

Chapter 21

LANDSCAPING REGULATIONS

[HISTORY: Adopted by the City Commission of the City of North Port 9-17-1990 by Ord. No. 90-28 (Section 6). Amendments noted where applicable.]

GENERAL REFERENCES

Trees — See Ch. 210.

Water conservation — See Ch. 222.

- Sec. 21-1. Title.
- Sec. 21-2. Intent.
- Sec. 21-3. Relationship to Comprehensive Plan.
- Sec. 21-4. Findings.
- Sec. 21-5. Applicability.
- Sec. 21-6. Prohibited plant species.
- Sec. 21-7. Minimum tree and shrub planting or preservation requirements.
- Sec. 21-8. Off-street parking facilities and other vehicular use areas.
- Sec. 21-9. Landscaping the perimeter of abutting land uses.
- Sec. 21-10. Landscape design standards.
- Sec. 21-11. Landscape credit system.
- Sec. 21-12. Landscaping in rights-of-way.
- Sec. 21-13. Berms.
- Sec. 21-14. Placement of landscaping.
- Sec. 21-15. Irrigation systems.
- Sec. 21-16. Landscape plan required.
- Sec. 21-17. Variances.
- Sec. 21-18. Enforcement.
- Sec. 21-19. Interpretations.
- Sec. 21-20. Conflicts.
- Sec. 21-21. Appeals.
- Sec. 21-22. Severability.

Sec. 21-1. Title.

This chapter shall be known and may be cited as the "Landscape Regulations of the City of North Port, Florida."

Sec. 21-2. Intent.

It is the intent of the City Commission of the City of North Port to promote the health, safety and welfare of existing and future residents of and visitors to the City by establishing minimum standards for the installation and continued maintenance of landscaping within the City of North Port.

Sec. 21-3. Relationship to Comprehensive Plan.

The landscaping regulations in this chapter implement Objective 3 of the Conservation and Coastal Zone Management Element of the Comprehensive Plan, which states "The City shall encourage the preservation of existing native vegetation, the creation of an urban forest, and the use of xeriscape methods for landscaping public and private development. Tree preservation activities and the planting of trees shall result in an overall, citywide, phased-in, tree canopy no later than build-out that ranges from 35% to 80% of the tree canopy that existed at the time of adoption of this Comprehensive Plan in 1997," as well as the following policy statements subsumed hereunder:

"Policy 3.2: The City will continue to review landscape/tree ordinances from other communities and further, review tree protection/preservation initiatives that would benefit the City. Based upon these reviews, revisions to the tree protection and landscape code shall be implemented."

"Policy 3.3: The Land Development regulations shall continue to prohibit the planting of exotic noxious vegetation such as (*Melaleuca quinquenervia*), Brazilian Pepper (*Schinus terebinthifolius*), and Australian Pine (*Casurina*) as listed by State authorities."

Sec. 21-4. Findings.

A. The City Commission of the City of North Port hereby finds that landscaping:

- (1) Promotes the conservation of potable and non-potable water, and for this reason the preservation of existing plant communities, the planting of natural or uncultivated areas, the use of site-specific plant materials and the establishment of techniques for the installation and maintenance of landscape materials and irrigation systems should be encouraged.
- (2) Improves the aesthetic appearance of residential and commercial areas through the incorporation of open space into development in ways that harmonize and enhance the natural and built environment.

- (3) Improves environmental quality through its numerous beneficial effects upon the environment, including:
 - (a) Improving air and water quality through such natural processes such as photosynthesis and mineral uptake.
 - (b) Maintaining permeable land areas essential to surface water management and aquifer recharge.
 - (c) Reducing and reversing air, noise, heat and chemical pollution through the biological filtering capacities of trees and other vegetation.
 - (d) Conserving energy through the creation of shade, reducing heat gain in or on buildings or paved areas.
 - (e) Reducing the temperature of the microclimate through the process of evapotranspiration.
 - (f) Encouraging the conservation of limited fresh water resources through the use of site-specific plants and various planting and maintenance techniques.
- (4) Maintains and increases the value of land, thus becoming by itself a valuable capital asset.
- (5) Provides direct and important physical and psychological benefits to human beings through the reduction of noise and glare, and breaks up the monotony and softens the harsher aspects of urban development.

B. All landscaped areas herein required should conform to the following general design principles:

- (1) Landscaping should integrate the proposed development into existing site features through consideration of existing topography, hydrology, soils and vegetation.
- (2) The functional elements of the development plan, particularly the drainage systems and internal circulation systems for vehicles and pedestrians, should be integrated into the landscaping plan.
- (3) Landscaping should be used to minimize potential erosion through the use of ground covers or any other type of landscape material which aids in soil stabilization and shall be approved by the City Manager or designee.
- (4) Existing (native) vegetation should generally be preserved and used to meet landscaping requirements.
- (5) Landscaping should enhance the visual environment through the use of materials which achieve variety with respect to seasonal changes, species of living material selected, textures, colors and size at maturity. Lighting should be incorporated into the landscaping to enhance the visual environment.
- (6) Landscaping design should consider the aesthetic and functional aspects of vegetation, both when initially installed and when the vegetation has reached maturity. Newly

installed plants should be placed at intervals appropriate to the size of the plants at maturity, and the design should use short- and long-term elements to satisfy the general design principles of this chapter over time.

