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VICE MAYOR - COMMISSIONER

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COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



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CITY MANAGER

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FINANCE DIRECTOR

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CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT

DONALD E. HOLMES
CITY ATTORNEY

Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.

March 9, 2012

TO MESSRS: MARY LAWSON BROWN, ALLEGRA KITCHENS, PHIL LEARY AND
JAMES NORWOOD, Jr.:

You are hereby notified that a workshop meeting of the Palatka City Commission is called to be held on March 22, 2012, at the regular meeting place of the Palatka City Commission, Palatka City Hall, 201 N. 2nd Street, Palatka, Florida, to commence at 4:00 p.m.

The purpose of the workshop is to discuss revisions to Palatka Municipal Zoning Code, Chapter 94, Article VI, Landscaping and Tree Protection, and Article VII, Buffering and Screening Requirements.

/s/ Vernon Myers
Vernon Myers, MAYOR

We acknowledge receipt of a copy of the foregoing notice of a special meeting on the 9th day of March, 2012.

/s/ Mary Lawson Brown
COMMISSIONER

/s/ Phil Leary
COMMISSIONER

/s/ James Norwood, Jr.
COMMISSIONER

/s/ Allegra Kitchens
COMMISSIONER

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT 329-0100 AT LEAST 24 HOURS IN ADVANCE TO REQUEST ACCOMMODATIONS.

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: Workshop on Landscape Code

DEPARTMENT: Building & Zoning

AGENDA SECTION: Workshop Item, Discussion Only

ATTACHMENTS: 1. "Issues & Recommendations" Paper
2. Landscape Code

MEETING DATE: March 22, 2012

The origin of this workshop stems from some serious shortcomings of the City's Landscape Code, starting with the revelation that Conditional Use approval required completely meeting the landscape standards. Since most of the City's frequent Conditional Uses are for uses in developed sites, this would have required a complete overhaul of a site to put in buffer trees and shrubs, which is often an undue hardship on applicants. On advice from the City Attorney, Staff did not enforce this part of the Code while researching the issue and developing the ordinance revisions. Applicants who have received approval have agreed to retroactively meet code requirements upon completion of ordinance revisions.

The Landscape Code includes two parts: Tree Preservation and Buffering & Screening. The Tree Preservation section, not applicable to single-family uses and trees that threaten property, identifies protected trees as those trees greater than eight inches in caliper (the distance/diameter around the tree trunk at breast height). Such trees cannot be removed unless there is mitigation – i.e. they are replaced with trees with a cumulative caliper that is between 1/3 and 2/3 of the caliper that is removed. The Buffering and Screening section requires various mixes of trees, shrubs, fences, walls, and berms along property lines for properties that are developed or redeveloped, depending on the "conflict" between uses (for example new commercial uses have to put in more buffer width, trees, shrubs, etc. when next to single-family uses than when next to commercial uses).

Upon reviewing the Landscape Code further, Staff has made additional suggestions for revisions that make these standards more clear, equitable and less burdensome; to provide for a more strategic approach to landscaping; and to incorporate "smart" landscape techniques such as xeriscaping and low impact development. Parking lots are singled out for stepped-up standards as such areas present meaningful opportunities for improving appearance and providing much needed shade.

The following two-page summary provides a list of issues and recommendations for the Landscape Code. Understanding the limited resources of businesses these days, Staff plans to focus on eliminating unnecessary and burdensome provisions and developing reasonable but meaningful planting strategies that aim to beautify and shade our community while protecting our neighborhoods. With the informal concurrence of the Commission, staff will proceed to develop an ordinance to implement these changes, and of course include any additional items requested for inclusion in the context of this workshop.

Please direct questions regarding this request to Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

