

CITY OF PALATKA
PLANNING BOARD AGENDA
September 3, 2013



1. Call to Order.
2. Roll Call.
3. Approval of Minutes of the August 6, 2013 meeting.

4. Appeal procedures and ex-parte communication.

5. OLD BUSINESS:

Case 13-12: administrative request to amend the Municipal Code to revise various landscaping and tree protection standards as set forth in Zoning Code Chapter 94, Article VI and VII.
(Tabled from the August Meeting)

6. NEW BUSINESS - None

7. OTHER BUSINESS

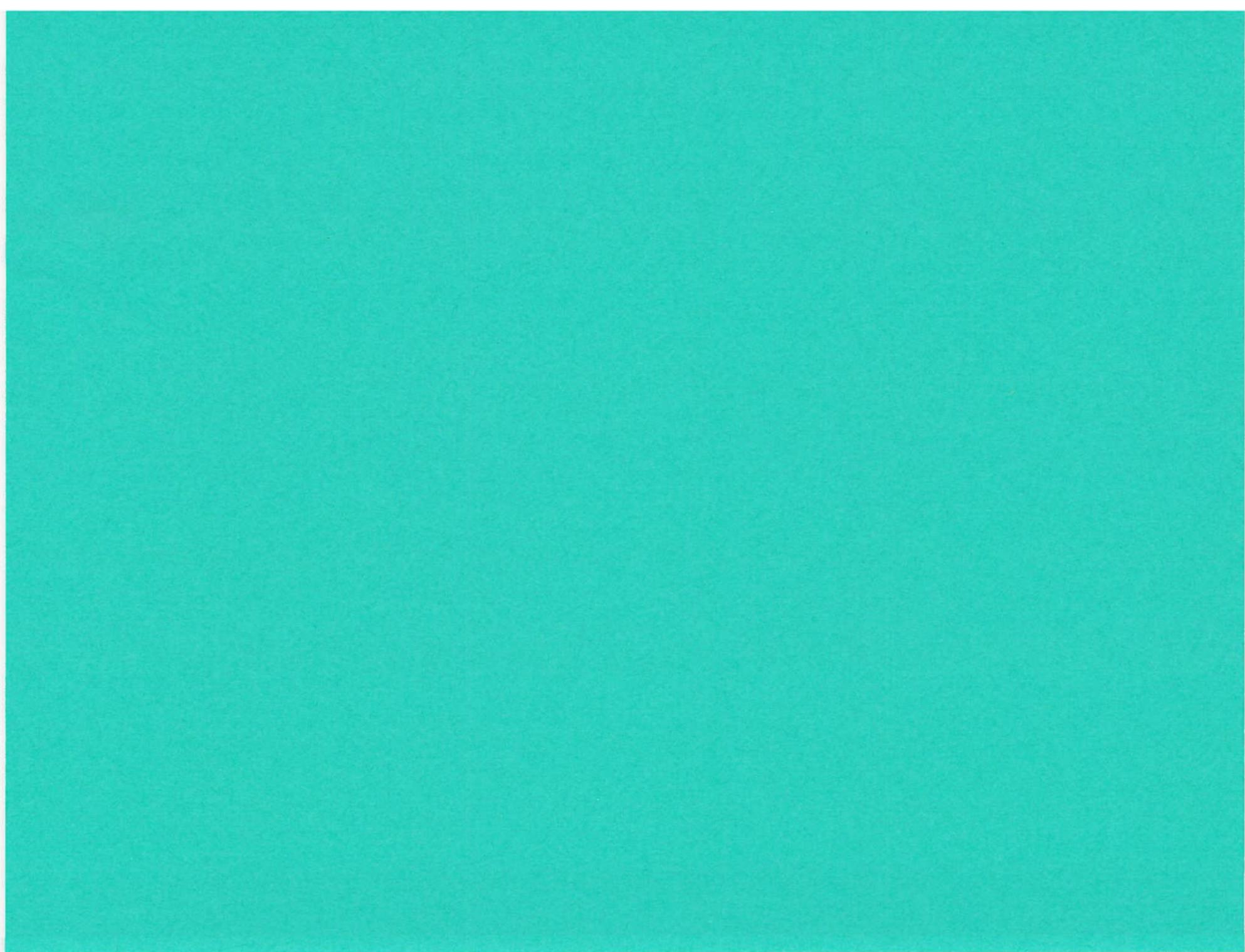
Case 13-43: Request for recommendation to the City Commission to amend the City of Palatka Capital Improvement Program, a component of the Comprehensive Plan's Capital Improvement Element, to include Riverfront Park improvements funded by the Florida Recreation Development and Acquisition program (FRDAP).

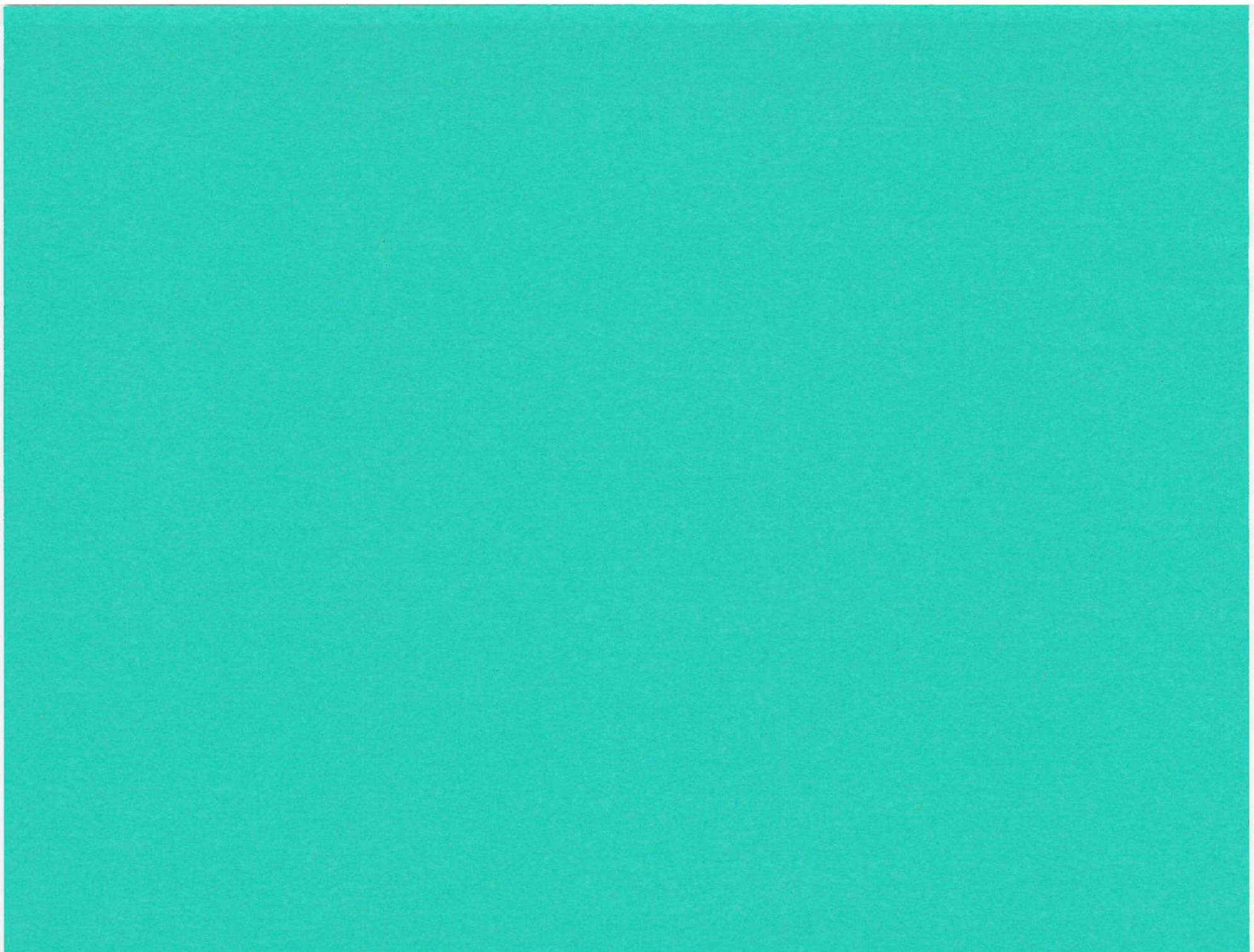
- **Phase I:** Riverfront park nature based playground construction, boating facilities, and exercise walk.
- **Phase II:** Riverfront Park Fountain/Splashpad.

8. ADJOURNMENT

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, AT THE EXPENSE OF THE APPELLANT. F.S. 286.0105

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY BUILDING DEPARTMENT AT 329-0103 AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATIONS.







**CITY OF PALATKA
PLANNING BOARD MINUTES (DRAFT)
August 6, 2013**

The meeting was called to order by Chairman Carl Stewart at 4:00 pm. **Other members present:** Earl Wallace, Joe Pickens, Anthony Harwell, George DeLoach, Judith Gooding and Lavinia Moody. **Members absent:** Vice-Chairman Daniel Sheffield and Joe Petrucci. **Also present:** Planning Director Thad Crowe, Recording Secretary Pam Sprouse and City Attorney Don Holmes.

Motion was made by Mr. DeLoach and seconded by Ms. Gooding to approve the minutes for July 2, 2013 meeting. All present voted affirmative, motion carried.

OLD BUSINESS

Case 13-12: administrative request to amend the Municipal Code to revise various landscaping and tree protection standards as set forth in Zoning Code Chapter 94, Article VI and VII.
(tabled from the July Meeting)

Staff recommended tabling this item to the September meeting to allow continued research and to refine the ordinance.

Motion made by Mr. Pickens and seconded by Ms. Moody to table. All present voted affirmative, motion carried.

NEW BUSINESS

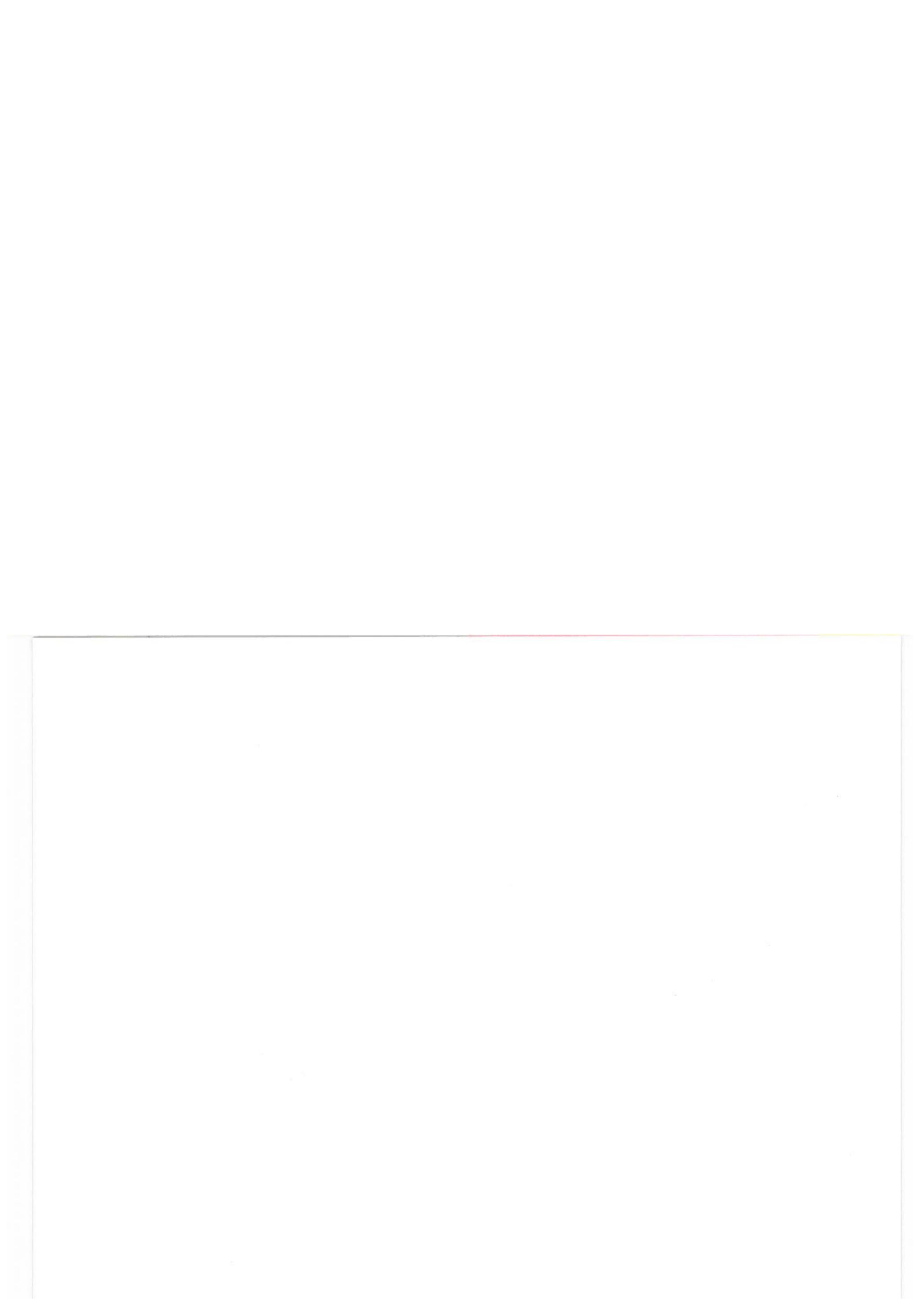
Case 13-32: Conditional Use request to locate a church within 300 feet of an alcohol serving establishment.

Location: 806 St. Johns Avenue

Owner: Hector R. Corzo, MD

Applicant: Holy Word Revival Center, Vivian Johnson

Mr. Crowe reviewed the staff report and explained that the applicants are currently operating a church in this location. The building was built around 1930 as a three-unit retail building. The building has been used mostly as retail but has also been used intermittently as a church as it was when the historic survey was done in the 1980's. He said that the Board had approved a church in this location in the past (2010) but the applicant never completed the registration process to establish there. The rule with conditional uses is that one must commence the use within six months from approval date or the approval goes away and a new application would be required, unless the Planning Board approves a longer time period, which did not happen in this case. Mr. Crowe reviewed the evaluation criteria, stating that there was sufficient vehicular and pedestrian access and parking, as this location has its own parking lot, which the applicant has stated they let the public use during their off hours. He explained that there are a few differences between this request and a similar request last month. One thing that stands out is that there is no continuity in buildings in the 800 block of St. Johns Ave., as there are several scattered vacant lots and parking areas in this block. However he noted that another way to look at this was that it is even *more important* to hang onto the potential for retail when the building continuity is lacking. Another distinction from last month's request is that this is a free standing, single-use building with



additional parking on the property. He added that the City needs to be consistent with its approach, as it now has a Main Street program that is strong and working very hard to turn things around. When the church use was approved in 2010 the City did not have a Main Street program, a Main Street manager or the special event program now underway. He suggested that the City would not want to squander the momentum that has been achieved. Staff is trying to stay in sync with the City's downtown revitalization efforts.

City Attorney Donald Holmes made the statement that this is a land use question, not whether a church is a good thing or not, just where it should go. He reiterated that as the Planning Director had indicated; because a conditional use threshold had been tripped specific criteria must be considered for all conditional use requests. He read the definition of the conditional use.

Vivian Johnson, 720 N. 11th Street, Pastor of Holy Word Revival Center shared photographs of the interior renovations they had made to the building that they have rented since November of 2012. She stated that they were not aware that they needed a conditional use until they went to register the church with the City. She added that the church does not have any conflict with the bars and believes that all of their events will bring in lots of people to shop and patronize the downtown area.

Charles Rudd, Palatka Main Street Manager, spoke to the issue of compatibility and upholding the efforts of a community vision for St. Johns Avenue; to revive and recreate a thriving retail restaurant district. He added that he understands that sometimes it can be difficult to stick to that vision over time, but that is what they are asking everyone to do. Right now approximately 25% of downtown storefronts are vacant, and about 50% are non-retail uses (offices, professional services, churches and so forth) which leaves about 25% for retail/restaurant use. This means the City is a long way away from the 75 to 80% retail/restaurant density/critical mass needed to attract an audience and keep people strolling downtown. He ended with saying that even if all vacancies were to fill with retail/restaurant use these uses would still only occupy 50% of the storefronts, so every space is very important including the vacant lots to have available for retail/restaurant use and to link the blocks together. He asked the Board to deny the request.

Mr. Pickens pointed out a conundrum with lack of continuity of the 800 block between the 700 and 900 blocks; how do you break up continuity if you do not have it? Or are you preventing continuity from occurring by granting this request?

Mr. Rudd stated that with the strolls and events planned for the downtown area they always have to kind of skip over that block, and the hope is that the vacant lots will one day fill in with retail/restaurant uses, which would be a milestone, when new construction begins. He added that the goal of Main Street is to increase the retail/restaurant density around this area and would be a real milestone of success to see infill.

Dean Motes, 1621 Cleveland Ave, an Elder of Holy Rd revival, spoke in favor of the request and re-emphasized that the church members would be beneficial to the city and the local business of St. Johns Ave. He added that their food ministry would be for preparation and delivery only.

Veda Holmes, 106 Belmont Dr. spoke in favor of the request. She mentioned that after reading the staff report and understanding what Main Street are trying to accomplish, they have come to the conclusion that we all want the same things for downtown and believes they will be an asset and benefit to the community.

Johnny Brown, 107 S. 9th Street, spoke in favor of the request. He said that the southeast corner of 9th Street and St. Johns Ave. is their family home and they own the Church next door as well as the vacant lot next to it and that their family has no intention of leaving or developing any of those properties. With that said, he added that there will never be continuity between 9th Street and 8th Street. He also said that until the churches came into the area they had problems with prostitution on St. Johns Ave., which has since been eradicated partly due to the churches being there. He believes that it does in fact attract people to the area and make it seem somewhat alive and vibrant again.

Robert Lemon, 111 Easement Lane, Welaka, spoke in favor of the request and said that there is conflict as to what compatibility actually means, particularly in downtown areas when churches are specifically listed as an allowed use in these zoning districts. He added that surely compatibility and its meaning were considered when the code was modified to list 'houses of worship' as an allowed use, compatibility would have already been determined. If the City of Palatka has a different vision, since the time that the list of allowed uses was established, then maybe they need to take a look at the list. He said that more to the point, with regard to the church that is before the Board today and the one from last month, so long as it is listed as a permitted use, compatibility has already been established and that even with the additionally scrutiny of the conditional use criteria, due to the 300 foot distance restriction, churches do not pose a conflict with the criteria to be considered.

Mr. Crowe explained that compatibility from a land use and zoning perspective pertains to the mix of land uses, how they do or don't work together, how they have synergy. Downtown is a critical area because obviously there is a lot of work to be done. While this is a permitted use in downtown area, the conditional use process looks beyond what is permitted such as whether uses are ideal at a particular location, and what the area really needs more of at a particular location.

Mr. Holmes referenced conditional use criterion i (general compatibility with adjacent properties and other property in the district). He explained that compatibility is to be considered for adjacent properties and other properties in the district. He said that staff's thinking is that in a downtown district of this size there is some concern that a high concentration of churches could basically turn the area into a church district. If the desire is to have a retail district downtown, then compatibility comes into play.

Ms. Gooding stated that there are so many buildings downtown that will never be rented unless they are taken care of and fixed up. She said she is not concerned with the alcohol thing and likes to see variety in each block such as the 700, 800 and 900 blocks. She does not believe that this request is as comparable to last month's request as much as some people would like to think, as it stands alone and that they have already spent their own money to fix it up.

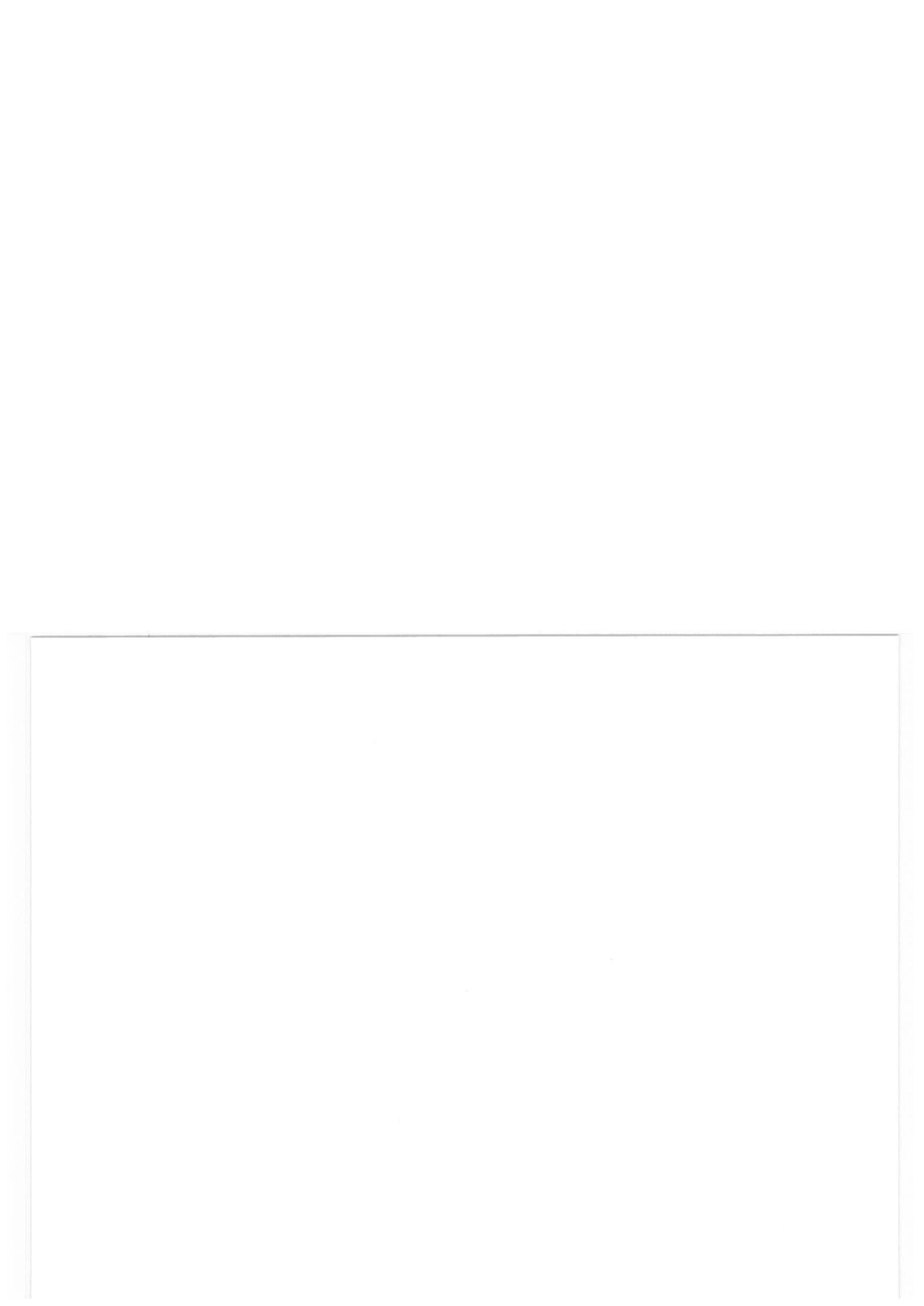
Mr. Holmes replied that he would hope that the applicant's expenditure of funds would not be a consideration in this review, as this is not part of the criteria to be considered. The applicant did not come to the Planning Department for guidance to determine if permits were required, if the zoning was appropriate or if there were any other requirements to operate at this location; if they had, it would have placed this location on the radar screen for the City to help guide them through any required processes. He is not suggesting penalizing them for not inquiring, but at the same time they should not be given credit for conducting business and spending money before having checked with the local planning department for requirements.

Ms. Moody stated that this "is what it is," and for her the decision is an opportunity to take a good look at the overall vision for revitalizing downtown.

Dean Mote of Welaka stated that of all the interior work that has been done, none of it required a permit and the Church was under the understanding that the conditional use approval had already been granted to the previous tenant.

Pastor Johnson stated that they did not know about the required procedures, they signed a lease and when they went to transfer their business tax receipt they were advised of these requirements. She asked the Board to please grant the approval and assured them they would not be sorry if they did so.

Ms. Holmes stated that she attended services there and there was a sign on the building and does not understand how the City did not know they were operating there.



Mr. Crowe advised that the City does not have the resources to regularly patrol the streets of the City for zoning compliance and that it has to rely on the property owner to follow the code. There is not a requirement in the code that requires that a sign be taken down when the business closes, and with the City's limited resources code violations are acted upon as they come up.

Ms. Sprouse stated that the previous applicant the Board had approved for this location never completed the business registration process. That applicant received conditional use approval in July 2010. This previous tenant filed a business tax receipt application to register the church and scheduled a building and fire safety inspection that resulted in deficiencies that required correction. They never called back for a re-inspection and did not activate a city utility account. Subsequently the conditional use approval expired.

Dorothy Moody, 604 E Washington St. Interlachen, stated that she also has a church located at 417 N. 9th St. and spoke in favor of the request. She stated that she believes that this is a good use and that on her street they had prostitution and drug problems until a church moved in.

Mildred Lewis, 2405 St. Johns Ave., stated that she went to a church that was located there in the past and believes that this is a good use for any location.

Mr. Pickens commented regarding the applause and comments coming from the audience that this is a tough enough job as it is, it requires making tough decisions which are sometimes unpopular. There is a reason people are not lined up for this job, but trying to appeal to his Christianity or his emotions is not fair when he is a good citizen trying to make a legal decision on what is appropriate and what is not.

Dawn Perry, 2370 Westover Dr., spoke in support of this request and stated that she is grateful that this is still American and we are free to express our opinions. She honored Pastor Johnson, stating that the Holy Word Church has been a blessing to her. They have welcomed her church and other churches into their church. She referred to a Federal Statute "Religious Land Use and Intentional Persons Act (RLUIPA) that was passed in 2000, to provide stronger protection for religious freedom in the land use and prison concepts (Items 1-4). She then read the words to the "Star-Spangled Banner."

Steven Holmes, 106 Belmont Dr., asked if the previous church was approved and if they would have completed their processes to operate, would we be here today to consider this request.

Mr. Crowe advised that we would not, provided the use continued without interruption of more than 12 months.

Patricia Lemmon, 111 Easement Lane, Welaka, spoke on behalf of the request and stated that in speaking of revitalizing downtowns, she had gone out of town for many years for entertainment, and comes to Palatka to fellowship and believes that the churches that are here bring people to shop and eat.

Ms. Moody thanked the audience for their input stating that it is valuable to her when having to make these difficult decisions.

Mr. Crowe reviewed the criteria and stated that most are met but the compatibility criterion is not met and does rise to a level of significance. From a professional planning perspective achieved by his 25 years of planning and zoning experience, compatibility in this case means uses that work well with each other, that are harmonious and support each other and that create a certain atmosphere and environment of an entertainment district. When the Board can approve or disapprove uses in the downtown retail core it has the ability to look at uses that do or don't fit the model of supportive and symbiotic land uses. Not using this approach could deny the Board's ability to help the downtown succeed, bit by bit, piece by piece, street by street, and block by block. He added that churches are a critical component to our downtown area, but are better suited in the larger peripheral area off St. Johns Ave. If the Board approves this, then it could be pressured to approve any church along St. Johns Ave. in the downtown area, and in his professional opinion and as the Main Street Manager had

stated, the downtown is in dire need of a steady hand, long view, and the ability to stay with the program for eventual success.

Mr. Pickens stated that while he appreciated Mr. Rudd's comments regarding the importance of trying to maintain continuity between this block and the adjoining blocks, Mr. Brown's comments had more impact to him, in his description of the block, what it has been for a long, long time and what it is going to be. He does not believe that this church, in this block, is going to break up continuity that does not exist.

Motion made by Mr. Pickens seconded by Ms. Gooding to approve the request. **DISCUSSION:** Mr. Wallace stated he believes that it will slow up and even break up efforts being made for downtown. Chairman Stewart asked for a show of hands, which resulted in (4) yays and (3) nays, with Mr. DeLoach, Ms. Gooding, Chairman Stewart and Mr. Pickens voting in favor and Ms. Moody, Mr. Wallace and Mr. Harwell voting against the motion. Motion carried.

Case 13-33 Request to amend the Municipal Code Sec. 62 and Sec. 94 revising standards for temporary A-frame, sandwich, and menu board signs for special events held within the Downtown Business and Downtown Riverfront zoning districts.

