



City of North Port

ORDINANCE NO. 2021-46

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, REGARDING TREE REGULATIONS AND ENFORCEMENT; REPEALING AND REPLACING UNIFIED LAND DEVELOPMENT CODE CHAPTER 45 – TREE PROTECTION REGULATIONS; AMENDING UNIFIED LAND DEVELOPMENT CODE SECTIONS 21-7 AND 21-9 RELATING TO LANDSCAPING REGULATIONS; AMENDING UNIFIED LAND DEVELOPMENT CODE SECTIONS 53-171, 53-182, AND 53-216 RELATING TO ZONING REGULATIONS IN THE RMH RESIDENTIAL MANUFACTURED HOME, NC NEIGHBORHOOD COMMERCIAL, AND VILLAGE DISTRICTS; AMENDING UNIFIED LAND DEVELOPMENT CODE SECTION 61-3 – DEFINITIONS; AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, SECTION 2-511 RELATING TO CODE ENFORCEMENT FINES; AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, APPENDIX A – CITY FEE STRUCTURE RELATING TO PLANNING AND ZONING FEES FOR TREE REMOVAL; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 11, 2019, the City Commission of the City of North Port, Florida directed the City Manager to present a draft ordinance for the tree portion of the Unified Land Development Code (“ULDC”); and

WHEREAS, the City of North Port, through a contract for consulting services with Calvin, Giordano & Associates, Inc., has conducted numerous public outreach and community input meetings related to proposed revisions of the ULDC on January 12, 2019; February 27, 2019; March 25, 2019; June 27, 2019; and January 13, 2021; and

WHEREAS, the City Commission held meetings on December 3, 2018; March 4, 2019; September 17, 2019; November 5, 2019; February 3, 2020; July 12, 2021; and September 15, 2021 to discuss proposed amendments to the ULDC and Chapter 11, Article 5 - Tree Protection Regulations; and

WHEREAS, on June 8, 2021, the City Commission of the City of North Port, Florida requested the tree protection portion of the ULDC be brought back separately from the entire ULDC rewrite; and

WHEREAS, the City of North Port Planning and Zoning Advisory Board, designated as the Local Planning Agency, held a properly-noticed public hearing on January 6, 2022, to receive public comments on these revisions to the ULDC; and

WHEREAS, the City Commission held properly noticed public hearings at first and second reading of this ordinance to review the recommendations of the Planning and Zoning Advisory Board and to receive public comments on these amendments to the ULDC; and

WHEREAS, the City Commission has determined that these amendments are consistent with the North Port Comprehensive Plan and finds that the proposed amendments serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – FINDINGS

- 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
- 1.02 The City Commission of the City of North Port, Florida hereby makes the following findings:
 - A. Trees produce oxygen, a necessary element for the survival of mankind.
 - B. Trees appreciably reduce the ever-increasing and environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air.
 - C. Trees play an important role in the hydrologic cycle, transpiring considerable amounts of water each day, and they intercept dust and other particulate airborne pollutants from the air.
 - D. Trees play an important role in cleaning stormwater runoff that passes from the surface water to groundwater.
 - E. Trees, through their root systems, stabilize the soil and play an important and effective part in Citywide soil conservation, erosion control and flood control.
 - F. Mangrove trees are of special ecological value in stabilizing, building and protecting the shoreline, providing for spawning and breeding grounds for marine organisms and other wildlife, and serving as the basis for most of the estuarine food chains, which are critical to 70 to 90 percent of those species considered important from a recreational and/or commercial standpoint.
 - G. Trees are an invaluable physical and psychological addition to the City, making life more comfortable by providing shade and cooling both air and land, reducing noise levels and glare, breaking the visual monotony of development on the land and providing unique visual character and enhancing property values.
 - H. Trees provide wildlife habitat and play other important ecological roles.

- I. The protection of trees within the City of North Port is not only desirable, but essential to the present and future health, safety, and welfare of the City of North Port.
 - J. Some tree species are more deserving of special protection due to their status as a native species, their canopy potential, or their niche within a particular ecosystem. It is not necessary to protect each and every species in order to attain the public benefit of a tree protection due to a species being an invasive/exotic that destroys native habitats and out-competes native trees for space and nutrients.
 - K. Some trees on public and private lands are especially significant due to their character, size, and age.
 - L. Heritage trees are an important component of the City's urban forest and have a unique and intrinsic value to the general public because of their age, size, and ecological value.
 - M. Trees can serve the function of a bio-utility and have numerous economic benefits to the community.
 - N. Preservation and maintenance of healthy oaks and other species that comprise canopy roads will maintain their historic, aesthetic, cultural and environmental value.
 - O. Street rights-of-way and other public open spaces provide land, which is appropriate, accessible, and highly visible for the planting of trees and other vegetation.
 - P. It is a matter of public policy that the health, safety, welfare, and economic well-being of the residents and property owners in the City of North Port require that the City adopt a comprehensive program for the installation, maintenance, and preservation of street trees and other plantings within the City of North Port.
 - Q. Any trimming of mangroves shall be in compliance with all Federal and State regulations and is prohibited without the prior approval of the Department of Environmental Protection.
- 1.03 The City Commission of the City of North Port, Florida hereby finds the objective of this ordinance is to:
- A. Safeguard the public health, safety, welfare, and economy through tree protection and to promote the findings of this article by following the provisions contained herein.
 - B. Designate, preserve, promote, and protect canopy roads in the city.
 - C. Effect and accomplish the planting, maintenance and preservation of trees and other plantings in street rights-of-way and other public open spaces and to assure all plantings conform to the guidelines for landscape design.
 - D. Preserve and plant trees that shall result in a 35 percent canopy coverage citywide, 50 percent of which are comprised of native species.

- E. Plant and protect native trees on City-owned property.

SECTION 2 – REPEAL AND REPLACEMENT OF TREE PROTECTIONS REGULATIONS

- 2.01 Chapter 45 entitled “Tree Protection Regulations,” of the Unified Land Development Code is repealed in its entirety, and Chapter 45 of the Unified Land Development Code is created to read as follows:

“Chapter 45 – TREE PROTECTION REGULATIONS

Sec. 45-1. – Title.

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

Sec. 45-2. – Administration.

- A. Fees. Fees charged will substantially finance the expenditures of administering this article.
- B. Applicability and interpretation.
 - (1) In the application and interpretation of this article, all provisions shall be considered minimal requirements and construed liberally to effectuate the purposes of this article.
 - (2) This article is not intended to repeal, abrogate, or impair any existing statutes, laws, ordinances, easements, covenants, or deed restrictions that impose more stringent restrictions on the protection or removal of trees.
 - (3) Whenever the requirements of these regulations are in conflict or differ from those imposed by the City, Federal, State, or County, law or statute, the most restrictive or imposing the higher standards shall apply.
 - (4) Where any provision of this article refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any renumbering thereof or amendments thereto.
 - (5) This article shall be applicable to private and public properties, easements, and rights-of-way, as set forth in the provisions of this article.
- C. Simultaneous reviews. In the event that an applicant seeks authorization to conduct activities that are subject to overlapping code provisions from different chapters or articles of this Code, city staff shall perform simultaneous natural resource reviews to the greatest extent practicable.

D. Listed Species. In cases where impacts to listed species may occur, applicants shall be required to consult with the appropriate Federal and State wildlife agencies, to use recognized sampling techniques as defined by accepted methodology of the agency to identify listed species, and to provide documentation of such coordination and compliance prior to City approval to conduct any activities that could disturb listed species or the habitat.

Sec. 45-3. – Prohibitions.

A. Unless otherwise exempted or authorized in a tree removal permit in accordance with this article, no person shall:

- (1) Engage in tree removal.
- (2) Engage in tree relocation.
- (3) Initiate development when a tree exists on a property.
- (4) Cause irreparable injury to a tree or heritage tree.
- (5) Cause irreparable injury to or prune a tree within a canopy road zone or right-of-way.
- (6) Cause irreparable injury to or prune other vegetation within a right-of-way; or
- (7) Plant a tree or other vegetation within a right-of-way.

B. Any person violating any provision within this article or a stipulation contained in a tree removal permit or a development permit that results in a prohibited activity shall constitute a violation of this article in accordance with section 1-16 of this Code.

Sec. 45-4. – Exemptions.

The following exemptions exist from the provisions of this article:

A. Exotics. The prohibitions in section 45-3(A) of this Code shall not apply to any tree species on the most recent Florida Exotic Pest Plant Council Category I list of invasive species. In addition, the prohibitions in section 45-3(A) of this Code shall not apply to any one of the following tree species: Brazilian Pepper (*Schinus terebinthifolius*), Punk or Melaleuca (*Melaleuca quinquenervia*), Australian Pines (*Casuarina spp.*), Carrotwood (*Cupaniopsis anacardioides*), Chinaberry (*Melia azedarach*), or Chinese Tallow (*Sapium sebiferum*).

B. Emergencies. The prohibitions in section 45-3(A) of this Code shall not apply during emergencies as described herein:

- (1) No tree removal permit shall be required for governmental personnel or agencies in the performance of their official duties during an emergency declared by the City Commission as provided herein.
 - (2) No tree removal permit shall be required when necessary to reestablish electric service during or immediately after a severe weather event or other electrical emergency situation.
 - (3) When it is necessary to expedite the removal of damaged or destroyed trees in the interest of public safety, health, and general welfare following high winds, storms, hurricanes, tornadoes, floods, freezes, fires or other manmade or natural disasters, the City Commission may by ordinance declare an emergency, and suspend the requirements of this article for a period of up to 30 days in the affected areas.
 - (4) When nursery stock is limited after a manmade or natural disaster as described in (3) above, the applicant may choose an alternate tree from the tree list when the desired tree is unavailable or may use two, two-inch trees for diameter at breast height (DBH) when three-inch trees are not available.
- C. Agricultural Activities. The prohibitions in section 45-3(A) of this Code shall not apply to a lot or portion thereof that is classified by the County Property Appraiser prior to any tree removal as bona fide agricultural land under the agricultural assessment provisions of the Florida Right to Farm Act, F.S. § 193.461, where tree removal is undertaken, or irreparable injury is caused solely for agricultural or silvicultural purposes. This exemption shall not apply to any tree removal or irreparable injury in preparation for, or in anticipation of, any development or any construction of nonagricultural improvements. For the purposes of this article, evidence of such preparation or anticipation includes submittal of an application for a building permit for nonagricultural use, a conditional use, a rezone, a site and development plan, a preliminary subdivision plan, a conceptual development plan, or other development approval. Submittal of plans listed in this section within one year of the date of tree removal or irreparable injury would invalidate this exemption and require an after-the-fact tree removal permit and/or mitigation in accordance with the provisions of this article. Additionally, no development permit application shall be reviewed, or a development permit issued for the property until such corrective action is taken.
- (1) Nothing herein shall be construed to affect the right of any person engaged in the commercial enterprise of agriculture or silviculture. Any stand of timber that is harvested in the Myakka River Protection Zone shall be regenerated either by replanting, natural regeneration or by leaving a sufficient number of young trees to replace the stand of timber.
 - (2) This exemption does not apply within a wetland or watercourse buffer required by the City.