- (7) Landscaping should enhance public safety and minimize nuisances.
- (8) Landscaping should be used to provide windbreaks, channel wind and increase ventilation.
- (9) Landscaping should maximize the shading of streets and vehicle use areas.
- (10) The selection and placement of landscaping materials should consider the effect on existing or future solar access, of enhancing the use of solar radiation and of conserving the maximum amount of energy.
- (11) All walls, gates, fences, plant material, and all other landscaping improvements shall be placed so as not to block any Fire Department appliances (fire hydrants and Fire Department Connections), when constructed or planted and/or mature. The minimum clearance around all fire department appliances shall be seven and one-half (7½) feet on each side, seven and one-half (7½) feet in front, and four (4) feet in the rear.
- (12) Landscaping should be used as a way-finder for pedestrians by using the same varieties of plantings along sidewalks, pathways and trails.

Sec. 21-5. Applicability.

A. *General.* These regulations shall apply to any new property development including new minor site development or to the expansion of existing development as specified in Sec. 21-5B(4) below. These regulations shall not apply to a development which is governed by a valid site development plan or a valid building permit accepted prior to its effective date. However, the policy of the City shall be to encourage adherence to the provisions and the intent of this chapter for all categories of existing development.

In the event a development applies to change its approved or existing landscape plan, the new plan shall adhere to the most current adopted landscaping code.

B. *Exemptions.*

- (1) Commercial nursery. Commercial nurseries shall be exempt from this chapter.
- (2) Agricultural. Any bona fide agricultural use found in Sec. 53-25(B) shall be exempt from this chapter.
- (3) Expansion of existing single-family and two-family dwellings. Any expansion of an existing single-family or two-family dwelling shall be exempt from this chapter.
- (4) Expansion of existing development by fifty percent (50%) or less. Any development on a parcel which increases the total floor area of an existing structure by no more than fifty percent (50%) shall be exempt from this chapter.

C. *Suspension of requirements.*

- (1) Temporary suspension of landscaping installation requirements. The installation of landscaping pursuant to the provisions of this chapter may be temporarily suspended in individual cases at the discretion of the City Manager or designee:
 - (a) *Freeze.* After a freeze when required landscape materials are not available.
 - (b) *Drought.* During a period of drought in which the use of water for installation and establishment of new landscaping is restricted by the Southwest Florida Water Management District.
- (2) Written agreement required. The suspension of planting shall be conditioned upon the signing by the applicant of a written agreement stating that installation of required landscaping will resume as soon as neither of the above two (2) emergency conditions pertains. Failure of the applicant to fulfill the terms of such agreement shall be subject to adjudication by the Code Enforcement Board.

Sec. 21-6. Prohibited plant species.

The following plant species shall not be planted in the City of North Port:

Scientific Name	Common Name
<i>Abrus precatorius</i>	rosary pea
<i>Acacia auriculiformis</i>	earleaf acacia
<i>Albizia julibrissin</i>	mimosa, silk tree
<i>Albizia lebeck</i>	woman's tongue
<i>Ardisia crenata</i> (= <i>A. crenulata</i>)	coral ardisia
<i>Ardisia elliptica</i> (= <i>A. humilis</i>)	shoebuttan ardisia
<i>Asparagus aethiopicus</i> (= <i>A. sprengeri</i> ; <i>A. densiflorus</i> misapplied)	asparagus-fern
<i>Bischofia javanica</i>	bischofia
<i>Calophyllum antillanum</i> (= <i>C. calaba</i> ; <i>C. inophyllum</i> misapplied)	santa maria (names "mast wood," "Alexandrian laurel" used in cultivation)
<i>Casuarina equisetifolia</i>	Australian pine
<i>Casuarina glauca</i>	suckering Australian pine
<i>Colocasia esculenta</i>	wild taro
<i>Colubrina asiatica</i>	lather leaf
<i>Cupaniopsis anacardioides</i>	carrotwood
<i>Dioscorea alata</i>	winged yam
<i>Dioscorea bulbifera</i>	air-potato
<i>Eichhornia crassipes</i>	water-hyacinth
<i>Ficus microcarpa</i> (<i>F. nitida</i> and <i>F. retusa</i> var. <i>nitida</i> misapplied)	laurel fig
<i>Hydrilla verticillata</i>	hydrilla
<i>Hygrophila polysperma</i>	green hygro

Scientific Name	Common Name
<i>Hymenachne amplexicaulis</i>	West Indian marsh grass
<i>Imperata cylindrica</i> (<i>I. brasiliensis</i> misapplied)	cogon grass
<i>Ipomoea aquatica</i>	waterspinach
<i>Jasminum dichotomum</i>	Gold Coast jasmine
<i>Jasminum fluminense</i>	Brazilian jasmine
<i>Lantana camara</i>	lantana, shrub verbena
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Lygodium japonicum</i>	Japanese climbing fern
<i>Lygodium microphyllum</i>	Old World climbing fern
<i>Macfadyena unguis-cati</i>	cat's claw vine
<i>Manilkara zapota</i>	sapodilla
<i>Melaleuca quinquenervia</i>	melaleuca, paper bark
<i>Mimosa pigra</i>	catclaw mimosa
<i>Nandina domestica</i>	nandina, heavenly bamboo
<i>Nephrolepis cordifolia</i>	sword fern
<i>Nephrolepis multiflora</i>	Asian sword fern
<i>Neyraudia reynaudiana</i>	Burma reed, cane grass
<i>Paederia cruddasiana</i>	sewer vine, onion vine
<i>Paederia foetida</i>	skunk vine
<i>Panicum repens</i>	torpedo grass
<i>Pennisetum purpureum</i>	Napier grass
<i>Pistia stratiotes</i>	waterlettuce
<i>Pueraria montana</i> var. <i>lobata</i> (= <i>P. lobata</i>)	kudzu
<i>Rhodomyrtus tomentosa</i>	downy rose-myrtle
<i>Rhoeo spathacea</i> (see <i>Tradescantia spathacea</i>)	
<i>Rhynchelytrum repens</i>	Natal grass
<i>Sapium sebiferum</i> (= <i>Triadeca sebifera</i>)	popcorn tree, Chinese tallow tree
<i>Scaevola taccada</i> (= <i>Scaevola sericea</i> , <i>S. frutescens</i>)	scaevola, half-flower, beach naupaka
<i>Schinus terebinthifolius</i>	Brazilian pepper
<i>Senna pendula</i> var. <i>glabrata</i> (= <i>Cassia coluteoides</i>)	climbing cassia, Christmas cassia, Christmas senna
<i>Solanum tampicense</i> (= <i>S. houstonii</i>)	wetland night shade, aquatic soda apple
<i>Solanum viarum</i>	tropical soda apple
<i>Syngonium podophyllum</i>	arrowhead vine
<i>Syzygium cumini</i>	jambolan, Java plum
<i>Tectaria incisa</i>	incised halberd fern
<i>Tradescantia spathacea</i> (= <i>Rhoeo spathacea</i> , <i>Rhoeo discolor</i>)	oyster plant