Applicant: Palatka Main Street, Charles Rudd

Mr. Crowe advised that this request to allow sandwich signs for promoting special events in downtown zoning districts. "A-frame" type sandwich signs are currently allowed for storefront businesses in downtown zoning districts with the following standards: one sign is allowed per building front placed on a public sidewalk and all signs shall be a uniform size of two feet in width and three feet in height, as measured by any single face. The signs are to be placed on the sidewalk leaving a minimum of 48 inches of clear area on the adjacent sidewalk for pedestrian passage and the signs are to be made of rigid, weather resistant material such as wood, metal, or plastic. These standards limit such signs to specific advertising for an individual storefront business. Staff is proposing the ability to place sandwich signs in the downtown area that promote special events approved by the City Commission.

Charles Rudd, Palatka Main Street Manager, stated that special events are a vital part of any comprehensive approach for revitalization and believes it is in the best interest of the common good. He believes that it is a good approach to reach people about the upcoming public events.

Motion made by Mr. Pickens and seconded by Ms. Moody. All voted affirmative. Motion carried.

Case 13-35 Conditional Use request for a pawn shop located at 701 St. Johns Ave.

Owner: Thomas V. Kavanaugh

Applicant: David Buth

Mr. Crowe reviewed the evaluation criteria and stated that this request is for an established retail merchant that is currently operating at this location. The Applicant wishes to expand the business to include pawn services. Staff believes that this application meets applicable conditional use criteria and recommended approval with the following conditions:

- the wall sign facing St. Johns Ave. shall be centered on the building façade;
- the wall sign facing S. 7th St. shall be located as shown on the schematic or alternatively located between the north end of the building and the center of the building along that street; and
- the garbage can shall be placed along the side of the building toward the rear so as not to completely block the sidewalk.

Motion made by Ms. Moody and seconded by Ms. Gooding. All present voted affirmative. Motion carried.



Case 13-36 Conditional Use request to expand an existing Church use in an R-3 zoning district.

Location: 1624Bronson Street
Owner: Sherman and Beverly Canty

Mr. Crowe advised that the applicant has been operating at this location on and off for many years. It is located within an R-3 zoning district. While the applicant advised staff that a church operated in the building historically, the church use ceased sometime before a conditional use for a day care center was approved in 1996. In 2000 a conditional use was approved for a youth indoor recreation center. After the cessation of this use, the church occupied the building without receiving the required conditional use approval. When the applicant contacted staff regarding the addition of a multi-purpose building they were notified that conditional use approval for the church use would be required for the existing facility and expansion as well. This neighborhood church currently has 100 seats in the approximately 1,400 square foot building and is staffed by volunteers for its Sunday morning and Wednesday night services. The church proposes to construct a new modular all-purpose building for fellowship, bible study, prayer, and other activities for church members. As demonstrated in this report, this application generally meets the conditional use criteria. Staff recommends approval with the following conditions:

1. Uses on the property shall be limited to a maximum 100-seat church and 16-seat multi-purpose building.
2. Site development shall occur in keeping with the approved site plan.
3. Per Zoning Code Section 261 any exterior lighting on the site must be designed and arranged so that no source of such lighting is visible from adjoining residential properties. All site lighting shall be shielded or downcast to eliminate glare on adjoining properties and roadways.
4. The refuse area shall be screened on three sides with a six-foot tall privacy or stockade fence.
5. The Applicant shall plant a continuous hedge and three regularly-spaced shade trees along the east property line to visually screen the parking area and new building.
6. The Applicant must either provide 25 paved parking spaces on the property and on undeveloped lots within 600 feet of the property, or obtain a variance from this requirement from the Board of Zoning Appeals. The Applicant must also seek a variance of driveway distance from property lines from 20 feet to four feet from the Board of Zoning Appeals, to allow for the planned driveway on the eastern part of the property.
7. All other applicable standards of the Municipal Code must be met.

Mr. Harwell commented that the building does not appear that it will accommodate 100 seats regarding occupant load. He questioned how the seats would be monitored.

Mr. Crowe advised that occupancy is determined by the fire marshal, who inspects such facilities annually.

Beverly Canty, Church Minister, 225 Stillwell Ave., said that the multipurpose building is not intended for an increase of congregation but for use with the youth and other church activities that currently occur in the sanctuary area.

Motion made by Mr. Pickens and seconded by Mr. Wallace to approve the request subject to staff conditions. All present voted affirmative.

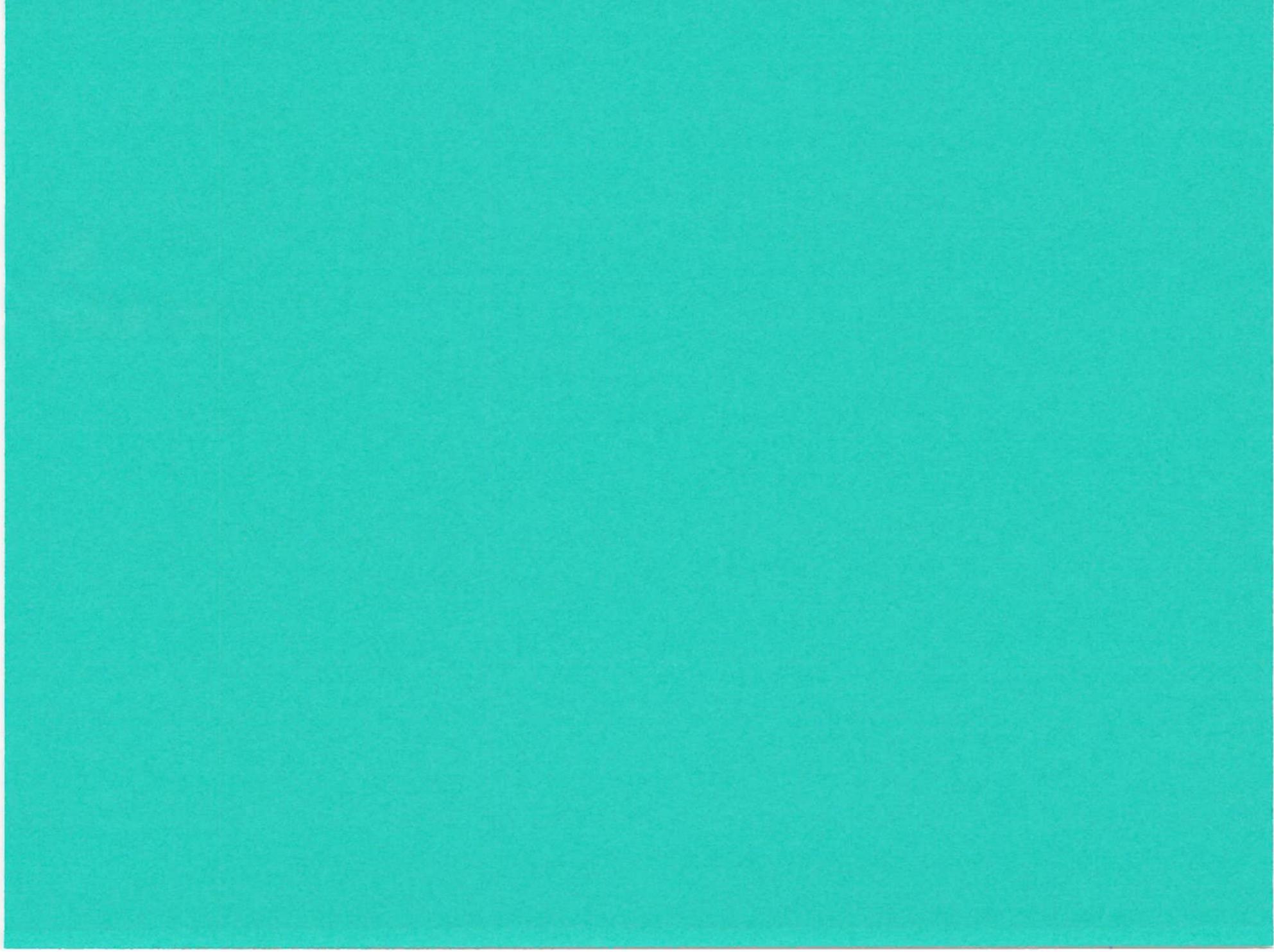
CASE: 13-37 Administrative request to amend the Comprehensive Plan Future Land Use Element Policy A.1.9.3.A.2 to eliminate impervious surface minimums from Downtown zoning districts.

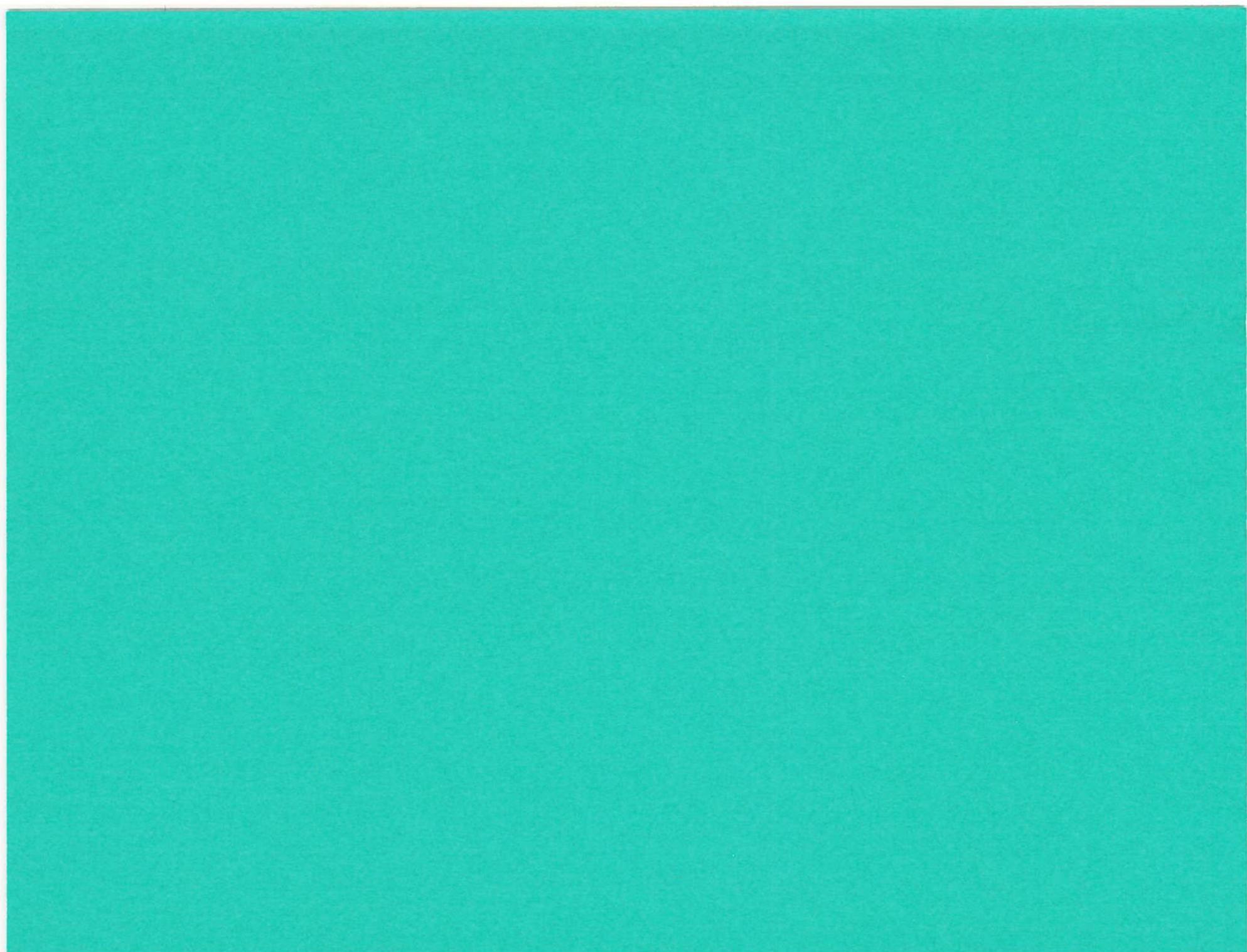
Mr. Crowe explained that the term “impervious surface” refers to surfaces that do not retain rainfall such as pavement, buildings, and water bodies. Conversely, pervious surfaces are those surfaces that absorb rainfall such as grass, landscape areas, woods, or properly maintained pervious pavement. The rationale for the elimination of required pervious surfaces in the downtown is to encourage new development and redevelopment

that is in keeping with the character of the downtown area. He added that downtown properties, particularly along St. Johns Avenue, are generally mostly or fully covered by building and/or parking. While it is appropriate to call for a base level of landscape area in suburban areas, the intense urban development pattern of downtown should not be hamstrung by such a requirement. Mr. Crowe said that this change would not eliminate the current Zoning Code requirement for parking lot landscaping, and the City will continue to strive to plant street trees in the downtown areas to provide for public landscaping and shade. He recommended approval of the plan revision.

Motion made by Mr. Pickens and seconded by Ms. Moody to approve the request as submitted. All voted affirmative, motion carried.

With no other business, meeting adjourned at 6:40.





Case 13-12

Request to Amend Zoning Code

(Revisions to Landscaping, Tree Protection, and Buffering and Screening Standards)

Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: August 27, 2013

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

Multiple revisions to the Landscaping and Tree Protection and Buffering and Screening sections of the Zoning Code (Articles VI and VII).

APPLICATION BACKGROUND

Staff has been evaluating and preparing revisions of the Tree and Landscape Code during the past 18 months, as time allowed. In March of 2012 we presented a summary of issues and recommendations to the City Commission. Since that time Staff has twice presented proposed code revisions to the Tree Committee for their input as well. Tree Protection standards date back to the original 1981 Zoning Code, and the Buffering and Screening standards were added in 2005. The attached documents provide a detailed evaluation of

Articles VI and VII, including the following:

- a summary in table form of the standards;
- a two-page issues and recommendations table; and
- the complete ordinance with proposed revisions, annotated with explanatory notes.

Staff's general position is that the standards are confusing, duplicatory, excessive in some areas, lenient in other areas, and lacking a core, strategic direction. Revisions were made to clarify, streamline, and more importantly focus on the strategic use of limited resources in a way that most benefits the public while limiting burdens on property owners. This approach focuses on the "greening" of the City's commercial thoroughfares, enabling incremental and long-term reforestation, and providing proper protection of low impact residential and conservation uses from higher impact uses. The changes reduce the emphasis on across-the-board, one-size-fits-all landscape planting which results in planting hidden areas that benefit few and leaving much of the City's commercial corridors with a blighted and barren appearance.

PROJECT ANALYSIS

Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in underlined text (staff response follows each criterion).

The planning board shall consider and study:

- a. The need and justification for the change.

Staff comments: the following justifications are applicable.

- Clear direction on appropriate tree planting including allowable trees for parking lots, streets, and buffers (planting list customized for northeast Florida by committee of IFAS UF agents, urban foresters, landscape architects, planners, nursery operators, and developers).
- Better organization of code, including combination of separate buffering sections.
- Concentration of landscaping where it is needed, including along roadways, in parking lots, and adjacent to low impact uses.
- Provision of clear pruning standards for parking lot trees, streetside canopy trees, and buffer trees for nonresidential and multi-family development.
- Establishment of tree fund from mitigation to provide for off-site tree planting.
- Implementation of xeriscaping standards.
- Incentives for tree preservation.
- Reasonable and proportional compliance for existing uses and redevelopment.
- Emphasis on parking lot shade.
- Incorporation of landscaping into stormwater areas where practicable.
- Increased involvement of Tree Advisory Committee in appeals to ordinance and alternative approaches.

b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

Staff comments: the following Comprehensive Plan or Community Redevelopment Area Plan policies (shown in *italics*) are applicable to this amendment. This amendment is in keeping with the goals, objectives, and policies of both plans. In regard to the policies listed below, the amendment is in line with stated purposes of promoting infill and mixed-use development, renewing blighted properties, encouraging the use of existing commercial areas, and practicing innovative development planning.

FUTURE LAND USE ELEMENT

Objective A.1.2 9J-5.006(3)(b)2

Upon Plan Adoption, the City shall implement the following policies in order to provide the means for redevelopment and renewal of blighted properties.

Policy A.1.6.1 9J-5.006(3)(c)

Provide incentives which direct development to infill in areas of the City with in-place water/sewer lines and paved road. These incentives may include, but not be limited to providing additional permitted land uses through special use designations under the City Zoning Code such as approved "mother-in-law" units with separate kitchens or home office operations for limited business activities.

Policy A.1.6.2 9J-5.006(3)(c)3

Minimize scattered and highway strip commercial by directing commercial development to occur in a planned and compact manner through in-filling within already developed commercial areas as identified on the Future Land Use Map.

Objective A.1.8 9J-5.006(3)(b)9; F.S. 187.201(16)(b)3

Upon Plan adoption, The City shall establish a program that provides the means for innovative development planning. The end goals of the program are to provide:

- Flexibility and efficiency in site design to reduce infrastructure costs, improve interior circulation patterns, and promote open space;
- Development that is adapted to natural features in the landscape such as wetlands, vegetation and habitat, and which avoids the disruption of natural drainage patterns; and
- A mix of land use to promote convenience in the location of related uses and to reduce travel congestion and costs.

FUTURE LAND USE ELEMENT

Policy A.1.3.2 91-5.006(3)(c)2, 7

By June 2008, the Building Official shall review the City's Zoning Code and Subdivision Regulation to ensure that current buffering and separation standards between land uses of different densities or intensities of use remain sufficient to ensure compatibility between uses, or mitigate the effects of more dense / intense uses on less dense / intense uses.

Issues of compatibility shall include considerations for noise, sight, and level of traffic generation. The primary tool of ensuring capability between land uses shall be the Future Land Use Map and the elimination of non-conforming land uses. Other techniques shall include:

Noise and sight incompatibility -- screening by either a 6' solid physical wall or landscape plantings to reach, within 18 months, a height of at least 5 feet and an opacity of 80 percent.

CONSERVATION ELEMENT

Policy E.1.2.14

By June 1, 2009, the City shall amend its land development regulations by adopting a landscape irrigation and Xeriscape ordinance based on "Standards for Landscape Irrigation in Florida."

Policy E.1.2.17

New development shall utilize and/or preserve native vegetation, or use drought-resistant plants for landscaping to the greatest practicable extent. Native or drought tolerant plants include, but are not limited to those in the Florida Native Plant Society's Native Plants for Landscaping in Florida, or comparable guidelines.

LANDSCAPING AND TREE PROTECTION (ZONING CODE ARTICLE VI)

- (1) Improve the aesthetic appearance of commercial, governmental, industrial and residential areas through the incorporation of landscaping into development in ways that harmonize and enhance the natural and manmade environment.
- (2) Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including:
 - a. Improving air and water quality;
 - 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. *Promoting energy conservation through the creation of shade, thereby reducing heat gain in or on buildings or paved areas;*
 - e. *Reducing the temperature of the microclimate through the process of evapotranspiration; and*
 - f. *Encouraging the conservation of water through the use of site-specific plants, various planting and maintenance techniques, and efficient watering systems.*
- (3) *Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.*
 - (4) *Establish procedures and standards for the administration and enforcement of this section.*
 - (5) *Promote creative site development concepts in order to promote water and energy conservation.*
 - (6) *Increase and maintain the value of land by requiring a minimum amount of landscaping to be incorporated into development.*
 - (7) *Preserve existing natural trees and vegetation and incorporate native plants, plant communities and ecosystems into landscape design where possible by promoting landscaping methods that provide for the preservation of existing plant communities.*
 - (8) *Assist in public information, the education of its citizens, and the effective implementation of this article.*

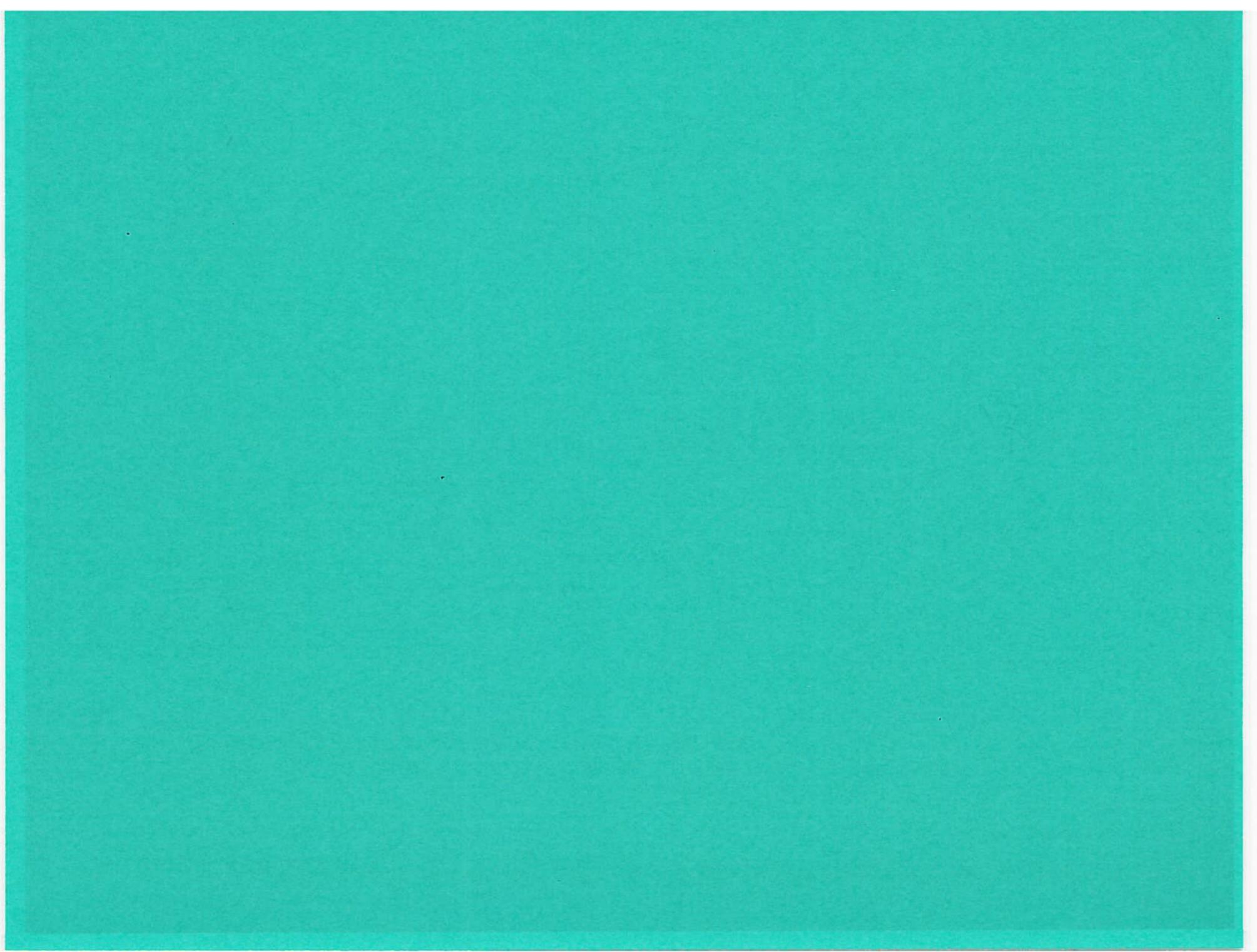
STAFF RECOMMENDATION

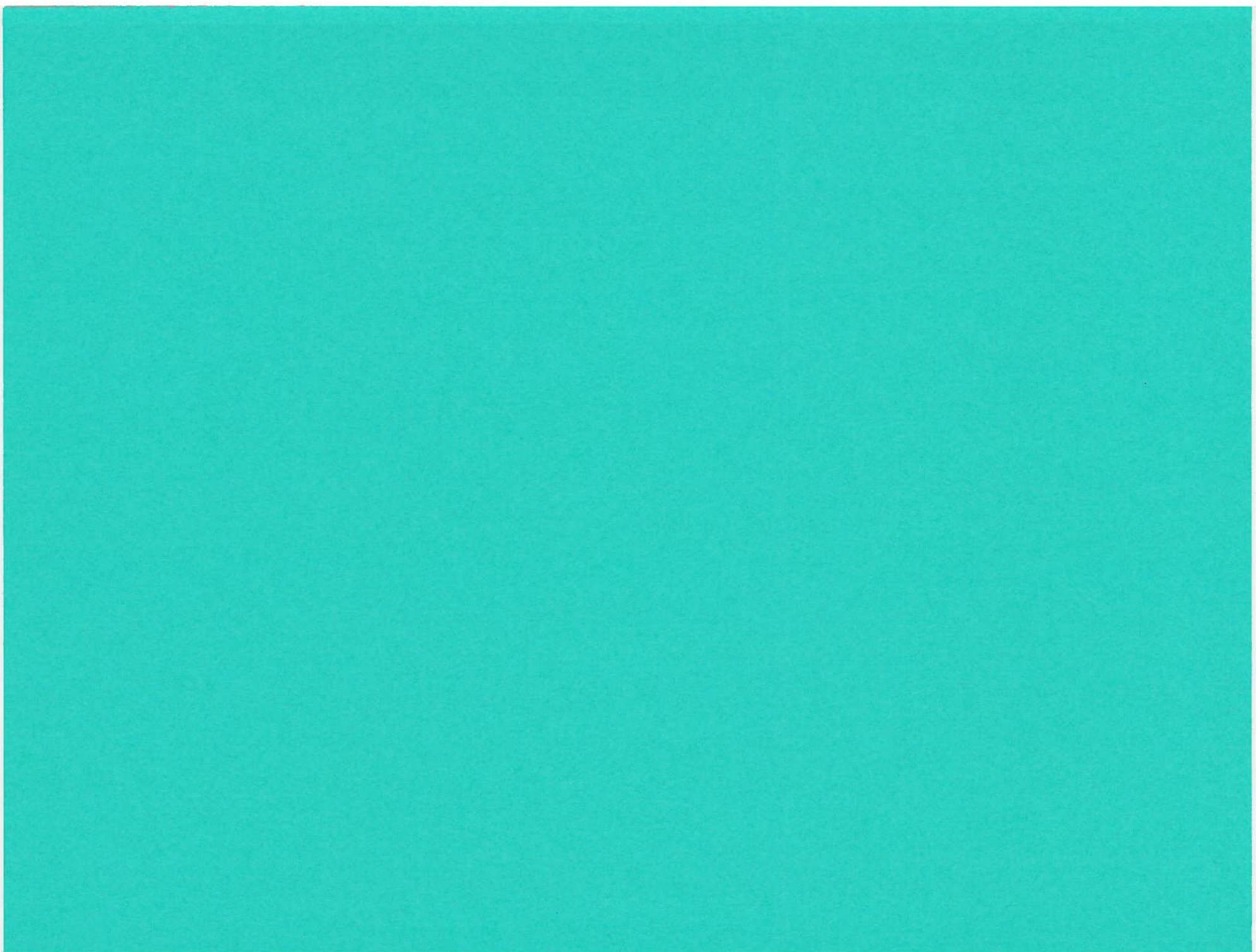
Staff recommends approval of Case 13-12 revising specific sections of Zoning Code Article VI and VII as paraphrased below and detailed in the attached revised ordinance.