- (3) The City Manager or designee may grant a limited exemption for tree removal associated with a property owner restoring a previous agricultural exemption from the Sarasota County Property Appraiser.
- D. Nurseries. The prohibitions in section 45-3(A) of this Code shall not apply to plant or tree nurseries for those trees grown on the premises specifically for sale to the general public in the ordinary course of such plant or tree nurseries' businesses.
- E. Roads, Utilities, and Stormwater Construction. Tree removal and tree relocation necessary for the construction of City, State, and Federal roads, utilities, or stormwater facilities. This exemption does not apply to a Community Development District (CDD), Homeowner's Association (HOA), or Property Owner's Association (POA).
- F. Roads, Utilities, and Stormwater Maintenance. Tree removal and tree relocation necessary for the maintenance of existing roads, utilities, landscaping, or stormwater facilities within rights-of-way and easements, or to comply with state technical specifications (e.g., for sight clearance), performed or contracted by a duly constituted communication, water, sewerage, stormwater, electrical, other utility or government entity. This exemption does not apply to a Community Development District (CDD), Homeowner's Association (HOA), or Property Owner's Association (POA).
- G. Pruning and Maintenance. The prohibitions in section 45-3(A) of this Code shall not apply to government personnel conducting pruning and maintenance activities. No tree removal permit is required for the pruning and maintenance of any tree on a private lot, except when the tree is located within a CRZ or right-of-way, or if the pruning of a heritage tree does not meet the standards provided in section 45-6 of this Code. Tree pruning and maintenance consists of the trimming and care of a tree to maintain or restore the health of the tree and to prevent and/or cure disease and does not include removal of the tree.
- H. Habitat Management and Restoration. Tree removal and tree relocation necessary for native habitat management and environmental restoration activities conducted by a governmental agency. This exemption does not apply to heritage trees.
- I. Trees on residential property that have been determined to present a danger to persons or property by an arborist certified by the International Society of Arboriculture (ISA) or a Florida licensed landscape architect, pursuant to Section 163.045, Florida Statutes. This does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to Sections 403.9321-403.9333, F.S.
- J. Hand clearing of understory vegetation except in a wetland or watercourse buffer.
- K. Certain Residential Lots. The prohibitions in Section 45-3(A) shall not apply to owner occupied residential lots of five acres or smaller, after one year has passed since a certificate of occupancy has been issued for the residential dwelling(s) on that lot. For owner-occupied residential lots larger than five acres, no tree removal permit is required where the tree is located within 150 feet of the residential dwelling after one year has passed since a certificate

of occupancy has been issued for the residential dwelling(s) on that lot. This exemption shall not apply to the following:

- (1) Conservation or preservation areas.
- (2) Trees that received credit for conservation pursuant to a tree removal permit.
- (3) Trees that are part of an approved landscape plan.
- (4) Where the residential dwelling is to be demolished and reconstructed.
- (5) Any heritage tree on any property.
- (6) Areas within the Myakka River Protection Zone, except on lots that are a minimum of 2,200 feet from the bank of the main stem of the Myakka River. On those lots, no tree removal permit is required for tree removal or irreparable injury landward of the watercourse buffer.
- (7) Trees within a Canopy Road Zone (CRZ).

Sec. 45-5. – Permitting criteria and procedures.

- A. Tree Removal Permit Required. All persons must obtain a tree removal permit before conducting any of the activities listed in section 45-3(A) of this Code, unless the activity qualifies for an exemption under section 45-4 in this Code. Any person who conducts an activity that requires a tree removal permit without first obtaining one, shall be required to obtain an after-the-fact tree removal permit and/or mitigate the impact in accordance with this article. Payment for the tree removal permit and mitigation shall not preclude nor be deemed a substitute for prosecution of violations of the provisions of this article.
- B. Tree Removal Permit Applications. All tree removal permit applications shall meet the requirements contained in this article and shall include a statement detailing the reasons why the proposed activities meet the permitting criteria of this section.
- C. Tree Location Surveys. A tree location survey is required for all proposed activities involving trees eligible for mitigation and/or conservation on undeveloped lots as described in this section. A tree location survey is not required when tree removal is proposed on a developed lot, unless the tree(s) proposed for removal is located within a CRZ. Due to site-specific conditions, the City Manager or designee may require a tree location survey on developed lots. On all developed lots, a written statement or a sketch shall be provided with the application identifying the tree(s) proposed for removal and their location.
- D. Information Required on the Tree Location Survey. When a tree location survey is required, it shall depict the following information when applicable. All surveys shall be at a scale sufficient to enable the City Manager or designee to determine if an application meets the requirements of this article.

- (1) The shape and dimensions of the lot together with the existing and proposed locations of structures, utilities (e.g., power lines, water, sewer), and other improvements, if any.
- (2) The location of all on-site native habitats and buffers as defined in the City's Comprehensive Plan.
- (3) The location of all trees eligible for mitigation and/or conservation on undeveloped lots, identified by common or botanical name and DBH. Trees proposed to remain, to be transplanted, or to be removed shall be identified. Where clearing is occurring on part of a lot, only the trees in the area to be cleared and an additional 50 feet need to be located. Heritage trees shall be identified by DBH, height, the size of the drip line (in feet) and the proposed location of tree protection barricades. Groups of trees in close proximity (five feet spacing or closer) may be designated as a "clump" of trees, with the predominant species, estimated number and average size listed. Limited clearing may be approved by the City Manager or designee to provide proper preparation of the tree location survey.
- (4) If existing trees are to be relocated, the proposed relocation for such trees, together with a statement as to how the trees will be protected during land clearing and construction and maintained after construction.
- (5) If existing trees are relocated within the same property, the applicant will not be required to pay mitigation fees.
- (6) A statement from the applicant indicating how any trees that are not proposed for removal or relocation will be protected during land clearing, construction, or other proposed activity.
- (7) Locations and dimensions of all setbacks and easements required by the ULDC, as amended.
- (8) Statements and plans clearly depicting grade changes proposed for the lot and/or right-of-way and how such changes will affect trees. Statement as to the form of root protection to be used, such as tree wells or retaining walls. State the distance from tree trunk to change in grade with the required elevations certified by the project engineer.
- (9) The applicant shall include a statement about any proposed tree plantings.
- (10) In the event there are no trees located on the site, the applicant shall so state on the permit application for all new construction, additions, and demolitions. Such statement shall be substantiated by an inspection of the site or the review of a recent legible aerial photograph that reflects existing site conditions, which shall be a binding determination that no trees are presently on the site.
- (11) Any other information requested by the City Manager or designee to assist in the review of a permit application or exemption determination.

- E. Mitigation Form. A mitigation form signed by the property owner or duly authorized representative shall be submitted with a tree removal permit application. The mitigation form shall show a calculation of mitigation fees with mitigation points and conservation credits identified.
- F. Criteria for Tree Removal Permit. The City Manager or designee shall apply the following criteria in deciding whether to issue a permit, and on any appeal of the City Manager or designee's decision denying a permit, respectively.
- (1) No tree removal permit shall be granted where the applicant has failed to implement the principles of avoidance and then minimization of adverse impacts to trees. For example, purposes, avoidance, and minimization may include, but not be limited to alternative site designs, stem walls, root pruning, bio-barriers, other techniques to divert root systems, etc.
 - (2) No tree removal permit shall be granted unless the development application or proposed activity is consistent with the permitted use of the property under this Code or the Code of the City of North Port, Florida.
 - (3) Development applications shall be designed to protect heritage trees. Exceptions may only be made for one of the following:
 - (a) Safety reasons; or
 - (b) If the applicant can clearly demonstrate to the satisfaction of the City Manager or designee during permit review respectively, that setting aside the space necessary to protect a heritage tree would unreasonably prevent the development of a lot.
 - (4) Tree removal permit must be consistent with the Comprehensive Plan and shall be issued only where:
 - (a) Trees pose a safety hazard to pedestrian or vehicular traffic or unmanageably threaten to cause disruption to utility services.
 - (b) Trees pose a safety hazard to people, buildings, structures, vehicles or other improvements.
 - (c) Trees completely prevent access to a lot.
 - (d) Trees unreasonably prevent development of a lot or the physical use thereof.
 - (e) State or local regulations require fill to the extent that trees cannot be saved, and the required elevations are certified by the project engineer.

- (f) Trees are diseased or are weakened by age, storm, fire, or other injury, or as a result of suppression by other trees or vines, or site conditions, to the extent that they have lost most of their function and value, or pose a danger to persons, property, utilities, sidewalks, streets, sewers, other facilities, improvements or other trees, if so determined by the City Manager or designee, or by the City Commission on appeal, respectively. No permit shall be granted for the removal of any tree if the hazard can be abated by any other reasonable means.
- (g) A tree removal permit application for an undeveloped lot must demonstrate no adverse impact to endangered/threatened species or to migratory bird nests during nesting season shall occur as a result of the tree removal. Impact must be demonstrated with submission of the appropriate survey(s), dated within 90 days from the date work is scheduled to begin.
- (5) Trees Located within a CRZ. In addition to a survey and a statement specifying how the application meets the permitting criteria of this section, the applicant shall include:
 - (a) A plan showing the scaled location of the CRZ. Border trees shall be included in the plan depicting the CRZ.
 - (b) A statement and plan clearly depicting if trimming is proposed within the CRZ. All trimming shall be limited to clear zone heights unless exempted in this article.
 - (c) If encroachments into the CRZ are proposed, a plan will be required to be prepared by an ISA certified arborist, an American Society of Consulting Arborists (ASCA) certified consulting arborist, landscape architect, or other specialist in the field of arboriculture specifying the methods to be utilized to preserve the vegetation. This plan shall address protection of the root system, crown, and stems of the trees, a means of supplying water and essential elements to the root system, and the proposed location of the tree protection barricades. This plan shall be subject to approval by the City Manager or designee
- G. Procedure. When a tree removal permit is required, an application meeting the requirements of this subsection shall be submitted for review by the City Manager or designee. The written application shall constitute authorization for City staff to enter the lot to conduct inspections to determine if the applicant is in compliance with the provisions of this article.
- (1) Tree removal permit Associated with Development and Right-of-Way Use Applications. A tree removal permit is required before any construction activity and/or the removal of native vegetation within the drip line of a tree on any lot where development will take place or in any right-of-way. An application shall be submitted to the City Manager or designee prior to or concurrent with the submission of preliminary subdivision plans, or a site and development plan, or an application for a building permit, or a right-of-way use permit, whichever is first required. Where development requires approval under the ULDC a tree removal permit shall not be issued until after final construction plan approval is granted through the ULDC process.