LANDSCAPE CODE ISSUES AND RECOMMENDATIONS

| ISSUE | RECOMMENDATION |
|---|--|
| DEFINITIONS | |
| <u>“Developed area”</u> definition - <i>building, structure, surface drive area, gravel or landscaping, building, a structure, surface drive area, gravel or landscaping.</i> “Structure” mentioned twice. Landscaping should not be considered part of developed area, but retention ponds should. | Remove landscape areas from developed area, add retention ponds to developed area |
| <u>Tree Type.</u> No distinction between canopy/shade and understory trees | While definitions vary, shade trees are typically defined as trees that customarily grow to 35+ feet in height with a crown spread over 35 feet. Revise accordingly. |
| <u>Plant List.</u> No listing of approved plants | Provide list of approved canopy trees, understory trees, shrubs, and groundcovers, including appropriate locations (street, parking lot) and water/irrigation zone. Allow for flexibility from list with justification provided. |
| BUFFERS | |
| <u>Buffering in Both Articles.</u> Screening and buffering is in both landscape sections. | Combine buffering and screening into one section, with the other section remaining Tree Preservation. |
| <u>Buffer Tables.</u> Seven buffer tables with varying requirements, in both Articles. | Consolidate buffer tables into one master table. |
| <u>Property Line Buffers.</u> Some required buffers are “wasted space,” like buffers between two commercial uses. Recommend focusing on strategic landscaping standards (see below). | Eliminate required buffers between like zoning (Commercial-to Commercial for example) and develop percentage minimum open space requirement and tree point system |
| <u>Effective Tree Screening.</u> | Require evergreen trees for use in buffers between incompatible uses (commercial next to residential, for example). |
| <u>Trees vs. Shrubs.</u> Very high shrub requirement, often requiring a hedge along all property lines, but few trees required in many cases. | More emphasis on trees to provide for needed shade and improved aesthetics. |
| <u>Conservation Areas.</u> Buffers not required now. | Rework into master buffer table. |
| MAINTENANCE | |
| <u>Tree maintenance standards</u> [94-295(b)(2)a]. Lack of such standards. | <ol style="list-style-type: none"> 1. Require proper pruning procedures using accepted horticultural practices 2. Prohibit harmful pruning practices like “lolipopping” and “hat-racking.” |
| STRATEGIC LANDSCAPING | |
| <u>Tree Point System.</u> Ordinance does not call for thoughtful tree preservation and restoration of urban tree canopy. | Adopt tree point system where a site has to earn a level of tree points – points to be based on caliper and weighted for location. |
| <u>Age diversity:</u> incentive to keep trees between 1-2” caliper (new trees) and 8” (protected trees). | Tree point system will encourage retention of smaller trees in place of putting in “tiny” new trees. |
| <u>Off-site mitigation.</u> | When not practicable to meeting planting requirements on-site, allow for off-site mitigation in nearby public areas (right-of-way, parks). |

LANDSCAPE CODE ISSUES AND RECOMMENDATIONS

| ISSUE | RECOMMENDATION |
|--|---|
| <u>Xeriscaping.</u> No xeriscaping/use of drought tolerant/native plants required or promoted. | Favor native and drought tolerant plants in point system |
| <u>Low Impact Development.</u> Encourage integration of stormwater retention with landscaping | Revise accordingly to allow for and incentivize "rain gardens"/bioretention areas, to reduce pond size and better filter stormwater. |
| <u>Species diversity.</u> | Require different type trees for larger projects (monoculture emphasis risks tree loss from disease). |
| <u>Conditional Use</u> requires total compliance with landscape code [94-302(b)(3)], can be onerous for existing businesses. | Proportional and flexible compliance for existing developments. |
| <u>Existing Uses.</u> Arbitrary figure of two acres for increased compliance. | Proportional compliance. |
| <u>Live Oak Replacement.</u> Requirement that live oaks be replaced with live oaks [94-294(c)6] is not necessary, deters species diversity and site specific needs, defers canopy growth as live oaks grow slow. | Eliminate requirement. |
| TREE PRESERVATION | |
| <u>Tree credits</u> [94-295(d)] – unclear whether credits apply to caliper (diameter of tree at breast height) or tree count. | Revise to indicate credits apply to caliper |
| <u>Tree preservation measures.</u> | <ol style="list-style-type: none"> 1. Allow for flexible and strategic intrusion into dripline to encourage tree preservation. 2. Allow administrative setback variances to preserve trees. |
| PARKING LOTS | |
| <u>Parking Lot Green Space.</u> Very low requirement for 25 SF landscape area for every 500 SF paved area is low. | Revise to at least 50 SF LS area per 500 SF paved area to achieve 10% landscape area in parking lots |
| <u>Landscape Island Size.</u> Minimum 5' width and 100 SF parking lot landscape island insufficient to support trees [94-296(b)(2)]. | Use standard parking space size for island, which will also assist designers in moving planned islands around |
| <u>Terminal islands.</u> Parking row terminal islands not clearly required [94-296(b)]. Provides for shade and better controls vehicle movement. | Require terminal row landscape islands with shade trees. |
| <u>Landscape Island Shade Tree Flexibility.</u> | Allow for flexibility on not requiring shade trees in islands when they can be planted strategically (to the south or west) of such areas to effectively provide shade |
| <u>Landscape Island Frequency.</u> Code now allows 12 parking spaces uninterrupted. | Lower to not more than 10. |

ARTICLE VI. - LANDSCAPING AND TREE PROTECTION

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

Sec. 94-292. - Definitions.