1. Various non-substantive revisions.
2. Elimination of exemption from tree protection ordinance for existing or planned recreation facilities and areas within 10 feet of an existing or planned building foundation. (Page 4, Tree Preservation)
3. Providing a sliding scale for tree mitigation that starts with 33% replacement of removed tree DBH inches (trunk diameter at breast height, which is how tree size is measured) above a point at which 30% of tree DBH is removed, and then increases beyond the 30% removal stage at a rate of one-half inch DBH replacement for each DBH inch of removed trees up to a required 68% DBH replacement at 100% tree removal. (Page 6, Tree Preservation)
4. Prohibition of mesh fence and tape for tree preservation barricades. (Page 7, Tree Preservation)
5. Pruning standards to ensure health and survival of required vehicle use area and buffer trees. (Page 8-9, Tree Preservation)
6. Reduction of new canopy tree size from ten to eight feet in height. (Page 9, Tree Preservation)
7. Increase from 25 to 50 square feet of landscaping per 500 square feet of paved area. (Page 13, Tree Preservation)
8. To allow for better required tree health, increase of parking lot landscape island width from five to nine feet and from 100 to 160 square feet in size. (Page 13, Tree Preservation)
9. Flexibility to allow for substitution of existing large trees for new vehicle use area trees when the existing trees provide same or higher levels of shade and aesthetic appeal. (Page 13, Tree Preservation)

10. One canopy tree planted in each landscape island, unless trees in adjacent landscape areas will provide equal or increased parking lot shade – note that this standard is currently enforced and this provision is for clarification. (Page 13, Tree Preservation)
11. Xeriscaping standard to require that vehicle use area trees be low or medium water use zone trees. (Page 14, Tree Preservation)
12. Reduction of number of unbroken spaces without landscape island from 12 to 10, to allow for more parking lot shade. (Page 14, Tree Preservation)
13. Ability to transfer required landscaping out of car dealer storage areas and other vehicle display and storage areas to other parts of the site. (Page 14, Tree Preservation)
14. Planting of stormwater areas and integration of such areas into landscaped area. (Page 14, Tree Preservation)
15. Terminal landscape islands required at each parking row end. (Page 14, Tree Preservation)
16. Consolidation/clarification of corner visibility rules. (Page 15, Tree Preservation)
17. Tree committee on case-by-case basis to decide if non-native plants can be used for parking lots, streetyards, and buffers for nonresidential and multi-family development. (Page 14, Tree Preservation)
18. Proportional and incremental compliance with required vehicle use area trees, roadway trees, and uncomplimentary use buffers for noncompliant commercial or multi-family properties, triggered by conditional use, expansion, and change of use. (Page 2-3, Buffering Standards)
19. Conditional uses only to provide uncomplimentary use buffers adjacent to single-family uses and one streetyard tree per 4,000 square feet of parking area. Multi-tenant uses to provide landscaping that is proportional to their share of total building space. (Page 2, Buffering Standards)
20. Additions and expansions of building or parking lot area provide proportional landscaping requirements. (Page 3, Buffering Standards)
21. Buffer tree spacing can be averaged for strategic shading and aesthetics. (Page 8, Buffering Standards)
22. Delineation of buffer types (from least to most intensive landscaping): default buffer, vehicular use area buffer, roadway buffer, streetyard, and uncomplimentary use buffer. (Page 8-9, Buffering Standards)
23. Consolidation of multiple buffer tables into one table only addressing uncomplimentary uses (low impact uses affected by high impact uses). (Page 10, Buffering Standards)
24. Multi-purpose buffering allowed to avoid duplicate required buffers when code intent is met. Tree spacing can be averaged. (Page 10, Buffering Standards)
25. Practical impediments to tree planting allow for off-site mitigation by developers through tree fund. Tree spacing can be averaged. (Page 12, Buffering Standards)
26. Tree committee to hear appeals or alternative methods of meeting ordinance intent. Tree spacing can be averaged. (Page 13, Buffering Standards)

ATTACHMENTS: PROPOSED ORDINANCES (MARKED UP VERSIONS AND CLEAN COPIES)
TREE SCHEMATICS
“BENEFITS OF TREES”





ARTICLE VI. – LANDSCAPING AND TREE PROTECTION 1
Sec. 94-291. – Intent and general policy 1
Sec. 94-292. – Definitions 2
Sec. 94-293. – Tree committee 3
Sec. 94-294. – Tree protection 4
Sec. 94-295. – General landscape requirements 8
Sec. 94-296. – Specific landscape requirements 12
Sec. 94-297. – Approved plant list 15

ARTICLE VI. – LANDSCAPING AND TREE PROTECTION

Sec. 94-291. – Intent and general policy.

It is the intent of this article to promote the health, safety and welfare of the current and future residents of the city by establishing minimum standards for the installation and continued maintenance of landscaping and the protection of trees within the city in order to:

- (1) Improve the aesthetic appearance of commercial, governmental, industrial and residential areas through the incorporation of landscaping into development in ways that harmonize and enhance the natural and manmade environment.
- (2) Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including:
 - a. Improving air and water quality;
 - 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. Promoting energy conservation through the creation of shade, thereby reducing heat gain in or on buildings or paved areas;
 - e. Reducing the temperature of the microclimate through the process of evapotranspiration; and
 - f. Encouraging the conservation of water through the use of site-specific plants, various planting and maintenance techniques, and efficient watering systems.
- (3) Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.
- (4) Establish procedures and standards for the administration and enforcement of this section.
- (5) Promote creative site development concepts in order to promote water and energy conservation.
- (6) Increase and maintain the value of land by requiring a minimum amount of landscaping to be incorporated into development.
- (7) Preserve existing natural trees and vegetation and incorporate native plants, plant communities and ecosystems into landscape design where possible by promoting landscaping methods that provide for the preservation of existing plant communities.
- (8) Assist in public information, the education of its citizens, and the effective implementation of this

1 underlined text indicates proposed & substantively new code language
Underlined highlighted text indicates existing code language that has been moved or paraphrased

article.

(Code 1981, app. C, § 26-7(6))

Sec. 94-292. – Definitions.

For purposes of this article, the following definitions shall apply:

Bona fide agricultural purposes means good faith commercial or domestic agricultural use of the land, any such determination of which shall be based upon, but not limited solely to, the following factors:

- (1) The length of time the land will be so utilized.
- (2) Size of the land, as it relates to specific agricultural use.
- (3) Whether such land is subject to a lease, and, if so, the effective length, terms and conditions of the lease.
- (4) The intent of the landowner to sell or convert the land for or to nonagricultural purposes.
- (5) The proximity of the property to existing urban or metropolitan development.
- (6) The productivity of land in its present use.
- (7) The relationship of the property to the comprehensive plan.
- (8) The classification placed upon such lands by the property appraiser pursuant to F.S. § 193.461.
- (9) The current zoning classification of such lands.

Buffer yard or strip means a strip of land, identified on a site plan or by zoning requirement, established to protect one type of land use from another land use that may be incompatible. The area is landscaped, maintained and kept in open space.

Caliper means the diameter of a tree measured six inches off the ground.

Crown means the main mass of branching of a plant above ground.

DBH means diameter at breast height, or the diameter of a tree measured 4½ feet above the ground level.

Developed area means that portion of a plot or parcel upon which a building, a structure, surface drive area, gravel or landscaping has been placed.

Development means any proposed material change in the use or character of the land, including but not limited to land clearing associated with new construction, the placement of any structure or site improvement on the land, or expansion of existing buildings.

Dripline means a vertical line extending from the outermost branches of a tree to the ground.

Ecosystem means a characteristic assemblage of plant and animal life with a specific physical environment, and all interactions among species and between species and their environment.

Exceptional specimen tree means any tree which is determined by the city commission to be of unique and intrinsic value to the general public because of its size, age, historic association or ecological value, or any tree designated a Florida State Champion, United States Champion or World Champion by the American Forestry Association. The building and zoning department shall keep a record of all specimen trees so designated and their location.

Frontage means the linear distance measured along all abutting street rights-of-way.

Ground cover means low-growing plants planted in such a manner as to form a continuous cover over the ground (not including grass).

Hedge means a landscape barrier consisting of a continuous dense planting of shrubs.

Irrigation system means a permanent artificial watering system designed to transport and distribute water to plants.

Landscape area means planted areas that are frequently maintained by mowing, irrigating, pruning, fertilizing, etc.

Landscape development means trees, shrubs, ground cover, vines or grass installed in planting areas for the purpose of fulfilling the requirements of this section, or an unenclosed area of land in which landscape materials are placed, planted and maintained.

Landscape plan means a scale drawing that indicates all planting areas, and existing and proposed plant materials, designating species, quantity and location.

Landscaping means any combination of living plants (such as grass, ground cover, shrubs, vines, hedges or trees) and nonliving landscape material (such as rocks, pebbles, sand, mulch, walls or fences).

Mulch means nonliving organic materials customarily used in landscape design to retard erosion and retain moisture.

Open space means all areas of natural plant communities or areas replanted with vegetation after construction, such as revegetated natural areas, tree, shrub, hedge or ground cover planting areas, and lawns; and all other areas required to be provided as natural ground and landscaping pursuant to this chapter.

Planting area means any area designed for landscape planting having a minimum of ten square feet of actual plantable area and a minimum inside dimension of 18 inches on any side.

Protected tree means any tree with a DBH greater than or equal to eight inches.

Relocation of a tree means an act to relocate a tree being removed to an appropriate new location on the site.

Removal of a tree means physical removal by mechanical methods, such as excavation, chain saw and stump removal.

Runoff water means water which is not absorbed by the soil or landscape to which it is applied and flows from the area.

Shrub means a self-supporting woody, deciduous, evergreen perennial and/or flowering species characterized by multiple stems and branches arising from a main root.

Street line means that line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the street.

Streetward means the area between a street property line and the front wall of a building.

Trees means self-supporting woody perennial plants, having usually single self-supporting trunks, which normally grow to a minimum overall height of 15 feet and a mature crown spread greater than 15 feet. These trunks shall be clear of branches and limbs so that both trunk and canopy are distinct.

Vehicle means a form of transportation, including motorized and nonmotorized vehicles designed and required to be licensed for use upon a highway in the state.

Vehicle use areas means any surface drive areas (except public rights-of-way) used for the purpose of driving, parking, storing or display of vehicles, boats, trailers or mobile homes, including new and used car lots and other open lot uses. Parking structures, drive-in parking areas covered to the dripline of the covering, and garages shall not be considered as vehicle use areas.

Vines means any of a group of woody or herbaceous plants which may climb by twining, by means of aerial rootlets or by means of tendrils, or which may simply sprawl over the ground or other plants. (Code 1981, app. C, § 26-7(6))

Cross reference— Definitions generally, § 1-2.

Sec. 94-293. – Tree committee

The mayor shall appoint a tree committee consisting of one commissioner and six citizens who will serve at the pleasure of the commission. **The tree committee shall advise city staff, advisory boards, and the city**

3 underlined text indicates proposed & substantively new code language

 Underlined highlighted text indicates existing code language that has been moved or paraphrased

commission on issues pertaining to tree preservation and landscaping standards.

(Code 1981, app. C, § 26-7(6); Ord. No. 98-6, § 1, 2-26-1998)

Sec. 94-294. – Tree protection

(a) *Applicability.* The provisions of this section shall apply to all protected and preserved trees within the city, unless specifically exempted in this subsection.

(b) *Removal of protected trees prohibited; exceptions.*

- (1) No person, or any agent or representative thereof, directly or indirectly, shall cut down, remove, damage or destroy or shall authorize the cutting down, removal, damage or destruction of any protected tree as defined in section 94-292 of this section, or shall commit any act or authorize the commission of any act which physically removes a protected tree or causes a tree to die, such as damage inflicted upon the root system by heavy machinery, chemicals or paving, changing the natural grade above the root system, and tree damage permitting infection or pest infestation, without first having obtained a permit as provided in subsection (c) of this section and providing tree protection as provided in subsection (d) of this section.

(2) The following protected trees are exempted from the provisions of this section:

- a. Any tree located on any property which contains a single-family dwelling or a mobile home.
- b. Any tree located on any property zoned R-1AA, R-1A or R-1.
- c. Any tree located on any property which is in use for bona fide agricultural purposes.
- d. Any tree located in botanical gardens or in state-approved government nurseries and groves which are grown for sale or public purpose.
- e. Any tree that poses imminent danger to the public health, welfare or safety, and requires immediate removal without delay. In such instance, verbal authorization to remove a protected tree may be given by the city manager or his designee.

NO JUSTIFICATION
FOR THESE
EXEMPTIONS. TREE
LOSS SHOULD BE
MITIGATED.

~~f. Any tree located on an existing or planned public recreation facility.~~

~~g. Any tree located on all real property in areas inside and up to ten feet from an existing or proposed building foundation line.~~

- h. Any tree that an ~~local~~ electric company determines is an immediate or potential threat or hazard to existing or planned power lines.
- i. Any dead or ~~dying~~ tree, scrub oak, Melaleuca spp., poison wood, camphor tree or Australian pine.

(3) During the period of an emergency such as a hurricane, flood or other natural disaster, the requirements of this subsection may be temporarily waived by the city manager so that private or public work to restore order in the city will in no way be hampered.

(c) *Permit for removal, relocation or replacement of protected trees.*

- (1) Permits for site clearing and the removal or relocation of a protected tree shall be obtained by filing an application with the building and zoning department. Approval of the

4 underlined text indicates proposed & substantively new code language

Underlined highlighted text indicates existing code language that has been moved or paraphrased

- application and issuance of a permit by the building and zoning department shall be required prior to any land clearing or grubbing, prior to any disturbance of the root system or site development, or prior to the occurrence of any changes to an existing developed site. The site shall be inspected to ensure compliance with the approved site plan prior to any additional permits being issued. Applications for site clearing and tree removal or relocation shall include the following: A site plan, at a scale which clearly illustrates the requirements of this section, showing the lot configuration; the location and identification of existing and proposed improvements, if any, including structures, water retention areas, paving grade changes, utilities, easements and street rights-of-way or approved private streets; and the location and identity, by botanical or common name and caliper, of protected trees to be removed, relocated or retained.
- (2) An application for a permit for site clearing or for removal or relocation of a protected tree with a DBH of 36 inches or less shall be reviewed by the building and zoning department, and a decision shall be made thereon within five working days after receipt of such application or concurrent with building permit application review.
- (3) An application for a permit for removal or relocation of a protected tree with a DBH greater than 36 inches or a specimen tree shall be reviewed by the planning board at the first available meeting of the planning board.
- (4) The approval, conditional approval or denial by the building and zoning department or planning board of an application for a tree removal permit, as required by this section, shall be based on the following criteria:
- a. The extent to which tree removal decreases aesthetic and environmental quality, land values and physical benefits to human beings.
 - b. The necessity to remove trees which pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption to public services.
 - c. The necessity to remove trees which pose a safety hazard to buildings or other trees.
 - d. The necessity to remove diseased trees or trees weakened by age, weather, storm, fire or acts of God or which are likely to cause injury or damage to people, buildings or other improvements on a lot or parcel of land.
 - e. The extent to which tree removal is likely to result in damage to the property of other owners, public or private, including damage to lakes, ponds, streams or rivers through runoff or erosion.
 - f. The proposed landscaping, including plans whereby the applicant has planted or will plant perennial vegetative cover to replace those trees which are proposed to be cleared.
 - g. The topography of the land and the effect of tree removal on erosion, soil retention, and the diversion or increased flow of surface water.
 - h. Construction of proposed improvements to allow access around the proposed structure for construction equipment, access to the building site for construction equipment, or essential grade changes.
 - i. The land use and natural vegetative ground coverage of surrounding property.
 - j. The extent of any damage or hardship to the applicant resulting from a denial of the requested permit.
 - k. The species and size of the tree proposed for removal.
- (5) Any relocation of trees in compliance with this section shall be performed in accordance

with accepted industry practices, including watering to ensure survival of transplanted stock.

(6) Tree removal mitigation. Development requires reasonable levels of tree removal to accommodate buildings, parking, stormwater detention and other development elements. The following standards apply to tree removal mitigation.

- a. Removal of less than 30% of protected tree DBH is allowed without penalty.
- b. Removal of 30% of protected tree DBH requires replacement of 33% of removed protected tree DBH.
- c. Removal of more than 30% of protected tree DBH requires replacement of 0.5% of each removed DBH point over 30%.

d. Mitigation replacement may include planted trees, unprotected (smaller) trees, or transplanted trees. Protected trees identified for removal on the site clearing or tree removal application shall be replaced with new planted trees, unprotected trees or transplanted trees. Protected live oaks (Quercus virginiana) and all trees with a DBH greater than 36 inches removed shall be replaced only with live oaks. The total DBH inches of replacement live oaks shall equal two-thirds of the total DBH inches of protected live oaks and trees with a DBH greater than 36 inches removed (i.e., one 12-inch live oak removed could be replaced with two four-inch live oaks (8/12 equals two-thirds)). For other removed protected trees, the total DBH inches of replacement trees shall equal one-third of the total DBH inches removed (i.e., one 12-inch tree removed could be replaced with one four-inch tree (4/12 equals one-third). When there is significant loss of mature tree canopy or specimen trees on a particular site, the size of replacement trees may be increased by up to twice the minimum DBH by the building department in order to compensate for that loss.

If multi-trunked trees are used as replacement trees, then the total caliper of the four largest trunks shall equal the replacement DBH. New palms may be used only to replace protected palms removed. Replacement species used shall be approved by the building and zoning department. No replacement will be required for protected trees which are determined by the building and zoning department to be dead or deteriorated as a result of age, insects, disease, storm, fire, lightning or other acts of nature.

a. ~~New replacement trees shall meet the minimum standards for landscape materials established by section 94-295(b).~~

b. Existing smaller trees which are not protected trees, but which are either transplanted or not removed, may be utilized to satisfy tree replacement requirements, consistent with city landscaping requirements contained in sections 94-295 and 94-296

MITIGATION STARTS AT 30% DBH REMOVAL, WITH 33% REPLACEMENT OF REMOVED TREES, AND GOES UP 0.4% FOR EVERY ADDITIONAL DBH OF REMOVED TREES, UP TO A HIGH OF 68% REPLACEMENT (AT REMOVAL OF ALL PROTECTED TREES).

MITIGATION RATIO SHOULD BE APPLIED ACROSS THE BOARD FOR CONSISTENCY PURPOSES. NO PREFERENCE FOR LIVE OAKS.

- ef.** Existing protected trees which would otherwise be removed from the site because of development may be utilized to satisfy tree replacement requirements if transplanted to a location on the site which meets the landscaping requirements contained in sections 94-295 and 94-296
- dg.** If protected tree removal is associated with new development, the name, size and location of all replacement trees shall be shown on the required landscape plan and such trees shall be installed prior to the final building inspection. Otherwise, the name, size and location of the required replacement trees shall be shown on the site plan required for site clearing or tree removal and such trees shall be installed within the time limit stated on the site clearing or tree removal permit.
- eh.** Existing nonprotected trees, transplanted trees and new trees used for replacement become protected trees.
- f.** ~~Replacement trees shall be maintained pursuant to the requirements of section 94-295(b), pertaining to installation and maintenance.~~
- g.** ~~Replacement trees may be used to satisfy the tree requirements of sections 94-295 and 94-296.~~
- hi.** A tree used for replacement shall be at least ten feet from any other tree planted, transplanted or preserved.
- (d) *Tree protection during development.* All protected trees, and trees retained for tree credit under this section, shall be protected from injury during any land clearing or construction in the following manner:
- (1) Prior to any land clearing operations, tree limbs which interfere with construction shall be removed and temporary barriers shall be installed around all trees to remain within the limits of land clearing or construction and shall remain until the completion of the work. The temporary barrier shall be at least three feet high, shall be placed at least six feet away from the base of any tree, and shall include at least 50 percent of the area under the dripline of any protected tree retained for tree credit. The barrier shall consist of either a wood fence with two-by-four posts placed a maximum of eight feet apart with a two-by-four minimum top rail, ~~or a temporary wire mesh fence,~~ or other similar substantive barrier which will limit access to the protected area.
- (2) No materials, trailers, equipment or chemicals shall be stored, operated, dumped, buried or burned within the protected areas. No attachment, wires (other than protective guy wires), signs or permits shall be attached to a protected tree.
- (e) *Correction of violations; appeals; permit fee.*
- (1) *Correction of violations.* A violation of this section shall be corrected as follows: By replacing the protected trees removed without a permit with new planted trees, unprotected trees or transplanted trees. The total DBH inches of replacement trees shall equal the total DBH inches removed (i.e., one 12-inch tree removed could be replaced with three four-inch trees). A tree replanting plan showing how the damage caused to the site by the violation will be mitigated shall be subject to the review and approval of the building and zoning department. No work shall be allowed on the property where the violation occurred without payment of required fees and approval of the tree replanting plan.
- (2) *Appeals.* A person aggrieved by an administrative order, determination or decision of the

MESH FENCE/TAPE
ARE INEFFECTIVE
AND ARE TYPICALLY
PUSHED ASIDE

building and zoning department may appeal the order, determination or decision to the board of zoning appeals for a variance from the requirements of this subsection.

- (3) *Permit fee.* The fee for a site clearing and/or tree removal/relocation permit shall be as set out in appendix A to this Code, as amended from time to time.

(Code 1981, app. C, § 26-7(6))

Sec. 94-295. – General landscape requirements

- (a) *Scope.* This section shall apply to all multifamily development of three or more units, and nonresidential development. In those instances where a structure is enlarged or a change of use occurs so that an increase in required parking or loading results under this chapter or any other city ordinance, landscaping shall be provided in accordance with this section and section 94-296. All areas and uses which require landscaping shall meet or exceed the general landscaping requirements in this section, which shall be considered complementary to the landscaping provisions of any other city ordinance.

- (b) *Installation and maintenance.* The installation and maintenance of landscaping shall be subject to the following:

- (1) *Installation.* All landscaping shall be installed according to accepted commercial planting procedures. All landscape areas shall be protected from vehicular encroachment by wheel stops or curbing. If curbing is used abutting landscaped areas, it shall be perforated to permit drainage from the surface drive area into the landscaped areas. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement and shall be removed after 12 months. Topsoil with a depth sufficient to ensure plant survival shall be provided. No canopy trees shall be planted within 20 feet of overhead wires.

- (2) *Maintenance; ~~trimming of branches extending over public right-of-way.~~*

- a. Landscapes condition. The owner of a property with landscaping required by this Code shall be responsible for the maintenance of all landscaping in good condition so as to present a neat, healthy and orderly appearance free of refuse and debris. Succeeding owners, lessees, and agents must also reasonably maintain the buffers. The penalty for failing to install or maintain the required buffer areas is outlined in the administration and enforcement section of this article.

- b. Irrigation. All landscaped areas shall be provided with an irrigation system. This system shall consist of either an underground or exposed sprinkler equipped with a time or manual switch and/or a readily available water supply outlined on a landscaping plan, ~~as required by section 94-296(d).~~ Maintenance shall include the prompt replacement of all dead plant material. Plantings shall be grouped according to the water use zones shown in Table 297-A.

- c. Pruning and trimming. Trees required within nonresidential or multi-family development as shade/canopy trees in parking lots and roadway buffers or screening elements in buffers shall be pruned only as necessary to promote uniform healthy growth. Trees shall be allowed to attain their natural size. Trees may be pruned to remove diseased or dying portions in areas

GROUPING OF
PLANTINGS
ACCORDING TO WATER
ZONE PROVIDES FOR
BETTER PLANT
HEALTH.

PRUNING STANDARDS
PROMOTE TREE
HEALTH AND SAVE
COSTS ON
REPLACEMENT OF
DEAD AND DAMAGED
LANDSCAPING.

where falling limbs may be a hazard to people or property. Lower limbs and suckers may be selectively removed to provide clearance for pedestrians. In addition, trees located in association with vehicular use areas shall also be pruned to allow for a clearance of ten feet from ground level to avoid potential for damage or injury to vehicles and pedestrians. However, excessive pruning or pollarding of trees into round balls of crown or branches, which results in an unnecessary reduction of leaf mass shall be prohibited. Severe cutting back of lateral branches and canopy or topplings or hatracking trees is expressly prohibited. Pruning restrictions shall not apply to trees under power lines. Pruning cuts shall be made just outside the branch collar, identified as the swelling where a branch joins the trunk of a tree.

ed. Maintenance of vegetation over right-of-way. It shall be the duty of the owner, lessee or occupant, or the agent, representative or employee of any such owner, lessee or occupant, having control of any lot or parcel of real estate in the city, to maintain and control the limbs and foliage of trees and shrubs extending over the public right-of-way. Limbs and foliage are to be trimmed so as to provide clearance of at least ten feet above sidewalks and public rights-of-way, and of at least 14 feet over public streets and roadways. This subsection shall apply to all trees on private property, as well as to all trees planted by the owner, lessee or occupant, or the agent, representative or employee of any such owner, lessee or occupant, whether located on private property or located between private property lines and the street curb or edge.

de. The Department of Building and Zoning shall be responsible for enforcement of landscape maintenance standards.

(c) Plant materials. Plant materials within both vehicle use areas and buffers as required by Article VII are subject to the following:

(1) Quality. All plant material shall meet American Association of Nurserymen Standards.

Plant materials used in conformance with the provisions of this subsection shall conform to the standards for Florida Grade No. 1 or better as given in Grades and Standards for Nursery Plants, Part I, and current edition, Part II, State of Florida Department of Agriculture and Consumer Services, Tallahassee, or equal thereof. Plant materials determined as not meeting these standards shall not be counted towards meeting the required amount of landscape materials.

(2) Trees.

a. Canopy trees. Required Trees planted for credit under section 9-295(d) shall be a minimum of ~~ten~~ eight feet in height and two inches DBH, when measured immediately after planting. In the case of palms, the required measurement shall be six feet from ground level to the base of palm fronds.

b. Understory trees. Understory trees shall be a minimum of four feet in height and one-and-one-half DBH. For the purpose of this subsection, two palm trees shall equal one ~~tree credit~~ understory tree. Trees shall be planted in planting areas having a minimum

NEW LANGUAGE
IMPORTED FROM
BUFFER SECTION, AS IT
FITS BETTER IN THIS
SECTION.

area of 25 square feet with a minimum distance of 2½ feet measured from the center of the tree trunk to the near edge of the landscape area.

- (3) *Shrubs.* Shrubs shall be a minimum of 24 inches high and 15 inches wide upon installation. ~~Shrubs or ornamental grasses planted to form hedges shall be an evergreen species. Shrubs and ornamental grasses planted to form hedges shall be planted no further apart than 30 inches on center. Shrub species not commonly available from commercial nurseries that do not meet these requirements upon installation, but which will achieve required height and mass, may be used at the discretion of the building department. Good cause must be shown, with the burden of proof upon the applicant.~~

PLANT LIST (TABLE 297-A) ELIMINATES THE NEED FOR THIS PROVISION AS IT LISTS ACCEPTABLE SHRUB SPECIES.

- (4) *Vines.* Vines shall be a minimum of 30 inches in height six months after planting and should be used in conjunction with fences, screens or walls to meet physical barrier requirements as specified.
- (5) *Ground covers.* Ground covers other than grass shall be planted in such a manner as to present a finished appearance and reasonably complete vegetative coverage within six months after planting.

- (6) *Lawn grass.* Ground cover of vegetative matter shall be provided throughout the buffer area except in undisturbed natural vegetation areas. If grass is used, it shall be of a species normally grown as permanent lawns in the vicinity of Palatka, Florida. Grass areas may be sodded, plugged, sprigged or seeded. Solid sod grass shall be used in swales or other areas subject to erosion.

- (7) *Permanent architectural planters.* The use of permanent architectural planters and tree grates may be permitted in fulfillment of landscape requirements when physical constraints that are not self-created limit the use of landscape areas. Such architectural planters shall contain not less than be at least ten square feet in size and shall have a depth of not less than 15 inches.

- (8) *Mulching or covering of planting areas.* All planting areas shall be covered with grass or other ground cover (including inanimate materials such as bark, etc.) where not otherwise landscaped. Mulch is required in all shrub beds. All other planting areas shall be covered with grass or ground cover.

~~(9) *Trees not eligible for landscape credit.* The following trees are not native Florida tree species. They typically out-compete and cause the decline of native trees and have a high susceptibility to wind and cold damage. They are discouraged from use in landscaping in an effort to prevent additional distribution of the trees in the area. They may be used for landscaping, but will not count towards landscaping requirements noted in this section:~~

- ~~a. Fallow tree (Chinese tallow tree)~~
- ~~b. Camphor tree~~
- ~~c. Australian pine~~
- ~~d. Melaleuca (pauk tree)~~

WEIGHTED CREDIT IS INCENTIVE TO KEEP EXISTING TREES AND THUS

- (d) *Credit for new trees and existing trees.*
~~(1) *New trees.* Credit shall be given for each tree in accordance with the schedule which follows: Each new tree must be planted in a landscaped area of not less than 25 square feet. To ensure the proper development of the tree's crown, no canopy trees counted as credit shall be planted closer than 15 feet on center. Chinese fan and cabbage (sabal) palms~~

10 underlined text indicates proposed & substantively new code language
Underlined highlighted text indicates existing code language that has been moved or paraphrased

(2) ~~counted as credit shall be planted with a minimum of two plants to an area. A credit of one tree shall be allowed for every two palms. Existing trees. Existing native and healthy trees which are retained and preserved shall be credited against required buffer and vehicle use area trees upon written determination by the building and zoning department that such trees serve the same or higher purpose than would new trees in terms of providing shade and aesthetic appearance. This credit includes multiple trees which by benefit of their size or location provide the shade that is equivalent to several newer and smaller trees. After the loss of such credited trees, the property owner must provide replacement trees according to code in specific landscape areas, receive credit against the landscape area requirements according to the following schedule:~~

ALLOWS FOR FLEXIBILITY
 AND COST SAVINGS BY
 ALLOWING LARGE,
 EXISTING TREES TO
 SUBSTITUTE FOR MULTIPLE
 SMALL, NEW TREES

Inches DBH	Credits
2 to less than 7	1
7 to less than 12	2
12 to less than 20	3
20 or more	4

These credits shall apply where the preserved tree is in a planting area in which the area's least dimension is one-half of the radius of the crown spread of a tree up to ten feet, measured from the trunk center, and where no substantial grade changes within the landscape area are anticipated. In no case shall this least dimension be less than 2½ feet. To receive credit for trees, the applicant must submit a site plan locating all existing trees and indicating size and species. All trees retained for credit must be protected during all phases of construction, as set forth in subsection (c) of this section, pertaining to tree protection.