- (2) Preapplication inspection service. The City Manager or designee shall be available for preapplication conferences or inspections of the site involved.
- (3) Time frames. Upon receipt of an application, the City Manager or designee will conduct a sufficiency review including a field inspection to determine if the application is complete, and if the proposed plan is in compliance with the provisions of this article. If the application is not complete, the City Manager or designee may request additional information, to be completed by the applicant within a time frame specified in the request. The application review for single- and two-family lots will be made within four working days of receiving a completed application. The application review for all other parcels will be made within seven working days of receiving a completed application. Upon completion of the review, the City Manager or designee will notify the applicant that the application is either insufficient or does not comply with the provisions of this article, or that the tree removal permit is approved or approved with stipulations.
- (4) Permit Amendments. Should an additional tree or trees need to be removed after a tree removal permit has been issued, the applicant must obtain an amended permit prior to the removal of the trees. Any tree removal or tree relocation conducted prior to obtaining an amendment is a violation of this article and shall be assessed a fine as established in Section 2-511 of the Code of the City of North Port, Florida.
- (5) Dead Trees. If a tree dies after a tree removal permit has been issued and prior to the issuance of a certificate of occupancy or certificate of completion, the applicant shall notify the City Manager or designee and request an inspection, prior to the removal of the dead tree(s). An inspection by city staff will be made within two days of notification by the applicant. Failure to notify the City Manager or designee prior to the removal of any dead tree constitutes a violation of this article and shall be assessed a fine as established in Section 2-511 of the Code of the City of North Port, Florida. If the tree death can be attributed to anthropogenic (man-caused) activities, as determined by the City Manager or designee, tree mitigation shall be required.
- (6) Final Inspections. All tree removal permits will require, as a general condition, a final inspection to ensure compliance with the provisions of this article. Final inspections shall be scheduled by the applicant after the final grade is complete. Final inspections will be completed by city staff within three working days after notification by the applicant.

Sec. 45-6. – Best management practices.

- A. Standard best management practices. The following best management practices shall be applicable to all tree removal permits unless specified otherwise herein. These standard Best Management Practices shall also be applicable to all activities that affect heritage trees, trees located within a CRZ, and trees located within public rights-of-way, regardless of whether a tree removal permit is required for the proposed activity.

- (1) Prior to commencing work and throughout the duration of the authorized activity, the applicant shall clearly mark (with red flagging) all trees proposed to be removed and shall erect barricades around all trees to be protected. The barricades must remain in place and be in good condition throughout the duration of the authorized activity. Barricades may be removed for the final grading. Removal of other vegetation within the protected zone may be accomplished only if authorized by the City Manager or designee and only by mowing or hand clearing. Where unauthorized removal of native vegetation within the protected root zone occurs, the City Manager or designee may require the replanting of understory vegetation. If improvements are to be located within the protected zone of trees, clearing by machinery will be allowed, but only in the area and to the extent necessary to install the improvements. The applicant shall not cause or permit the movement of equipment, or the storage of equipment, material, debris, or the placement or grading of fill to be placed within the required protective barrier.
- (2) Throughout the duration of the authorized activity, the applicant shall not cause or permit the cleaning of equipment or material or the storage or disposal of debris, fill, waste materials such as paints, oils, solvents, asphalt, concrete, mortar or any other material within the drip line of any tree or clump of trees or within any native habitat or buffer.
- (3) No damaging attachment ropes or wires (other than supportive measures for a tree), signs, posters, handbills, tree removal permits or other things may be fastened to any tree. No gaseous, liquid, or solid substance which may be harmful to trees shall come into contact with any portion of the tree except pursuant to authorization under the provisions of this article or other City regulations.
- (4) Protective barricades for trees other than heritage trees shall be installed no closer than the drip line of the tree. Barricades may be placed three feet from the trunk of palms. Barricades shall be constructed in a post and rail configuration. The upright posts shall be a minimum of a two-by-two inch (common industry standard) wooden stake, four feet long. Posts shall be implanted deep enough into the ground to be stable and extend a minimum height of three feet above the ground. A minimum of a one by four inch (common industry standard) wooden board shall be used to connect the upright posts. Silt barriers or snow fencing may be substituted upon approval by the City Manager or designee. The maximum distance allowed between upright posts is eight feet. More protective barricades may be substituted with the approval of the City Manager or designee.
- (5) Silt barriers, hay bales, or similarly effective erosion control barriers will be required in any area where erosion or siltation may cause damage to trees.
- (6) Where elevation changes are proposed within the protected zone of trees, the applicant will be required to justify the need for the elevation change and install retaining walls or drain tiles unless the applicant demonstrates that such protection would be impractical. The applicant shall have the choice of the type or design. These root protection measures shall be in place prior to the deposition of fill, or excavation of soil from the protected zone.

- (7) The City Manager or designee shall conduct periodic inspections of the site during land clearing and construction in order to ensure compliance with this article.
 - (8) The City Manager or designee may allow certain activities to be conducted within the barricaded drip line of a tree, so long as the City determines that the tree will not be adversely affected.
 - (9) No person shall deposit, place, store, park, or maintain upon any tree or within the drip line of any tree, or other plantings, planted in a public right-of-way or other public places, any vehicle, stone, brick, concrete, soil, or other materials that may impede the free passage of water, air, and fertilizer to the roots of any tree growing therein, except by written authorization of the City Manager or designee.
 - (10) All trees located within public rights-of-way shall be protected from all digging or trenching activity within the drip line of any tree. The use of tunnels or directional bores shall be required of all persons working in a City right-of-way unless the applicant demonstrates the additional cost of the tunnel or bore will exceed the appraised value of the tree. Tree values shall be established by the most current version of the International Society of Arboriculture valuation system. The tunnel or directional bore shall start at one-half of the drip line area or six feet (whichever is greater) from the basal flare of the tree and end in the same dimension on the opposite side of the basal flare of the tree.
 - (11) Applications for tree removal permits required under this article for trees located directly on a property line, other than the boundary between real property and a public right-of-way, shall require written authorization of all owners of the properties on which the tree is located.
 - (12) All invasive species shall be removed completely with any land clearing permit and prior to issuance of building permits for other site improvements, and the property shall be maintained free of invasive species.
- B. Heritage Tree Best Management Practices.
- (1) Heritage Tree Protection.

 - (a) During development, all areas within the drip line of every heritage tree shall be protected from activities that may disturb or injure the tree (such as, but not limited to, cut and fill activities, building pad placements, travelway construction, construction material storage, driving or parking of equipment, trenching, etc.). The City Manager or designee shall issue written conditions for work within the drip line of a heritage tree only when an arboricultural plan has been approved.

- (b) If a heritage tree exists on a lot and the proposed activity will encroach within the drip line, the City Manager or designee may require, in addition to a tree location survey and a statement detailing how the proposed activities meet the permitting criteria of this section, a plan to be submitted by a forester, certified arborist (with current credentials) from the ISA or a Florida licensed landscape architect specifying the methods to be utilized to preserve the tree. This plan shall address the protection of the root system, crown and trunk of the tree and the means of supplying water and essential nutrients if applicable.
- (2) Proper Heritage Tree Care: Canopy and Root Pruning. When activities affect a heritage tree within the drip line or when pruning must be performed on the crown of a heritage tree, the following arboricultural techniques are required:
- (a) Roots must be severed by clean pruning cuts. Roots can be pruned by utilizing trenching equipment that is specifically designed for this purpose or by hand digging a trench and pruning roots with a chain saw, pruning saw or other equipment designed for tree pruning. Root pruning shall be to a depth of 12 inches below existing grade or to the depth of the disturbance if greater than 12 inches below the existing grade. When underground utilities are to be installed through the drip line, root pruning requirements will be waived if the lines are installed via tunneling or directional boring as opposed to trenching.
- (b) All pruning of heritage trees shall conform to the latest edition of the American National Standards Institute (ANSI A300 Standards).
- (c) Neither canopy and/or root pruning can declassify a tree from heritage tree status. If pruning activities have been conducted prior to the City Manager or designee's determination regarding the classification of the tree and the tree would have met the requirements to be classified as a heritage tree, the City Manager or designee may classify it as such.
- (3) Heritage Tree Protection Barrier Requirements. During development activities or any other potential disturbance that will impact the area within the drip line of any heritage tree, protective barriers shall be placed around each heritage tree to prevent the destruction or damaging of roots, stems, or crowns of such trees. Barriers shall remain in place and intact until the work is completed. Barriers may be removed temporarily to accommodate construction needs, provided that the manner and purpose for such temporary removal will not harm the tree and is approved by the City Manager or designee. The following are the minimum requirements for protective barriers:
- (a) Protective posts shall be placed at the drip line of each heritage tree, except when a plan has been approved by the City Manager or designee to place the posts closer to the trunk.
- (b) Posts shall be a minimum of two by four inches or larger wooden post and shall be connected with a minimum of at least a one by four inch wooden board and shall be

clearly flagged. Other similar methods, such as construction fencing, may be permitted if approved in writing by the City Manager or designee in advance of installation. Posts shall be implanted deep enough into the ground to be stable and extend a minimum height of three feet above the ground. Silt barriers and snow fencing may be a substitute at the discretion of the City Manager or designee.

(c) Where development activity is permitted within the drip line of a heritage tree, the City Manager or designee may require additional tree protection provisions to be incorporated in the conditions of the tree removal permit to assure the protection of the heritage tree.

(d) Where elevation changes are proposed within the drip line from the trunk of any heritage tree, the applicant will be required to install retaining walls or drain tiles unless the applicant demonstrates such protection would be impractical. The applicant shall have the choice of the type or design. These root protection measures shall be in place prior to the deposition of fill, or excavation of soil within the drip line from the trunk.

(e) A sign shall be installed at the edge of each heritage tree barricade stating, "No activities are allowed within barricaded area, unless approved by the City." The text on the sign shall be written in English and Spanish. The City Manager or designee may require a barricade sign for other types of trees based on the site-specific conditions and when there is a higher potential for adverse impacts to a tree.

C. Canopy Road Best Management Practices.

(1) All pruning of trees within a CRZ shall conform to the latest edition of the ANSI A300 Standards and does not compromise the integrity of the canopy to shade the road.

(2) Requirements for utility pruning. Franchised utilities must conform to current ANSI A300 standards when performing line clearing work in CRZ to balance the requirement to preserve canopy and maintain safe, reliable electric service.

(a) Franchised utilities must notify the City Manager or designee by e-mail or mail three business days prior to any maintenance utility line clearing work in canopy roads.

(b) Franchised utilities must have an ISA certified arborist directing the pruning of trees in a canopy road.

(c) Utility pruning should only provide minimum safe clearance to protect utility lines with consideration for the combined movement of the conductors near trees in severe weather, the species of the tree, and the voltage of the conductor where applicable.