Scientific Name	Common Name
<i>Urochloa mutica</i> (= <i>Brachiaria mutica</i>)	Pará grass
<i>Adenanthera pavonina</i>	red sandalwood
<i>Agave sisalana</i>	sisal hemp
<i>Aleurites fordii</i> (= <i>Vernicia fordii</i>)	tung oil tree
<i>Alstonia macrophylla</i>	devil-tree
<i>Alternanthera philoxeroides</i>	alligator weed
<i>Antigonon leptopus</i>	coral vine
<i>Aristolochia littoralis</i>	calico flower
<i>Asystasia gangetica</i>	Ganges primrose
<i>Broussonetia papyrifera</i>	paper mulberry
<i>Callisia fragrans</i>	inch plant, spironema
<i>Casuarina cunninghamiana</i>	Australian pine
<i>Cestrum diurnum</i>	day jessamine
<i>Chamaedorea seifrizii</i>	bamboo palm
<i>Clematis terniflora</i>	Japanese clematis
<i>Cryptostegia madagascariensis</i>	rubber vine
<i>Cyperus involucratus</i> (<i>C. alternifolius</i> misapplied)	umbrella plant
<i>Cyperus prolifer</i>	dwarf papyrus
<i>Dalbergia sissoo</i>	Indian rosewood, sissoo
<i>Elaeagnus pungens</i>	thorny eleagnus
<i>Epipremnum pinnatum</i> cv. <i>Aureum</i>	pothos
<i>Ficus altissima</i>	false banyan, council tree
<i>Flacourtia indica</i>	governor's plum
<i>Hemarthria altissima</i>	limpo grass
<i>Jasminum sambac</i>	Arabian jasmine
<i>Kalanchoe pinnata</i>	life plant
<i>Koelreuteria elegans</i> ssp. <i>formosana</i> (= <i>K. formosana</i> ; <i>K. paniculata</i> misapplied)	flamegold tree
<i>Leucaena leucocephala</i>	lead tree
<i>Limnophila sessiliflora</i>	Asian marshweed
<i>Melia azedarach</i>	Chinaberry
<i>Merremia tuberosa</i>	wood-rose
<i>Myriophyllum spicatum</i>	Eurasian water-milfoil
<i>Nymphoides cristata</i>	snowflake
<i>Panicum maximum</i>	Guinea grass
<i>Passiflora biflora</i>	two-flowered passion vine
<i>Phyllostachys aurea</i>	golden bamboo
<i>Pteris vittata</i>	Chinese brake fern
<i>Ricinus communis</i>	castor bean
<i>Sansevieria hyacinthoides</i>	bowstring hemp

Scientific Name	Common Name
<i>Scleria lacustris</i>	Wright's nutrush
<i>Sesbania punicea</i>	purple sesban, rattlebox
<i>Solanum diphylum</i>	Two-leaf nightshade
<i>Solanum jamaicense</i>	Jamiaca nightshade
<i>Solanum torvum</i>	susumber, turkey berry
<i>Sphagneticola trilobata</i> (= <i>Wedelia trilobata</i>)	wedelia
<i>Stachytarpheta urticifolia</i> (= <i>S.cayennensis</i>)	nettle-leaf porterweed
<i>Syzygium jambos</i>	rose-apple
<i>Terminalia catappa</i>	tropical almond
<i>Terminalia muelleri</i>	Australian almond
<i>Tribulus cistoides</i>	puncture vine, burr-nut
<i>Urena lobata</i>	Caesar's weed
<i>Vitex trifolia</i>	simple-leaf chaste tree
<i>Wedelia</i> (see <i>Sphagneticola</i> above)	
<i>Wisteria sinensis</i>	Chinese wisteria

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 be planted or preserved upon each site, as follows:

Note: Trees planted to meet the following requirements must meet the standards contained in Sec. 45-11.

- 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). [Amended 4-8-2002 by Ord. No. 2002-17]
 - (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 Sec. 45-19). [Amended 4-8-2002 by Ord. No. 2002-17]
 - (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 Sec. 45-19). [Amended 4-8-2002 by Ord. No. 2002-17] [Amended 4-8-2002 by Ord. No. 2002-17]
 - (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 Sec. 45-19). [Amended 4-8-2002 by Ord. No. 2002-17]
- 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 Sec. 45-19). [Amended 4-8-2002 by Ord. No. 2002-17]
- G. Development along park lands. When any development is located along park lands, landscape regulations for commercial development shall apply.