- (39) ~~Trees not eligible for landscape credit. The following trees are not native Florida tree species. They typically out-compete and cause the decline of native trees and have a high susceptibility to wind and cold damage. They are discouraged from use in landscaping in an effort to prevent additional distribution of the trees in the area. They may be used for landscaping, but will not count towards landscaping requirements noted in this section:~~
- a. Tallow tree (Chinese tallow tree).
 - b. Camphor tree.
 - c. Australian pine.
 - d. Melaleuca (pauk tree).
- (43) ~~Ratio of required trees. The ratio of required trees is as follows:
 Canopy trees = 50 percent minimum.
 Understory trees = 50 percent maximum.
 Palms = 15 percent maximum.~~

(Code 1981, app. C, § 26-7(6))

Sec. 94-296. – Specific landscape requirements.

(a) Buffer zones.

(1) A buffer zone is a landscaped strip along parcel boundaries that serves as a buffer between incompatible uses and zoning districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirements.

(2) The width and degree of vegetation required depends on the nature of the adjoining thoroughfares and uses. The standards of subsections (a)(3) and (4) of this section prescribe the required width and landscaping of all buffer zones.

(3) The standards for buffer zones are set out in the following illustrations that specify the number of plants required per 100 linear feet. To determine the total number of plants required, the length of each side of the property requiring a buffer shall be divided by 100 and multiplied by the number of plants shown in the illustration. The plants shall be spread reasonably evenly along the length of the buffer. THIS SECTION MOVED TO BUFFER SECTION

MINIMUM REQUIRED BUFFERS – ADD FIGURE page 1712.17

(4) The standards in subsection (a) of this section shall be applied between abutting parcels as follows:

The standards in subsection (a) of this section shall be applied between abutting parcels as follows:

Use of Adjacent Parcel	Use of Parcel Being Developed							Public ROW
	Single Family Subdivision	Multifamily	Office	Commercial	Industrial	Institutional	Public ROW	
Single-family	None	A	B	B	C	B	B	None
Multifamily	None	None	A	B	B	A	A	None
Office	None	None	None	A	B	A	A	None
Commercial	None	None	None	None	B	A	A	None
Industrial	None	None	None	None	None	A	A	None
Institutional	A	A	A	A	B	None	None	None
Public ROW	A	A	A	A	A	A	A	None

THIS SECTION MOVED TO BUFFER SECTION

MULTIPLE BUFFER TABLES CONSOLIDATED INTO ONE TABLE IN BUFFER SECTION

(5) Buffering for mixed use developments shall be based on the more intense use in the building or cluster of buildings.

(6) If a developer proposes to landscape a buffer zone with existing native vegetation, a variance from the strict planting requirements of this subsection may be granted by the building department if:

a. The variance is necessary to prevent harm to the existing native vegetation; and

b. ~~The buffering and/or aesthetic purposes of the buffer zone are substantially fulfilled despite the variance.~~

(7) ~~Responsibility for providing buffer zones:~~

a. ~~The desired width of a buffer zone between two parcels is the sum of the required buffer zones of the parcels. Where a new use is proposed next to an existing use that has less than the required buffer zone for that use, an inadequate buffer zone will be tolerated, except as provided in this subsection, until the nonconforming parcel is redeveloped and brought into conformity with the buffer zone requirements of this Code. The developer of the new adjoining use is encouraged to take into account the inadequacy of the adjoining buffer zone in designing the site layout of the new development.~~

b. ~~Where a residential use is proposed next to an existing nonresidential use, or a nonresidential use is proposed next to an existing residential use, and the existing use does not have a conforming buffer zone abutting the property proposed for development, the proposed use shall provide 80 percent of the combined required buffer zones of the two uses. Where the existing use has a buffer zone, but such zone does not meet the requirements of this Code, the proposed use may provide less than 80 percent of the combined required buffer zones if the provision of such lesser amount will create a buffer zone meeting 100 percent of the combined required buffer zone of the two uses. The building department shall determine which areas may be counted as buffer zone of the existing use based on the buffering qualities of the areas.~~

(a) ~~Interior Vehicle use area landscaping. Vehicle use. All parking areas shall have interior landscaping to provide visual and climatic relief from broad expanses of pavement, and to direct and define logical areas for pedestrian and vehicular circulation.~~

(1) ~~Minimum open space. Off street parking areas containing five parking spaces or in excess of 1,500 square feet shall contain at least ten square feet of interior landscaping for each parking space. Other vehicular use areas in excess of 1,000 square feet Vehicle use areas shall have a minimum of 25-50 square feet of landscaped area or island for each 500 square feet or fraction thereof of paved area.~~

(2) ~~Landscape areas. Each separate interior landscaped area shall contain a minimum of 100-160 square feet and shall be at least five feet wide the allowable width of a parking space, but exceeding nine feet. A minimum of one canopy tree shall be planted for every 120 square feet of interior landscaping or fraction thereof within each landscape island, with the remaining area adequately planted with shrubs, ground cover or other approved landscaping materials. When it can be demonstrated that preserved or planted canopy trees can effectively shade parking lots in a manner that is equivalent to or exceeds island shade tree planting or preservation, the building and zoning department may approve such alternatives.~~

BEST TO HAVE ONE REASONABLE STANDARD FOR ALL PARKING LOTS.

THE 50-SF STANDARD EQUATES TO A TYPICAL ARRANGEMENT OF PARKING LOT LANDSCAPE ISLANDS.

REQUIRING LANDSCAPE ISLANDS SIZED LIKE PARKING PLACES PROVIDES NEEDED ROOM FOR TREES AND ALSO MAKES PARKING LOT DESIGN FLEXIBLE FOR PLANTING AND PRESERVING TREES.

(4) Xeriscaping. High water use trees, as identified in Table 297-A shall not be allowed for vehicle use area trees due to the need for increased survivability in the harsh conditions of parking lots. Plant types shall be of similar water use zone.

(3) Curbing and wheel stops. All interior landscaping shall be protected from vehicle encroachment by curbing or wheel stops, with cut-outs provided if needed for stormwater entry into landscape areas.

(4) Parking row relief. Interior landscaping shall be located in a manner which will divide or interrupt the broad expanse of paving. Landscaped areas shall subdivide parking areas into parking bays containing a maximum of 50 spaces, provided that no more than 12-10 spaces shall be in an uninterrupted row. Parking rows shall be terminated by landscape areas.

10 SPACE LIMITATION IS
STANDARD AND BETTER
PROVIDES FOR SHADY
PARKING LOTS

(5) Relocation of landscaping. In other vehicular use areas where the strict application of this subsection will seriously limit the function of the area, such as off-street loading areas or vehicle display or storage area, the required landscaping may be located near the perimeter of the paved area in streetyards or buffers. Such required interior landscaping which is relocated shall be in addition to the buffer zone requirements.

RECOGNIZES THAT CAR
DEALERS AND CAR RENTAL
AGENCIES NEED TO
TIGHTLY PARK CARS.

(6) Interior landscaping layout or design shall be reviewed and approved by the building and zoning department.

(b) Use of required landscape areas. No accessory structures, garbage or trash collection points or receptacles, parking, or any other functional use contrary to the intent and purpose of this Code shall be permitted in a required landscape area. This does not prohibit the combining of compatible functions such as landscaping and drainage facilities.

(c) Stormwater facilities shall be planted with appropriate trees and other plantings when practicable.

(d) Landscape plan approval. Appropriate site plans showing proposed landscape development shall be submitted to the city building and zoning department. The site plan shall be drawn to scale normally of not less than one inch equals 30 feet. A different scale may be permitted for good cause shown. Landscape plan review will typically be done concurrent with building permit application review. Amendments or modifications to approved landscape plans shall be reviewed administratively within five working days. Such site plan shall include the following:

IMPROVES ON BARREN
APPEARANCE OF DRY
PONDS.

(1) Plant name, size and location, number, spacing and size upon installation of all trees, shrubs and ground covers.

(2) Existing and proposed landscape areas.

(3) Existing and proposed parking areas, including access aisles, driveways, catchbasins and all vehicular use areas, scaled and/or dimensioned.

(4) An irrigation system, including heads, valves and pump, that provides 100 percent coverage.

- (5) Locations of all existing and/or proposed structures, sidewalks, pools, fences and walls, all applicable utilities services, dumpsters and other improvements, properly dimensioned and referenced to property uses, setback and yard requirements.

~~(e) Sight distance for landscaping adjacent to public right-of-way and points of access. When an accessway intersects a public right-of-way, all landscaping shall provide unobstructed cross-visibility at a level between 2 1/2 and ten feet high within the areas of property on both sides of an accessway formed by the intersection of each side of the accessway and public right-of-way lines, with two sides of such triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides; provided that trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the cross-visibility area shall be allowed; provided they are located so as not to create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three feet to the edge of any accessway pavement.~~

E AND F ARE
DUPLICATE
STANDARDS THAT
SHOULD BE
COMBINED

- ~~(f) Corner visibility. On any corner lot located at the intersection of a street or driveway in any residential district, no hedge, structure or planting, or other obstruction to vision between the heights of 2 1/2 feet and ten feet above street level shall be erected, placed or maintained within the triangular area formed by the intersection of curblines and a straight line joining the curblines at points which are 30 feet distant from the point of intersection measured along the ~~entire~~ edge of pavement.~~

- (g) Appeals. A person aggrieved by an administrative order, determination or decision of the building and zoning department may appeal the order, determination or decision to the ~~board of zoning appeal~~ tree advisory board for a variance from the strict requirements of this section.
(Code 1981, app. C, § 26-7(6))

Sec. 94-297. – Approved plant list

Plant material required for parking lots, streetyards, and buffers for nonresidential and multi-family development and redevelopment shall be selected from the following list, or approved by the determined to be similar and suitable in form and function to the approved plants. Native plants are required unless exempted from the requirement by the tree committee. The table includes appropriate trees for parking lot and rights-of-way. An asterisk indicates that the tree in question may be allowed by the building and zoning department on a case-by-case basis depending on site conditions.
Explanation of the water zone follows the table.

PLANT LIST ENSURES
PROPER PLANTING

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
TREE PRESERVATION AND LANDSCAPING STANDARDS

Table 94-297A: Approved plant list

<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>	<u>Right-of-Way</u>	<u>Parking Lot</u>
NATIVE CANOPY TREES (Mature size 40' or more in height)				
<u>Acer rubrum</u>	Red Maple	H,M	Yes	No
<u>Betula nigra</u>	River Birch	H	Yes	No
<u>Carya aquatica</u>	Water Hickory	H	No	No
<u>Carya cordiformis</u>	Bitternut Hickory	M	No	No
<u>Carya glabra</u>	Pignut Hickory	M,L	No	No
<u>Carya tomentosa</u>	Mockernut Hickory	H	No	No
<u>Celtis laevigata</u>	Sugarberry	M,L	* -	No
<u>Diospyros virginiana</u>	Common Persimmon	M	No	No
<u>Fraxinus americana</u>	White Ash	M	* -	No
<u>Fraxinus caroliniana</u>	Carolina Ash	H	No	No
<u>Fraxinus pennsylvanica</u>	Green Ash	M	Yes	Yes
<u>Liriodendron tulipifera</u>	Tuliptree	H	No	No
<u>Liquidambar styraciflua</u>	Sweetgum	M,L	No	No
<u>Magnolia grandiflora</u>	Southern Magnolia	M,L	Yes	No
<u>Magnolia virginiana</u>	Sweetbay Magnolia	H	Yes	No
<u>Morus rubra</u>	Red Mulberry	L	No	No
<u>Nyssa aquatica</u>	Water Tupelo	H	No	Yes
<u>Nyssa sylvatica</u>	Black Tupelo	H	Yes	Yes
<u>Persea borbonica</u>	Red Bay	L	* -	No
<u>Pinus clausa</u>	Sand Pine	L	No	No
<u>Pinus elliotii</u>	Slash Pine	L	No	No
<u>Pinus glabra</u>	Spruce Pine	H	* -	Yes
<u>Pinus palustris</u>	Longleaf Pine	M,L	No	No
<u>Pinus taeda</u>	Loblolly Pine	L	No	No
<u>Platanus occidentalis</u>	Sycamore	H,M,L	* -	Yes
<u>Quercus falcata</u>	Southern Red Oak	L	No	No
<u>Quercus hemispherica</u>	Laurel Oak	M,L	No	Yes
<u>Quercus laevis</u>	Turkey Oak	L	No	No
<u>Quercus laurifolia</u>	Diamondleaf Oak	L	No	No
<u>Quercus michauxii</u>	Swamp Chestnut Oak	H,M	* -	Yes
<u>Quercus nigra</u>	Water Oak	H,M	No	No

PART II - MUNICIPAL CODE
 Chapter 94 - ZONING
 TREE PRESERVATION AND LANDSCAPING STANDARDS

<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>	<u>Street</u>	<u>Parking</u>
NATIVE CANOPY TREES (Mature size 40' or more in height) (cont'd)				
<u>Quercus phellos</u>	Willow Oak	L	*	Yes
<u>Quercus shumardii</u>	Shumard Oak	H,M,L	*	Yes
<u>Quercus stellata</u>	Post Oak	M,L	No	Yes
<u>Quercus virginiana</u>	Southern Live Oak	M,L	*	Yes
<u>Taxodium ascendens</u>	Pond Cypress	L	*	Yes
<u>Taxodium distichum</u>	Bald Cypress	L	*	Yes
<u>Tilia floridana</u>	Florida Basswood	H	No	No
<u>Ulmus alata</u>	Winged Elm	M,L	Yes	Yes
<u>Ulmus americana</u>	American Elm	H,M	No	No
<u>Ulmus crassifolia</u>	Cedar Elm	L	*	No
<u>Carya illinoensis</u>	Pecan	H,M	No	No
<u>Phoenix canariensis</u>	Canary Island Date Palm	L	Yes	Yes
<u>Phoenix dactylifera</u>	Date Palm	L	Yes	Yes
<u>Salix babylonica</u>	Weeping Willow	H	No	No
<u>Ulmus parvifolia</u>	Chinese (Drake) Elm	M,L	Yes	Yes
<u>Washingtonia robusta</u>	Washington Palm	L	Yes	No
NATIVE UNDERSTORY TREES (Mature size 12' to 40' height) AND PALMS:				
<u>Acer barbatum</u>	Florida Maple	M	Yes	No
<u>Acer leucoderme</u>	Florida Sugar Maple	M	No	Yes
<u>Aesculus pavia</u>	Red Buckeye	M	No	No
<u>Bumelia tenax</u>	Tough Bumelia	L	Yes	No
<u>Carpinus caroliniana</u>	American Hornbeam	H,M	Yes	No
<u>Cercis canadensis</u>	Eastern Redbud	L	Yes	No
<u>Chamaecyparis throides</u>	Atlantic White Cedar	H	No	No
<u>Chionanthus virginicus</u>	Fringetree	M,L	No	No
<u>Cornus florida</u>	Flowering Dogwood	M	No	No
<u>Crataegus spp.</u>	Hawthorn	M,L	No	No
<u>Gordonia lasianthus</u>	Loblolly Bay	H	No	No
<u>Halesia carolina</u>	Carolina Silverbell	M	Yes	Yes

17 underlined text indicates proposed & substantively new code language

Underlined highlighted text indicates existing code language that has been moved or paraphrased

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
TREE PRESERVATION AND LANDSCAPING STANDARDS

NATIVE UNDERSTORY TREES (Mature size 12' to 40' height) AND PALMS:

<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>	<u>Street</u>	<u>Parking</u>
<u>Halesia diptera</u>	<u>Two-Winged Silverbell</u>	<u>M,L</u>	<u>Yes</u>	<u>Yes</u>
<u>Ilex spp.</u>	<u>Hollies</u>	<u>L</u>	<u>Yes</u>	<u>Yes</u>
<u>Juniperus silicicola</u>	<u>Southern Redcedar</u>	<u>L</u>	<u>Yes</u>	<u>No</u>
<u>Juniperus virginiana</u>	<u>Eastern Redcedar</u>	<u>L</u>	<u>Yes</u>	<u>No</u>
<u>Myrica cerifera</u>	<u>Wax Myrtle</u>	<u>M,L</u>	<u>No</u>	<u>No</u>
<u>Ostrya virginiana</u>	<u>American Hophornbeam</u>	<u>M,L</u>	<u>Yes</u>	<u>Yes</u>
<u>Persea palustris</u>	<u>Swampbay</u>	<u>H</u>	<u>No</u>	<u>No</u>
<u>Pinckneya pubens</u>	<u>Fevertree</u>	<u>H</u>	<u>No</u>	<u>No</u>
<u>Prunus augustifolia</u>	<u>Chickasaw plum</u>	<u>M,L</u>	<u>No</u>	<u>No</u>
<u>Quercus austrina</u>	<u>Bluff Oak</u>	<u>M</u>	<u>*</u>	<u>Yes</u>
<u>Quercus chapmanii</u>	<u>Chapman Oak</u>	<u>L</u>	<u>No</u>	<u>No</u>
<u>Quercus incana</u>	<u>Bluejack Oak</u>	<u>L</u>	<u>No</u>	<u>No</u>
<u>Quercus myrtifolia</u>	<u>Myrtle Oak</u>	<u>L</u>	<u>No</u>	<u>No</u>
<u>Quercus nuttallii</u>	<u>Nuttal Oak</u>	<u>L</u>	<u>*</u>	<u>Yes</u>
<u>Sabal palmetto</u>	<u>Cabbage Palm</u>	<u>L</u>	<u>Yes</u>	<u>Yes</u>
<u>Salix caroliniana</u>	<u>Willow</u>	<u>H</u>	<u>No</u>	<u>No</u>
<u>Tilia caroliniana</u>	<u>Carolina Basswood</u>	<u>M</u>	<u>No</u>	<u>No</u>
<u>Vaccinium arboreum</u>	<u>Sparkleberry</u>	<u>L</u>	<u>No</u>	<u>No</u>
<u>Viburnum rufidulum</u>	<u>Viburnum</u>	<u>M</u>	<u>No</u>	<u>No</u>

NON-NATIVE UNDERSTORY TREES (Mature size 12' to 40' height) AND PALMS:

<u>Butia capitata</u>	<u>Pindo Palm</u>	<u>M,L</u>	<u>Yes</u>	<u>Yes</u>
<u>Callistemon rigidus</u>	<u>Bottlebrush</u>	<u>M</u>	<u>No</u>	<u>No</u>
<u>Cupressocyparis leylandii</u>	<u>Leyland Cypress</u>	<u>M,L</u>	<u>No</u>	<u>No</u>
<u>Eriobotrya japonica</u>	<u>Loquat</u>	<u>M</u>	<u>Yes</u>	<u>No</u>
<u>Ilex spp.</u>	<u>Treeform Holly</u>	<u>M,L</u>	<u>Yes</u>	<u>Yes</u>
<u>Lagerstromia indica</u>	<u>Crape Myrtle</u>	<u>M,L</u>	<u>Yes</u>	<u>Yes</u>
<u>Ligustrum japonicum</u>	<u>Waxleaf Privet</u>	<u>M,L</u>	<u>No</u>	<u>No</u>
<u>Magnolia spp.</u>	<u>Deciduous Magnolia</u>	<u>H,M</u>	<u>No</u>	<u>No</u>
<u>Ulmus parvifolia</u>	<u>Chinese Elm</u>	<u>M,L</u>	<u>No</u>	<u>No</u>

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
TREE PRESERVATION AND LANDSCAPING STANDARDS

<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>
<u>NATIVE SHRUBS, SMALL PALMS AND CYCADS:</u>		
<i>Calliandra americana</i>	Beautyberry	H,M,L
<i>Calycanthus floridus</i>	Sweetshrub	H,M
<i>Feijoa sellowiana</i>	Pineapple Guava	M
<i>Forestiera segregata</i>	Florida Privet	M,L
<i>Ilex glabra</i>	Gallberry	M,L
<i>Ilex vomitoria</i>	Yaupon Holly	L
<i>Illicium parviflorum</i>	Star Anise	H,M
<i>Myrica cerifera</i>	Wax Myrtle	M,L
<i>Rhapidophyllum hystrix</i>	Needle Palm	M,L
<i>Sabal minor</i>	Bluestem Palmetto	H,M,L
<i>Serenoa repens</i>	Saw Palmetto	M,L
<i>Vaccinium corymbosum, darrowii, myrsinites</i>	Native blueberries	
<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>
<u>NON-NATIVE SHRUBS, SMALL PALMS AND CYCADS:</u>		
<i>Viburnum obovatum</i>	Walters Viburnum	H,M
<i>Abelia grandiflora</i>	Abelia	M
<i>Beloperone guttata</i>	Shrimp Plant	H,M
<i>Bulbine</i>	Groundcover	
<i>Buxus microphylla</i>	Japanese Boxwood	M
<i>Buxus sempervirens</i>	English Boxwood	M
<i>Camellia japonica</i>	Camellia	M
<i>Camellia sasanqua</i>	Sasanqua Camellia	H
<i>Chamaerops humilis</i>	European Fan Palm	L
<i>Codiaeum variegatum</i>	Croton	H,M,L
<i>Cycas revoluta</i>	King Sago	L
<i>Eleagnus pungens</i>	Silverthorn	M,L
<i>Fatsia japonica</i>	Fatsia	H,M
<i>Gardenia jasminoides</i>	Gardenia	H,M
<i>Hibiscus syriacus</i>	Rose of Sharon	M
<i>Hydrangea spp.</i>	Hydrangea	H,M
<i>Ilex spp.</i>	Shrubform Holly	M
<i>Juniperus spp.</i>	Juniper	M,L
<i>Ligustrum japonica</i>	Waxleaf Privet	M,L

19 underlined text indicates proposed & substantively new code language

Underlined highlighted text indicates existing code language that has been moved or paraphrased

PART II - MUNICIPAL CODE
 Chapter 94 - ZONING
 TREE PRESERVATION AND LANDSCAPING STANDARDS

<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>
NON-NATIVE SHRUBS, SMALL PALMS AND CYCADS:		
<i>Loropetalum chinense</i>	Chinese Witch Hazel	H,M
<i>Michelia figo</i>	Banana Shrub	H,M
<i>Nerium oleander</i>	Oleander	M,L
<i>Osmanthus fragrans</i>	Sweet Olive	M
<i>Pittosporum tobira</i>	Pittosporum	H,M
<i>Platycladus orientalis</i>	Arborvitae	L
<i>Podocarpus macrophylla, nagi</i>	Podocarpus	M,L
<i>Raphiolepis indica</i>	Indian Hawthorn	M,L
<i>Rhododendron spp.</i>	Azalea	H,M
<i>Ternstroemia gymnanthera</i>	Cleyera	M,L
<i>Trachycarpus fortunei</i>	Windmill Palm	L
<i>Viburnum odoratissimum</i>	Sweet Viburnum	H,M
<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>
NATIVE GROUNDCOVERS:		
<i>Viburnum tinus</i>	Laurastius Viburnum	M,L
<i>Borrchia frutescens</i>	Sea Oxeye Daisy	L
<i>Ceratiola ericoides</i>	Rosemary	M,L
<i>Crinum spp.</i>	Crinum Lily	M
<i>Gelsemium sempervirens</i>	Carolina Jessamine	M
<i>Helianthus debilis</i>	Beach Sunflower	L
<i>Iva imbricata</i>	Seashore Elder	L
<i>Licania michauxii</i>	Gopher Apple	L
<i>Muhlenbergia capillaris</i>	Muhly Grass	L
<i>Parthenocissus quinquefolia</i>	Virginia Creeper	H,M
<i>Paspalum spp.</i>	Paspalum	H,M
<i>Serenoa repens</i>	Saw Palmetto	M,L
<i>Sesuvium portulacastrum</i>	Sea Purslane	L
<i>Sisyrinchium spp.</i>	Blue-eyed Grass	M
<i>Sorghastrum secundum</i>	Lopsided Indian Grass	L
<i>Spartina patens</i>	Saltmeadow Cord Grass	M,L
<i>Stachytarpheta jamaicensis</i>	Blue Porter Weed	L
<i>Tripsacum dactyloides</i>	Fakahatchee Grass	L
<i>Uniola paniculata</i>	Sea Oats	L

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
TREE PRESERVATION AND LANDSCAPING STANDARDS

<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>
NON-NATIVE GROUNDCOVERS:		
<i>Yucca filamentosa</i>	Beargrass	L
<i>Zamia pumila</i>	Coontie	M
<i>Agapanthus africanus</i>	Blue Lily of the Nile	M
<i>Aiuga reptans</i>	Bugleweed	H
<i>Aloe spp.</i>	Aloe	M,L
<i>Aspidistra elatior</i>	Cast Ironplant	M
<i>Diates bicolor</i>	Butterfly Iris	H
<i>Diates vegeta</i>	African Iris	M,L
<i>Ficus pumila</i>	Creeping Fig	M,L
<i>Gerbera jamesonii</i>	Gerbera Daisy	M
<i>Hedera canariensis</i>	Algerian Ivy	L
<i>Hedera helix</i>	English Ivy	L
<i>Hemerocallis spp.</i>	Daylily	M,L
<i>Juniperus spp.</i>	Juniper	M,L
<i>Liriope muscari</i>	Liriope spp.	M
<i>Miscanthus spp.</i>	Miscanthus	L
<i>Nandina domestica</i>	Dwarf Nandina	M,L
<i>Ophiopogon japonicus</i>	Mondo Grass	L
<i>Pitiosporum tobira</i>	Dwarf Pitiosporum	H,M
<i>Trachelospermum asiaticum</i>	Asiatic Jasmine	L
<i>Trachelospermum jasminoides</i>	Confederate Jasmine	L
<i>Tulbaghia violacea</i>	Society Garlic	M,L
<i>Gelsemium sempervirens</i>	Carolina Jessamine	M
<i>Helianthus debilis</i>	Beach Sunflower	L
<i>Iva imbricata</i>	Seashore Elder	L
<i>Licania michauxii</i>	Gopher Apple	L
<i>Muhlenbergia capillaris</i>	Muhly Grass	L
<i>Parthenocissus quinquefolia</i>	Virginia Creeper	H,M
<i>Paspalum spp.</i>	Paspalum	H,M
<i>Serenoa repens</i>	Saw Palmetto	M,L
<i>Sesuvium portulacastrum</i>	Sea Purslane	L

PART II - MUNICIPAL CODE
 Chapter 94 - ZONING
 TREE PRESERVATION AND LANDSCAPING STANDARDS

<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>
NON-NATIVE GROUNDCOVERS:		
<u>Sisyrinchium spp.</u>	Blue-eyed Grass	M
<u>Sorghastrum secundum</u>	Lopsided Indian Grass	L
<u>Spartina patens</u>	Saltmeadow Cord Grass	M,L
<u>Stachytarpheta jamaicensis</u>	Blue Porter Weed	L
<u>Tripsacum dactyloides</u>	Fakahatchee Grass	L
<u>Uniola paniculata</u>	Sea Oats	L
<u>Yucca filamentosa</u>	Beargrass	L
<u>Aloe spp.</u>	Aloe	M,L
<u>Aspidistra elatior</u>	Cast Ironplant	M
<u>Catharanthus roseus</u>	Periwinkle, Vinca	H,M
<u>Convolvulus 'Blue Daze'</u>	Blue Daze	M
<u>Cyrtomitium falcatum</u>	Holly Fern	M
<u>Dichondra micrantha</u>	Dichondra	H,M

TABLE 94-297B. PROHIBITED SPECIES

<u>Botanical Name</u>	<u>Common Name</u>
<u>Albizia julibrissin</u>	Mimosa
<u>Broussonetia papyrifera</u>	Paper Mulberry
<u>Cinnamomum camphora</u>	Camphor
<u>Melia azedarach</u>	Chinaberry
<u>Sapium sebiferum</u>	Chinese Tallow

<u>H</u>	High water use plant species associated with wetlands or moist soils; requires supplemental irrigation in addition to natural rainfall. This zone includes most manicured turfgrass areas.
<u>M</u>	Moderate water use, drought tolerant plant species that survive on natural rainfall; requires supplemental irrigation during seasonal dry periods to maintain attractive appearance. This zone includes St. Augustine, Bahia and other turf grass areas.
<u>L</u>	Low water use drought tolerant plant species; will survive on natural rainfall without supplemental irrigation.