(3) Proper Tree Care; Canopy and Root Pruning. When activities affect the tree so that more than 25 percent of the area within the drip line is impacted or when pruning must be performed on the crown of a tree, the following arboricultural techniques are required:

- (a) When more than 25 percent of the area within the drip line will be impacted, the affected roots must be severed by clean pruning cuts where the activity impacts the roots. Roots can be pruned by utilizing trenching equipment that is specifically designed for this purpose or by hand digging a trench and pruning roots with a chain saw, pruning saw or other equipment designed for tree pruning. Roots within the drip line must be pruned to a depth of 12 inches below existing grade or to the depth of the disturbance if less than 12 inches from the existing grade. When underground utilities are to be installed through the drip line, root pruning requirements may be waived if the lines are installed via tunneling or directional boring as opposed to trenching.
- (b) All pruning of trees shall conform to the current ANSI A300 standards and be supervised by an ISA certified arborist. There shall be no flush cuts, stub cuts, or lion's tailing of the tree's crown.
- (c) It shall be a violation of this article to perform the techniques of topping or other pruning techniques that remove the vertical leader stems or other pruning that result in an unnecessary reduction of shade of trees.

D. Review and Update of City's Standard Operating Procedures. Public Works, Utilities, and Parks & Recreation departments shall work together to review their operating procedures and develop best management practices in order to increase the number and survivability of street trees and to enhance native canopy cover on City-owned property.

Sec. 45-7. – Tree removal mitigation.

A. When trees are removed as part of a tree removal permit, mitigation shall be required to restore and biologically enhance existing green space and assure no net canopy loss. The following provides tree mitigation as a basis for offsetting the loss of values (aesthetic, ecological, monetary, etc.) from taking down a tree based upon its species and size.

(1) Mitigation Fees. Mitigation fees shall be paid as follows:

- (a) Removal of a tree classified as "heritage" shall require a mitigation fee as established in the City fee structure.
- (b) Removal of a tree classified as "protected" shall be based on mitigation points. The cost per mitigation point is established in the City fee structure.
- (c) Conservation credits can be deducted from mitigation points for the balance on which the mitigation fee is paid. Conservation credits allow applicants to lower their mitigation points to zero. A negative balance can only be used to off-set a heritage

tree mitigation fee on a residential lot when the tree is located within the footprint of the residential unit and there is not an alternative to re-position the residential unit location on the lot to avoid removal of the tree. At no time will a negative balance result in payment to the applicant. Balances with decimals will be rounded up when the decimal is 5 or greater and rounded down if the decimal is less than 5.

Example:

Mitigation Points – Conservation Credits = Balance (negative balance only to offset residential lot heritage tree mitigation as outlined above).

(2) Mitigation Points. Mitigation points are assessed for those native trees classified as “protected” and removed at the time of development, excluding those classified as heritage trees.

(a) Protected Slash Pines, Longleaf Pines, and Sabal Palms shall have mitigation points equal to their DBH divided by 3.

(b) Protected Scrub Oaks, Live Oaks, and Laurel Oaks shall have mitigation points equal to their DBH.

(3) Conservation Credits. Conservation credits are available as follows:

(a) Heritage trees remaining on site have conservation credits equal to three times their DBH.

(b) Protected pines and oaks and native trees remaining on site have conservation credits equal to two times their DBH.

(c) Master tree list trees remaining on site have conservation credits equal to their DBH.

(d) Protected Sabal Palms remaining on site have conservation credits equal to their DBH.

(e) Trees from the master tree list planted on site have conservation credits equal to their DBH at planting.

(f) Sabal Palms planted on site have conservation credits equal to their DBH at planting up to 20% of the total mitigation points.

B. Tree Planting.

(1) Tree Removal Permit with Designated Tree Removal. In connection with the removal of the below designated tree(s) pursuant to a tree removal permit, a minimum number of replacement trees shall be required based on the following:

- (a) Trees Within a CRZ. The City Manager or designee shall determine on a case-by-case basis whether replanting is practical and necessary to maintain the value and function of the canopy road.
 - (b) Trees Within a Right-of-Way. For tree removal within a right-of-way, there is no replanting requirement. Private installation of trees shall not be permitted in City rights-of-way.
 - (2) Replacement Tree Selection. Selection of replacement trees, their number and species shall be determined by analysis of tree canopy cover, spatial limitations, other characteristics, and soil conditions of the lot.
 - (3) Tree Planting Requirements. The following shall be applicable to all tree plantings required pursuant to this article:
 - (a) Replacement trees shall be a species of similar height and crown spread, Florida #1 or better quality as per Grades and Standards for Nursery Plants (Florida Department of Agriculture and Consumer Services). All replacement trees shall be a minimum of eight feet in height when planted and have a trunk diameter of at least three inches DBH. Trees must be a minimum of 25-gallon container size or have a minimum two-foot root ball if field grown. A master tree list of acceptable replacement trees is contained in section 45-13 of this Code. Alternatives with respect to size and species may be approved if the applicant demonstrates that such substitutions will be consistent with the purposes of this article. Written approval from the City Manager or designee is required prior to planting any alternative tree.
 - (b) Trees shall be placed so that they will develop freely and at maturity will not crowd utility lines or other structures. The root ball must be planted at the proper height and in accordance with accepted nursery standards. Trees shall have a mulched bed a minimum of three feet in diameter and three inches deep to conserve water and promote growth.
 - (c) If trees need to be staked, it shall be done in a manner that will not injure the tree. The straps attached around the trunk shall be a broad, soft material and shall be tied loosely enough to allow movement of the trunk in the wind.
 - (4) Single-Family Tree Plantings. For single-family platted lots, the City Manager or designee may approve the on-site relocation of a tree planted pursuant to a tree removal permit. The City may also approve a different species of tree to be replanted.
- C. Tree bank. Where a tree(s) is (are) to be removed under the provisions of this article, the City shall have the option, with the applicant's permission, to relocate the tree(s) (not being relocated within the property) at the City's expense. If the City does not elect to relocate any such tree, it may give the School Board or any municipality within the County the right to acquire any such tree(s) at the School Board's or municipality's expense for relocation. The relocation shall be accomplished within 15 working days of the issuance of a permit, unless it

is necessary to root prune the tree(s) to assure survival, in which case the relocation shall be accomplished within 30 working days of the issuance of a permit or other suitable schedule as agreed to by the applicant and City Manager or designee.

D. Credit for other plantings. Trees planted in compliance with the requirements of the landscaping standards of the ULDC may be used to help satisfy the requirements of this section.

E. Timing. Trees required to be planted in accordance with this section shall be in place prior to the issuance of a certificate of occupancy. In the event that trees have been removed pursuant to a tree removal permit, but development does not commence within the time frame specified pursuant to the development permit, the City Manager or designee may require replanting at a specified time, or a mitigation payment be made in accordance with this article.

F. Location.

(1) Tree plantings shall not be located closer than three feet to any property line, or six feet from any utility line or City easement. Trees shall not be planted underneath or near utility lines unless they are a species that, when mature, will not interfere with the utility line.

(2) The planting site must have sufficient root zone and canopy space to reasonably allow the tree(s) to grow to a mature size.

(3) A canopy tree shall be planted no less than eight feet and no more than 15 feet from the right-of-way when determined to be feasible by the City Manager or designee. The City Manager or designee may require an alternative planting location elsewhere on the lot based on site-specific environmental features.

G. Tree survival.

Consultation with the City Manager or designee is recommended during the entire tree planting program. All trees relocated, replaced or planted in accordance with the terms of this article shall be replaced by the current property owner should the trees expire anytime within one year after planting, unless a tree has expired due to a natural fire, lightning event, or hurricane event, as determined by the City Manager or designee.

Sec. 45-8. – Administrative variance.

Administrative variances shall only be used to promote site plan flexibility on residential and commercial parcels and/or lots for the express purpose of tree preservation. The City Manager or designee shall only issue administrative variances for front, side and/or rear yard setbacks for projects meeting the criteria in this section. Administrative variances shall not be issued for easement encroachments. Applicants requesting administrative variances shall submit a site plan

and written statement(s) using the Maximum Setback Encroachment Permissible Table and addressing the following criteria:

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

Maximum Setback Encroachment

<u>Zoning District</u>	<u>Front Yard (feet)</u>	<u>Rear Yard (feet)</u>	<u>Side Yard (feet)</u>	<u>Waterfront Yard (feet)</u>
<u>RSF-2</u>	<u>6.25</u>	<u>6.25</u>	<u>Interior: 2.5</u>	<u>N/A</u>
			<u>Abut road: 3.75</u>	
			<u>Waterfront: 6.25</u>	
			<u>Abut road: 3</u>	
			<u>Waterfront: 6.25</u>	
<u>RSF-3</u>	<u>6.25</u>	<u>6.25</u>	<u>Interior:1.5</u>	<u>N/A</u>
			<u>Abut road: 3</u>	
			<u>Waterfront: 6.25</u>	
<u>RTF</u>	<u>6.25</u>	<u>6.25</u>	<u>Interior: 2</u>	<u>N/A</u>
			<u>Abut road: 3.75</u>	
			<u>Waterfront: 6.25</u>	
<u>RMF</u>	<u>6.25</u>	<u>6.25</u>	<u>2.5 (½ bldg. height not < 10)</u> <u>Abut road: 6.25</u>	<u>Prior to 9/17/1990: all areas (platted/unplatted) w/ a twenty-foot drain./util. easement: 5. New subdivisions platted after 9/17/1990: 6.25</u>

<u>RMH</u>	<u>3.75</u>	<u>2.5</u>	<u>Interior: 1.25</u>	<u>N/A</u>
			<u>Abut road: 2.5</u>	
<u>AG</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>CG</u>	<u>6.25</u>	<u>3.75 (Lots > 200 in depth)</u>	<u>Interior: 0</u>	<u>5</u>
			<u>Abut road: 3.75</u>	
<u>GU</u>	<u>6.25</u>	<u>5</u>	<u>2.5</u>	<u>5</u>
<u>ILW</u>	<u>6.25</u>	<u>Interior: 2.5</u>	<u>Interior: 0</u>	<u>5</u>
			<u>Abut road: 2.5</u>	<u>Abut road: 3.75</u>
			<u>Abut water: 5</u>	<u>Abut water: N/A</u>
<u>OPI</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>N/A</u>
<u>PCD</u>	<u>Grp. 1:10</u>	<u>Grp. 1: 5</u>	<u>Grp. 1: 5</u>	<u>Grp. 1: N/A</u>
	<u>Grp. 2: 10</u>	<u>Grp. 2: 5</u>	<u>Grp. 2: 5</u>	<u>Grp. 2: N/A</u>
	<u>Grp. 3:</u>	<u>Grp. 3: 2.5</u>	<u>Grp. 3: 2.5</u>	<u>Grp. 3: N/A</u>
	<u>6.25</u>	<u>Grp. 4: 5</u>	<u>Grp. 4: 5</u>	<u>Grp. 4: N/A</u>
	<u>Grp.4: 10</u>	<u>Grp. 5: 5</u>	<u>Grp. 5: 5</u>	<u>Grp. 5: N/A</u>
	<u>Grp.5: 10</u>			

Sec. 45-9. – Tree designation.

