaged within the first year after issuance of the occupancy permit due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the landowner shall be required to replant if the landscaping standards are not being met. The landowner shall have one growing season to replace or replant. The LDR Administrator shall consider the type and location of the landscape buffer or required vegetation area as well as the propensity for natural revegetation in making a determination on the extent of replanting.
- (2) *Protection during operations.* The landowner should take actions to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations. Plants must be maintained in a way that does not obstruct sight distances at roadway and drive intersections, obstruct traffic signs or devices, and/or interfere with the use of sidewalks or pedestrian trails.
- (G) *Inspections.* The development project shall be inspected on a periodic basis by the owner during the first year after the issuance of the certificate of occupancy to ensure that all of the plant material is healthy and vigorous. If at any time, any plant material appears to be dead or dying it shall be replaced at the landowner's expense with a plant that is the same genus, , and size as the plant that is replaced.
- (H) *Limitations of Incentives and Reductions.* Reductions in minimum landscaping required may be combined (stacked) except that, unless otherwise explicitly stated, the minimum requirement for any individual landscaping requirement shall not be reduced to less than 20% of the minimum required.
- (I) The Land Development Regulations Administrator may establish technical standards setting forth administrative guidelines governing the enforcement of this section, requirements not specifically addressed in this section, and any other information needed for the uniform and orderly administration of this section. Such standards may be published in a technical manual which shall be on file in the office of the City Clerk.

#### 6.2.3 *Screening standards.*

- (A) *Applicability.*
- (1) *Generally.* Screening shall be required to provide a visual buffer around the following accessory uses. Screens shall be opaque and consist of vegetation and walls and/or fences. Screens shall be maintained in perpetuity by the landowner in a form acceptable to the City.



- (2) *Time of compliance.* A landscape plan shall be submitted with an application for a site plan (Section 2.4.9), subdivision (Section 2.4.10), planned development (Section 2.4.3), or building permit, whichever occurs first, for any development that is required to comply with the standards of this section, demonstrating how the development proposes to comply.
- (B) *Waste receptacles.* Waste receptacles shall be screened with one of the following materials:
- (1) A solid fence at least six feet in height constructed of wood, masonry, stone, finished (non-reflective) metal, or other similar materials, or
  - (2) Landscaping using evergreen materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting.
- Sides which provide service access to waste receptacles shall be gated. Gates shall be constructed of a material consistent with the screening material all other sides of the receptacle, except when using evergreen materials to screen the sides of the receptacles. In such instances, a material consistent with Section 6.2.3(B)(1) shall be utilized.
- (C) *Service areas.* Service areas shall be screened with either a solid wood, masonry, stone, or finished (non-reflective) metal fence, or a fence constructed of other similar materials, at least six feet in height or landscaped using evergreen materials capable of providing a substantially opaque hedge-like barrier and attaining a minimum height of six feet within three years of planting.
- (D) *Mechanical equipment.* Mechanical equipment shall be screened with either a solid wood, masonry, stone, or finished (non-reflective metal) fence, or a fence constructed of other similar materials, at least three feet in height or a landscaping screen, using evergreen materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of three feet within two years of planting.
- (E) *Arterial frontage.* Arterial frontage shall be screened with a series of canopy and understory trees, shrubs and ground cover, as follows:
- (1) *Canopy trees.* Four canopy trees every 100 lineal feet of arterial frontage placed approximately every 25 feet; the width of the paved driveways at the property lines shall not be counted towards the arterial frontage requirement.
  - (2) *Understory/ornamental trees.* Three understory/ornamental trees every 100 lineal feet of arterial frontage;
  - (3) *Shrubs and ground cover.* A continuous row of shrubs or groups of shrubs that forms an opaque screen for the entire length of arterial frontage; or
  - (4) *Alternative screening.* An alternative screen consisting of a solid wood fence at least six feet in height with the minimum number of canopy trees to provide a substantially opaque barrier.
- (F) *Screening methods.* The following items are permitted for use as screening materials. Alternative screening materials that are not listed may be used if it is determined by the LDR Administrator they are comparable to the screening materials required by this subsection.



- (1) *Vegetative material.* Planting materials that provide substantial opacity and minimum height of six feet within three years of planting.
- (2) *Wooden fence.* When wood fences are used, a solid wood fence of treated wood or rot-resistant wood, such as cypress or redwood, shall be used. Chainlink, barbed wire, stock wire, hog wire, chicken wire, and similar type fences are not permitted.
- (3) *Masonry walls.* When masonry walls are used, they shall be constructed of brick, textured concrete masonry units, or stuccoed block.

Appendix 6.2.2-A of the City's LDRs is amended as follows (text that is underlined is to be added and text that is shown as ~~strike through~~ is to be removed). Except as amended herein, the remainder of Appendix 6.2.2-A remains in full force and effect:

App. 6.2.2-A. - List of nuisance trees.

NUISANCE TREE LIST

|  | Common Name         | Botanical Name        |
|--|---------------------|-----------------------|
|  | Australian pine     | Casuarinas spp        |
|  | Black locust        | Robinia pseudoacacia  |
|  | Brazilian pepper    | Schinum spp           |
|  | Chinaberry          | Melia azedarach       |
|  | Chinese tallow tree | Sapium sebiferum      |
|  | Hackberry           | Celtis occidentalis   |
|  | Sugarberry          | Celtis laevigata      |
|  | Honeylocust         | Gleditsia triacanthos |

|  |             |                         |
|--|-------------|-------------------------|
|  | Melalenca   | Melaleuca quinquenervia |
|  | Mulberry    | Broussonetia spp        |
|  | Wild cherry | Prunus serotina         |

Section 10.2 of the City's LDRs is amended with the addition the following terms and their definitions (text that is underlined is to be added). The definitions are to be added in their appropriate, alphabetical location. Except as amended herein, the remainder of Section 10.2 remains in full force and effect:

*Florida Friendly Landscaping* has the meaning as defined in §§ 373.185, Florida Statutes, as amended.

*Quality tree protection area* means an area protected through a tree preservation or conservation easement that is a minimum of 1 acre in size containing tree canopy coverage of at least 40% (or demonstrated to obtain such canopy coverage within twenty years of designation as quality tree protection area).