Secs. 94-298—94-299. - Reserved.

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
TREE PRESERVATION AND LANDSCAPING STANDARDS

ARTICLE VI. – LANDSCAPING AND TREE PROTECTION1
Sec. 94-291. – Intent and general policy.1
Sec. 94-292. – Definitions.2
Sec. 94-293. – Tree committee.3
Sec. 94-294. – Tree protection.4
Sec. 94-295. – General landscape requirements.7
Sec. 94-296. – Specific landscape requirements.10
Sec. 94-297. – Approved plant list11

ARTICLE VI. – LANDSCAPING AND TREE PROTECTION

Sec. 94-291. – Intent and general policy.

It is the intent of this article to promote the health, safety and welfare of the current and future residents of the city by establishing minimum standards for the installation and continued maintenance of landscaping and the protection of trees within the city in order to:

- (1) Improve the aesthetic appearance of commercial, governmental, industrial and residential areas through the incorporation of landscaping into development in ways that harmonize and enhance the natural and manmade environment.
- (2) Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including:
 - a. Improving air and water quality;
 - 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. Promoting energy conservation through the creation of shade, thereby reducing heat gain in or on buildings or paved areas;
 - e. Reducing the temperature of the microclimate through the process of evapotranspiration; and
 - f. Encouraging the conservation of water through the use of site-specific plants, various planting and maintenance techniques, and efficient watering systems.
- (3) Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.
- (4) Establish procedures and standards for the administration and enforcement of this section.
- (5) Promote creative site development concepts in order to promote water and energy conservation.
- (6) Increase and maintain the value of land by requiring a minimum amount of landscaping to be incorporated into development.
- (7) Preserve existing natural trees and vegetation and incorporate native plants, plant communities and ecosystems into landscape design where possible by promoting landscaping methods that provide for the preservation of existing plant communities. (8) Assist in public information, the education of its citizens, and the effective implementation of this article.

(Code 1981, app. C, § 26-7(6))

Sec. 94-292. – Definitions.

For purposes of this article, the following definitions shall apply:

Bona fide agricultural purposes means good faith commercial or domestic agricultural use of the land, any such determination of which shall be based upon, but not limited solely to, the following factors:

- (1) The length of time the land will be so utilized.
- (2) Size of the land, as it relates to specific agricultural use.
- (3) Whether such land is subject to a lease, and, if so, the effective length, terms and conditions of the lease.
- (4) The intent of the landowner to sell or convert the land for or to nonagricultural purposes.
- (5) The proximity of the property to existing urban or metropolitan development.
- (6) The productivity of land in its present use.
- (7) The relationship of the property to the comprehensive plan.
- (8) The classification placed upon such lands by the property appraiser pursuant to F.S. § 193.461.
- (9) The current zoning classification of such lands.

Buffer yard or strip means a strip of land, identified on a site plan or by zoning requirement, established to protect one type of land use from another land use that may be incompatible. The area is landscaped, maintained and kept in open space.

Caliper means the diameter of a tree measured six inches off the ground.

Crown means the main mass of branching of a plant above ground.

DBH means diameter at breast height, or the diameter of a tree measured 4½ feet above the ground level. *Developed area* means that portion of a plot or parcel upon which a building, a structure, surface drive area, gravel or landscaping has been placed.

Development means any proposed material change in the use or character of the land, including but not limited to land clearing associated with new construction, the placement of any structure or site improvement on the land, or expansion of existing buildings.

Dripline means a vertical line extending from the outermost branches of a tree to the ground.

Ecosystem means a characteristic assemblage of plant and animal life with a specific physical environment, and all interactions among species and between species and their environment.

Exceptional specimen tree means any tree which is determined by the city commission to be of unique and intrinsic value to the general public because of its size, age, historic association or ecological value, or any tree designated a Florida State Champion, United States Champion or World Champion by the American Forestry Association. The building and zoning department shall keep a record of all specimen trees so designated and their location.

Frontage means the linear distance measured along all abutting street rights-of-way.

Ground cover means low-growing plants planted in such a manner as to form a continuous cover over the ground (not including grass).

Hedge means a landscape barrier consisting of a continuous dense planting of shrubs.

Irrigation system means a permanent artificial watering system designed to transport and distribute water to plants.

Landscape area means planted areas that are frequently maintained by mowing, irrigating, pruning, fertilizing, etc.

Landscape development means trees, shrubs, ground cover, vines or grass installed in planting areas for

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
TREE PRESERVATION AND LANDSCAPING STANDARDS

the purpose of fulfilling the requirements of this section, or an unenclosed area of land in which landscape materials are placed, planted and maintained.

Landscape plan means a scale drawing that indicates all planting areas, and existing and proposed plant materials, designating species, quantity and location.

Landscaping means any combination of living plants (such as grass, ground cover, shrubs, vines, hedges or trees) and nonliving landscape material (such as rocks, pebbles, sand, mulch, walls or fences).

Mulch means nonliving organic materials customarily used in landscape design to retard erosion and retain moisture.

Open space means all areas of natural plant communities or areas replanted with vegetation after construction, such as revegetated natural areas, tree, shrub, hedge or ground cover planting areas, and lawns; and all other areas required to be provided as natural ground and landscaping pursuant to this chapter.

Planting area means any area designed for landscape planting having a minimum of ten square feet of actual plantable area and a minimum inside dimension of 18 inches on any side.

Protected tree means any tree with a DBH greater than or equal to eight inches.

Relocation of a tree means an act to relocate a tree being removed to an appropriate new location on the site.

Removal of a tree means physical removal by mechanical methods, such as excavation, chain saw and stump removal.

Runoff water means water which is not absorbed by the soil or landscape to which it is applied and flows from the area.

Shrub means a self-supporting woody, deciduous, evergreen perennial and/or flowering species characterized by multiple stems and branches arising from a main root.

Street line means that line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the street.

Streetyard means the area between a street property line and the front wall of a building.

Trees means self-supporting woody perennial plants, having usually single self-supporting trunks, which normally grow to a minimum overall height of 15 feet and a mature crown spread greater than 15 feet. These trunks shall be clear of branches and limbs so that both trunk and canopy are distinct.

Vehicle means a form of transportation, including motorized and nonmotorized vehicles designed and required to be licensed for use upon a highway in the state.

Vehicle use areas means any surface drive areas (except public rights-of-way) used for the purpose of driving, parking, storing or display of vehicles, boats, trailers or mobile homes, including new and used car lots and other open lot uses. Parking structures, drive-in parking areas covered to the dripline of the covering, and garages shall not be considered as vehicle use areas.

Vines means any of a group of woody or herbaceous plants which may climb by twining, by means of aerial rootlets or by means of tendrils, or which may simply sprawl over the ground or other plants.

(Code 1981, app. C, § 26-7(6))

Cross reference— Definitions generally, § 1-2.

Sec. 94-293. – Tree committee

The mayor shall appoint a tree committee consisting of one commissioner and six citizens who will serve at the pleasure of the commission. The tree committee shall advise city staff, advisory boards, and the city commission on issues pertaining to tree preservation and landscaping standards.

(Code 1981, app. C, § 26-7(6); Ord. No. 98-6, § 1, 2-26-1998)

Sec. 94-294. – Tree protection

(a) *Applicability.* The provisions of this section shall apply to all protected and preserved trees within the city, unless specifically exempted in this subsection.

(b) *Removal of protected trees prohibited; exceptions.*

(1) No person, or any agent or representative thereof, directly or indirectly, shall cut down, remove, damage or destroy or shall authorize the cutting down, removal, damage or destruction of any protected tree as defined in section 94-292 of this section, or shall commit any act or authorize the commission of any act which physically removes a protected tree or causes a tree to die, such as damage inflicted upon the root system by heavy machinery, chemicals or paving, changing the natural grade above the root system, and tree damage permitting infection or pest infestation, without first having obtained a permit as provided in subsection (c) of this section and providing tree protection as provided in subsection (d) of this section.

(2) The following protected trees are exempted from the provisions of this section:

- a. Any tree located on any property which contains a single-family dwelling or a mobile home.
- b. Any tree located on any property zoned R-1AA, R-1A or R-1.
- c. Any tree located on any property which is in use for bona fide agricultural purposes.
- d. Any tree located in botanical gardens or in state-approved government nurseries and groves which are grown for sale or public purpose.
- e. Any tree that poses imminent danger to the public health, welfare or safety, and requires immediate removal without delay. In such instance, verbal authorization to remove a protected tree may be given by the city manager or his designee.
- h. Any tree that an electric company determines is an immediate or potential threat or hazard to existing or planned power lines.
- i. Any dead or dying tree, scrub oak, *Melaleuca* spp., poison wood, camphor tree or Australian pine.

(3) During the period of an emergency such as a hurricane, flood or other natural disaster, the requirements of this subsection may be temporarily waived by the city manager so that private or public work to restore order in the city will in no way be hampered.

(c) *Permit for removal, relocation or replacement of protected trees.*

(1) Permits for site clearing and the removal or relocation of a protected tree shall be obtained by filing an application with the building and zoning department. Approval of the application and issuance of a permit by the building and zoning department shall be required prior to any land clearing or grubbing, prior to any disturbance of the root system or site development, or prior to the occurrence of any changes to an existing developed site. The site shall be inspected to ensure compliance with the approved site plan prior to any additional permits being issued. Applications for site clearing and tree removal or relocation shall include the following: A site plan, at a scale which clearly illustrates the requirements of this section, showing the lot configuration; the location and identification

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
TREE PRESERVATION AND LANDSCAPING STANDARDS

- of existing and proposed improvements, if any, including structures, water retention areas, paving grade changes, utilities, easements and street rights-of-way or approved private streets; and the location and identity, by botanical or common name and caliper, of protected trees to be removed, relocated or retained.
- (2) An application for a permit for site clearing or for removal or relocation of a protected tree with a DBH of 36 inches or less shall be reviewed by the building and zoning department, and a decision shall be made thereon within five working days after receipt of such application or concurrent with building permit application review.
- (3) An application for a permit for removal or relocation of a protected tree with a DBH greater than 36 inches or a specimen tree shall be reviewed by the planning board at the first available meeting of the planning board.
- (4) The approval, conditional approval or denial by the building and zoning department or planning board of an application for a tree removal permit, as required by this section, shall be based on the following criteria:
- a. The extent to which tree removal decreases aesthetic and environmental quality, land values and physical benefits to human beings.
 - b. The necessity to remove trees which pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption to public services.
 - c. The necessity to remove trees which pose a safety hazard to buildings or other trees.
 - d. The necessity to remove diseased trees or trees weakened by age, weather, storm, fire or acts of God or which are likely to cause injury or damage to people, buildings or other improvements on a lot or parcel of land.
 - e. The extent to which tree removal is likely to result in damage to the property of other owners, public or private, including damage to lakes, ponds, streams or rivers through runoff or erosion.
 - f. The proposed landscaping, including plans whereby the applicant has planted or will plant perennial vegetative cover to replace those trees which are proposed to be cleared.
 - g. The topography of the land and the effect of tree removal on erosion, soil retention, and the diversion or increased flow of surface water.
 - h. Construction of proposed improvements to allow access around the proposed structure for construction equipment, access to the building site for construction equipment, or essential grade changes.
 - i. The land use and natural vegetative ground coverage of surrounding property.
 - j. The extent of any damage or hardship to the applicant resulting from a denial of the requested permit.
 - k. The species and size of the tree proposed for removal.
- (5) Any relocation of trees in compliance with this section shall be performed in accordance with accepted industry practices, including watering to ensure survival of transplanted stock.
- (6) Tree removal mitigation. Development requires reasonable levels of tree removal to accommodate buildings, parking, stormwater detention and other development elements. The following standards apply to tree removal mitigation.
- a. Removal of less than 30% of protected tree DBH is allowed without penalty.
 - b. Removal of 30% of protected tree DBH requires replacement of 33% of removed

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
TREE PRESERVATION AND LANDSCAPING STANDARDS

- protected tree DBH.
- c. Removal of more than 30% of protected tree DBH requires replacement requires replacement of 0.5% of each removed DBH point over 30%.
 - d. Mitigation replacement may include planted trees, unprotected (smaller) trees, or transplanted trees. If multi-trunked trees are used as replacement trees, then the total caliper of the four largest trunks shall equal the replacement DBH. New palms may be used only to replace protected palms removed. Replacement species used shall be approved by the building and zoning department. No replacement will be required for protected trees which are determined by the building and zoning department to be dead or deteriorated as a result of age, insects, disease, storm, fire, lightning or other acts of nature.
 - e. Existing smaller trees which are not protected trees, but which are either transplanted or not removed, may be utilized to satisfy tree replacement requirements, consistent with city landscaping requirements contained in sections 94-295 and 94-296
 - f. Existing protected trees which would otherwise be removed from the site because of development may be utilized to satisfy tree replacement requirements if transplanted to a location on the site which meets the landscaping requirements contained in sections 94-295 and 94-296
 - g. If protected tree removal is associated with new development, the name, size and location of all replacement trees shall be shown on the required landscape plan and such trees shall be installed prior to the final building inspection. Otherwise, the name, size and location of the required replacement trees shall be shown on the site plan required for site clearing or tree removal and such trees shall be installed within the time limit stated on the site clearing or tree removal permit.
 - h. Existing nonprotected trees, transplanted trees and new trees used for replacement become protected trees.
 - i. A tree used for replacement shall be at least ten feet from any other tree planted, transplanted or preserved.
- (d) *Tree protection during development.* All protected trees, and trees retained for tree credit under this section, shall be protected from injury during any land clearing or construction in the following manner:
- (1) Prior to any land clearing operations, tree limbs which interfere with construction shall be removed and temporary barriers shall be installed around all trees to remain within the limits of land clearing or construction and shall remain until the completion of the work. The temporary barrier shall be at least three feet high, shall be placed at least six feet away from the base of any tree, and shall include at least 50 percent of the area under the dripline of any protected tree retained for tree credit. The barrier shall consist of either a wood fence with two-by-four posts placed a maximum of eight feet apart with a two-by-four minimum top rail or other similar substantive barrier which will limit access to the protected area.
 - (2) No materials, trailers, equipment or chemicals shall be stored, operated, dumped, buried or burned within the protected areas. No attachment, wires (other than protective guy wires), signs or permits shall be attached to a protected tree.
- (e) *Correction of violations; appeals; permit fee.*
- (1) *Correction of violations.* A violation of this section shall be corrected as follows: By

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
TREE PRESERVATION AND LANDSCAPING STANDARDS

- replacing the protected trees removed without a permit with new planted trees, unprotected trees or transplanted trees. The total DBH inches of replacement trees shall equal the total DBH inches removed (i.e., one 12-inch tree removed could be replaced with three four-inch trees). A tree replanting plan showing how the damage caused to the site by the violation will be mitigated shall be subject to the review and approval of the building and zoning department. No work shall be allowed on the property where the violation occurred without payment of required fees and approval of the tree replanting plan.
- (2) *Appeals.* A person aggrieved by an administrative order, determination or decision of the building and zoning department may appeal the order, determination or decision to the board of zoning appeals for a variance from the requirements of this subsection.
- (3) *Permit fee.* The fee for a site clearing and/or tree removal/relocation permit shall be as set out in appendix A to this Code, as amended from time to time.
- (Code 1981, app. C, § 26-7(6))

Sec. 94-295. – General landscape requirements

- (a) *Scope.* This section shall apply to all multifamily development of three or more units, and nonresidential development. In those instances where a structure is enlarged or a change of use occurs so that an increase in required parking or loading results under this chapter or any other city ordinance, landscaping shall be provided in accordance with this section and section 94-296. All areas and uses which require landscaping shall meet or exceed the general landscaping requirements in this section, which shall be considered complementary to the landscaping provisions of any other city ordinance.
- (b) *Installation and maintenance.* The installation and maintenance of landscaping shall be subject to the following:
- (1) *Installation.* All landscaping shall be installed according to accepted commercial planting procedures. All landscape areas shall be protected from vehicular encroachment by wheel stops or curbing. If curbing is used abutting landscaped areas, it shall be perforated to permit drainage from the surface drive area into the landscaped areas. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement and shall be removed after 12 months. Topsoil with a depth sufficient to ensure plant survival shall be provided. No canopy trees shall be planted within 20 feet of overhead wires.
- (2) *Maintenance.*
- a. *Landscape condition.* The owner of a property with landscaping required by this Code shall be responsible for the maintenance of all landscaping in good condition so as to present a neat, healthy and orderly appearance free of refuse and debris. Succeeding owners, lessees, and agents must also reasonably maintain the buffers. The penalty for failing to install or maintain the required buffer areas is outlined in the administration and enforcement section of this article.
- b. *Irrigation.* All landscaped areas shall be provided with an irrigation system. This system shall consist of either an underground or exposed sprinkler equipped with a time or manual switch and/or a readily available water supply outlined on a landscaping plan. Maintenance shall include the prompt replacement of all dead

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
TREE PRESERVATION AND LANDSCAPING STANDARDS

plant material. Plantings shall be grouped according to the water use zones shown in Table 297-A.

- c. *Pruning and trimming.* Trees required within nonresidential or multi-family development as shade/canopy trees in parking lots and roadway buffers or screening elements in buffers shall be pruned only as necessary to promote uniform healthy growth. Trees shall be allowed to attain their natural size. Trees may be pruned to remove diseased or dying portions in areas where falling limbs may be a hazard to people or property. Lower limbs and suckers may be selectively removed to provide clearance for pedestrians. In addition, trees located in association with vehicular use areas shall also be pruned to allow for a clearance of ten feet from ground level to avoid potential for damage or injury to vehicles and pedestrians. However, excessive pruning or pollarding of trees into round balls of crown or branches, which results in an unnecessary reduction of leaf mass shall be prohibited. Severe cutting back of lateral branches and canopy or topplings or hatracking trees is expressly prohibited. Pruning restrictions shall not apply to trees under power lines. Pruning cuts shall be made just outside the branch collar, identified as the swelling where a branch joins the trunk of a tree.
 - d. *Maintenance of vegetation over right-of-way.* It shall be the duty of the owner, lessee or occupant, or the agent, representative or employee of any such owner, lessee or occupant, having control of any lot or parcel of real estate in the city, to maintain and control the limbs and foliage of trees and shrubs extending over the public right-of-way. Limbs and foliage are to be trimmed so as to provide clearance of at least ten feet above sidewalks and public rights-of-way, and of at least 14 feet over public streets and roadways. This subsection shall apply to all trees on private property, as well as to all trees planted by the owner, lessee or occupant, or the agent, representative or employee of any such owner, lessee or occupant, whether located on private property or located between private property lines and the street curb or edge.
 - e. The Department of Building and Zoning shall be responsible for enforcement of landscape maintenance standards.
- (c) *Plant materials.* Plant materials within both vehicle use areas and buffers as required by Article VII are subject to the following:
- (1) *Quality.* All plant material shall meet American Association of Nurserymen Standards. Plant materials used in conformance with the provisions of this subsection shall conform to the standards for Florida Grade No. 1 or better as given in Grades and Standards for Nursery Plants, Part I, and current edition, Part II, State of Florida Department of Agriculture and Consumer Services, Tallahassee, or equal thereof. Plant materials determined as not meeting these standards shall not be counted towards meeting the required amount of landscape materials.
 - (2) *Trees.*
 - a. *Canopy trees.* Required trees shall be a minimum of eight feet in height and two inches DBH, when measured immediately after planting. In the case of palms, the required measurement shall be six feet from ground level to the base of palm fronds.

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
TREE PRESERVATION AND LANDSCAPING STANDARDS

- b. *Understory trees.* Understory trees shall be a minimum of four feet in height and one-and-one-half DBH. For the purpose of this subsection, two palm trees shall equal one understory tree. Trees shall be planted in planting areas having a minimum area of 25 square feet with a minimum distance of 2½ feet measured from the center of the tree trunk to the near edge of the landscape area.
- (3) *Shrubs.* Shrubs shall be a minimum of 24 inches high and 15 inches wide upon installation. Shrubs or ornamental grasses planted to form hedges shall be an evergreen species. Shrubs and ornamental grasses planted to form hedges shall be planted no further apart than 30 inches on center.
- (4) *Vines.* Vines shall be a minimum of 30 inches in height six months after planting and should be used in conjunction with fences, screens or walls to meet physical barrier requirements as specified.
- (5) *Ground covers.* Ground covers other than grass shall be planted in such a manner as to present a finished appearance and reasonably complete vegetative coverage within six months after planting.
- (6) *Lawn grass.* Ground cover of vegetative matter shall be provided throughout the buffer area except in undisturbed natural vegetation areas. If grass is used, it shall be of a species normally grown as permanent lawns in the vicinity of Palatka, Florida. Grass areas may be sodded, plugged, sprigged or seeded. Solid sod grass shall be used in swales or other areas subject to erosion.
- (7) *Permanent architectural planters.* The use of permanent architectural planters and tree grates may be permitted in fulfillment of landscape requirements when physical constraints that are not self-created limit the use of landscape areas. Such architectural planters shall be at least ten square feet in size and shall have a depth of not less than 15 inches.
- (8) *Mulching or covering of planting areas.* All planting areas shall be covered with grass or other ground cover (including inanimate materials such as bark, etc.,) where not otherwise landscaped. Mulch is required in all shrub beds. All other planting areas shall be covered with grass or ground cover.
- (d) *Credit for existing trees.*
- (2) *Existing trees.* Existing native and healthy trees which are retained and preserved shall be credited against required buffer and vehicle use area trees upon written determination by the building and zoning department that such trees serve the same or higher purpose than would new trees in terms of providing shade and aesthetic appearance. This credit includes multiple trees which by benefit of their size or location provide the shade that is equivalent to several newer and smaller trees. After the loss of such credited trees, the property owner must provide replacement trees according to code in specific landscape areas. These credits shall apply where the preserved tree is in a planting area in which the area's least dimension is one-half of the radius of the crown spread of a tree up to ten feet, measured from the trunk center, and where no substantial grade changes within the landscape area are anticipated. In no case shall this least dimension be less than 2½ feet. To receive credit for trees, the applicant must submit a site plan locating all existing trees and indicating size and species. All trees retained for credit must be protected during all phases of construction, as set forth in subsection (c) of this section, pertaining to tree protection.
- (3) *Trees not eligible for landscape credit.* The following trees are not native Florida tree species. They typically out-compete and cause the decline of native trees and have a high

susceptibility to wind and cold damage. They are discouraged from use in landscaping in an effort to prevent additional distribution of the trees in the area. They may be used for landscaping, but will not count towards landscaping requirements noted in this section:

- a. Tallow tree (Chinese tallow tree).
 - b. Camphor tree.
 - c. Australian pine.
 - d. Melaleuca (punk tree).
- (4) *Ratio of required trees.* The ratio of required trees is as follows:
Canopy trees = 50 percent minimum.
Understory trees = 50 percent maximum.
Palms = 15 percent maximum.

(Code 1981, app. C, § 26-7(6))

Sec. 94-296. – Specific landscape requirements.

- (a) *Vehicle use area landscaping.* Vehicle use areas shall have interior landscaping to provide visual and climatic relief from broad expanses of pavement, and to direct and define logical areas for pedestrian and vehicular circulation.
 - (1) *Minimum open space.* Vehicular use areas shall have a minimum of 50 square feet of landscaped area or island for each 500 square feet or fraction thereof of paved area.
 - (2) *Landscape areas.* Each separate interior landscaped area shall contain a minimum of 160 square feet and shall be at least the allowable width of a parking space, but exceeding nine feet. A minimum of one canopy tree shall be planted within each landscape island, with the remaining area adequately planted with shrubs, ground cover or other approved landscaping materials. When it can be demonstrated that preserved or planted canopy trees can effectively shade parking lots in a manner that is equivalent to or exceeds island shade tree planting or preservation, the building and zoning department may approve such alternatives.
- (4) *Xeriscaping.* High water use trees, as identified in Table 297-A shall not be allowed for vehicle use area trees due to the need for increased survivability in the harsh conditions of parking lots. Plant types shall be of similar water use zone.
- (3) *Curbing and wheel stops.* All interior landscaping shall be protected from vehicle encroachment by curbing or wheel stops, with cut-outs provided if needed for stormwater entry into landscape areas.
- (4) *Parking row relief.* Interior landscaping shall be located in a manner which will divide or interrupt the broad expanse of paving. Landscaped areas shall subdivide parking areas into parking bays containing a maximum of 50 spaces, provided that no more than 10 spaces shall be in an uninterrupted row. Parking rows shall be terminated by landscape areas.
- (5) *Relocation of landscaping.* In other vehicular use areas where the strict application of this subsection will seriously limit the function of the area, such as off-street loading areas or vehicle display or storage area, the required landscaping may be located near the perimeter of the paved area in streetyards or buffers. Such required interior landscaping which is relocated shall be in addition to the buffer zone requirements.
- (6) Interior landscaping layout or design shall be reviewed and approved by the building and zoning department.

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
TREE PRESERVATION AND LANDSCAPING STANDARDS

- (b) *Use of required landscape areas.* No accessory structures, garbage or trash collection points or receptacles, parking, or any other functional use contrary to the intent and purpose of this Code shall be permitted in a required landscape area. This does not prohibit the combining of compatible functions such as landscaping and drainage facilities.
- (c) Stormwater facilities shall be planted with appropriate trees and other plantings when practicable.
- (d) *Landscape plan approval.* Appropriate site plans showing proposed landscape development shall be submitted to the building and zoning department. The site plan shall be drawn to scale normally of not less than one inch equals 30 feet. A different scale may be permitted for good cause shown. Landscape plan review will typically be done concurrent with building permit application review. Amendments or modifications to approved landscape plans shall be reviewed administratively within five working days. Such site plan shall include the following:
 - (1) Plant name, size and location, number, spacing and size upon installation of all trees, shrubs and ground covers.
 - (2) Existing and proposed landscape areas.
 - (3) Existing and proposed parking areas, including access aisles, driveways, catchbasins and all vehicular use areas, scaled and/or dimensioned.
 - (4) An irrigation system, including heads, valves and pump, that provides 100 percent coverage.
 - (5) Locations of all existing and/or proposed structures, sidewalks, pools, fences and walls, all applicable utilities services, dumpsters and other improvements, properly dimensioned and referenced to property uses, setback and yard requirements.
- (f) *Corner visibility.* On any lot located at the intersection of a street or driveway no hedge, structure or planting, or other obstruction to vision between the heights of 2½ feet and ten feet above street level shall be erected, placed or maintained within the triangular area formed by the intersection of curblines and a straight line joining the curblines at points which are 30 feet distant from the point of intersection measured along the edge of pavement.
- (g) *Appeals:* A person aggrieved by an administrative order, determination or decision of the building and zoning department may appeal the order, determination or decision to the tree advisory board for a variance from the strict requirements of this section.
(Code 1981, app. C, § 26-7(6))

Sec. 94-297. – Approved plant list

Plant material required for parking lots, streetyards, and buffers for nonresidential and multi-family development and redevelopment shall be selected from the following list, or approved by the determined to be similar and suitable in form and function to the approved plants. Native plants are required unless exempted from the requirement by the tree committee. The table includes appropriate trees for parking lot and rights-of-way. An asterisk indicates that the tree in question may be allowed by the building and zoning department on a case-by-case basis depending on site conditions. Explanation of the water zone follows the table.