A. Heritage Tree. Any native tree that has a 24-inch DBH or greater, or which meets the standards set forth in Schedule A and Schedule B shall be designated as a heritage tree. In the case of multi-stemmed trees where there is union of wood above grade, the DBH shall be measured on each stem and added together to count as one tree. Additionally, all heritage trees shall have a 70 percent or greater condition classification.

Schedule A.

<u>Species</u>	<u>Minimum Points Needed to be a Heritage Tree</u>
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<u>Bald Cypress (<i>Taxodium distichum</i>)</u> <u>Hickory (<i>Carya spp.</i>)</u> <u>Live Oak (<i>Quercus virginiana</i>)</u> <u>Sand Live Oak (<i>Quercus geminata</i>)</u> <u>Southern Magnolia (<i>Magnolia grandiflora</i>)</u> <u>Southern Red Cedar (<i>Juniperus silicicola</i>)</u>	<u>80</u>
<u>Pine (<i>Pinus spp.</i>)</u>	60

Schedule B.

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

B. Protected Tree. A slash pine, longleaf pine, live oak, or laurel oak that has a DBH of 12 inches to 23 7/8 inches, a sabal palm that has 4 and one-half feet of clear trunk height, and a scrub oak located in a North Port scrub jay designated zone with a DBH of 2 inches or greater. In the case of multi-stemmed trees where there is union of wood above grade, the DBH shall be measured on each stem and added together to count as one tree.

Sec. 45-10. – Canopy road designation.

A. The City Commission is authorized to designate roads as canopy roads and set standards for the implementation of this article. Such standards shall be set by resolution after an advertised public meeting. Requests for canopy roads can be made by a property owner residing on a potential canopy road, or appropriate City Advisory Board. Prior to the public meeting, a written public meeting notice shall be provided to property owners residing on a potential canopy road and the appropriate neighborhood associations. The public meeting notice shall detail the canopy road standards that would become applicable if the road was designated a canopy road. In addition, a public meeting notice shall be posted on the potential canopy road a minimum of 15 days prior to the public meeting. Requests will be coordinated and brought to the City Commission by the City Manager or designee for approval.

B. Canopy Roads shall have characteristics as set forth below.

(1) A canopy road shall have a minimum of 50 percent overhead coverage, per section of travelway as measured by branching, drip line, shadows, and other visual cues. Evaluation

shall be based on tree canopy coverage as a percentage of overall travelway length, on canopy condition and composition.

(2) A canopy road shall consist of a minimum of 75 percent native plant species and naturalized plant species.

(3) A canopy road may be composed of more than one segment of differently named roads providing they are contiguous.

C. Canopy roads shall have appropriate signage

Sec. 45-11. – Street tree requirements.

A. All street development, including all City of North Port street projects, will be required to landscape the streets by using trees from the master tree list in section 45-13 of this Code. For all new developments being processed as a major site and development plan, subdivision plan, or development master plan, the property owner shall install street trees along all adjacent streets and streets that are internal to the development tract.

(1) Major shade trees shall be placed along major roadways within a subdivision and along all collector and arterial roadways. Minor roadways shall have trees from any of the tree list categories.

(2) Trees intended to be used for the understory, small trees, and hedge forming trees, shall be used sparingly for the concealing of structures, including but not limited to, electrical boxes, backflow preventers, and the like. Large and medium shade trees will be used for canopy coverage purposes.

B. All street trees shall be chosen from the City's major shade trees on the master tree list, section 45-13 of this Code, and conform to the following planting guidelines for landscape design:

(1) Plantings shall be low to moderate water and maintenance needs and be adapted to local urban environmental conditions.

(2) Native species are preferred but are not required as long as the non-native species are proven adapted to the natural ecosystems of the City of North Port.

(3) Street trees shall be spaced to allow for maximum canopy potential and shall be planted on center.

<u>Type of Tree</u>	<u>Distance Apart</u>
<u>Small Shade Tree</u>	<u>20—25 feet apart from each other</u>

<u>Medium Shade Tree</u>	<u>25—30 feet apart from each other</u>
<u>Intermediate Shade Tree</u>	<u>30—35 feet apart from each other</u>
<u>Major Shade Tree</u>	<u>35—40 feet apart from each other</u>

(4) If the required infrastructure interferes with the distance spacing requirement of street trees, the minimum distance to ensure survival of the street tree shall be used.

(5) Root barriers.

(a) All street trees shall have a root barrier installed if any of the following applies:

- (i) Any small or medium shade trees planted five feet or closer (measured from center of the tree) to any street, sidewalk, driveway, underground utilities, or structure.
- (ii) Any intermediate and major shade trees planted within ten feet of the designated planting location and adjacent to any street, sidewalk, driveway, underground utilities, or structure.

(b) All root barrier(s) installation shall be linear. The applicant shall provide installation details and specifications with landscaping plans.

(c) Where root barriers are required for street trees and the root barrier installation is not feasible, one of the following methods shall be utilized in lieu of the root barrier installation:

- (i) Soil cell system to incorporate trees in areas where sidewalks are present to support large tree growth and provide on-site stormwater management.



(ii) Mechanical compaction of the soil before paving and the use of thicker concrete with wire mesh reinforcement to prolong the life of the sidewalk whether tree roots are present or not.

(iii) Meander the sidewalk away from the tree, to the greatest extent possible, to allow for the main structural root system to grow and prevent the upheaving of the sidewalk in the future.



Sec. 45-12. – Protection of trees in the public rights-of-way and other public places.

A. It shall constitute a violation of this article for any person to abuse, destroy, top, or mutilate any tree or shrub in the right-of-way, or to attach or place any rope, wire, sign, or poster to or on any tree in the public right-of-way, or to allow any gaseous, liquid, or solid substance which may be harmful to trees to come in contact with any portion of the tree or tree's root system.

B. No person shall deposit, place, store, park, or maintain upon any tree or root area of any street tree, or other plantings, in a public right-of-way or other public places, any vehicle, stone, brick, concrete, soil, or other materials that may impede the free passage of water, air, and fertilizer to the roots of any street tree growing therein.

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

D. Removal of any vegetation in a waterway rights-of-way shall require a tree removal permit. All invasive trees shall be removed but no native tree removal shall be permitted unless approved by the City Arborist.

Sec. 45-13. – Tree fund.

A. Administrative. Administrative costs, fees and penalties collected as part of enforcement of this article shall be placed in the City's tree fund. This fund shall be used only for the purposes of: Tree education; acquiring, planting, and protecting Trees; and acquiring and preserving land within the City. Any mitigation fee imposed by a hearing officer shall be deposited into the tree fund. The fund shall be administered by the City's Finance Department.

B. Disbursement of Tree Funds.

(1) The City Manager or designee shall have the authority to disburse funds for the continued management and maintenance of the City's tree canopy. Projects may include:

- (a) Planting trees in public places.
- (b) Up to 50% support of the Arborist and Tree Crew.
- (c) Resources needed for the management and maintenance of the City's tree canopy.
- (d) Maintaining tree health and safety on public lands within the City.
- (e) Tree education, planting and conservation programs.

Sec. 45-14. – Master tree list.

Major Shade Trees: Canopy Potential at Maturity: 1,500 square feet						
<u>N. America Native (+) Non-Native (-)</u>	<u>Common Name</u>	<u>Latin Name</u>	<u>Spread (feet)</u>	<u>Hardiness/ Height (feet)</u>	<u>Hardiness/ Range</u>	<u>Persistence</u>
+	American Elm	<i>Ulmus Americana</i>	50-70	70-90	2A-9B	Deciduous
=	Bluff Oak	<i>Quercus austrina</i>	35-50	40-60	8A-9B	Deciduous
=	Chinese Elm	<i>Ulmus Parvifolia</i>	35-45	40-65	5B-10A	Deciduous

- *	<u>Eucalyptus</u>	<u><i>Eucalyptus Sideroxylon</i></u>	<u>35-50</u>	<u>35-70</u>	<u>10A-11</u>	<u>Evergreen</u>
+*	<u>Florida Mahogany</u>	<u><i>Swietenia Mahogoni</i></u>	<u>35-50</u>	<u>50-80</u>	<u>10B-11</u>	<u>Semi-Evergreen</u>
-	<u>Green Ash</u>	<u><i>Fraxinus pennsylvanica</i></u>	<u>30-70</u>	<u>50-100</u>	<u>4A-9B</u>	<u>Deciduous</u>
+	<u>Live Oak</u>	<u><i>Quercus Virginiana</i></u>	<u>60-100</u>	<u>50-75</u>	<u>7B-10B</u>	<u>Semi-Evergreen</u>
+	<u>Pignut Hickory</u>	<u><i>Carya Glabra</i></u>	<u>25-35</u>	<u>50-75</u>	<u>4B-9A</u>	<u>Deciduous</u>
+	<u>Red Mulberry</u>	<u><i>Morus Rubra</i></u>	<u>35-45</u>	<u>40-70</u>	<u>5A-9B</u>	<u>Deciduous</u>
+	<u>Shumard Oak</u>	<u><i>Quercus Shumardii</i></u>	<u>35-60</u>	<u>75-90</u>	<u>5B-9B</u>	<u>Deciduous</u>
-	<u>Silk Oak</u>	<u><i>Grevillea Robusta</i></u>	<u>25-35</u>	<u>60-100</u>	<u>9B-11</u>	<u>Evergreen</u>
+	<u>Southern Magnolia</u>	<u><i>Magnolia Grandiflora</i></u>	<u>35-50</u>	<u>60-80</u>	<u>6B-10A</u>	<u>Evergreen</u>
+	<u>Southern Red Oak</u>	<u><i>Quercus Falcata</i></u>	<u>60-70</u>	<u>60-80</u>	<u>7A-9B</u>	<u>Deciduous</u>
+	<u>Swamp Chesnut Oak</u>	<u><i>Quercus michauxii</i></u>	<u>40-60</u>	<u>50-60</u>	<u>4A-10A</u>	<u>Deciduous</u>
+	<u>Sycamore</u>	<u><i>Plantanus Occidentalis</i></u>	<u>70-80</u>	<u>70-90</u>	<u>4B-9A</u>	<u>Deciduous</u>

+	Tulip Poplar	<i>Liriodendron tulipifera</i>	40-80	80-100	4A-10B	Deciduous
+	Water Hickory	<i>Carya Aquatica</i>	50-60	50-90	6B-9A	Deciduous
+	Water Oak	<i>Quercus Nigra</i>	50-80	50-75	6A-10A	Semi-Evergreen
+	White Ash	<i>Fraxinus americana</i>	50-80	50-80	8A-9B	Deciduous
+	Winged Elm	<i>Ulmus Alata</i>	30-40	45-75	6A-9B	Deciduous