Sec. 21-8. Off-street parking facilities and other vehicular use areas.

A. *General.*

- (1) It is the intent of the City that parking facilities and other vehicular use areas be both functional and aesthetically pleasing. All areas used for a display or parking of any and all types of vehicles, boats or construction equipment, whether such vehicles, boats or equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use, shall conform to the minimum landscaping requirements provided herein, except areas used for parking or other vehicular uses under, on or within buildings and parking areas serving single-family dwellings.

- (2) Uses governed by this section are of four (4) general types:
 - (a) Off-street public parking.
 - (b) Other vehicular use areas (such as access roads in planned developments or stacking areas in gasoline service stations, fast food outlets, banks, or similar uses) which are used by the public, but not for off-street parking.
 - (c) Vehicular use areas used for outdoor retail display and sale of motor vehicles as noted above.
 - (d) Specialized vehicular use areas used for storage of motor vehicles or for various transportation, warehousing or trucking operations which are not open to the general public.

B. *Landscaping the interior of off-street parking areas.* Landscaped areas shall be provided for the interior of vehicular use areas so as to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation. (See Fig. 21-1)

- (1) Minimum interior landscape requirements. A minimum of ten (10) square feet of landscaping for each parking space shall be provided within the interior of an off-street parking area. Where there are rows of parking, every fourth row of the parking area shall be designed with a solid landscape strip at least ten (10) feet in width where all parking spaces shall abut. Wheel stops shall be used on all parking spaces that abuts landscaped areas. The landscape strip shall include islands placed every fifteen (15) parking spaces and have one (1) canopy tree in each island. The landscape strip shall be stabilize with ground cover. A pedestrian walkway shall be required to ensure walkability of the site.
- (2) Interspersing of landscaped areas with parking spaces. Enhanced landscaped areas shall be distributed so as to limit unbroken rows of parking spaces to a maximum of ten (10) parking spaces per row, on parking rows that do not have the ten (10) foot landscape strip between abutting parking spaces.
 - (a) The developer may have the option of constructing fifteen (15) unbroken rows of parking spaces, if the landscape island is increased to seventy-five (75) square feet. There will be no decrease in open space and canopy coverage requirements if this option is used.
 - (b) Trees shall be planted using the right tree/right place specifications. The appropriate size tree shall be planted in the appropriate sized landscape island as follows: [Added 1-30-2012 by Ord. No. 2011-32]

50 sq. ft. or less	Greater than 50 sq. ft. Less than 75 sq. ft.	75 sq. ft. or greater
Small Medium	Small Medium Intermediate	Intermediate Major

- (3) Five percent (5%) of the parking spaces may be designated for oversized or pull through parking spaces; however, oversized parking spaces shall count as one (1) parking space. The required number of parking spaces as indicated in Sec. 25-17 of these regulations shall be met.