PART II - MUNICIPAL CODE
 Chapter 94 - ZONING
 TREE PRESERVATION AND LANDSCAPING STANDARDS

Table 94-297A: Approved plant list

Botanical Name	Common Name	Water Zone	Right-of-Way	Parking Lot
NATIVE CANOPY TREES (Mature size 40' or more in height)				
<i>Acer rubrum</i>	Red Maple	H,M	Yes	No
<i>Betula nigra</i>	River Birch	H	Yes	No
<i>Carya aquatica</i>	Water Hickory	H	No	No
<i>Carya cordiformis</i>	Bitternut Hickory	M	No	No
<i>Carya glabra</i>	Pignut Hickory	M,L	No	No
<i>Carya tomentosa</i>	Mockernut Hickory	H	No	No
<i>Celtis laevigata</i>	Sugarberry	M,L	* -	No
<i>Diospyros virginiana</i>	Common Persimmon	M	No	No
<i>Fraxinus americana</i>	White Ash	M	*	No
<i>Fraxinus caroliniana</i>	Carolina Ash	H	No	No
<i>Fraxinus pennsylvanica</i>	Green Ash	M	Yes	Yes
<i>Liriodendron tulipifera</i>	Tuliptree	H	No	No
<i>Liquidambar styraciflua</i>	Sweetgum	M,L	No	No
<i>Magnolia grandiflora</i>	Southern Magnolia	M,L	Yes	No
<i>Magnolia virginiana</i>	Sweetbay Magnolia	H	Yes	No
<i>Morus rubra</i>	Red Mulberry	L	No	No
<i>Nyssa aquatica</i>	Water Tupelo	H	No	Yes
<i>Nyssa sylvatica</i>	Black Tupelo	H	Yes	Yes
<i>Persea borbonia</i>	Red Bay	L	* -	No
<i>Pinus clausa</i>	Sand Pine	L	No	No
<i>Pinus elliotii</i>	Slash Pine	L	No	No
<i>Pinus glabra</i>	Spruce Pine	H	* -	Yes
<i>Pinus palustris</i>	Longleaf Pine	M,L	No	No
<i>Pinus taeda</i>	Loblolly Pine	L	No	No
<i>Platanus occidentalis</i>	Sycamore	H,M,L	* -	Yes
<i>Quercus falcata</i>	Southern Red Oak	L	No	No
<i>Quercus hemispherica</i>	Laurel Oak	M,L	No	Yes
<i>Quercus laevis</i>	Turkey Oak	L	No	No
<i>Quercus laurifolia</i>	Diamondleaf Oak	L	No	No
<i>Quercus michauxii</i>	Swamp Chestnut Oak	H,M	* -	Yes
<i>Quercus nigra</i>	Water Oak	H,M	No	No

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
TREE PRESERVATION AND LANDSCAPING STANDARDS

Botanical Name	Common Name	Water Zone	Street	Parking
NATIVE CANOPY TREES (Mature size 40' or more in height) (cont'd)				
<i>Quercus phellos</i>	Willow Oak	L	*	Yes
<i>Quercus shumardii</i>	Shumard Oak	H,M,L	*	Yes
<i>Quercus stellata</i>	Post Oak	M,L	No	Yes
<i>Quercus virginiana</i>	Southern Live Oak	M,L	*	Yes
<i>Taxodium ascendens</i>	Pond Cypress	L	*	Yes
<i>Taxodium distichum</i>	Bald Cypress	L	*	Yes
<i>Tilia floridana</i>	Florida Basswood	H	No	No
<i>Ulmus alata</i>	Winged Elm	M,L	Yes	Yes
<i>Ulmus americana</i>	American Elm	H,M	No	No
<i>Ulmus crassifolia</i>	Cedar Elm	L	*	No
<i>Carya illinoensis</i>	Pecan	H,M	No	No
<i>Phoenix canariensis</i>	Canary Island Date Palm	L	Yes	Yes
<i>Phoenix dactylifera</i>	Date Palm	L	Yes	Yes
<i>Salix babylonica</i>	Weeping Willow	H	No	No
<i>Ulmus parvifolia</i>	Chinese (Drake) Elm	M,L	Yes	Yes
<i>Washingtonia robusta</i>	Washington Palm	L	Yes	No
NATIVE UNDERSTORY TREES (Mature size 12' to 40' height) AND PALMS:				
<i>Acer barbatum</i>	Florida Maple	M	Yes	No
<i>Acer leucoderme</i>	Florida Sugar Maple	M	No	Yes
<i>Aesculus pavia</i>	Red Buckeye	M	No	No
<i>Bumelia tenax</i>	Tough Bumelia	L	Yes	No
<i>Carpinus caroliniana</i>	American Hornbeam	H,M	Yes	No
<i>Cercis canadensis</i>	Eastern Redbud	L	Yes	No
<i>Chamaecyparis throides</i>	Atlantic White Cedar	H	No	No
<i>Chionanthus virginicus</i>	Fringetree	M,L	No	No
<i>Cornus florida</i>	Flowering Dogwood	M	No	No
<i>Crateagus spp.</i>	Hawthorn	M,L	No	No
<i>Gordonia lasianthus</i>	Loblolly Bay	H	No	No
<i>Halesia carolina</i>	Carolina Silverbell	M	Yes	Yes

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
TREE PRESERVATION AND LANDSCAPING STANDARDS

NATIVE UNDERSTORY TREES (Mature size 12' to 40' height) AND PALMS:						
<u>Botanical Name</u>	<u>Common Name</u>	<u>M,L</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Parking</u>
<i>Halesia diptera</i>	Two-Winged Silverbell	M,L	Yes	Yes	Yes	Yes
<i>Ilex spp.</i>	Hollies	L	Yes	Yes	Yes	Yes
<i>Juniperus silicicola</i>	Southern Redcedar	L	Yes	Yes	No	No
<i>Juniperus virginiana</i>	Eastern Redcedar	L	Yes	Yes	No	No
<i>Myrica cerifera</i>	Wax Myrtle	M,L	No	No	No	No
<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>	<u>Street</u>	<u>Street</u>	<u>Parking</u>	<u>Parking</u>
<i>Ostrya virginiana</i>	American Hophornbeam	M,L	Yes	Yes	Yes	Yes
<i>Persea palustris</i>	Swampbay	H	No	No	No	No
<i>Pinckneya pubens</i>	Fevertree	H	No	No	No	No
<i>Prunus augustifolia</i>	Chickasaw plum	M,L	No	No	No	No
<i>Quercus austrina</i>	Bluff Oak	M	*	*	Yes	Yes
<i>Quercus chapmanii</i>	Chapman Oak	L	No	No	No	No
<i>Quercus incana</i>	Bluejack Oak	L	No	No	No	No
<i>Quercus myrtifolia</i>	Myrtle Oak	L	No	No	No	No
<i>Quercus niuttallii</i>	Nuttall Oak	L	*	*	Yes	Yes
<i>Sabal palmetto</i>	Cabbage Palm	L	Yes	Yes	Yes	Yes
<i>Salix caroliniana</i>	Willow	H	No	No	No	No
<i>Tilia caroliniana</i>	Carolina Basswood	M	No	No	No	No
<i>Vaccinium arboreum</i>	Sparkleberry	L	No	No	No	No
<i>Viburnum rufidulum</i>	Viburnum	M	No	No	No	No
NON-NATIVE UNDERSTORY TREES (Mature size 12' to 40' height) AND PALMS:						
<i>Boutia capitata</i>	Pindo Palm	M,L	Yes	Yes	Yes	Yes
<i>Callistemon rigidus</i>	Bottlebrush	M	No	No	No	No
<i>Cupressocyparis leylandii</i>	Leyland Cypress	M,L	No	No	No	No
<i>Eriobotrya japonica</i>	Loquat	M	Yes	Yes	No	No
<i>Ilex spp.</i>	Treeform Holly	M,L	Yes	Yes	Yes	Yes
<i>Lagerstromia indica</i>	Crape Myrtle	M,L	Yes	Yes	Yes	Yes
<i>Ligustrum japonicum</i>	Waxleaf Privet	M,L	No	No	No	No
<i>Magnolia spp.</i>	Deciduous Magnolia	H,M	No	No	No	No
<i>Ulmus parvifolia</i>	Chinese Elm	M,L	No	No	No	No

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
TREE PRESERVATION AND LANDSCAPING STANDARDS

<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>
NATIVE SHRUBS, SMALL PALMS AND CYCADS:		
<i>Calliandra americana</i>	Beautyberry	H,M,L
<i>Calycanthus floridus</i>	Sweetshrub	H,M
<i>Feijoa sellowiana</i>	Pineapple Guava	M
<i>Forestiera segregata</i>	Florida Privet	M,L
<i>Ilex glabra</i>	Gallberry	M,L
<i>Ilex vomitoria</i>	Yaupon Holly	L
<i>Illicium parviflorum</i>	Star Anise	H,M
<i>Myrica cerifera</i>	Wax Myrtle	M,L
<i>Rhapidophyllum hystrix</i>	Needle Palm	M,L
<i>Sabal minor</i>	Bluestem Palmetto	H,M,L
<i>Serenoa repens</i>	Saw Palmetto	M,L
<i>Vaccinium corymbosum, darrowii, myrsinites</i>	Native blueberries	
<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>
NON-NATIVE SHRUBS, SMALL PALMS AND CYCADS:		
<i>Viburnum obovatum</i>	Walters Viburnum	H,M
<i>Abelia grandiflora</i>	Abelia	M
<i>Beloperone guttata</i>	Shrimp Plant	H,M
<i>Bulbine</i>	Groundcover	
<i>Buxus microphylla</i>	Japanese Boxwood	M
<i>Buxus sempervirens</i>	English Boxwood	M
<i>Camellia japonica</i>	Camellia	M
<i>Camellia sasanqua</i>	Sasanqua Camellia	H
<i>Chamaerops humilis</i>	European Fan Palm	L
<i>Codiaeum variegatum</i>	Croton	H,M,L
<i>Cycas revoluta</i>	King Sago	L
<i>Eleagnus pungens</i>	Silverthorn	M,L
<i>Fatsia japonica</i>	Fatsia	H,M
<i>Gardenia jasminoides</i>	Gardenia	H,M
<i>Hibiscus syriacus</i>	Rose of Sharon	M
<i>Hydrangea spp.</i>	Hydrangea	H,M
<i>Ilex spp.</i>	Shrubform Holly	M
<i>Juniperus spp.</i>	Juniper	M,L
<i>Ligustrum japonica</i>	Waxleaf Privet	M,L

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
TREE PRESERVATION AND LANDSCAPING STANDARDS

<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>
NON-NATIVE SHRUBS, SMALL PALMS AND CYCADS:		
<i>Lotopetalum chinense</i>	Chinese Witch Hazel	H,M
<i>Michelia figo</i>	Banana Shrub	H,M
<i>Nerium oleander</i>	Oleander	M,L
<i>Osmanthus fragrans</i>	Sweet Olive	M
<i>Pittosporum tobira</i>	Pittosporum	H,M
<i>Platycladus orientalis</i>	Arborvitae	L
<i>Podocarpus macrophylla, nagi</i>	Podocarpus	M,L
<i>Raphiolepis indica</i>	Indian Hawthorn	M,L
<i>Rhododendron spp.</i>	Azalea	H,M
<i>Ternstroemia gymnanthera</i>	Cleyera	M,L
<i>Trachycarpus fortunei</i>	Windmill Palm	L
<i>Viburnum odoratissimum</i>	Sweet Viburnum	H,M
<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>
NATIVE GROUNDCOVERS:		
<i>Viburnum tinus</i>	Laurustius Viburnum	M,L
<i>Borrichia frutescens</i>	Sea Oxeye Daisy	L
<i>Ceratiola ericoides</i>	Rosemary	M,L
<i>Crinum spp.</i>	Crinum Lily	M
<i>Gelsemium sempervirens</i>	Carolina Jessamine	M
<i>Helianthus debilis</i>	Beach Sunflower	L
<i>Iva imbricata</i>	Seashore Elder	L
<i>Licania michauxii</i>	Gopher Apple	L
<i>Muhlenbergia capillaris</i>	Muhly Grass	L
<i>Parthenocissus quinquefolia</i>	Virginia Creeper	H,M
<i>Paspalum spp.</i>	Paspalum	H,M
<i>Serenoa repens</i>	Saw Palmetto	M,L
<i>Sesuvium portulacastrum</i>	Sea Purslane	L
<i>Sisyrinchium spp.</i>	Blue-eyed Grass	M
<i>Sorghastrum secundum</i>	Lopsided Indian Grass	L
<i>Spartina patens</i>	Saltmeadow Cord Grass	M,L
<i>Stachytarpheta jamaicensis</i>	Blue Porter Weed	L
<i>Tripsacum dactyloides</i>	Fakahatchee Grass	L
<i>Uniola paniculata</i>	Sea Oats	L

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
TREE PRESERVATION AND LANDSCAPING STANDARDS

<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>
NON-NATIVE GROUNDCOVERS:		
<i>Yucca filamentosa</i>	Beargrass	L
<i>Zamia pumila</i>	Coontie	M
<i>Agapanthus africanus</i>	Blue Lily of the Nile	M
<i>Aiuga reptans</i>	Bugleweed	H
<i>Aloe spp.</i>	Aloe	M,L
<i>Aspidistra elatior</i>	Cast Ironplant	M
<i>Diates bicolor</i>	Butterfly Iris	H
<i>Diates vegeta</i>	African Iris	M,L
<i>Ficus pumila</i>	Creeping Fig	M,L
<i>Gerbera jamesonii</i>	Gerbera Daisy	M
<i>Hedera canariensis</i>	Algerian Ivy	L
<i>Hedera helix</i>	English Ivy	L
<i>Hemerocallis spp.</i>	Daylily	M,L
<i>Juniperus spp.</i>	Juniper	M,L
<i>Liriope muscari</i>	Liriope spp.	M
<i>Miscanthus spp.</i>	Miscanthus	L
<i>Nandina domestica</i>	Dwarf Nandina	M,L
<i>Ophiopogon japonicus</i>	Mondo Grass	L
<i>Pitiosporum tobira</i>	Dwarf Pitiosporum	H,M
<i>Trachelospermum asiaticum</i>	Asiatic Jasmine	L
<i>Trachelospermum jasminoides</i>	Confederate Jasmine	L
<i>Tulbaghia violacea</i>	Society Garlic	M,L
<i>Gelsemium sempervirens</i>	Carolina Jessamine	M
<i>Helianthus debilis</i>	Beach Sunflower	L
<i>Iva imbricata</i>	Seashore Elder	L
<i>Licania michauxii</i>	Gopher Apple	L
<i>Muhlenbergia capillaris</i>	Muhly Grass	L
<i>Parthenocissus quinquefolia</i>	Virginia Creeper	H,M
<i>Paspalum spp.</i>	Paspalum	H,M
<i>Serenoa repens</i>	Saw Palmetto	M,L
<i>Sesuvium portulacastrum</i>	Sea Purslane	L

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
TREE PRESERVATION AND LANDSCAPING STANDARDS

<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>
NON-NATIVE GROUNDCOVERS:		
<i>Sisyrinchium spp.</i>	Blue-eyed Grass	M
<i>Sorghastrum secundum</i>	Lopsided Indian Grass	L
<i>Spartina patens</i>	Saltmeadow Cord Grass	M,L
<i>Stachytarpheta jamaicensis</i>	Blue Porter Weed	L
<i>Tripsacum dactyloides</i>	Fakahatchee Grass	L
<i>Uniola paniculata</i>	Sea Oats	L
<i>Yucca filamentosa</i>	Beargrass	L
<i>Aloe spp.</i>	Aloe	M,L
<i>Aspidistra elatior</i>	Cast Ironplant	M
<i>Catharanthus roseus</i>	Periwinkle, Vinca	H,M
<i>Convolvulus 'Blue Daze'</i>	Blue Daze	M
<i>Cyrtomium falcatum</i>	Holly Fern	M
<i>Dichondra micrantha</i>	Dichondra	H,M

TABLE 94-297B. PROHIBITED SPECIES

<u>Botanical Name</u>	<u>Common Name</u>
<i>Albizia julibrissin</i>	Mimosa
<i>Broussonetia papyrifera</i>	Paper Mulberry
<i>Cinnamomum camphora</i>	Camphor
<i>Melia azedarach</i>	Chinaberry
<i>Sapium sebiferum</i>	Chinese Tallow

H	High water use plant species associated with wetlands or moist soils; requires supplemental irrigation in addition to natural rainfall. This zone includes most manicured turfgrass areas.
M	Moderate water use, drought tolerant plant species that survive on natural rainfall; requires supplemental irrigation during seasonal dry periods to maintain attractive appearance. This zone includes St. Augustine, Bahia and other turf grass areas.
L	Low water use drought tolerant plant species; will survive on natural rainfall without supplemental irrigation.

Secs. 94-298—94-299. - Reserved.

ARTICLE VII. – BUFFERING AND SCREENING REQUIREMENTS.....1

Sec. 94-300. - Purpose.....1

Sec. 94-301. - Definitions.....1

Sec. 94-302. – Purpose of buffer zones.....2

Sec. 94-303. – Applicability of regulations.....2

Sec. 94-304. – Buffer determination.....4

Sec. 94-305. – Timing of buffer installation.....12

Sec. 94-306. – Exceptions and modifications.....12

Sec. 94-307. – Required screening.....13

Sec. 94-308. - Variances.....13

Sec. 94-309. – Administration and enforcement.....13

Sec. 94-310. – Severability and conflict.....14

ARTICLE VII. – BUFFERING AND SCREENING REQUIREMENTS

Sec. 94-300. - Purpose

The purpose of this article is to provide minimum buffering and screening requirements which:

- (a) Reduce adverse impacts between uses and zones;
 - (b) Buffer intensive land uses from less intensive land uses; and
 - (c) Protect the public health, safety and general welfare by:
 - (1) Minimizing noise, air, dust and visual pollution;
 - (2) Reducing the heat and glare absorbed and radiated by development;
 - (3) Preserving property values and the character of neighborhoods;
 - (4) Helping to control soil erosion and stormwater runoff; and
 - (5) Improving the aesthetic appeal of the city.
- (Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-301. - Definitions

For purposes of the administration and enforcement of this article and unless otherwise stated, the following definitions shall apply (the present tense shall include future tense, the plural shall include the singular, and the word "shall" is mandatory, not discretionary):

Berm means a mound of earth between two and six feet high used to buffer or screen a land use.

Central business district (CBD) means areas zoned DB (downtown business) and DR (downtown riverfront) on the Official Zoning Atlas of Palatka, Florida.

Deciduous means a plant with foliage that drops or dies at the end of a growing season.

Evergreen means a plant with foliage that remains green year-round.

Ground cover means grasses or other plants grown to keep soil from being blown or washed away.

Mulch means a layer of wood chips, pine straw, hay or other material placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold soil in place and aid in plant growth.

Ornamental grass means a grass planted primarily for its ornamental value or for screening purposes.

1 underlined text indicates proposed & substantively new code language

Underlined highlighted text indicates existing code language that has been moved or paraphrased

Redevelopment means the demolition and rebuilding ~~or expansion~~ of 50 percent or more of a site's physical development (i.e., square footage of buildings).
Shrub means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

Streetyard means the area between a street property line and the front wall of a building.
Tree means a usually tall, woody plant, distinguished from a shrub by having comparatively greater height and, characteristically, defined as:

- (1) Canopy (large maturing) — Single trunk whose height is greater than 35 feet at maturity; or
- (2) Understory (small maturing) — Single trunk or multi-stem whose height is less than 35 feet at maturity.

Undisturbed vegetation means natural vegetation in a generally untouched, maintenance free, self-perpetuating stand comprised of indigenous trees, shrubs, herbs, flowers or grasses.

Utility easement means the right-of-way acquired by a utility or governmental agency or private agency to locate utilities, including all types of pipelines, telephone and electric cables.
(Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-302. – Purpose of buffer zones

(a) A buffer zone is a landscaped strip along parcel boundaries that serves as a buffer between incompatible uses and zoning districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirements.

(b) The width and degree of vegetation required depends on the level of impacts between uses as shown in Table 94-304.

Sec. 94-303. – Applicability of regulations

This article shall apply to projects meeting at least one of the following criteria: When a project meets more than one criterion it shall meet the less restrictive standard.

- (a) All appropriately-zoned lots existing on the date of adoption of this article requiring a building permit and proposed for development shall conform to this article as follows: ~~(for the provisions of this paragraph, commencement of development shall be defined as the date of the initial issuance of the building permit excluding extensions):~~
 - (1) Certificate of occupancy issued within 12 months of adoption of this article: 50 percent compliance;
 - (2) Certificate of occupancy issued after 12 months but within 18 months of adoption of this article: 75 percent compliance;
 - (3) Certificate of occupancy issued after 18 months of adoption of this article: 100 percent compliance.

(b) ~~This criterion does not apply to fences, only to the quantity of plantings and the width of the buffer.~~
Conditional uses. A change in land use or zoning shall be subject to this article.

- (1) Existing uses with no parking lot or building expansions shall only be required to meet complimentary use buffers adjacent to single-family uses or zoning and one streetyard tree per 4,000 square feet of vehicular use area. Each change

TIES LANDSCAPE CODE
CONFORMANCE WITH
DEVELOPMENT, NOT
ENTITLEMENTS, AND
CALLS FOR MINIMIZED
& PROPORTIONATE
COMPLIANCE

2 underlined text indicates proposed & substantively new code language
Underlined highlighted text indicates existing code language that has b

of use shall require the greater of one tree planting or 25% of the required trees and linear buffer.

(2) Multi-tenant shopping or office properties shall provide required landscaping noted in (1) above that is proportional to the use's percentage of the overall non-storage space. For example a use occupying a space that is 10% of the non-storage space of a shopping center shall provide at least 10% of the overall required buffer in regard to linear feet and associated landscape plantings. Priority shall be given to buffers within the streetyard. For purposes of this article, a change in land use or zoning shall include any of the following:

- ~~(1) A future land use amendment;~~
- ~~(2) A rezoning; or~~
- ~~(3) A conditional use.~~

~~This criterion does not apply to a change of occupancy or use where such change is permitted within the subject zoning designation without any additional consideration or process.~~

(c) Additions or expansions to existing uses shall be governed as follows, provide required landscaping that is proportional to the greater of building or parking lot space. For example a 30% building expansion accompanied by a 20% parking lot expansion shall provide 30% of overall required buffer in regard to linear feet and associated landscape plantings. Priority shall be given to buffers within the streetyard.

PROPORTIONAL COMPLIANCE INSTEAD OF COMPLIANCE BY RANGE OF PARCEL OR BUILDING SIZE

- ~~(1) On sites two acres or smaller, additions or expansions greater than 5,000 square feet shall be subject to this article. This includes additions cumulatively totaling more than 5,000 square feet following the adoption of this article.~~
- ~~(2) On sites greater than two acres, additions or expansions greater than 10,000 square feet to an existing structure shall be subject to this article. This includes additions cumulatively totaling more than 10,000 square feet following the adoption of this article.~~
- ~~(3) Additions or expansions less than 100 feet from any property line shall provide the required buffer on the encroached upon property line(s).~~
- ~~(4) Additions or expansions more than 100 feet from any property line shall be exempt, except on property lines that abut parcels zoned R-1AA, R-1A, R-1, or R-2.~~
- ~~(5) Buffers shall extend between building lines.~~

(d) Change of use. The lack of required buffer landscaping is considered to be a nonconforming characteristic of use, as defined in Zoning Code Section 94-114(D). Any nonresidential property that is unoccupied and not operational for more than six months is subject to the provisions of this section and shall be subject to the compliance standards set forth in (b) and (c) of this section.

(e) For purposes of clearing or grading, the owner shall be required to follow at a minimum the standards set forth herein and the standards of stabilization as set forth by the public works director and other appropriate authorities. The installation of buffers shall not be required until a certificate of occupancy is requested for the developed parcels and at that time only the buffer for each developed parcel should be required. This shall ensure that the proper buffer is established for each use as well as provide for the appropriate timing of installation.

EXPANSION COVERED IN (C) ABOVE

~~(e) Redevelopment of a site, as defined in this article, shall be subject to this article and shall additionally include any subsequent redevelopment cumulatively totalling more than a 50 percent expansion following the adoption of the article.~~

~~(fe)~~ In instances where a property owner or his agent is in possession of multiple contiguous undeveloped lots or parcels with differing zonings, or in instances where a single undeveloped lot or parcel includes multiple zoning designations, then the property owner may exclude the required buffers separating these differing zonings until such time as development is commenced, the contiguous use is initiated, or until a certificate of occupancy is requested for the adjacent undeveloped lot or parcel or portion of a lot or parcel with differing zoning designations. In instances where a contiguous lot or parcel with differing zoning, or where a portion of a lot or parcel with differing zoning, is sold by a property owner and the required buffer has not been previously installed, then the required buffer shall immediately be required to be installed by the property owner. In no instance shall this exclusion be used by a property owner to intentionally avoid the installation of a required buffer and, further, the zoning administrator reserves the right to require the installation of buffers where in his opinion a property owner is attempting to intentionally avoid the installation of the required buffers.

~~(f) Plant materials. Minimum standards for plant materials are set forth in Article VI, Section 944-295(c)~~

(Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-304. – Buffer determination

To determine the type of buffer required between two adjacent parcels ~~or along a right-of-way~~, refer to the table of buffer requirements and cross-reference the zoning of the parcel proposed for development, redevelopment, or expansion with the zoning district of the adjacent parcel, regardless of whether it is developed or vacant, except as provided in section 94-302(f). The standards

provided are minimum requirements and may be exceeded if so desired, except for fence heights, which shall require approval of the board of zoning appeals to be exceeded. Tree spacing can be averaged with an emphasis on effective placement of trees for shading, visual and sound attenuation, and aesthetic appeal.

BUFFER TABLES
CONSOLIDATED
INTO ONE TABLE

provided are minimum requirements and may be exceeded if so desired, except for fence heights, which shall require approval of the board of zoning appeals to be exceeded. Tree spacing can be averaged with an emphasis on effective placement of trees for shading, visual and sound attenuation, and aesthetic appeal.

Table 94-303. TABLE OF BUFFER REQUIREMENTS—
Zoning/ Zoning of parcel proposed for development/redevelopment/expansion
use of
adjacent
parcel

	CON	ROS, OR	R-1AA, R-1A, R-1,R-2	R-3, R-4	C-1A, C-1	DB, DR	PBG-1, AP-1	C-2	M-1, PBG-2, AP-2
CON	—	—	A	B	€	—	€	€	€
ROS, OR	—	A	A	B	€	—	€	€	€
R-1AA, R-1A,	A	A	—	€	€	—	€	€	€

R-1, R-2									
R-3, R-4	A	A	A	B	C	—	C	C	D
C-1A-	A	A	B	C	—	—	B	B	D
C-1									
DB, DR	A	A	B	C	C	—	B	B	D
PBG-1-	A	A	C	C	C	—	B	B	C
AP-1									
G-2	A	A	C	D	A	—	A	A	C
M-1-	A	A	D	D	C	—	A	A	B
PBG-2-									
AP-2									

Note: Areas zoned DB and DR are exempt from installing a buffer because of the CBD exemption.
— = Buffer not required

(Ord. No. 05-33, § 1-6-23-2005)

Sec. 94-304. Buffer categories and options for rear and side yards.

The applicant may choose the option to be used within the required category. Plant species selected by the applicant shall be from approved lists maintained by the St. John's River Water Management District for the Waterwise Landscaping program and shall otherwise conform to the provisions of this article.

Table 94-304A. CATEGORY A

	Option 1	Option 2	Option 3
Width of Buffer	5 feet	10 feet	20 feet
Number of Canopy Trees per 100 linear feet	0	0	Undisturbed Natural Vegetation
Number of Understory Trees per 100 linear feet	0	2	Undisturbed Natural Vegetation
Number of Shrubs/Ornamental Grasses per 100 linear feet	20	15	Undisturbed Natural Vegetation
Fence, Wall or Earth Berm	6 to 8 foot wood stockade fence or masonry wall	None Required	None Required

Table 94-304B. CATEGORY B

	Option 1	Option 2	Option 3
Width of Buffer	15 feet	10 feet	20 feet
Number of Canopy Trees per 100 linear feet	1	0	Undisturbed Natural Vegetation
Number of Understory	4	4	Undisturbed Natural

5 underlined text indicates proposed & substantively new code language

Underlined highlighted text indicates existing code language that has been moved or paraphrased

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
BUFFER STANDARDS

Trees per 100 linear feet	25		Vegetation
Number of Shrubs/Ornamental Grasses per 100 linear feet	20		Undisturbed Natural Vegetation
Fence, Wall or Earth Berm	None Required	6 to 8 foot wood stockade fence or masonry wall; or 2 to 6 foot earth berm with wood stockade fence or masonry wall installed at highest point to provide 6 to 8 foot high buffer	None Required

Table 94.304C. CATEGORY C

Width of Buffer	Option 1 20 feet	Option 2 10 feet	Option 3 30 feet
Number of Canopy Trees per 100 linear feet	3	0	Undisturbed Natural Vegetation
Number of Understory Trees per 100 linear feet	3	0	Undisturbed Natural Vegetation
Number of Shrubs/Ornamental Grasses per 100 linear feet	20	20	Undisturbed Natural Vegetation
Fence, Wall or Earth Berm	None Required	6 to 8 foot wood stockade fence or masonry wall; or 2 to 6 foot earth berm with wood stockade fence or masonry wall installed at highest point to provide 6 to 8 foot high buffer	None Required

Table 94.304D. CATEGORY D

Width of Buffer	Option 1 40 feet	Option 2 30 feet	Option 3 75 feet
Number of Canopy Trees per 100 linear feet	6	4	Undisturbed Natural Vegetation
Number of Understory	6	5	Undisturbed Natural

Trees per 100 linear feet				Vegetation
Number of Shrubs/Ornamental Grasses per 100 linear feet	33	25		Undisturbed Natural Vegetation
Fence, Wall or Earth Berm	None Required	6 to 8 foot wood stockade fence or masonry wall; or 2 to 6 foot earth berm with wood stockade fence or masonry wall installed at highest point to provide 6 to 8 foot high buffer		None Required

Berms shall have a maximum slope of 3:1, a minimum crown width of two feet, and shall be planted with vegetative ground cover to prevent erosion.