*Denotes trees susceptible to frost

Intermediate Shade Trees: Canopy Potential at Maturity: 1,000 square feet						
N. America Native (+) Non-Native (-)	Common Name	Latin Name	Spread (feet)	Hardiness/Height (feet)	Hardiness/Range	Persistence
+	Bald Cypress	<i>Taxodium Distichtum</i>	25-35	50-75	4A-10B	Deciduous
- *	Black Olive	<i>Bucida Buceras</i>	35-40	25-40	10B-11	Evergreen
+*	Black Tupelo	<i>Nyssa Sylvatica</i>	25-35	65-75	4B-9B	Deciduous
+	Bluejack Oak	<i>Quercus Incana</i>	25-45	30-55	7B-9A	Deciduous
-*	Camphor	<i>Cinnamomum Camphora</i>	45-65	50-60	9B-11	Evergreen
+	Catalpa	<i>Catalpa Speciosa</i>	35-45	35-70	4B-9A	Deciduous

±	<u>Common Persimmon</u>	<u>Diospyros Virginiana</u>	<u>20-35</u>	<u>40-60</u>	<u>4B-9B</u>	<u>Deciduous</u>
-*	<u>Floss Silk</u>	<u>Chorisia Speciosa</u>	<u>25-35</u>	<u>25-50</u>	<u>9B-11</u>	<u>Deciduous</u>
-*	<u>Golden Poinciana</u>	<u>Peltophorum Pterocarpum</u>	<u>25-35</u>	<u>25-50</u>	<u>10A-11</u>	<u>Semi-Evergreen</u>
-*	<u>Hong Kong Orchid</u>	<u>Bauhinia x Blakeana</u>	<u>15-30</u>	<u>25-50</u>	<u>9B-11</u>	<u>Evergreen</u>
-*	<u>Jacaranda</u>	<u>Jacaranda Mimosifolia</u>	<u>40-50</u>	<u>35-50</u>	<u>9B-11</u>	<u>Deciduous</u>
-	<u>Juniper</u>	<u>Juniperus Chinensis</u>	<u>15-25</u>	<u>40-50</u>	<u>4A-10A</u>	<u>Evergreen</u>
±	<u>Loblolly Pine</u>	<u>Pinus Taeda</u>	<u>25-35</u>	<u>50-75</u>	<u>6B-9A</u>	<u>Evergreen</u>
±	<u>Long Leaf Pine</u>	<u>Pinus Pilustras</u>	<u>35-50</u>	<u>60-90</u>	<u>7A-10A</u>	<u>Evergreen</u>
-	<u>Norfolk Island Pine</u>	<u>Araucaria Heterophylla</u>	<u>35-50</u>	<u>100-200</u>	<u>10A-11</u>	<u>Evergreen</u>
±	<u>Paradise Tree</u>	<u>Simarouba glauca</u>	<u>25-30</u>	<u>30-50</u>	<u>9B-11</u>	<u>Evergreen</u>
±	<u>Pond Cypress</u>	<u>Taxodium Ascendens</u>	<u>20-40</u>	<u>50-75</u>	<u>5B-10A</u>	<u>Deciduous</u>
-	<u>Red Bay</u>	<u>Persea Borbonia</u>	<u>25-40</u>	<u>30-65</u>	<u>7A-11</u>	<u>Evergreen</u>
±	<u>Red Maple</u>	<u>Acer Rubrum</u>	<u>40-60</u>	<u>50-75</u>	<u>4A-10B</u>	<u>Deciduous</u>

±	River Birch	<i>Betula nigra</i>	<u>25-35</u>	<u>40-50</u>	<u>4A-9B</u>	<u>Deciduous</u>
-*	Royal Poinciana	<i>Delonix Regia</i>	<u>50-70</u>	<u>25-50</u>	<u>10A-11</u>	<u>Semi-Evergreen</u>
±	Sand Live Oak	<i>Quercus geminata</i>	<u>45-60</u>	<u>35-50</u>	<u>8A-10A</u>	<u>Evergreen</u>
±	Slash Pine	<i>Pinus Elliotti</i>	<u>35-50</u>	<u>75-100</u>	<u>7A-11</u>	<u>Evergreen</u>
±	Southern Red Cedar	<i>Juniperis Virginiana</i>	<u>25-35</u>	<u>25-50</u>	<u>7B-10A</u>	<u>Evergreen</u>
±	Strangler Fig	<i>Ficus aurea</i>	<u>30-50</u>	<u>40-60</u>	<u>9B-11</u>	<u>Evergreen</u>
±	Sugarberry	<i>Celtis Laevigata</i>	<u>50-60</u>	<u>50-70</u>	<u>5A-10B</u>	<u>Deciduous</u>
±	Sweetgum	<i>Liquidambar Styraciflua</i>	<u>35-50</u>	<u>50-70</u>	<u>5B-9B</u>	<u>Deciduous</u>

*Denotes trees susceptible to frost

Medium Shade Trees: Canopy Potential at Maturity: 500 square feet						
N. America Native (+) Non-Native (-)	Common Name	Latin Name	Spread (feet)	Hardiness/Height (feet)	Hardiness/Range	Persistence
±	American Holly	<i>Ilex Opaca</i>	<u>15-30</u>	<u>35-50</u>	<u>5B-9B</u>	<u>Evergreen</u>
±	Arizona Cypress	<i>Cupressus arizonica</i>	<u>15-25</u>	<u>30-40</u>	<u>6A-9B</u>	<u>Evergreen</u>

<u>+*</u>	<u>Avocado</u>	<u>Persea americana</u>	<u>25-35</u>	<u>35-140</u>	<u>9B-11</u>	<u>Evergreen</u>
<u>+</u>	<u>Black Mangrove</u>	<u>Avicennia germinans</u>	<u>10-20</u>	<u>20-30</u>	<u>9A-11</u>	<u>Evergreen</u>
<u>+*</u>	<u>Black Mesquite</u>	<u>Prosopis Velutina</u>	<u>20-25</u>	<u>15-25</u>	<u>8B-11</u>	<u>Semi-Evergreen</u>
<u>+</u>	<u>Buckthorn</u>	<u>Sideroxylon spp.</u>	<u>50-75</u>	<u>35-50</u>	<u>5B-9B</u>	<u>Evergreen</u>
<u>+</u>	<u>Carolina Ash</u>	<u>Fraxinus Caroliniana</u>	<u>25-35</u>	<u>25-50</u>	<u>7B-10A</u>	<u>Deciduous</u>
<u>+</u>	<u>Chapman Oak</u>	<u>Quercus Chapmanii</u>	<u>25-35</u>	<u>20-40</u>	<u>8B-10B</u>	<u>Semi-Evergreen</u>
<u>+</u>	<u>Cherry Laurel</u>	<u>Prunus Caroliniana</u>	<u>15-25</u>	<u>25-40</u>	<u>8A-10A</u>	<u>Evergreen</u>
<u>+</u>	<u>Dahoon Holly</u>	<u>Ilex Cassine</u>	<u>15-25</u>	<u>25-40</u>	<u>7A-11</u>	<u>Evergreen</u>
<u>+</u>	<u>East Palatka Holly</u>	<u>Ilex Opaca E.P. Holly</u>	<u>15-25</u>	<u>25-50</u>	<u>7A-9B</u>	<u>Evergreen</u>
<u>+*</u>	<u>Geiger Tree</u>	<u>Cordia Sebestena</u>	<u>15-25</u>	<u>15-25</u>	<u>10B-11</u>	<u>Evergreen</u>
<u>-*</u>	<u>Golden Rain Tree</u>	<u>Koelreuteria Elegans</u>	<u>20-30</u>	<u>20-40</u>	<u>5A-9B</u>	<u>Deciduous</u>
<u>+</u>	<u>Hawthorn</u>	<u>Crataegus spp.</u>	<u>15-40</u>	<u>20-30</u>	<u>4A-9B</u>	<u>Deciduous</u>
<u>-</u>	<u>Japanese Blueberry</u>	<u>Elaeocarpus decipens</u>	<u>30-40</u>	<u>30-40</u>	<u>8A-11</u>	<u>Evergreen</u>
<u>+</u>	<u>Loblolly Bay</u>	<u>Franklinia Lasianthus</u>	<u>15-25</u>	<u>25-50</u>	<u>7A-9B</u>	<u>Evergreen</u>
<u>+</u>	<u>Myrtle Oak</u>	<u>Quercus Myrtifolia</u>	<u>8-10</u>	<u>15-20</u>	<u>8B-10A</u>	<u>Evergreen</u>
<u>-*</u>	<u>Pink Trumpet</u>	<u>Tabebuia Heterphylla</u>	<u>15-25</u>	<u>15-35</u>	<u>10A-11</u>	<u>Semi-Evergreen</u>

-	<u>Podocarpus</u>	<u>Podocarpus</u> <u>Falcatus</u>	<u>25-35</u>	<u>30-40</u>	<u>10A-11</u>	<u>Evergreen</u>
+*	<u>Pond Apple</u>	<u>Annona Glabra</u>	<u>15-25</u>	<u>15-25</u>	<u>10A-11</u>	<u>Evergreen</u>
-	<u>Round Holly</u>	<u>Ilex rotunda</u>	<u>20-30</u>	<u>20-30</u>	<u>8A-10B</u>	<u>Evergreen</u>
±	<u>Sand Pine</u>	<u>Pinus Clausa</u>	<u>15-25</u>	<u>25-50</u>	<u>7A-10A</u>	<u>Evergreen</u>
±	<u>Satinleaf</u>	<u>Chrysophyllum</u> <u>oliviforme</u>	<u>18-25</u>	<u>30-45</u>	<u>9B-11</u>	<u>Evergreen</u>
-	<u>Sweet Bay</u> <u>Magnolia</u>	<u>Magnoli</u> <u>Virginiana</u>	<u>15-30</u>	<u>15-40</u>	<u>5A-10A</u>	<u>Evergreen</u>

*Denotes trees susceptible to frost

Small Shade Trees: Canopy Potential at Maturity: 250 square feet						
<u>N. America</u> <u>Native (+)</u> <u>Non-Native</u> <u>(-)</u>	<u>Common</u> <u>Name</u>	<u>Latin Name</u>	<u>Spread</u> <u>(feet)</u>	<u>Hardiness/</u> <u>Height</u> <u>(feet)</u>	<u>Hardiness/</u> <u>Range</u>	<u>Persistence</u>
-	<u>Arborvitae</u>	<u>Platycladus</u> <u>Orientalis</u>	<u>15-20</u>	<u>15-20</u>	<u>6A-10A</u>	<u>Evergreen</u>
±	<u>Bottle Brush</u>	<u>Callistemon</u> <u>Viminalis</u>	<u>15-25</u>	<u>15-25</u>	<u>9B-11</u>	<u>Evergreen</u>
±	<u>Buttonbush</u>	<u>Cephalanthus</u> <u>occidentalis</u>	<u>6-8</u>	<u>6-20</u>	<u>4A-10A</u>	<u>Deciduous</u>
-*	<u>Camellia</u>	<u>Camellia</u> <u>japonica</u>	<u>10-20</u>	<u>10-20</u>	<u>6A-9B</u>	<u>Evergreen</u>
-*	<u>Cassia</u>	<u>Senna</u> <u>Spectabilis</u>	<u>15-20</u>	<u>15-20</u>	<u>10B-11</u>	<u>Evergreen</u>

