

Planning and Zoning: Tree Ordinance Summary

This is a summary of the proposed Tree Ordinance. The ordinance is 29 pages in length and often a series of lists, either of trees, special circumstances, or other factors that cannot be easily summarized. Instead of keeping all of these lists, references to the sections of the ordinance are provided so that a more detailed reading can be made by interested parties.

Intent (Section 45-4)

To reap the numerous benefits afforded to communities that have robust and diverse tree life, the city of North Port is expanding the protections afforded to our tree life. Our goals are to preserve existing trees; develop a mix of native and planted trees; recognize the varying importance of different species of tree and the importance of specific trees of exceptional size and age; and continue to develop plans for placement, planting, and care of trees in the city.

Prohibitions (Section 45-5)

- 1) Do not remove trees without a permit. Even those on your own property.
- 2) For areas larger than an acre there are guidelines for using the property's defensible space.
- 3) Do not sculpt or trim trees outside of its natural form.
- 4) Trimming Mangroves requires approval by the Department of Environmental Protection.

Tree removal will be allowed in several circumstances, for instance the construction of public roads and utilities, dead trees, prescribed burns, and other limited circumstances. **(Section 45-6)**

Removing as few trees as possible is a goal of the permitting process, applicants must show that they have taken steps to reduce their removal of trees by as much as possible. Trees weakened by age or sickness, those that prevent access to the property, or those that pose a threat to pedestrians or structures will be targeted for removal. **(Section 45-7 B and C)**

An environmental evaluation will be part of a development plan to ensure that as little tree removal as possible takes place. The size, age, species, and ability to be transplanted will all be factors when considering whether to remove the trees. If there are no trees on a piece of property, documentation of such will be taken. **(Section 45-7 E and F)**

The need for additional removals, trees dying or being damaged before a Certification of Occupancy is issued, and other issues related to the handling of trees following the permitting process, along with fines related to these issues will be accounted for. **(Section 45-7 H-M)**

The city has established 35% canopy cover as a goal for all property. Maintaining that level of coverage via keeping trees, keeping some and planting new, or removing all existing trees and planting all new trees is possible. Proximity and dutiful upkeep is the only way to receive credit for having the required canopy. **(Section 45-8)**

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. Encroachment into setbacks will be allowed in narrow circumstances in accordance with a provided table. **(Section 45-9)**

Various steps will be taken to protect trees during development, including among other things, marking trees that will be kept, not damaging them with hazardous waste, and not using them to suspend wires. Barricades will be created around protected trees and other sensitive spots to insure they are not removed or damaged. **(Section 45-10)**

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When replacing, relocating, or mitigating the loss of trees various requirements must be met, including the size of the trees to be planted in replacement, the priority of various types of tree species, the double value of heritage trees toward canopy coverage, and the ability to donate to the city for environmental protection as a form of mitigation. **(Section 45-11)**

The heritage designation is conferred on the large trees that are the major distinguishing feature of North Port's urban forest. Champion tree: identified by the State Division of Forestry as being the largest of their species within the State or by the American Forestry Association as the largest of their species in the United States. **(Section 45-12)**

The City is establishing a tree fund to purchase property for tree preservation, planting trees, and educating the public on the importance of trees in the city. **(Section 45-13)**

Various enforcement mechanisms and penalties for violating the tree ordinance will be put into effect. Stop work orders, withholding permits, or withholding of certifications of occupancy are among these enforcement mechanisms. **(Section 45-14)**

Jurisdiction, provisions for emergency tree removal, date of implementation, incentives for planting trees, and the list of trees and their priority will be provided. The list of Priority trees is robust. **(Section 45-15, 16, 17, 18, and 19)**

All street development, including all City of North Port street projects, will be required to landscape the streets by using trees from the North Port Priority Tree List, street trees to be installed will not count for the thirty-five percent (35%) minimum canopy requirement or buffer requirements, and All street trees shall be chosen from the City's Major Shade Tree List and conform to planting guidelines for landscape design. **(Section 45-20)**

Canopy roadways, which promote a variety of public good, including noise barriers, shade, and wind reduction, will be cultivated and protected. Designation of "Canopy Road" will be based on a variety of criteria, for instance, a minimum of 400ft in length and a minimum of 50% overhead coverage. **(Section 45-21 and 22)**

Limited circumstances for the removal of protected trees along canopy roads will be spelled out. Protection of canopy roads, even in relation to things like Utility pruning will be provided along with proper tree care and drip line preservation. It shall constitute a violation of this article of the ULDC for any person to remove, relocate, cut down, poison, or in any other manner destroy, or cause to be destroyed, a protected tree located within a Canopy Road Zone. **(Section 45-23, 24, and 25)**

Exceptions exist to regulations for a variety of narrow circumstances. These regulations are tied to North Port, Florida. Emergencies may exist where tree removal is needed. Permitting for removal of trees along Canopy Roads will be provided for, though circumstances surrounding it will be scrutinized. **(Section 45-26, 27, 28, and 29)**

The city manager and their designees are to interpret this ordinance. Wherever this ordinance might come into conflict with state, federal, or another higher standard, the stricter will apply. Appeals to the ordinance will be heard by the Zoning Board of Appeals. If any part of the ordinance is found to be unconstitutional it shall be treated as a distinct part and the rest of the ordinance will remain in effect. **(Section 45-30, 31, 32, and 33)**