Fence installation shall be consistent with acceptable building practices. (Ord. No. 05-33, § 1, 6-23-2005)

Sec. 94-305. Buffer requirements for street frontages.

The portion(s) of a parcel proposed for development, redevelopment, or expansion abutting on a public street or highway right of way shall be buffered as per Table 94-305.

Buffers may be planted within the public right of way and utility easements if the public works director concludes that such plantings will not be impacted by utilities, roadway expansions, or traffic flow considerations. Planting within the right of way and utility easements may account for no more than 25 percent of the total landscape requirement. Parcels zoned R-1AA, R-1A, R-1, and R-2 are exempt from this requirement.

Table 94-305. TABLE OF STREET FRONTAGE BUFFERS

Planting strip adjacent to public ROW	2 acres or less		Greater than 2 acres	
	Option 1	Option 2	Option 1	Option 2
Planting strip adjacent to public ROW	8 feet	5 feet	10 feet	7 feet
Number of large trees per 100 linear feet of frontage or fraction	1	2	1	2
Number of shrubs per 100 linear feet or fraction	25	30	25	30

PART II - MUNICIPAL CODE
Chapter 94 - ZONING
BUFFER STANDARDS

Maximum height of a berm at 3:1 slope	6 feet	2 feet	6 feet	2 feet
---------------------------------------	--------	--------	--------	--------

Berms shall have a maximum slope of 3:1, a minimum crown width of two feet, and shall be planted with vegetative ground cover to prevent erosion.
Fence installation shall be consistent with acceptable building practices.
(Ord. No. 05-33, § 1, 6-23-2005)

....

Sec. 94-306. Location of buffers.

Buffers shall be located along the perimeter of a lot or parcel, and may be located within the public right-of-way or utility easement as provided for in section 94-305. If fencing is required, or desired, it shall be located at the property line. A fence shall be erected so the best aesthetic surface faces the adjacent property.

Buffers may be located within the front, rear and side yard required by the zoning ordinance.

(Ord. No. 05-33, § 1, 6-23-2005)

(a) Perimeter buffer responsibility – If the land next to the proposed development is vacant, the perimeter buffer required shall be determined by the existing land use or zoning of the adjacent vacant parcel, with the parcel having the more intensive land use responsible for the buffer. If the adjacent parcel has a use of higher intensity, was developed prior to the effective date of this ordinance and did not include a buffer, the proposed development will be responsible for the required perimeter buffer. If the proposed development is next to an existing development having a land use of lower intensity, the proposed development shall be responsible for the perimeter buffer.

(b) Buffer tree spacing. Tree spacing can be averaged with an emphasis on effective placement of trees for shading, visual and sound attenuation, and aesthetic appeal. Canopy trees require a separation of 25 feet from any tree and understory trees require a separation of 15 feet from any tree.

(c) Default buffer – Unless otherwise required in Table 94-303, all development shall provide a buffer adjacent to property lines with a minimum width of eight feet and the following required landscaping:

(1) A row of evergreen or deciduous canopy trees spaced not more

than 50 feet apart; and

(2) turf grass, low growing evergreen plants or evergreen ground cover planted over at least one-third of the buffer length.

(d) Vehicle use area buffer – the following required landscaping shall be provided within a buffer of minimum width of 10 feet located between a street right-of-way and parking lots, driveways, loading areas and other paved expanses, and with the ability for plantings to occur in the adjacent right-of-way where the intent of the buffering will be achieved and no conflicts occur with utilities, with the approval of the building and zoning department:

(1) Hedges, ornamental grasses, fences, walls, or a combination of these elements that provides effective screening, to be

MINIMAL BUFFER FOR
LIKE USES, REAR &
SIDE YARDS FOR

MORE EFFECTIVE
SCREENING & SHADING
OF PAVED AREAS –
CURRENT STANDARDS
REQUIRE CONTINUOUS
SHRUBS & LANDSCAPE
STRIPS, WHILE ONLY
REQUIRING MINIMAL
TREE PLANTING (1 OR 2
PER 100 LINEAR FEET)

maintained at a height between 36 inches and 54 inches, not interfering with required sight distance at driveway entrances or street intersections.

- (2) A row of evergreen or deciduous canopy trees spaced not more than 35 feet apart; and,
- (3) Turf grass, low growing evergreen plants or evergreen ground cover planted over the remaining balance of the buffer.

(e) Roadway buffer – the following required landscaping shall be provided in areas adjacent to street right-of-way that are not vehicular use area buffers or driveways, and with the ability for plantings to occur in the adjacent right-of-way where the intent of the buffering will be achieved and no conflicts occur with utilities, with the approval of the building and zoning department:

(1) a row of evergreen or deciduous canopy trees spaced not more than 35 feet apart; and,

(2) turf grass, low growing evergreen plants or evergreen ground cover planted over the remaining balance of the buffer.

(f) Streetyard – at least 15% of the streetyard shall be established and maintained as landscaped area, with other required buffers counting toward that total.

(g) Uncomplimentary use buffer – those interior perimeter buffers that are not adjacent to a right-of-way shall include the following:

- (1) Evergreen plants which, at the time of planting, shall be at least three feet in height and reach a height of six feet within one year, providing an overall screening opacity of 90 percent; or,
- (2) A masonry wall six feet in height, architecturally finished on all sides, and if a block wall, painted on all sides; or,
- (3) A solid wooden fence six feet in height, finished side out; or,
- (4) A berm in combination with 1, 2 or 3 to achieve a minimum height of six feet and eighty percent opacity at the time of installation; and
- (5) A row of evergreen understory and canopy trees between impactful and impacted uses or evergreen or deciduous understory and canopy trees in all other cases, spaced as noted in Table 94-303; and,
- (6) Turf grass, low growing evergreen plants or evergreen ground cover planted over the remaining balance of the buffer.

(h) Natural uncomplimentary use buffer – an undisturbed wooded area having an opacity of 85% during all seasons shall be allowed as an alternative to other perimeter buffers if it is determined by the building and zoning department that this buffer meets the intent of effectively screening adjacent property. Buffer width shall exceed twice the required dimension set forth in Table 94-304.

HEDGE REQUIREMENT
REMOVED TO ALLOW
FOR GREATER
BUILDING VISIBILITY
AND LOWER COSTS

INTENDED TO "GREEN
UP" ROADWAY
CORRIDORS WITH
STRATEGIC TREE
PLACEMENT

MOST STRINGENT
BUFFER, INTENDED FOR
UNCOMPLIMENTARY
USES, BUT NOT AS
OVERLY AS CURRENT
STRINGENT BUFFER
(TREES ON NINE-FOOT
SPACING, FENCE, HEDGE,
40-FOOT WIDTH)

SINGLE TABLE TO REPLACE
MULTIPLE BUFFER TABLES -
INTERIOR BUFFERS ONLY
REQUIRED WHEN LOW IMPACT
USES (CONSERVATION,
RESIDENTIAL) ARE AFFECTED

Table 94-304: Uncomplimentary Use Buffer Table

High Impact Uses or Zoning	Low Impact Uses or Zoning		
	Conservation and Passive Recreation	Residential - (Single and Two)	Residential - (Multifamily)
Residential - (Multifamily)	15/50/25	25/50/25	N/A
Cultural/Institutional Office/Professional Services	15/50/25	15/50/25	10/60/40
Neighborhood Commercial	15/50/25	20/50/25	10/60/40
Active Recreation	20/35/0	20/40/40	15/50/0
General Commercial	20/50/20	25/50/20	20/60/30
Intensive Commercial / Industrial / Utility Plant Sites	25/50/20	35/50/20	25/50/25

Legend: buffer width in feet / canopy tree spacing / understory tree spacing. For example 20/50/25 means a 20 foot wide buffer with canopy trees spaced an average of 50 feet apart and understory trees spaced an average of 25 feet apart.

(i) Multipurpose landscaping. Required landscaping may be used to satisfy multiple standards. For example, a vehicular use area terminal island tree may be used to also satisfy a perimeter buffer tree requirement if the intent of both buffers is served as determined by the building and zoning department.

(j) Xeriscaping. To ensure lower water use and increased survivability, buffer shrubs utilized for hedges, and also trees in vehicle use areas and roadway buffers shall be limited to those types listed in low and medium water use zones, as listed in Table 297-A. Plant types shall be of similar water use zone.

ELIMINATES
“DOUBLE-COUNTING” AND
REDUCES EXPENSES WHILE
MEETING INTENT OF CODE

Sec. 94-305. -- Planting specifications

- (a) General requirements. All plant material shall meet American Association of Nurserymen Standards. Plantings shall conform to the following specifications, as applicable:
- (1) Ground cover of vegetative matter shall be provided throughout the buffer area except in undisturbed natural vegetation areas. If grass is used, it shall be of a species normally grown as permanent lawns in the vicinity of Palatka, Florida. Grass areas may be sodded, plugged, sprigged or seeded.
 - (2) Canopy tree species shall be a minimum of eight feet in height and have a caliper of at least two inches immediately after planting. Species shall have an average mature crown spread of at least 25 feet when grown in Palatka, Florida. No canopy trees shall be planted within 20 feet of overhead wires.

- (3) ~~Understory tree species shall be a minimum of five feet in height and have a caliper of at least 1 1/2 inches immediately after planting. Species used shall have an average mature crown spread of at least 15 feet when grown in Palatka, Florida.~~
- ~~(4) Shrubs and ornamental grasses shall be a minimum of 12 inches in height when measured immediately after planting.~~
- (5) ~~Shrubs or ornamental grasses planted to form hedges shall be an evergreen species and a minimum of 18 inches in height when measured immediately after planting. Shrubs and ornamental grasses planted to form hedges shall be planted no further apart than 30 inches on center.~~
- (6) ~~All plantings that die or are destroyed within two years must be replaced.~~
- ~~(b) Specific requirements:~~
- ~~(1) Placement, installation and irrigation:~~
- a. ~~To achieve a more natural appearance, plantings should not be evenly spaced or planted in a straight line. Plantings shall be distributed throughout the length of the buffer.~~
- b. ~~Plantings shall be installed to current nursery industry standards. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement and shall be removed after 12 months.~~
- c. ~~The buffer shall provide for the placement of topsoil of a depth sufficient to ensure plant survival.~~
- d. ~~To ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering, all buffer areas should be provided with means of providing water with one of the following two options:~~
1. ~~A permanent built in irrigation system; or~~
2. ~~A temporary watering system (hoses, water tank truck, etc.) which provides sufficient water to ensure that selected plant species can survive adequately on their own once established.~~
- (2) ~~Existing vegetation. Preservation of existing stands of natural vegetation and mature trees is a highly desirable aspect of site development and encouraged whenever and wherever existing vegetation will aid in meeting the requirements of this article.~~
- a.(1) ~~As noted in the buffer category schedule, undisturbed natural vegetation can serve as an adequate buffer and can eliminate the need for any supplemental vegetation within the buffer areas. All such areas must be adequately protected during site development and construction activity.~~
- b.(2) ~~Mature trees are valuable community assets and should be saved whenever possible. If existing trees (hardwoods or pines) at least eight inches in diameter (measured four feet above the ground) are used in the buffer or landscaped area, each tree will count double toward meeting the buffer tree requirement.~~
- (k3) ~~Protection. All required buffer areas, particularly those including trees and shrubs, should be protected from potential damage by adjacent uses and development, including parking and storage areas. A tree protection device shall be installed at the dripline of the tree canopy to protect the tree and root zone.~~
- (Ord. No. 05-33, § 1, 6-23-2005)

~~Sec. 94-306. Responsibility for installation and maintenance~~

~~The property owner or his/her agent is responsible for the installation and reasonable maintenance of the buffer area. Succeeding owners, lessees, and agents must also reasonably maintain the buffers. The penalty for failing to install or maintain the required buffer areas is outlined in the administration and~~

11

underlined text indicates proposed & substantively new code language

Underlined highlighted text indicates existing code language that has been moved or paraphrased

~~enforcement section of this article, except that in R-1AA, R-1A, R-1, and R-2 zoning districts, maintenance of any buffer shall be at the discretion of the individual homeowner following installation of any buffer during initial development of the site. (Ord. No. 05-33, § I, 6-23-2005)~~

Sec. 94-3057. – Timing of buffer installation

Required buffers shall be installed in accordance with the following schedule:

- (1) New development, redevelopment, or expansions: Dimensions, category and option of buffer installation shall be submitted to the building and zoning department prior to the issuance of a certificate of occupancy.
- (2) Change in land use or zoning: site plans submitted with the future land use amendment, rezoning, or conditional use application shall depict the location, dimensions, category, and option of required buffers and buffer installation and shall be submitted to the building and zoning department as part of the application submittal for the requested change in land use or zoning. No change in land use or zoning may be heard by the planning board without the submittal of site plans addressing required buffers as provided in this article.
- (3) Where a buffer includes new plantings, a property owner or developer may submit an affidavit requesting a postponement in planting to allow for installation to occur at a time which better coincides with the normal planting season, generally between November 1 and March 30 of each year.

(Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-3068. – Exceptions and modifications.

- (a) Central business district. Because of the unique urban character of the central business district (CBD), the buffering requirements of this article shall not apply to properties located within the CBD zoned DB (downtown business) or DR (downtown riverfront). However, properties in the CBD shall be subject to the "screening required for parking lots"-vehicle use area buffer and "required screening required for trash areas, dumpsters, and outdoor storage areas visible from any public street or from residential uses and zones" portions of this article.
- (b) All other development including all city- and government-owned property, school district property, etc. shall comply.
- (c) Modifications to the standards of this article may be granted in writing within ten working days by the zoning administrator if any of the following circumstances exist on the proposed building site, or adjacent properties:

- (1) Natural land characteristics, such as topography or existing vegetation on the proposed building site, would achieve the same intent of this article.
- (2) Innovative buffering or architectural design is employed on the building site to achieve an equivalent screening or buffering effect.

The developer shall submit sufficient documentation in support of the request for modification to the zoning administrator a minimum of 60 days in advance of requesting issuance of a site development permit.

(Ord. No. 05-33, § I, 6-23-2005)

- 12 underlined text indicates proposed & substantively new code language
Underlined highlighted text indicates existing code language that has be

MITIGATION PROVIDES
FLEXIBILITY FOR TREE
FUND TO PLANT TREES
OFF-SITE, IN VICINITY,
WHEN IMPRACTICAL
TO MEET TREE
REQUIREMENTS

(d) Mitigation. Where circumstances pertaining to physical characteristics of a property make it impractical to meet buffer requirements the developer may submit a mitigation plan for tree committee approval that transfers required plantings to nearby public right-of-way, parkland, or strategically visible private property. Off-site plantings shall provide a public benefit in the form of shaded sidewalks or streets and visual appeal.

Sec. 94-3079. - Required Screening required for trash areas, dumpsters and outdoor storage areas visible from any public street or residential uses and zones

Trash areas, dumpsters and outdoor storage areas visible from any public street or from residential uses and zones shall be screened with plants, opaque fencing, or masonry walls on three sides in such a manner as to provide a minimum of six feet, but no more than eight feet, of vertical visual obstruction. This section shall not apply to parcels zoned R-1AA, R-1A, R-1, and R-2.
(Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-30810. - Variances

The ~~board of zoning appeals~~~~tree advisory committee~~ may hear requests for variances from provisions of this article in accordance with the procedures set forth in division 2 of article II of chapter 94.
(Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-30911. - Administration and enforcement

(a) *Administration.* In projects involving issuance of a building permit or certificate of occupancy, the ~~building official~~~~planning director~~ shall receive an affidavit executed by the property owner or developer acknowledging the completion of, or commitment of completing by a certain date, the buffer installation prior to issuance of the certificate of occupancy.
In instances where the buffer installation has not taken place prior to issuance of the certificate of occupancy, then a performance bond or other acceptable surety in an amount equal to 110 percent of the value of the buffer, as determined by the ~~building official~~~~planning director~~, and its installation shall be posted with the building and zoning department. This performance bond or other acceptable surety shall remain in full effect until the required improvements are installed, inspected, and approved for release by the zoning administrator or his designee.

(b) *Appeals.* The ~~board of zoning appeals~~ ~~tree advisory committee~~ may ~~hear~~ ~~approve~~ requests for appeals ~~in accordance with the procedures set forth in section 94-65~~ of this chapter ~~with findings that exceptions or alternative methods meet or exceed the intent of the specific regulation and the overall tree and landscape ordinance.~~

APPEALS PROCESS MORE SUITED FOR TREE COMMITTEE DUE TO ITS FOCUS ON TREE & LANDSCAPE ISSUES
--

(c) *Enforcement.* It shall be unlawful for any person to violate or fail to comply with any provision of this article. Violators shall be subject to the penalties as set forth herein. A violation of this article shall constitute a Class II offense as listed in the city's uniform fine schedule, with multiple violations carrying a fine not to exceed \$500.00. Additionally, provisions of this article may be enforced by the code enforcement board following the procedures listed in article V of chapter 2 of the Municipal Code.

13 underlined text indicates proposed & substantively new code language
Underlined highlighted text indicates existing code language that has been moved or paraphrased

(Ord. No. 05-33, § I, 6-23-2005)

| **Sec. 94-3102. – Severability and conflict.**

- (a) *Severability.* This article, and its various parts, are hereby declared to severable. If any section, clause, provision, or portion of this article is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this article as a whole. All parts not declared invalid or unconstitutional shall remain in full force and effect.
- (b) *Conflict.* If any part of this article is found to be in conflict with any other ordinance or any other part of this article or chapter, the most restrictive or highest standard shall prevail. If any part of this article is explicitly prohibited by federal or state statute, it shall not be enforced.

| (Ord. No. 05-33, § I, 6-23-2005)

ARTICLE VII. – BUFFERING AND SCREENING REQUIREMENTS1

Sec. 94-300. - Purpose1

Sec. 94-301. - Definitions.....1

Sec. 94-302. – Purpose of buffer zones2

Sec. 94-303. – Applicability of regulations2

Sec. 94-304. – Buffer determination.....3

Sec. 94-305. – Timing of buffer installation.....6

Sec. 94-306. – Exceptions and modifications.....6

Sec. 94-307. – Required screening7

Sec. 94-308. – Variances.....7

Sec. 94-309. – Administration and enforcement7

Sec. 94-310. – Severability and conflict.....8

ARTICLE VII. – BUFFERING AND SCREENING REQUIREMENTS

Sec. 94-300. - Purpose

The purpose of this article is to provide minimum buffering and screening requirements which:

- (a) Reduce adverse impacts between uses and zones;
 - (b) Buffer intensive land uses from less intensive land uses; and
 - (c) Protect the public health, safety and general welfare by:
 - (1) Minimizing noise, air, dust and visual pollution;
 - (2) Reducing the heat and glare absorbed and radiated by development;
 - (3) Preserving property values and the character of neighborhoods;
 - (4) Helping to control soil erosion and stormwater runoff; and
 - (5) Improving the aesthetic appeal of the city.
- (Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-301. - Definitions

For purposes of the administration and enforcement of this article and unless otherwise stated, the following definitions shall apply (the present tense shall include future tense, the plural shall include the singular, and the word "shall" is mandatory, not discretionary):

- Berm* means a mound of earth between two and six feet high used to buffer or screen a land use.
- Central business district (CBD)* means areas zoned DB (downtown business) and DR (downtown riverfront) on the Official Zoning Atlas of Palatka, Florida.
- Deciduous* means a plant with foliage that drops or dies at the end of a growing season.
- Evergreen* means a plant with foliage that remains green year-round.
- Ground cover* means grasses or other plants grown to keep soil from being blown or washed away.
- Mulch* means a layer of wood chips, pine straw, hay or other material placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold soil in place and aid in plant growth.
- Ornamental grass* means a grass planted primarily for its ornamental value or for screening purposes.

Redevelopment means the demolition and rebuilding of 50 percent or more of a site's physical development (i.e., square footage of buildings).

Shrub means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

Streetyard means the area between a street property line and the front wall of a building.

Tree means a usually tall, woody plant, distinguished from a shrub by having comparatively greater height and, characteristically, defined as:

(1) Canopy (large maturing) — Single trunk whose height is greater than 35 feet at maturity; or

(2) Understory (small maturing) — Single trunk or multi-stem whose height is less than 35 feet at maturity.

Undisturbed vegetation means natural vegetation in a generally untouched, maintenance free, self-perpetuating stand comprised of indigenous trees, shrubs, herbs, flowers or grasses.

Utility easement means the right-of-way acquired by a utility or governmental agency or private agency to locate utilities, including all types of pipelines, telephone and electric cables.
(Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-302. – Purpose of buffer zones

(a) A buffer zone is a landscaped strip along parcel boundaries that serves as a buffer between incompatible uses and zoning districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirements.

(b) The width and degree of vegetation required depends on the level of impacts between uses as shown in Table 94-304.

Sec. 94-303. – Applicability of regulations

This article shall apply to projects meeting at least one of the following criteria. When a project meets more than one criterion it shall meet the less restrictive standard.

(a) All appropriately-zoned lots existing on the date of adoption of this article requiring a building permit and proposed for development shall conform to this article as follows.

(b) Conditional uses shall be subject to this article.

(1) Existing uses with no parking lot or building expansions shall only be required to meet uncomplimentary use buffers adjacent to single-family uses or zoning and one streetyard tree per 4,000 square feet of vehicular use area. Each change of use shall require the greater of one tree planting or 25% of the required trees and linear buffer.

(2) Multi-tenant shopping or office properties shall provide required landscaping noted in (1) above that is proportional to the use's percentage of the overall non-storage space. For example a use occupying a space that is 10% of the non-storage space of a shopping center shall provide at least 10% of the overall required buffer in regard to linear feet and associated landscape plantings. Priority shall be given to buffers within the streetyard.

(c) Additions or expansions to existing uses shall provide required landscaping that is proportional to the greater of building or parking lot space. For example a 30% building expansion accompanied by a 20% parking lot expansion shall provide 30% of overall required buffer in regard to linear feet and associated landscape plantings. Priority shall be given to buffers within the streetyard.

- (d) *Change of use.* The lack of required buffer landscaping is considered to be a nonconforming characteristic of use, as defined in Zoning Code Section 94-114(f). Any nonresidential property that is unoccupied and not operational for more than six months is subject to the provisions of this section and shall be subject to the compliance standards set forth in (b) and (c) of this section.
- (e) For purposes of clearing or grading, the owner shall be required to follow at a minimum the standards set forth herein and the standards of stabilization as set forth by the public works director and other appropriate authorities. The installation of buffers shall not be required until a certificate of occupancy is requested for the developed parcels and at that time only the buffer for each developed parcel should be required. This shall ensure that the proper buffer is established for each use as well as provide for the appropriate timing of installation.
- (e) In instances where a property owner or his agent is in possession of multiple contiguous undeveloped lots or parcels with differing zoning, or in instances where a single undeveloped lot or parcel includes multiple zoning designations, then the property owner may exclude the required buffers separating these differing zonings until such time as development is commenced, the contiguous use is initiated, or until a certificate of occupancy is requested for the adjacent undeveloped lot or parcel or portion of a lot or parcel with differing zoning designations. In instances where a contiguous lot or parcel with differing zoning, or where a portion of a lot or parcel with differing zoning, is sold by a property owner and the required buffer has not been previously installed, then the required buffer shall immediately be required to be installed by the property owner. In no instance shall this exclusion be used by a property owner to intentionally avoid the installation of a required buffer and, further, the zoning administrator reserves the right to require the installation of buffers where in his opinion a property owner is attempting to intentionally avoid the installation of the required buffers.
- (f) Plant materials. Minimum standards for plant materials are set forth in Article VI, Section 944-295(c)
(Ord. No. 05-33, § 1, 6-23-2005)

Sec. 94-304. – Buffer determination

To determine the type of buffer required between two adjacent parcels or along a right-of-way, refer to the table of buffer requirements and cross-reference the zoning of the parcel proposed for development, redevelopment, or expansion with the zoning district of the adjacent parcel, regardless of whether it is developed or vacant, except as provided in section 94-302(f). The standards provided are minimum requirements and may be exceeded if so desired, except for fence heights, which shall require approval of the board of zoning appeals to be exceeded. Tree spacing can be averaged with an emphasis on effective placement of trees for shading, visual and sound attenuation, and aesthetic appeal.

(a) *Perimeter buffer responsibility* –If the land next to the proposed development is vacant, the perimeter buffer required shall be determined by the existing land use or zoning of the adjacent vacant parcel, with the parcel having the more intensive land use responsible for the buffer. If the adjacent parcel has a use of higher intensity, was developed prior to the effective date of this ordinance and did not include a buffer, the proposed development will be responsible for the required perimeter buffer. If the proposed development is next to an existing development having a land use of lower intensity, the proposed development shall be responsible for the perimeter buffer.

- (b) *Buffer tree spacing.* Tree spacing can be averaged with an emphasis on effective placement of trees for shading, visual and sound attenuation, and aesthetic appeal. Canopy trees require a separation of 25 feet from any tree and understory trees require a separation of 15 feet from any tree.
- (c) *Default buffer* – Unless otherwise required in Table 94-303, all development shall provide a buffer adjacent to property lines with a minimum width of eight feet and the following required landscaping:
- (1) A row of evergreen or deciduous canopy trees spaced not more than 50 feet apart; and
 - (2) turf grass, low growing evergreen plants or evergreen ground cover planted over at least one-third of the buffer length.
- (d) *Vehicular use area buffer* – the following required landscaping shall be provided within a buffer of minimum width of 10 feet located between a street right-of-way and parking lots, driveways, loading areas and other paved expanses, and with the ability for plantings to occur in the adjacent right-of-way where the intent of the buffering will be achieved and no conflicts occur with utilities, with the approval of the building and zoning department:
- (1) Hedges, ornamental grasses, fences, walls, or a combination of these elements that provides effective screening, to be maintained at a height between 36 inches and 54 inches, not interfering with required sight distance at driveway entrances or street intersections.
 - (2) A row of evergreen or deciduous canopy trees spaced not more than 35 feet apart; and,
 - (3) Turf grass, low growing evergreen plants or evergreen ground cover planted over the remaining balance of the buffer.
- (e) *Roadway buffer* – the following required landscaping shall be provided in areas adjacent to street right-of-way that are not vehicular use area buffers or driveways, and with the ability for plantings to occur in the adjacent right-of-way where the intent of the buffering will be achieved and no conflicts occur with utilities, with the approval of the building and zoning department:
- (1) a row of evergreen or deciduous canopy trees spaced not more than 35 feet apart; and,
 - (2) turf grass, low growing evergreen plants or evergreen ground cover planted over the remaining balance of the buffer.
- (f) *Streetyard* – at least 15% of the streetyard shall be established and maintained as landscaped area, with other required buffers counting toward that total.
- (g) *Uncomplimentary use buffer* – those interior perimeter buffers that are not adjacent to a right-of-way shall include the following:
- (1) Evergreen plants which, at the time of planting, shall be at least three feet in height and reach a height of six feet within one year, providing an overall screening opacity of 90 percent; or,
 - (2) A masonry wall six feet in height, architecturally finished on all sides, and if a block wall, painted on all sides; or,
 - (3) A solid wooden fence six feet in height, finished side out; or,
 - (4) A berm in combination with 1, 2 or 3 to achieve a minimum height of six feet and eighty percent opacity at the time of installation; and
 - (5) A row of evergreen understory and canopy trees between impactful and impacted uses or evergreen or deciduous understory and canopy trees in all other cases, spaced as noted in Table 94-303; and,
 - (6) Turf grass, low growing evergreen plants or evergreen ground cover planted over the remaining balance of the buffer.