<u>+</u>	<u>Chickasaw Plum</u>	<u>Prunus angustifolia</u>	<u>15-20</u>	<u>15-20</u>	<u>6A-9B</u>	<u>Deciduous</u>
<u>-</u>	<u>Chinese Fringe Tree</u>	<u>Chionanthus retusus</u>	<u>10-12</u>	<u>15-30</u>	<u>5A-9B</u>	<u>Deciduous</u>
<u>-</u>	<u>Chinese Holly</u>	<u>Ilex cornuta</u>	<u>8-25</u>	<u>8-25</u>	<u>7A-9B</u>	<u>Evergreen</u>
<u>-*</u>	<u>Citrus</u>	<u>Citrus spp.</u>	<u>15-25</u>	<u>12-30</u>	<u>9A-11</u>	<u>Evergreen</u>
<u>+</u>	<u>Crape Myrtle</u>	<u>Lagerstremia Indica</u>	<u>5-25</u>	<u>ten-30</u>	<u>6B-10A</u>	<u>Deciduous</u>
<u>+</u>	<u>Devils Walking Stick</u>	<u>Aralia spinosa</u>	<u>6-10</u>	<u>10-25</u>	<u>5A-9B</u>	<u>Deciduous</u>
<u>+</u>	<u>Fiddlewood</u>	<u>Citharexylum spinosum</u>	<u>8-15</u>	<u>15-25</u>	<u>9A-11B</u>	<u>Evergreen</u>
<u>+</u>	<u>Flatwoods Plum</u>	<u>Prunus umbellata</u>	<u>12-20</u>	<u>12-20</u>	<u>8A-9B</u>	<u>Deciduous</u>
<u>+</u>	<u>Fringe Tree</u>	<u>Chionanthus virginicus</u>	<u>10-15</u>	<u>12-20</u>	<u>3A-9B</u>	<u>Deciduous</u>
<u>+*</u>	<u>Green Buttonwood</u>	<u>Conocarpus Erectus</u>	<u>25-35</u>	<u>25-35</u>	<u>10B-11</u>	<u>Evergreen</u>
<u>+</u>	<u>Hercules' Club</u>	<u>Zanthoxylum clava-herculis</u>	<u>10-20</u>	<u>15-30</u>	<u>7B-9B</u>	<u>Deciduous</u>
<u>-</u>	<u>Loquat</u>	<u>Eriobotrya Japonica</u>	<u>25-35</u>	<u>15-25</u>	<u>8A-11</u>	<u>Evergreen</u>
<u>-*</u>	<u>Mahoe</u>	<u>Hibiscus Elatus</u>	<u>15-25</u>	<u>20-30</u>	<u>10A-11</u>	<u>Evergreen</u>

+*	Marlberry	<i>Ardisia Escallonioides</i>	5-15	15-20	7A-11	Evergreen
+*	All Palms Are Equal to 250 square feet of canopy coverage points. In order to count as a single shade tree, sabal (cabbage) palms must be clustered in groups of three.					
+*	Pigeon Plum	<i>Coccoloba Diversifolia</i>	15-25	15-25	10B-11	Evergreen
+*	Sea Grape	<i>Coccoloba Uvifera</i>	20-30	20-35	10A-11	Evergreen
+*	Silver Buttonwood	<i>Conocarpus Erectus var. Sericeus</i>	25-35	25-35	10B-11	Evergreen
+	Simpson Stopper	<i>Myrcianthes Fragrans</i>	15-25	15-25	9B-11	Evergreen
+	Swamp Bay	<i>Persea palustris</i>	20-30	20-30	8A-10B	Evergreen
-*	Sweet Viburnum	<i>Viburnum odoratissimum</i>	15-30	15-25	8B-10A	Evergreen
-*	Taiwan Cherry	<i>Prunus campanulata</i>	15-25	12-20	3B-9B	Deciduous
+	Wax Myrtle	<i>Myrica Cerifera</i>	15-20	15-30	7A-10B	Evergreen
+*	White Geiger	<i>Cordia boissieri</i>	10-15	15-20	9A-11	Evergreen
+	Yaupon Holly	<i>Liex Vomitoria</i>	10-15	15-20	7A-10A	Evergreen
-*	Yellow Elder	<i>Tecoma stans</i>	8-15	10-20	9B-11	Evergreen

*Denotes trees susceptible to frost

Sec. 45-15. – Enforcement and appeals.

Violations of this chapter shall be enforced pursuant to the code enforcement process provided in Chapter 2, Article IX of the Code of the City of North Port, Florida. Additionally, the city may utilize all of the following methods to ensure compliance with the provisions of this chapter:

- A. Issue a stop-work order for any development, construction, renovation, demolition, or portion thereof;
- B. Withhold the issuance of any permit where use of the permit will cause a violation of this chapter; and
- C. Withhold the issuance of any certificate of occupancy or required inspection.

SECTION 3 – ADOPTION TO THE UNIFIED LAND DEVELOPMENT CODE

3.01 Chapter 21 of the Unified Land Development Code is hereby amended to read as follows:

“Chapter 21 – LANDSCAPING REGULATIONS

...

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

Unless otherwise provided in this chapter, a minimum number of trees and shrubs ~~shall~~ must be planted or preserved upon each site as provided by this section. ~~, as follows: Note: Trees planted to meet the following requirements of this chapter must meet the tree removal mitigation standards contained in Sec. 45-7 45-11 of this Code. Only trees appearing on the city’s master tree list shall be planted.~~

- A. Single-family or duplex residential unit lots (Districts RSF-2, RSF-3, PCD and RTF):
 - ~~(1) Minimum tree planting requirements. Trees shall meet or exceed the thirty five percent (35%) canopy coverage requirements in Chapter 45. All trees shall be from the Tree Priority List, maintained by the City Manager or designee. (See also Sec. 45-19).~~
 - (2) Minimum shrub planting requirements. Three (3) shrubs shall be planted or preserved for every two thousand five hundred (2,500) square feet of area of a residential lot, excluding only areas of vegetation required to be preserved by law.
- B. Multiple-family residence developments (Districts RMF and PCD).
 - (1) Minimum tree planting requirements. One hundred percent (100%) coverage of pervious areas, excluding areas of vegetation required to be preserved by law, and off-street parking areas. ~~All trees shall be from the Tree Priority List, maintained by the City Manager or designee. (See also 45-19).~~

- (2) Minimum shrub planting requirements. Ten (10) shrubs shall be planted or preserved for every acre of a multiple-family lot or fraction thereof, excluding only areas of vegetation required to be preserved by law.

C. Modular home residence lots (Districts RMH).

- (1) Minimum tree planting requirements. Two (2) trees of at least minimum size shall be planted or preserved on every mobile home lot, regardless of lot size. ~~Trees shall meet or exceed the thirty five percent (35%) canopy coverage requirements in Chapter 45. All trees shall be from the Tree Priority List, maintained by the City Manager or designee. (See also 45-19).~~

- (2) Minimum shrub planting requirements. Three (3) shrubs shall be planted or preserved for every two thousand (2,000) square feet of area of a mobile home lot.

D. Agricultural district lots (District AG).

- ~~(1)~~ Minimum tree planting requirements. Ten (10) trees shall be planted or preserved for every acre.

E. Government use districts (Districts GU and PCD).

- ~~(1)~~ Minimum tree and shrub planting requirements. Each government use site or lot shall contain a minimum of five (5) trees per acre and ten (10) shrubs per two thousand (2,000) square feet of that portion of the site or lot which is not utilized for structures or active play areas. ~~Trees shall meet or exceed the thirty five percent (35%) canopy coverage requirements in Chapter 45. All trees shall be from the Tree Priority List, maintained by the City Manager or designee. (See also 45-19).~~

F. Commercial, industrial office districts, and Planned Community Development (Districts CG, ILW, OPI and PCD). Minimum tree planting for commercial, industrial and office sites. At maturity, tree canopy shall be one hundred percent (100%) of areas not required for building footprint, or open stormwater systems or otherwise impervious surfaces. ~~All trees shall be from the Tree Priority List, maintained by the City Manager or designee. (See also 45-19).~~

G. Development along park lands. When any development is located along park lands, landscape regulations for commercial development shall apply.

...

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

...

J. *Landscape along waterways and parks.* If a development abuts a waterway or park, additional landscape shall be required along the side that abuts the waterway or park. The buffer shall be ten (10) feet wide with two (2) rows of trees planted in a staggered pattern. Each row of trees shall be planted every forty (40) feet on center. One (1) row of trees shall be planted on the interior side of the buffer with small and medium shade trees. ~~found in Sec. 45-19. The~~

other row of trees shall be planted with major shade trees, ~~found in Sec. 45-19.~~ Only trees appearing on the city’s master tree list shall be planted.”

3.02 Chapter 53 of the Unified Land Development Code of the City of North Port, Florida is hereby amended to read as follows :

“Chapter 53 – ZONING REGULATIONS

...

ARTICLE XII. - RMH RESIDENTIAL MANUFACTURED HOME DISTRICT

...

Sec. 53-171. - Special development standards.

...

D. Landscaping.

(1) At least two (2) trees minimum size shall be planted or preserved on every modular home lot, regardless of lot size. Only trees appearing on the city’s master tree list shall be planted. ~~Trees shall meet or exceed the thirty five percent (35%) canopy coverage requirements in Chapter 45. All trees shall be from the Tree Priority List, maintained by the City Manager or designee. (See also 45-19).~~

...

ARTICLE XIV. - NC NEIGHBORHOOD COMMERCIAL DISTRICT

...

Sec. 53-182. - Buffer zone and landscaping.

A buffer zone is intended to provide noise abatement and an effective visual barrier between different land uses. A buffer zone shall consist of a landscaped strip and may include fences, walls, or earthen berms which shall serve to provide a year-round visual screen at the time of installation. Visual screening comprised of a mixed planting of trees and shrubs in addition to walls, fences, or berms shall serve to obstruct sightlines to and from adjacent properties, except in a required frontage buffer zone where the maximum height shall comply with Chapter 45 so as not to interfere with sight distance.