Sec. 94-293. - Tree committee.

Sec. 94-294. - Tree protection.

Sec. 94-295. - General landscape requirements.

Sec. 94-296. - Specific landscape requirements.

Secs. 94-297—94-299. - Reserved.

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

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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

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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 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.

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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.

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.

(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

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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.
- 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 a local electric company determines is an immediate or potential threat or hazard to existing or planned power lines.
- i. Any dead 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 department. Approval of the application and issuance of a permit by the building 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 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

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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 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) 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

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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 department. No replacement will be required for protected trees which are determined by the building 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 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

c. 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

d. 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.

e. 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

h. 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 barrier which will limit access to the protected area.

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(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 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 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.

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

a. The owner of a property 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. 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.

b. 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

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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.

- (c) *Plant materials.* Plant materials are subject to the following:
- (1) *Quality.* Plant materials used in conformance with the provisions of this subsection shall conform to the standards for Florida 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.* Trees planted for credit under section 9-295(d) shall be a minimum of ten feet in height and 1½ 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. For the purpose of this subsection, two palm trees shall equal one tree credit. 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. 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.
 - (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.* Solid sod grass shall be used in swales or other areas subject to erosion.
 - (7) *Permanent architectural planters.* The use of permanent architectural planters may be permitted in fulfillment of landscape requirements. Such architectural planters shall contain not less than ten square feet 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

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towards landscaping requirements noted in this section:

- a. Tallow tree (Chinese tallow tree).
- b. Camphor tree.
- c. Australian pine.
- d. Melaleuca (pung tree).

(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 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.

(2) *Existing trees.* Existing trees which are retained and preserved shall receive credit against the landscape area requirements according to the following schedule:

| 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.

(3) *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

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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.

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:

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

(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

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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.

(b) *Interior landscaping.* 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) 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 shall have 25 square feet of landscaped area for each 500 square feet or fraction thereof of paved area.

(2) Each separate interior landscaped area shall contain a minimum of 100 square feet and shall be at least five feet wide. A minimum of one tree shall be planted for every 120 square feet of interior landscaping or fraction thereof, with the remaining area adequately planted with shrubs, ground cover or other approved landscaping materials.

(3) All interior landscaping shall be protected from vehicle encroachment by curbing or wheel stops.

(4) 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 spaces shall be in an uninterrupted row.

(5) 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, the required landscaping may be located near

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the perimeter of the paved area. 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 department.

(c) *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.

(d) *Landscape plan approval.* Appropriate site plans showing proposed landscape development shall be submitted to the city building 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.

(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 2½ 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.

(f) *Corner visibility.* On a corner lot in any residential district, 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 curblines.

(g) *Appeals.* A person aggrieved by an administrative order, determination or decision of the building department may appeal the order, determination or decision to the board of zoning appeals for a variance from the strict requirements of this section.

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(Code 1981, app. C, § 26-7(6))

Secs. 94-297—94-299. - Reserved.

ARTICLE VII. - BUFFERING AND SCREENING REQUIREMENTS

Sec. 94-300. - Purpose.

Sec. 94-301. - Definitions.

Sec. 94-302. - Applicability of regulations.

Sec. 94-303. - Buffer determination.

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

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

Sec. 94-306. - Location of buffers.

Sec. 94-307. - Planting specifications.

Sec. 94-308. - Responsibility for installation and maintenance.

Sec. 94-309. - Timing of buffer installation.

Sec. 94-310. - Exceptions and modifications.

Sec. 94-311. - Screening required for trash areas, dumpsters and outdoor storage areas visible from any public street or from residential uses and zones.

Sec. 94-312. - Variances.

Sec. 94-313. - Administration and enforcement.

Sec. 94-314. - Severability and conflict.

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)

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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 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.