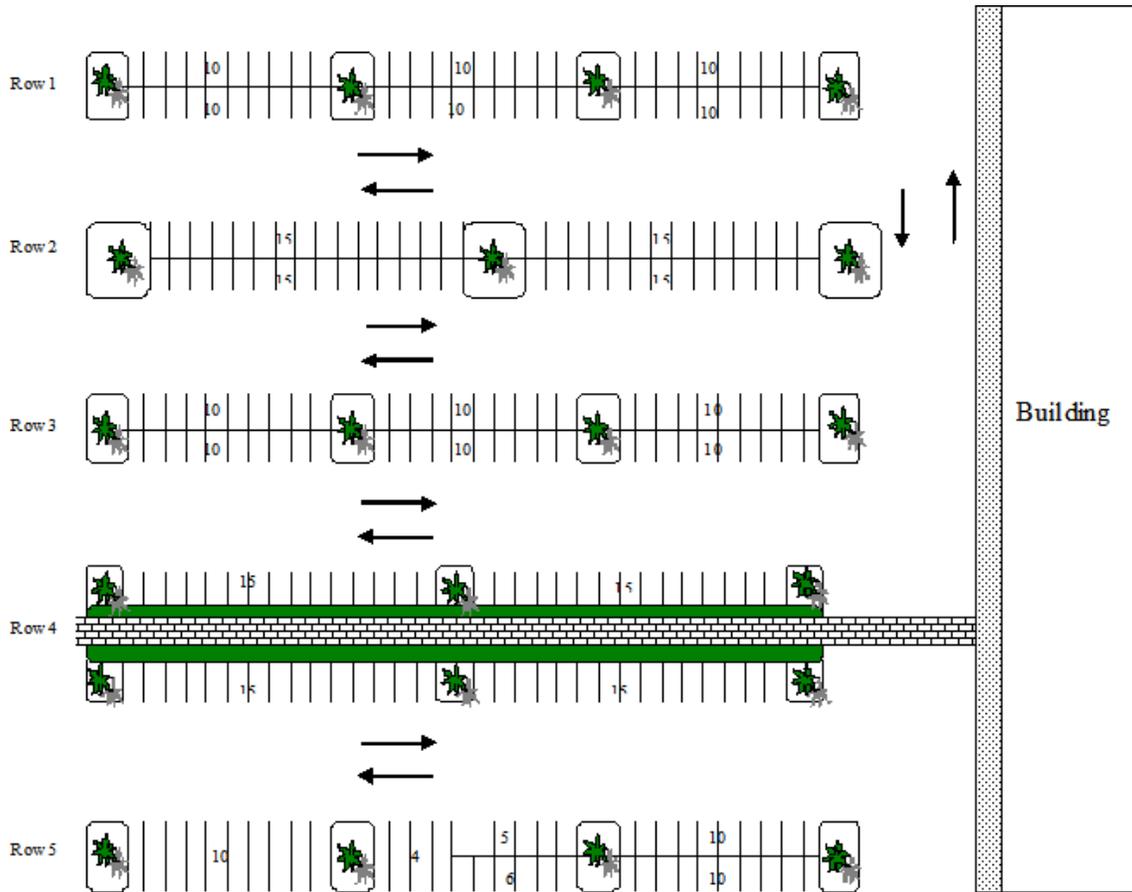


Fig. 21-1

C. *Use of curbs and wheel stops.* All landscaped buffer areas and sidewalks adjacent to off-street parking areas shall be protected from encroachment or intrusion of vehicles through the use of curbs and/or wheel stops. Wheel stops and/or curbs shall have a minimum height of six (6) inches above finished grade of the parking area. Wheel stops shall be properly anchored and shall be continuously maintained in good condition. Where wheel stops are located two (2) feet from the front of a parking space, that two (2) feet need not be paved. However, the area between the wheel stop and the landscaped area shall receive appropriate landscape treatment, including planting of grass or ground cover. All parking spaces, except parallel parking spaces, that abuts landscaped areas or sidewalks within a parking lot shall have wheel stops to prevent obstruction within the landscaped areas.

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

Landscape strips or buffers shall be created around the perimeter of abutting land uses as provided in this section:

- A. *Purpose of buffers.* Perimeter buffers required by this section are intended to separate different land uses from each other and are intended to eliminate or minimize potential nuisances, such as dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor or danger from fires or explosions. Plantings required in connection with perimeter buffers also assist in reducing air pollution hazards.
- B. *Applicability.*
 - (1) Perimeter buffers are required between different abutting permitted uses as specified in Tables 1 and 2 below.
 - (2) Landscape berms are permitted as long as they meet the requirements of this chapter.
 - (3) Fences and walls may be used in conjunction with but not in lieu of the required landscaped buffer area unless otherwise required.
- C. *Location.* Buffers shall be located generally parallel and within the outer perimeter of a lot or parcel and extending to the lot or parcel boundary line, and trees shall be planted parallel and consistent with the property line, unless in conflict with infrastructure as determined by the City.
- D. *Determination of perimeter buffer requirements.* The following procedure shall be followed to determine the type of buffer required:
 - (1) In Table 1 below, identify the general land use category of the proposed use. Identify the land use category of abutting existing use(s) by an on-site survey. Identify any public rights-of-way abutting the proposed use.
 - (2) Determine the buffer required on each building site boundary (or portion thereof) by referring to Table 2 below. The width of any accessway which pierce the buffer shall be included in the calculation of lineal dimensions.

**TABLE 1
Perimeter Buffers Required Adjacent to Abutting Existing Uses**

<i>Proposed Development</i>							
	<i>AG</i>	<i>SF/TF</i>	<i>MF</i>	<i>COM</i>	<i>INDS</i>	<i>Street rights-of-way and all other rights-of-way less than 50' in width</i>	<i>All other rights-of-way 50' or greater in width, excludes street rights-of-way</i>
Agricultural	None	A	B	C	D	None	None
Single-family/Two-family	A	None	B	C	D	None	None
Multi-family	A	A	None	C	D	C	C
Commercial	C	C	C	None	B	C	C

<i>Proposed Development</i>							
	<i>AG</i>	<i>SF/TF</i>	<i>MF</i>	<i>COM</i>	<i>INDS</i>	<i>Street rights-of-way and all other rights-of-way less than 50' in width</i>	<i>All other rights-of-way 50' or greater in width, excludes street rights-of-way</i>
Industrial	D	D	D	B	None	D	D
Parking Area	C	C	C	C	B	C	C

**TABLE 2
Buffer Types for Proposed Developments**

<i>Buffer Type</i>	<i>Width (feet)</i>	<i>Trees Required / Linear Feet (on center)</i>	<i>Shrubs Required¹</i>
A	5	One/50	Yes
B	10	One/50	Yes
C	10	One/40	Yes
D	20	One/35	Yes

NOTES:

¹ See Sec. 21-9(F), Opacity of buffer, and Sec. 21-9(G), Height of planted buffers (hedges), below.

E. *Perimeter buffering not to be credited against interior landscaping requirements.* Perimeter landscape buffers which are required to be created by this section shall not be credited to satisfy any interior landscaping requirements. Greenbelts are not credited toward any portion of the required landscape buffer.

F. *Opacity of buffer.*

- (1) A planting area shall be so designed and planted as to be fifty percent (50%) or more opaque when viewed horizontally. Shrubs are required every three (3) feet on center in order to meet this fifty percent (50%) opaque requirement.
- (2) When a parking area in any commercial or industrially zoned district is intended to be used at night, such area shall be so designed and planted as to be eighty percent (80%) or more opaque when viewed horizontally. Shrubs are required every two (2) feet on center in order to meet this eighty percent (80%) opaque requirement.

G. *Height of planted buffers (hedges).*

- (1) The planting materials shall be at least three (3) feet high when planted. When abutting a right-of-way, shrubs are required to be forty (40) inches above street grade.
- (2) Berms utilized as planted buffers shall have no maximum average height and shall have sodded side slopes not less than four (4) feet horizontally for each one (1) foot vertically may be permitted if sufficient erosion control methods are taken and deemed to be maintainable.