Landscaping and buffering ~~must shall~~ conform to the following requirements and Chapter 21 of ~~this Code. the Unified Land Development Code.~~ Required buffering includes but is not may include, but not be limited to, additional landscaping, opaque fencing, or construction of a wall. Tree planting and removal ~~must shall~~ conform to the requirements of Chapter 45 of this Code ULDC. Only trees appearing on the city’s master tree list shall be planted.

A. . . .

(1) . . .

(c) The buffer ~~must shall~~ be twenty (20) feet wide with two (2) rows of trees planted in a staggered pattern. Each row of trees ~~must shall~~ be planted every forty (40) feet on center. One (1) row of trees ~~must shall~~ be planted on the first ten (10) feet adjacent to the wall with major shade trees ~~identified in Section 45-19.~~ The other row of trees ~~must shall~~ be small and medium shade trees ~~identified in Section 45-19.~~ Hedges ~~must shall~~ be planted every thirty-six (36) inches on center in line with the major shade tree

row, in accordance with Section 21-9 of this Code. Where natural vegetation creates an opaque screening, landscape plantings are not required.

...

ARTICLE XVIII. - V VILLAGE

...

Sec. 53-216.- Village Greenbelts.

A. Village Greenbelts.

...

(1) Design standards: In addition to discouraging sprawl by creating a definable Village and providing a permanent edge, the following design standards may be applicable depending on the Village type and the site constraints and opportunities.

...

(e) Greenbelt vistas and features shall be compatible with the village type and ~~must shall~~ include only major shade trees appearing on the city’s master tree list. ~~from the priority tree list found in Sec. 45-19.~~ Trees planted in greenbelts ~~must shall~~ be planted thirty (30) feet on center.

...”

3.03 Chapter 61 of the Unified Land Development Code is hereby amended to read as follows:

“Chapter 61 – DEFINITIONS

...

Sec. 61-3. – Definitions and word usage.

...

CANOPY ROAD — A travelway designated by the City Commission that meets the standards outlined in Sec. ~~45-10~~ 45-22 of this Code.

...

CANOPY TREE — ~~A species of tree which normally grows to a mature height of forty (40) feet or more.~~

...

DBH (DIAMETER AT BREAST HEIGHT) — The diameter of the trunk in inches, measured at breast height, which is 54 inches above the ground. When low branches or stems preclude measuring the trunk at 54 inches, the smallest circumference of the trunk below the lowest branch or stem juncture shall be the measure of DBH. ~~“Breast height” is defined to be fifty-four (54) inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems each measured at fifty-four (54) inches.~~

...

EMERGENCY –

1. A condition arising from actual or imminent failure and resulting in a substantial health or safety hazard.
2. Any man-made or natural disaster, which is specifically declared to be an emergency by ordinance, geographically defining the emergency area, and adopted by the City Commission.

~~EMERGENCY — A condition arising from actual or imminent failure and resulting in a substantial health or safety hazard.~~

~~EMERGENCY — Any man-made or natural disaster, which is specifically declared to be an emergency by resolution, geographically defining the emergency area, and adopted by the Commission. (Chapter 45)~~

...

HAND CLEARING - The use of any handheld devices to clear the area, including power tools and chainsaws.

...

~~PROTECTED TREE — A tree of four and one-half (4.5) inches DBH or greater with sustaining root system and crown and potential to provide shade over travel ways.~~

...

~~SHADE TREE — A self-supporting woody plant or species normally growing to a mature height of at least fifteen (15) feet and a mature spread of at least fifteen (15) feet in the City of North Port, and which provides relief from direct sunlight at least six (6) months out of each year. Clusters of more than one (1) tree may be used when it is demonstrated to the City that the grouping of trees will, at maturity, surpass the fifteen (15) foot diameter requirement and that the grouping of trees is suitable for the proposed location.~~

...

~~STREET TREE — Trees that are placed along the roadway to provide shade along the roadway or the sidewalk area. Street trees may be located on private or public property, between the sidewalk and right-of-way, or between the property line and sidewalk, or property line and roadway.~~

...

TREE — A living, woody, self-supporting plant, which when mature will reach 10 feet or more in height, having main stems, and any one stem measuring three inches DBH. Further, for the purpose of this article, all rooted species of mangrove or two-inch DBH scrub oak, including red mangrove (*rhizophora mangle*), white mangrove (*laguncularia racemosa*), black mangrove (*avicennia germinans*), buttonwood (*conocarpus erecta*), sand live oak (*quercus geminata*), myrtle oak (*quercus myrtifolia*), bluejack oak (*quercus incana*), and chapman oak (*quercus chapmanii*) are hereby declared to be trees, and are hereby regulated by the provisions of this Code. In addition, all palms with more than four and one-half feet of clear trunk are declared to be trees and are regulated by the provisions of this Code. This definition includes any tree planted, relocated, or replaced pursuant to this Code. A living, woody, self-supporting plant, six (6) feet or more in height having, or when mature will have, a main stem or cluster of main stems and any one (1) stem of one (1) inch in caliper.

TREE, CANOPY — A species of tree which normally grows to a mature height of 40 feet or more.

TREE, HERITAGE - Any tree designated a Florida State Champion, United States Champion, or World Champion by the American Forestry Association and any native tree species that has a 24-inch DBH or greater, or which meets the standards set forth in subsection 45-9.A. of this Code. In

the case of multi-stemmed trees where there is union of wood above grade, the DBH shall be measured on each stem and added together to count as one tree.

TREE, NATIVE - An indigenous tree that has a DBH of 12 inches to 23 7/8 inches. In the case of multi-stemmed trees where there is union of wood above grade, the DBH shall be measured on each stem and added together to count as one tree.

TREE, PROTECTED - A slash pine, longleaf pine, live oak, or laurel oak that has a DBH of 12 inches to 23 7/8 inches, a sabal palm that has 4 and one-half feet of clear trunk height, and a scrub oak located in a North Port scrub jay designated zone with a DBH of 2 inches or greater. In the case of multi-stemmed trees where there is union of wood above grade, the DBH shall be measured on each stem and added together to count as one tree.

TREE, SHADE — A self-supporting woody plant or species normally growing to a mature height of at least 15 feet and a mature spread of at least 15 feet in the City of North Port, and which provides relief from direct sunlight at least six months out of each year. Clusters of more than one tree may be used when it is demonstrated to the City that the grouping of trees will, at maturity, surpass the 15-foot diameter requirement and that the grouping of trees is suitable for the proposed location.

TREE, STREET — Any tree that has any part of its trunk located in City transportation rights-of-way. Trees naturally occurring within the transportation rights-of-way, and trees planted in and around retention ponds and features created solely for the purpose of stormwater management in a road construction or enhancement project.

TREE LOCATION SURVEY/INVENTORY — A survey that provides the following information: location of all trees, plotted by accurate techniques, common name of all trees, and DBH, printed on the proposed site plan. A site plan printed on an aerial photograph may only be substituted if it is approved by the City Manager or designee prior to submittal and if it is a recent, legible aerial photograph that reflects existing site conditions. A one (1) inch equals two hundred (200) feet or less scale drawing which provides the following information: Location of all trees, plotted by accurate techniques, common name of all trees, and diameter at breast height (DBH), printed on the proposed site plan.

TREE PROTECTION — Avoiding direct and indirect damage to trees.

TREE RELOCATION — To transplant, reestablish, or move a tree to another place within a site or off site.

TREE REMOVAL — To cut down, poison, or in any other manner destroy, or cause to be destroyed, a tree as defined in this ULDC.

TREE REMOVAL PERMIT — The legal authorization for tree removal, irreparable injury to a tree, tree relocation, and/or the requirement for tree protection on a lot, right-of-way, or easement, or within the CRZ, pursuant to the provisions of this ULDC.

...

UNDERSTORY VEGETATION - An underlying layer of vegetation, specifically a layer of plants and bushes that grows under the tree canopy. Understory vegetation does not include trees."

SECTION 4 – ADOPTION TO THE CODE OF THE CITY OF NORTH PORT, FLORIDA

4.01 Chapter 2 of the Code of the City of North Port, Florida is hereby amended as follows:

"Chapter 2 – ADMINISTRATION

...

ARTICLE IX. – CODE ENFORCEMENT

...

Sec. 2-511. Fines and liens.

...

(b) *Fine.*

(1) A fine imposed pursuant to this section shall not exceed the following amounts, unless otherwise provided by this Code or the unified land development code ~~or city code~~:

a. \$25.00 per day for any violation of the unified land development code; other than those identified in (b)(1)b below.

b. Fines for violation of specific sections of the unified land development code, Chapter 45 - Tree Protection Regulations. Each unauthorized removal of a single tree regulated by this chapter shall be a separate violation or offense:

[1]. \$100.00 per diameter inch at breast height (DBH) for each tree and \$200.00 per DBH for each heritage tree up to a maximum of \$5,000.00 per tree for conducting an activity that requires a tree removal permit without first obtaining a tree removal permit.

[2]. In a case where tree removal has occurred and the number of trees removed is unable to be determined, \$15,000.00 fine shall be assessed per each 10,000 square feet of lot/parcel or fraction thereof. Each 10,000 square feet constitutes a separate violation.

(The remaining subsections shall be renumbered.)

..."

4.02 Appendix A to the Code of the City of North Port, Florida is hereby amended as follows:

"Appendix A – CITY FEE STRUCTURE

The following establishes the fees for the city.

...

B. PLANNING AND ZONING FEES

PLANNING AND ZONING FEES	
General Fees	
...	
Temporary use permit (for a use that is temporary in nature or an event lasting longer than two weeks; includes construction trailers, temporary parking lot for model homes, storage pods for an additional 21 days, Christmas tree sales—longer than two weeks in duration; per ULDC 53-265)	\$120.00
<u>Tree Removal:</u>	
<u>Heritage Tree Mitigation</u>	<u>\$100.00 per diameter inch at breast height (DBH)</u>
<u>Cost per Mitigation Point</u>	<u>\$50.00"</u>

SECTION 5 – CONFLICTS

5.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

SECTION 6 – SEVERABILITY

6.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

SECTION 7 – CODIFICATION

7.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any additional codification information and notations appear in *italics*. These editorial notations are not intended to appear in the codified text.

SECTION 8 – EFFECTIVE DATE

8.01 This ordinance takes effect 45 calendar days after adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on January 11, 2022.

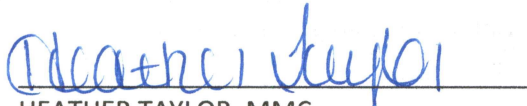
ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on February 22, 2022.

CITY OF NORTH PORT, FLORIDA



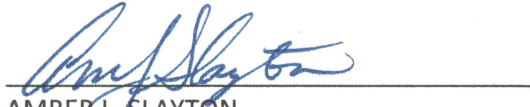
PETE EMRICH
MAYOR

ATTEST



HEATHER TAYLOR, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS



AMBER L. SLAYTON
CITY ATTORNEY