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, § 1, 6-23-2005)

Sec. 94-302. - Applicability of regulations.

This article shall apply to projects meeting at least one of the following criteria:

- (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):

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- (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.

This criterion does not apply to fences, only to the quantity of plantings and the width of the buffer.

(b) A change in land use or zoning shall be subject to this article. 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:

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

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(f) 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.

(Ord. No. 05-33, § I, 6-23-2005)

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Sec. 94-303. - Buffer determination.

To determine the type of buffer required between two adjacent parcels, 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.

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Table 94-303. TABLE OF BUFFER REQUIREMENTS

| Zoning/ use of adjacent parcel | Zoning of parcel proposed for development/redevelopment/expansion | | | | | | | | |
|---|---|------------|-----------------------------|-------------|--------------|-----------|----------------|-----|------------------------|
| | 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 | C | — | D | D | D |
| ROS, OR | — | A | A | B | C | — | C | C | D |
| R-1AA, R-1A, R-1, R-2 | A | A | — | C | C | — | C | D | D |
| R-3, R-4 | A | A | A | B | C | — | C | C | D |
| C-1A, C-1 | A | A | B | C | — | — | B | B | D |
| DB, DR | A | A | B | C | C | — | B | B | D |
| PBG-1, AP-1 | A | A | C | C | C | — | B | B | C |
| C-2 | A | A | C | D | A | — | A | A | C |
| M-1, PBG-2, AP-2 | A | A | D | D | C | — | A | A | B |

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

| | CON | ROS, OR | R-1AA, R-1A, R-1, R-2 | R-3, R-4 | C-1A, C-1 | PBG-1, AP-1 | C-2 | M-1, PBG-2, AP-2 |
|-----------------------------|-----|------------|-----------------------------|-------------|--------------|----------------|-----|------------------------|
| CON | — | — | A | B | C | D | D | D |
| ROS, OR | — | — | A | B | C | C | C | D |
| R-1AA, R-1A, R-1, R-2 | A | A | — | C | C | C | D | D |
| R-3, R-4 | A | A | A | B | C | C | C | D |
| C-1A, C-1 | A | A | B | C | — | B | B | D |
| PBG-1, AP-1 | A | A | C | C | C | B | B | — |
| C-2 | A | A | C | D | — | A | A | — |
| M-1, PBG-2, AP-2 | A | A | D | D | C | A | A | B |

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(Ord. No. 05-33, § I, 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 Trees per 100 linear feet | 4 | 4 | Undisturbed Natural Vegetation |
| Number of Shrubs/Ornamental Grasses per 100 linear feet | 25 | 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 | None Required |

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| | | |
|--|--|--|
| | | masonry wall installed at highest point to provide 6 to 8 foot high buffer |
|--|--|--|

Table 94-304C. CATEGORY C

| | Option 1 | Option 2 | Option 3 |
|---|---------------|---|--------------------------------|
| Width of Buffer | 20 feet | 10 feet | 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

| | Option 1 | Option 2 | Option 3 |
|---|---------------|------------------------------------|--------------------------------|
| Width of Buffer | 40 feet | 30 feet | 75 feet |
| Number of Canopy Trees per 100 linear feet | 6 | 4 | Undisturbed Natural Vegetation |
| Number of Understory Trees per 100 linear feet | 6 | 5 | Undisturbed Natural 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 | None Required |

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| | | |
|--|--|--|
| | | 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 |
|--|--|--|

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, § I, 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

| | 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 frontage of fraction | 25 | 30 | 25 | 30 |
| 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, § I, 6-23-2005)

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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, § I, 6-23-2005)

Sec. 94-307. - 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 1½ 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.

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- 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. 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. 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.
- (3) *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. 94-308. - 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 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. 94-309. - Timing of buffer installation.

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

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(1) New development, redevelopment, or expansions: Dimensions, category and option of buffer installation shall be submitted to the building 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 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. 94-310. - 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" and "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)

Sec. 94-311. - Screening required for trash areas, dumpsters and outdoor storage areas visible from any public street or from 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. 94-312. - Variances.

The board of zoning appeals 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. 94-313. - Administration and enforcement.

(a) *Administration.* In projects involving issuance of a building permit or certificate of occupancy, the building official 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, 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 may hear requests for appeals in accordance with the procedures set forth in section 94-65 of this chapter.

(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. 94-314. - 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)