- H. *Requirements for maintaining landscaped buffer areas.*
- (1) Responsibility. The responsibility for maintenance of a required buffer shall remain with the owner of the property, his successors, heirs, assigns or any consenting grantee. Maintenance is required in order to ensure the proper functioning of a buffer as a landscaped area which reduces or eliminates nuisances and/or conflict.
 - (2) Maintenance requirements. All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, tilling, fertilizing and spraying, mowing, weeding, removal of litter and dead plant material and necessary pruning and trimming. In the case of a natural disaster, those plantings located within the landscaped buffer area which were destroyed must be replaced within the following periods of time: in the case of a freeze, within ninety (90) days; in the case of a declared natural disaster (e.g., flood, hurricane, tornado, etc.) in which City ordinances are suspended, within one (1) year following such natural disaster, these planting materials shall be replaced in accordance with the provisions contained within this chapter.
- I. *Additional landscape treatment.* The remainder of the perimeter landscape strip shall be landscaped with grass, ground cover or other appropriate landscape treatment, such as mulch. Sand or pavement shall not be considered to be appropriate landscape treatment.
- 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 tree shall be planted every forty (40) feet on center. One (1) row of tree 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.

[Amended 6-26-1995 by Ord. No. 95-5; Amended 9-23-2013 by Ord. No. 2013-19]

Sec. 21-10. Landscape design standards.

The following standards shall be considered the minimum requirements for the installation of all plant materials within the City of North Port:

- A. Standards for landscape materials.
- (1) *Quality of plants.* All plant materials shall be a minimum of Florida Number One as defined in Grades and Standards Revised, Part II, as published by the Florida Department of Agriculture and Consumer Services. Exceptions and substitutions from this regulation may be reviewed and approved by the Planning and Zoning Department in order to promote the use of slow growing or native plant materials.

- (2) *Tree planting standards, minimum size.* Immediately upon planting, trees shall be a minimum of eight (8) feet in height and shall have a minimum three (3) inch caliper measured at six (6) inches above ground level, and shall be Florida grading standards, Grade #1 or better. Where spacing is designated, "on center" is implied. Alternate spacing may be used to preserved trees as allowed in Chapter 45 of this Unified Land Development Code. [Amended 4-8-2002 by Ord. No. 2002-17; Amended 11-24-2003 by Ord. No. 2002-56]
- (3) *Native species of trees.* A minimum of fifty percent (50%) of all trees required to be planted by this chapter shall be native species.
- (4) *Tree species mix.* When more than three (3) trees are required to be planted to meet the requirements of this chapter, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. The minimum number of species to be planted are indicated in Table 3 below. Species shall be planted in proportion to the required mix. This species mix shall not apply to areas of vegetation to be preserved by law.

TABLE 3

Required Number of Trees	Required Species Mix Minimum Number of Species
1—3	1
4—8	2
9—30	3
31—60	4
61 and Over	5

- (5) *Shrub planting standards.* Except for standards set forth in Sec. 21-9(F) and (G), when required to be planted by this chapter, shrubs or hedges shall be a minimum of twelve (12) inches in height immediately upon planting and spaced thirty-six (36) inches on center. Spacing of individual plants shall depend upon the type of hedge material used.

B. Planting of lawn areas.

- (1) Grass areas shall be sodded, except for those lots over one (1) acre in size, the sod area shall extend to the size of a standard lot (eighty (80) × one hundred twenty-five (125)) and the remaining area may be hydroseed or xeriscaped. Sod provided must be viable, reasonably free of weeds and capable of growth and development. In general, sod strips shall be aligned with tightly fitted, staggered joints and no overlap of butts or sides. Hydroseed shall be well established to provide ground stabilization. If hydroseed fails to stabilize the ground in the permitted areas, sod will then be required.
- (2) Subgrade of lawn area after finished grading shall be reasonably free of stones, sticks, roots and other matter prior to the placement of sod. New lawns shall be watered immediately after planting and shall be maintained in a living condition.

- (3) Mulch, including synthetic ground cover, such as decorative stone, may only be used around trees and landscaped areas and may not be used in lieu of sod for lawn areas.
- C. All landscaping activities conducted within the Myakka River Protection Zone (MRPZ) shall be regulated by Chapter 57 and these regulations.

Sec. 21-11. Landscape credit system.

A. Existing trees may be credited toward minimum tree planting requirements, refer to Chapter 45, Tree Protection Regulations.

B. No credit shall be given for preserved trees that:

- (1) Are not located within the scope of the approved land clearing permitted area.
- (2) Are located in natural preservation areas indicated on an approved master land use, site development plan or plat.
- (3) Are required to be preserved by law.
- (4) Are not properly protected from damage during the construction process, as provided in Chapter 45 of this Unified Land Development Code.
- (5) Are prohibited species as identified in Sec. 21-6.
- (6) Are dead, dying, diseased or infested with harmful insects.
- (7) Are located in recreation tracts, golf courses or similar subareas within planned developments which are not intended to be developed for residential, commercial or industrial use.

[Amended 9-23-2013 by Ord. No. 2013-19]

Sec. 21-12. Landscaping in rights-of-way.

A. Permit required. For all new developments being processed as a major site and development plan, final 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. A permit(s) from the North Port Building Division will be required. Permit application forms shall be prepared and made available to applicants by the North Port Building Division.

B. Where a drive splits a parcel or lot to create access to more than one (1) business, sidewalks and street trees shall be placed on both sides of the drive.