- (h) *Natural uncomplimentary use buffer* – an undisturbed wooded area having an opacity of 85% during all seasons shall be allowed as an alternative to other perimeter buffers if it is determined by the building and zoning department that this buffer meets the intent of effectively screening adjacent property. Buffer width shall exceed twice the required dimension set forth in Table 94-304.

Table 94-304: Uncomplimentary Use Buffer Table

High Impact Uses or Zoning	Low Impact Uses or Zoning		
	Conservation and Passive Recreation	Residential - (Single and Two)	Residential (Multifamily)
Residential - (Multifamily)	15/50/25	25/50/25	N/A
Cultural/Institutional Office/Professional Services	15/50/25	15/50/25	10/60/40
Neighborhood Commercial	15/50/25	20/50/25	10/60/40
Active Recreation	20/35/0	20/40/40	15/50/0
General Commercial	20/50/20	25/50/20	20/60/30
Intensive Commercial / Industrial / Utility Plant Sites	25/50/20	35/50/20	25/50/25

Legend: buffer width in feet / canopy tree spacing / understory tree spacing. For example 20/50/25 means a 20 foot wide buffer with canopy trees spaced an average of 50 feet apart and understory trees spaced an average of 25 feet apart.

- (i) *Multipurpose landscaping.* Required landscaping may be used to satisfy multiple standards. For example, a vehicular use area terminal island tree may be used to also satisfy a perimeter buffer tree requirement if the intent of both buffers is served as determined by the building and zoning department.
- (j) *Xeriscaping.* To ensure lower water use and increased survivability, buffer shrubs utilized for hedges, and also trees in vehicle use areas and roadway buffers shall be limited to those types listed in low and medium water use zones, as listed in Table 297-A. Plant types shall be of similar water use zone.
- (k) *Existing vegetation.* Preservation of existing stands of natural vegetation and mature trees is a highly desirable aspect of site development and encouraged whenever and wherever existing vegetation will aid in meeting the requirements of this article.
- (1) As noted in the buffer category schedule, undisturbed natural vegetation can serve as an adequate buffer and can eliminate the need for any supplemental vegetation within the buffer areas. All such areas must be adequately protected during site development and construction activity.
- (2) Mature trees are valuable community assets and should be saved whenever possible. If existing trees (hardwoods or pines) at least eight inches in diameter (measured four feet

above the ground) are used in the buffer or landscaped area, each tree will count double toward meeting the buffer tree requirement.

- (1) *Protection.* All required buffer areas, particularly those including trees and shrubs, should be protected from potential damage by adjacent uses and development, including parking and storage areas. A tree protection device shall be installed at the dripline of the tree canopy to protect the tree and root zone.

(Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-305. – Timing of buffer installation

Required buffers shall be installed in accordance with the following schedule:

- (1) New development, redevelopment, or expansions: Dimensions, category and option of buffer installation shall be submitted to the building and zoning department prior to the issuance of a certificate of occupancy.
- (2) Change in land use or zoning: site plans submitted with the future land use amendment, rezoning, or conditional use application shall depict the location, dimensions, category, and option of required buffers and buffer installation and shall be submitted to the building and zoning department as part of the application submittal for the requested change in land use or zoning. No change in land use or zoning may be heard by the planning board without the submittal of site plans addressing required buffers as provided in this article.
- (3) Where a buffer includes new plantings, a property owner or developer may submit an affidavit requesting a postponement in planting to allow for installation to occur at a time which better coincides with the normal planting season, generally between November 1 and March 30 of each year.

(Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-306. – Exceptions and modifications.

- (a) Central business district. Because of the unique urban character of the central business district (CBD), the buffering requirements of this article shall not apply to properties located within the CBD zoned DB (downtown business) or DR (downtown riverfront). However, properties in the CBD shall be subject to the vehicle use area buffer and "required screening" portions of this article.
- (b) All other development including all city- and government-owned property, school district property, etc. shall comply.
- (c) Modifications to the standards of this article may be granted in writing within ten working days by the zoning administrator if any of the following circumstances exist on the proposed building site, or adjacent properties:
 - (1) Natural land characteristics, such as topography or existing vegetation on the proposed building site, would achieve the same intent of this article.
 - (2) Innovative buffering or architectural design is employed on the building site to achieve an equivalent screening or buffering effect.

The developer shall submit sufficient documentation in support of the request for modification to the zoning administrator a minimum of 60 days in advance of requesting issuance of a site development permit.

(Ord. No. 05-33, § I, 6-23-2005)

- (d) Mitigation. Where circumstances pertaining to physical characteristics of a property make it impractical to meet buffer requirements the developer may submit a mitigation plan for tree committee approval that transfers required plantings to nearby public right-of-way, parkland, or strategically visible private property. Off-site planting shall provide a public benefit in the form of shaded sidewalks or streets and visual appeal.

Sec. 94-307. – Required screening

Trash areas, dumpsters and outdoor storage areas visible from any public street or from residential uses and zones shall be screened with plants, opaque fencing, or masonry walls on three sides in such a manner as to provide a minimum of six feet, but no more than eight feet, of vertical visual obstruction. This section shall not apply to parcels zoned R-1AA, R-1A, R-1, and R-2.
(Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-308. - Variances

The tree advisory committee may hear requests for variances from provisions of this article in accordance with the procedures set forth in division 2 of article II of chapter 94.
(Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-309. – Administration and enforcement

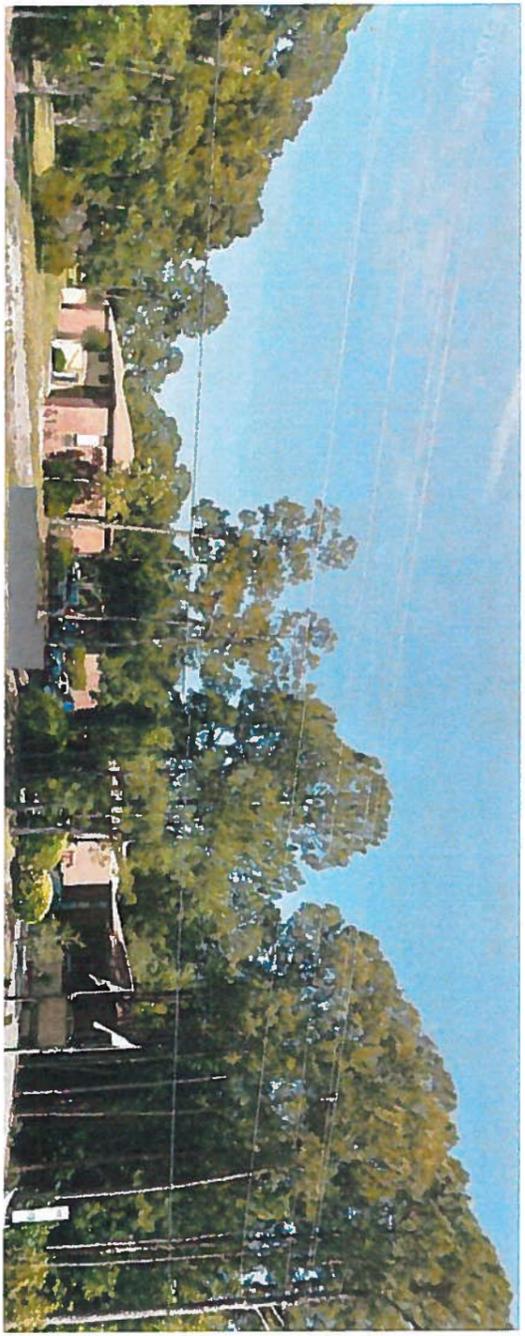
- (a) *Administration.* In projects involving issuance of a building permit or certificate of occupancy, the planning director shall receive an affidavit executed by the property owner or developer acknowledging the completion of, or commitment of completing by a certain date, the buffer installation prior to issuance of the certificate of occupancy.
In instances where the buffer installation has not taken place prior to issuance of the certificate of occupancy, then a performance bond or other acceptable surety in an amount equal to 110 percent of the value of the buffer, as determined by the planning director, and its installation shall be posted with the building and zoning department. This performance bond or other acceptable surety shall remain in full effect until the required improvements are installed, inspected, and approved for release by the zoning administrator or his designee.
- (b) *Appeals.* The tree advisory committee may approve requests for appeals of this chapter with findings that exceptions or alternative methods meet or exceed the intent of the specific regulation and the overall tree and landscape ordinance.
- (c) *Enforcement.* It shall be unlawful for any person to violate or fail to comply with any provision of this article. Violators shall be subject to the penalties as set forth herein. A violation of this article shall constitute a Class II offense as listed in the city's uniform fine schedule, with multiple violations carrying a fine not to exceed \$500.00. Additionally, provisions of this article may be enforced by the code enforcement board following the procedures listed in article V of chapter 2 of the Municipal Code.
(Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-310. – Severability and conflict.

- (a) *Severability.* This article, and its various parts, are hereby declared to severable. If any section, clause, provision, or portion of this article is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this article as a whole. All parts not declared invalid or unconstitutional shall remain in full force and effect.
- (b) *Conflict.* If any part of this article is found to be in conflict with any other ordinance or any other part of this article or chapter, the most restrictive or highest standard shall prevail. If any part of this article is explicitly prohibited by federal or state statute, it shall not be enforced.

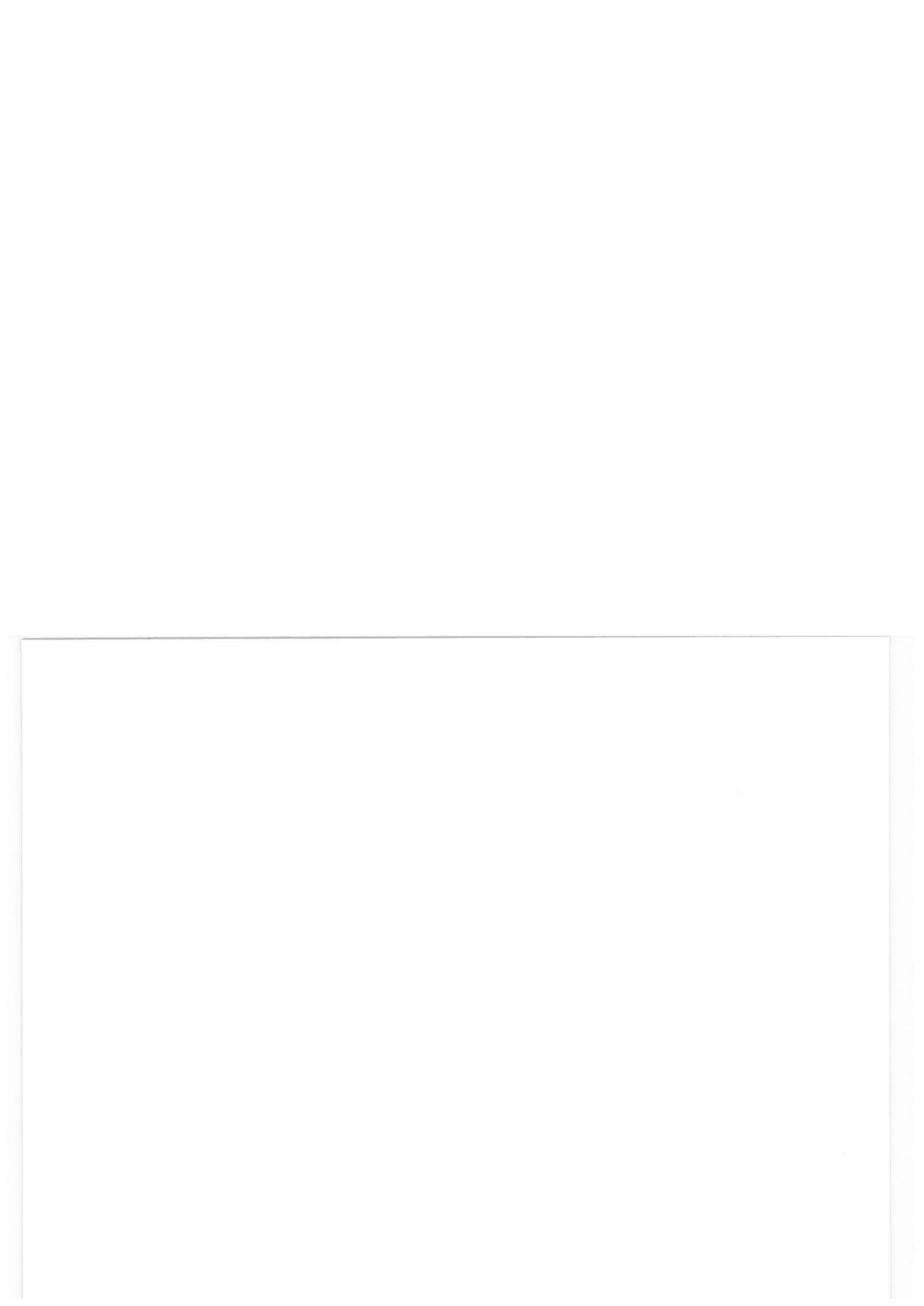
(Ord. No. 05-33, § I, 6-23-2005)

BARRINGTON APTS., PALATKA: 34% SHADE COVERAGE



PORT ORANGE RETAIL DUNLAWTON (ABOVE) & NOVA RD (BELOW)





PORT ORANGE RETAIL (DUNLAWTON & NOVA RD): 44% SHADE COVERAGE-
EMPHASIS ON STREETYARD



GAINESVILLE – GATOR'S DOCKSIDE (LEFT) & REGAL CINEMAS (RIGHT)



COMPARISON - PALATKA MALL & HOME DEPOT (ABOVE), NORTH MONROE ST. - TALLAHASSEE (BELOW)



BENEFITS OF TREES

Forest Service & National Institute of Standards study in Portland, OR – trees on or near a property increased sales value by up to \$7,000

City of Milwaukee, with only a 16% canopy cover, calculated this reduced stormwater flow 22% and saved \$15.4 million in city taxes not having to build additional stormwater ponds

Trees combat the greenhouse effect

Trees absorb CO₂, removing and storing the carbon while releasing the oxygen back into the air. In one year, an acre of mature trees absorbs the amount of CO₂ produced when you drive your car 26,000 miles.

Trees clean the air

Trees absorb odors and pollutant gases (nitrogen oxides, ammonia, sulfur dioxide and ozone) and filter particulates out of the air by trapping them on their leaves and bark.

Trees provide oxygen

In one year an acre of mature trees can provide enough oxygen for 18 people.

Trees cool the streets and the city

Average temperatures in Los Angeles have risen 6°F in the last 50 years as tree coverage has declined and the number of heat-absorbing roads and buildings has increased.

Trees cool the city by up to 10°F, by shading our homes and streets, breaking up urban “heat islands” and releasing water vapor into the air through their leaves.

Trees conserve energy

Three trees placed strategically around buildings can cut air conditioning needs by 30 percent (USDA Forest Service).

Trees save water

Shade from trees slows water evaporation from thirsty lawns. Most newly planted trees need only fifteen gallons of water a week. As trees transpire, they increase atmospheric moisture.

Trees help prevent water pollution

Trees reduce runoff by breaking rainfall thus allowing the water to flow down the trunk and into the earth below the tree. This prevents stormwater from carrying pollutants to waterbodies. When mulched, trees act like a sponge that filters this water naturally and uses it to recharge groundwater supplies.

Trees shield children from ultra-violet rays

Skin cancer is the most common form of cancer in the United States. Trees reduce UV-B exposure by about 50 percent, thus providing protection to children on school campuses and playgrounds - where children spend hours outdoors.

BENEFITS OF TREES

Trees heal

Studies have shown that patients with views of trees out their windows heal faster and with less complications. Children with ADHD show fewer symptoms when they have access to nature. Exposure to trees and nature aids concentration by reducing mental fatigue.

Trees reduce violence

Neighborhoods and homes that are barren have shown to have a greater incidence of violence in and out of the home than their greener counterparts. Tree-filled neighborhoods have lower levels of domestic violence, are safer and more sociable, reduce stress, and decrease need for medication & speed recovery times (American Association for the Advancement of Science).

Trees add unity

Trees as landmarks can give a neighborhood a new identity and encourage civic pride.

Trees provide a canopy and habitat for wildlife

Sycamore and oak are among the many urban species that provide excellent urban homes for birds, bees, possums and squirrels.

Trees block things

Trees can mask concrete walls or parking lots, and unsightly views. They muffle sound from nearby streets and freeways, and create an eye-soothing canopy of green. Trees absorb dust and wind and reduce glare.

Trees increase property values

The beauty of a well-planted property and its surrounding street and neighborhood can raise property values by as much as 15 percent. Ypsilanti MI – 3% property value increase for each tree added.

Trees increase business traffic

Studies show that the more trees and landscaping a business district has, the more business will flow in. A tree-lined street will also slow traffic – enough to allow the drivers to look at the store fronts instead of whizzing by.

Commercial areas with trees – more frequent shopping, longer shopping trips, shoppers spend 12% more for goods (2004 study by Center for Urban Forest Research, published in Journal of Forestry).

Place perception ratings for business areas

Perception category	No trees	With trees
Amenity and comfort	3.8	5.8
Merchant interaction	4.4	4.0

1=strongly disagree 2=neutral 7=strongly agree

BENEFITS OF TREES

Products pricing summary

Product category	No trees	With trees
Convenience	\$5.93	\$7.48
Shopping	\$69.42	\$92.22
Specialty	\$63.96	\$74.32

20% shade improves pavement condition by 11%, 60% savings for resurfacing in 30 years (Center for Urban Forest Research). "This study found a correlation between tree shade and better pavement performance. It also demonstrated the economic benefits of increased pavement durability and reduced maintenance costs associated with increased tree shade." (Journal of Arboriculture, November, 2005.)

30-year Repair Costs (Modesto, CA)

Pavement Scenario	Total Repair Costs
Unshaded	\$4,971
Crape Myrtle shade	\$4,142
Hackberry shade	\$2,071

Case 13-43
Request to Amend Comprehensive Plan Text
Capital Improvement Element
(Capital Improvement Plan)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: August 28, 2013

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

To consider the revision of the City's 5-year Capital Improvement Plan (CIP), part of the Capital Improvement Element (CIE) of the Comprehensive Plan.

APPLICATION BACKGROUND

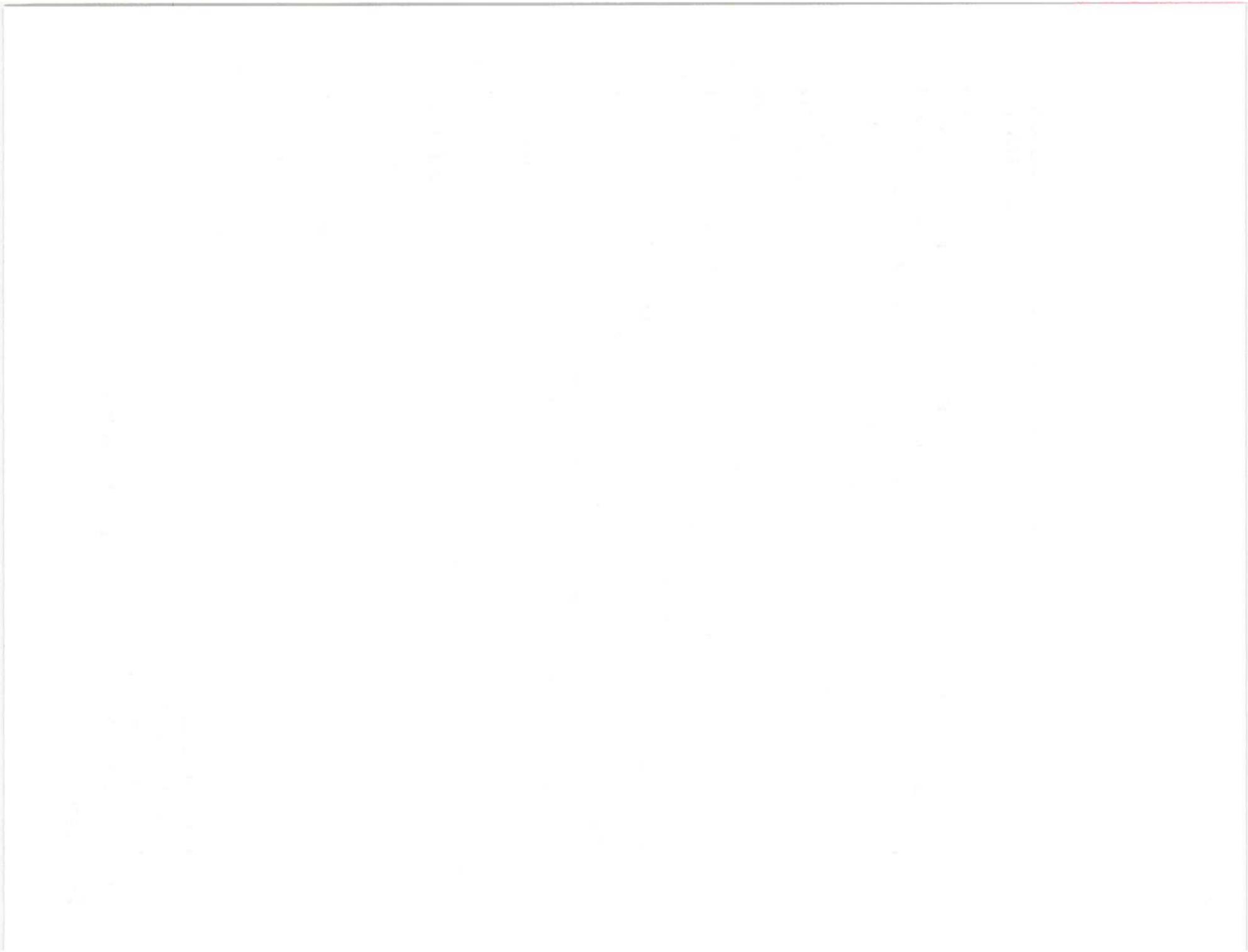
The CIP is a component of the CIE of the City's Comprehensive Plan and is intended to identify public facility improvements needed to accommodate future City growth and redevelopment. The Plan includes a schedule of projects accompanied by anticipated revenues for such projects. The CIP is required under the Florida Statutes under Section 163.2514 and other sections as part of the state-mandated comprehensive planning process. The CIP is a tool that helps the City to proactively plan for future capital needs. Staff is proposing this CIP update to meet requirements of the Florida Recreational Development and Acquisition Program (FRDAP), which is funding two riverfront park projects. The first phase project includes a nature-based playground, boating facilities (such as docks, launches, restrooms, etc.), and exercise walk. The second phase project is a fountain and splashpad. FRDAP requires that such improvements be included in the CIP with a reference to FRDAP funding.

PROJECT ANALYSIS

Florida Statutes do not provide specific criteria for the review of text amendments, other than the requirement that amendments to the Future Land Use Element (FLUE) must discourage the proliferation of sprawl, and that any such amendments must be in keeping with other Goals, Objectives, and Policies of the Plan. The CIP helps the City to plan for the improvement of public facilities in a manner that is the antithesis of sprawl, and the adoption of the CIP is set forth in the Capital Improvement Element. The CIP is intended to also assist the City to stay on course in regard to long-term public facility planning in its annual budgeting process.

STAFF RECOMMENDATION

Staff recommends approval of the attached Capital Improvement Plan.



CAPITAL IMPROVEMENTS PLAN
City of Palatka
Fiscal Year 2012-2013 through 2017-2018

Project Title	Funding Source							Cost	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	
	General Fund	Airport Fund	Water Fund	Golf Course Fund	Sanitation Fund	Tax Increment Fund	Better Place							Other
Wastewater Treatment Facility														
Conversion of anaerobic digesters to aerobic			\$900,000.00						\$900,000.00				X	
Replacement of secondary clarifier equipment.			\$100,000.00						\$100,000.00				X	
Reconditioning of belt filter press			\$150,000.00						\$150,000.00				X	
Stormwater Drainage System														
Riverfront Park & Downtown Watershed Stormwater Improvements FWC FBIP PROJECT 12-059							\$34,000.00	\$66,000 Grant	\$100,000.00				X	
St. Johns Avenue & 8th Street						\$71,093.00	\$213,279 Grant	\$284,820.00	\$284,820.00				X	
St. Johns Avenue & 15th Street						\$81,711.00	\$245,134 Grant	\$326,845.00	\$326,845.00				X	
St. Johns Avenue & 9th Street			\$350,000.00						\$350,000.00					
3rd Street & Oak Street			\$170,000.00						\$170,000.00					X
Zeagler Drive and St. Johns Avenue Drainage Phase II			\$35,000.00						\$35,000.00				X	
10th Street and Oak Street			\$50,000.00						\$50,000.00				X	
Solid Waste														
Front End Loader					\$130,000.00				\$130,000.00				X	
Rear Loader					\$120,000.00				\$120,000.00				X	
Potable Water														
Vacuum Truck			\$350,000.00						\$350,000.00				X	
15th Street and Oak Street Neighborhood Line Replacement			\$100,000.00						\$100,000.00				X	
South Historic District Line Replacement			\$500,000.00						\$500,000.00				X	
North Historic District Line Replacement			\$500,000.00						\$500,000.00				X	
4th Street and Bronson to 1st Street and Main Street Line Replacement & Loop			\$75,000.00						\$75,000.00				X	
Streets														
Flashed									\$30,000.00				X	
St. Johns Avenue (11th Street to Moseley) Streetscape						\$800,000.00			\$800,000.00				X	
St. Johns Avenue (4th Street to 11th Street) Streetscape						\$1,500,000.00			\$1,500,000.00				X	
Reid Street Streetscape									\$3,300,000.00				X	
Parks														
Riverfront Park Boat Launch Expansion and Restroom Construction FWC FBIP PROJECT 12-059						\$110,000.00	\$300,000 Grant	\$400,000.00	\$400,000.00				X	
Riverfront Park Boat Launch Parking and Park Construction FWC FBIP PROJECT 12-059						\$15,000.00	\$110,000 Grant	\$125,000.00	\$125,000.00				X	
Riverfront Park St. Johns River Center (Environmental and Historical Museum for the St. Johns River)						\$66,000.00	\$1,200,000 Grant	\$1,200,000.00	\$1,200,000.00				X	
Riverfront Park and Pier Floating Docks Expansion (20 Slips) PHASE I FWC FBIP PROJECT 12-059							\$254,000 Grant	\$320,000.00	\$320,000.00				X	
Riverfront Trailhead Facility (Restrooms, Parking, Soft Launch)								\$444,885.00	\$444,885.00				X	
FRDAP PHASE I Riverfront Park, Nature Based Playground Construction, boating facilities & exercise walk														
Riverfront Park and Pier Floating Docks Expansion (20 Slips) PHASE II			\$320,000.00					\$200,000 FRDAP	\$200,000.00				X	
Replank Memorial Bridge Boardwalk			\$65,000.00					\$200,000 FRDAP	\$200,000.00				X	
FRDAP PHASE II Riverfront Park Fountain /splashpad														
FRDAP PHASE II Riverfront Park Fountain /splashpad			\$65,000.00					\$200,000 FRDAP	\$200,000.00				X	
Fire														
Fire Engine - Sutherland Custom Pumper						\$160,622.08	\$150,000 Grant	\$310,622.08	\$310,622.08				X	
Police														
Traffic Regulation Speed Trailers (2 Signs)			\$30,000.00										X	
Traffic Regulation Speed Trailers (1 Radar)			\$15,000.00										X	
Police Department Front Restroom Renovation			\$15,000.00										X	
Renovate Police Department Offices and Workout Facility			\$40,000.00										X	
Modular Training Facility at Gun Range			\$38,000.00										X	
Renovate and Improve Bathroom at Gun Range			\$15,000.00										X	
Renovate and Improve Garage at Gun Range			\$34,215.00										X	
Renovate and Improve Training Pavilion at Gun Range			\$15,000.00										X	
Vehicles (12 vehicles)			\$378,000.00										X	
Vehicles (14 vehicles)			\$421,000.00										X	
Vehicles (8 vehicles)			\$240,000.00										X	
Vehicles (6 vehicles)			\$144,000.00										X	
Airport														
Transient Aircraft Parking Apron (76,000 SF)				n/a					\$400,000.00					
Taxiway C1 Pavement & Edge Lighting				n/a					\$350,000.00					
Taxiway F Pavement and a transient aircraft parking apron (140,000 SF)				n/a					\$750,000.00					
Runway 17 Extension				n/a					n/a					