C. Installation standards and requirements.

- (1) Planting standards. Unless otherwise provided in the subsection, plant material to be utilized shall comply with Sec. 21-10.
- (2) Street Tree location requirements. Shall comply with Chapter 45 of these regulations.

- (3) Alternate-side planting. Except where property on one (1) side of the right-of-way is not owned by the developer, the trees shall be planted on both sides of the street. Native shade tree species are required.
 - (4) Maintaining safe sight distance at intersections and points of access. Landscaping shall comply with Sec. 21-14 below.
 - (5) Maintenance. The property owner shall be responsible for the continuing maintenance and replacement of all unhealthy or dead landscaping and trees, and shall keep the area free from any refuse or debris. Tree canopy development standards do not expire upon the issuance of the final certificate of occupancy or the certificate of completion.
- [Amended 1-30-2012 by Ord. No. 2011-32; Amended 9-23-2013 by Ord. No. 2013-19]

Sec. 21-13. Berms.

A. Berms may be used as landscape treatment with no height limitation throughout a site as follows:

- (1) No portion of the berm shall be located within the easement or right-of-way.
- (2) Berms shall not be permitted to be placed within the area between fire hydrants and roadways.
- (3) The berm shall not block any drainage flow, and the stormwater runoff from the berm shall not cause adverse impact(s) to off-site or on-site properties.
- (4) Berms utilized as planted buffers shall have no maximum average height and shall have sodded side slopes of not less than four (4) feet horizontally for each one (1) foot vertically may be permitted if sufficient erosion control methods are taken and deemed to be maintainable.
- (5) The berm shall maintain side slopes of not less than four (4) feet horizontally for each one (1) foot vertically. Sufficient erosion control methods shall be taken and deemed to be maintainable.
 - (a) The responsibility for maintenance of a berm within a development shall remain with the owner of the property, his successors, heirs, assigns or any consenting grantee. Maintenance is required to ensure proper functioning of the berm as a landscaped area.
 - (b) All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, tilling, fertilizing and spraying, mowing, weeding, removal of litter and dead plant material and necessary pruning and trimming.
 - (c) In the case of a natural disaster, those plantings located on the berm area which are destroyed must be replaced within the following periods of time: in the case of a freeze, within ninety (90) days; in the case of a declared natural disaster (e.g.,

flood, hurricane, tornado, etc.) in which City ordinances are suspended, within one (1) year following such natural disaster, these planting materials shall be replaced in accordance with the provisions contained within this chapter.

- (6) No building structure, except walls or fencing, shall be constructed on the berm.
- (7) Sod, ground cover or other plant or landscape material as approved by the City shall be used to completely cover and stabilize the berm on all sides.
- (8) The berm shall be graded to a smooth level to create a natural ground landscape.
- (9) Lighting may be used, but shall adhere to all lighting regulations in this code.
- (10) The building of a berm not in conjunction with an active major site and development or subdivision plan shall require a building permit approval.

Sec. 21-14. Placement of landscaping.

To maintain roadside recovery and safe sight distance at intersections and points of access, landscaping shall be located in accordance with the provisions of the State of Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways (commonly known as the "DOT Green Book"), as amended.

Sec. 21-15. Irrigation systems.

A. Irrigation in declared water shortage periods. In accordance with Chapter 38, Water Conservation, of the Code of the City of North Port, irrigation of landscaped areas in the City of North Port shall be reduced to the extent specified by the Southwest Florida Water Management District during declared water shortage periods.

B. Required irrigation systems. All required landscaped areas shall be equipped with permanent irrigation systems. Where appropriate, it is strongly encouraged that drip/micro irrigation be used. This provision shall not apply to existing plant or tree communities or to parcels for single-family and two-family dwellings.

Sec. 21-16. Landscape plan required.

A. Prior to the issuance of any permit for major or minor site development, a landscape plan shall be submitted to, reviewed by and approved by the City Manager or designee.

B. Nature of required plan.

- (1) *Single-family or duplex residence.* The landscape plan submitted for an individual single-family or duplex residence on its own lot may be in the form of a plot or drawing prepared by the owner or his agent. This information may be depicted on the site plan submitted as part of the application for a building permit. Such plot or site plan shall also be sufficient for single-family or duplex developments on sites of fewer than five (5) acres.
- (2) *All other development.* The landscape plan for all other developments shall be prepared by and bear the seal of a landscape architect or otherwise be prepared by persons authorized to prepare landscape plans or site plans by Chapter 481, Part II (Landscape Architecture) of Florida Statutes. For developments of fewer than five (5) acres, plans may be prepared by other legally qualified persons, such as architects, engineers, nurserymen, nursery stock dealers, nursery agents, etc.

C. Contents of landscape plans. Each landscape plan or alternative landscape betterment plan required or permitted to be submitted by this chapter shall:

- (1) Be drawn to scale, including dimensions and distances.
- (2) Delineate the existing and proposed parking spaces, or other vehicular areas, access aisles, driveways and similar features.
- (3) Indicate the location of sprinklers or water outlets.

- (4) Designate by species name and location the plant material to be installed or preserved in accordance with the requirements of this chapter.
- (5) Identify and describe the location and characteristics of all other landscape materials to be used.
- (6) Show all landscape features, including lighting structures, areas of vegetation required to be preserved by law, in context with the location and outline of existing and proposed buildings and other improvements upon the site, if any.
- (7) Include a tabulation clearly displaying the relevant statistical information necessary for the City Manager or designee to evaluate compliance with the provisions of this chapter. This includes gross acreage, area of preservation areas, number of trees to be planted or preserved, square footage of paved areas and such other information as the City Manager or designee may require.
- (8) Contain such other information that may be required by the City Manager or designee that is reasonable and necessary to a determination that the landscape plan meets the requirements of this chapter.

D. Amended site development plans.

- (1) *Site plans amended by the City Commission.* This chapter shall apply to a development approved prior to its effective date if its governing site development plan is amended by the City Commission.
- (2) *Modification of requirements after construction has begun.* In those instances where amendments to site development plans are approved by the City Commission after construction has begun on a site, the City Manager or designee may modify the provisions of this chapter in individual cases in order to avoid undue hardship. However, a diligent effort will be made to assure that the site development standards of this chapter are met to the maximum extent possible.

Sec. 21-17. Variances. [Added 6-26-1995 by Ord. No. 95-5]

The City Commission may grant a variance from these landscaping regulations after consideration and recommendation by the Planning and Zoning Advisory Board and from the terms of this chapter when such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. Such variance shall not be granted if it has the effect of nullifying the intent and purpose of this chapter. Furthermore, such variance shall not be granted by the City Commission unless and until:

- A. A written application for a variance is submitted to the department responsible for land development services demonstrating:
 - (1) That special conditions and circumstances exist which are peculiar to the land, structures or required subdivision improvements involved and which are not applicable to other lands, structures or required subdivision improvements;

- (2) That a literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties with similar conditions;
 - (3) That the special conditions and circumstances do not result from the actions of the applicant; and
 - (4) That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or required subdivision improvements under similar conditions. No pre-existing conditions on neighboring lands which are contrary to this chapter shall be considered grounds for the issuance of a variance.
- B. The Planning and Zoning Advisory Board and City Commission shall make findings that the requirements of this section have been met.
- C. Notice of public hearings shall be given at least fifteen (15) days in advance of the public hearings before the Planning and Zoning Advisory Board and City Commission. The owner of the property for which a variance is sought, or his agent or attorney designated by him on his petition, shall be notified by mail. Notice of the public hearing shall be advertised in a newspaper of general circulation in the City at least one (1) time fifteen (15) days prior to the hearings before the Planning and Zoning Advisory Board and City Commission. The public hearings may be held prior to the presentation for approval of the subdivision plan.
- D. In addition to the notice provided for in subsection C above, notice of the time and place of the public hearing before the City Commission shall be sent at least fifteen (15) days in advance of the hearing by mail to all owners of property within three hundred (300) feet of the property lines of the land for which a variance is sought (in properties greater than one (1) acre, the three hundred (300) feet distance shall be one thousand three hundred twenty (1,320) feet); provided, however, that where the land for which a variance is sought is part of, or adjacent to, land owned by the same person, the three hundred (300) foot or one thousand three hundred twenty (1,320) foot distance shall be measured from the boundaries of the entire ownership, except that notice need not be mailed to any property owner located more than one-half (1/2) mile (two thousand six hundred forty (2,640) feet) from the land for which a variance is sought. If any dwelling unit within the required three hundred (300) foot or one thousand three hundred twenty (1,320) foot notification radius is within a property owners' association, the property owners' association must be notified. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Sarasota County. Notwithstanding any other provision herein contained, failure to provide written notice to adjacent property owners shall not constitute a jurisdictional defect, provided that proper legal notice has been published.
- E. After receipt of a report from the City Manager or designee summarizing the City staff findings, the Planning and Zoning Advisory Board and City Commission shall further

make a finding that the reasons set forth in the application justify the granting of the variance that would make possible the reasonable use of the land, buildings or other improvements.

- F. The Planning and Zoning Advisory Board and Commission shall further make a finding that the granting of this variance would be in harmony with the general purpose and intent of this chapter, will not be injurious to the surrounding territory or otherwise be detrimental to the public welfare.
- G. In granting any variance the Planning and Zoning Advisory Board and City Commission may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards when made apart of the terms under which the variance is granted shall be deemed a violation of this chapter.
- H. Appeals. Any person aggrieved by the City Commission's decision regarding any variance or exception may file a petition for a writ of certiorari in the Circuit Court of Sarasota County within thirty (30) days of such decision.

Sec. 21-18. Enforcement. [Amended 6-26-1995 by Ord. No. 95-5]

The provisions of Chapter 2, Article IX, Code Enforcement, of the Code of the City of North Port, and the procedures and penalties contained therein, are hereby adopted and incorporated into and made a part hereof by reference.

Sec. 21-19. Interpretations.

Interpretations of this section shall be made by the City Manager or designee.

Sec. 21-20. Conflicts.

Whenever the requirements of these regulations differ from those imposed by the City, Federal, or State regulation, law or statute, the most restrictive or imposing the higher standards shall govern.

Sec. 21-21. Appeals.

Any person aggrieved by the City Manager or designee's interpretation may appeal to the Planning and Zoning Advisory Board. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation renders the landscaping inconsistent with the general design principles, see Sec. 21-4(B). After review by the Planning and Zoning Advisory Board, all comments and advisory recommendation will be forwarded to the City Commission. The City Commission will hear the appeal at its regularly scheduled meeting and render a decision. The granting of any appeal shall not be in conflict with State Statutes. The City Commission's decision, based upon the evidence submitted to the Planning and Zoning Advisory Board, may be appealed to the Circuit Court of Sarasota County within thirty (30) days of such decision.

- (1) Applications for an appeal shall be filed pursuant to Sec. 1-10.

Sec. 21-22. Severability.

If any section, subsection, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.