

RESOLUTION NO. 16R-2560

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SARASOTA, FLORIDA, AMENDING THE SCHEDULE OF FEES AND CHARGES FOR THE ZONING CODE (2002 ED.); SAID FEES AND CHARGES ARE APPLICABLE TO THE ISSUANCE OF TREE REMOVAL PERMITS AND TO THE REPLACEMENT TREE FUND REQUIRED BY ARTICLE VII, REGULATIONS OF GENERAL APPLICABILITY; DIVISION 3.1, TREE PROTECTION, ZONING CODE (2002 ED.); PROVIDING FOR READING OF THIS RESOLUTION BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VII, Regulations of General Applicability, Division 3.1, Tree Protection, of the Zoning Code (2002 Ed.) sets forth numerous regulations intended to preserve the tree canopy within the City; and

WHEREAS, included within said Division 3.1 is Section VII-324, Schedule of Fees and Charges, which provides that the fee schedules shall be adopted by Resolution of the City Commission; and

WHEREAS, the City Commission, pursuant to Resolution No. 03R-1628 adopted the initial schedule of fees and charges; and

WHEREAS, the Director of Neighborhood and Development Services has proposed to the City Commission an amendment to the existing schedule of fees and charges; and

WHEREAS, the City Commission finds that the attached Schedule of Fees and Charges will serve a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SARASOTA, FLORIDA:

Section 1. All previous City Commission Resolutions establishing the fees and charges applicable to Article VII, Regulations of General Applicability, Division 3.1, Tree Protection, Zoning Code (2002 Ed.), including, but not limited to Resolution 03R-1628, are hereby repealed and shall be of no further force and effect. The Schedule of Fees

and Charges adopted herein by this Resolution 16R-2560 shall supersede all previous Schedules of Fees and Charges.

Section 2. Adoption of Schedule of Fees and Charges for Tree Removal Permits, Zoning Code (2002 Ed.).


The Schedule of Fees and Charges for the Zoning Code (2002 Ed.) (hereinafter "Schedule of Fees and Charges"), a copy of which is attached hereto, labeled Exhibit "A", and made a part hereof by reference, is hereby adopted. The Schedule of Fees and Charges is applicable to applications for tree removal permits and for payments required into the Replacement Tree Fund in accordance with Article VII, Regulations of General Applicability; Division 3.1, Tree Protection; Zoning Code (2002 Ed.). The Schedule of Fees and Charges implements Section VII-324, (a) and (b), Zoning Code (2002 Ed.). One (1) copy of the Schedule of Fees and Charges as set forth herein shall be identified as an official copy and shall be kept on file with the City Auditor and Clerk for public use, inspection and examination.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption.

ADOPTED by the City Commission of the City of Sarasota, Florida upon reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to adoption, authorized by Article IV, Section 2, of the Charter of the City of Sarasota, this 6th day of June, 2016.


Willie Charles Shaw, Mayor

ATTEST:



Pamela M. Nadalin, MBA, CMC
City Auditor and Clerk

- Yes Mayor Willie Charles Shaw
- Yes Vice Mayor Shelli Freeland Eddie
- Yes Commissioner Liz Alpert
- Yes Commissioner Suzanne Atwell
- Yes Commissioner Susan Chapman

Tammy/resolutions/2016/16R-2560 – fee schedule (6/10/16)

**CITY OF SARASOTA
SCHEDULE OF FEES AND CHARGES FOR THE
ZONING CODE (2002 ED.) –
TREE REMOVAL PERMITS AND REPLACEMENT TREE FUND**

I. The fees and charges for applications for tree removal permits in Article VII, Regulations of General Applicability; Division 3.1, Tree Protection; shall be as follows:

A. Tree removal permit (except as specified in Paragraphs C., D., E., F., and G. below): \$ 30.00*

B. The following fees are in addition to the fee payable in Paragraph A., above:

Removal of trees qualifying as Grand Trees, as determined by the Director of Neighborhood and Development Services and defined in Sec. II-201, Tree Protection – Related Definitions, Zoning Code (2002 Ed.): \$ 100.00 for each Grand Tree to be removed *

C. Trees not qualifying as Grand Trees, as determined by The Director of Neighborhood and Development Services: \$ 5.00 for Each tree to be removed *

*** In the event the Director of Neighborhood and Development Services has determined it is necessary to consult a certified arborist or a Florida Registered Landscape Architect concerning tree protection issues, as part of the review process for an application for tree removal, the cost of such consultation shall be payable by the Applicant in addition to the fees specified above. The Director of Neighborhood and Development Services may require payment of an estimated fee for the consultation in advance by the Applicant.**

D. Removal of Prohibited Trees, as determined by the Director of Building, Zoning and Code Enforcement and defined in Sec. II-201, Tree Protection – Related Definitions, Zoning Code (2002 Ed.): \$ 0.00

EXHIBIT "A"

- E. Removal of dead trees, as determined by the Director of Neighborhood and Development Services in accordance with Sec. VII-320, A, 4, Zoning Code (2002 Ed.): \$ 0.00
- F. Removal of Exempt Trees, as determined by the Director of Neighborhood and Development Services and defined in Sec. VII-318, Zoning Code (2002 Ed.): \$ 0.00
- G. Removal of trees to enable the construction of projects by the City of Sarasota identified in the City's Capital Improvements Program: \$ 0.00
- H. In addition to the fees and charges identified above, a surcharge of \$5.00 per tree removed from single-family and multi-family residential locations, and a surcharge of \$20.00 per tree removed for a non-residential location is hereby levied and shall be placed in an Urban Forestry Line Item within The Replacement Tree Fund. There shall be no surcharge for removal of exempt, dead or prohibited trees. The Urban Forestry money shall be used to fund a City tree inventory and other urban canopy protection programs. Fines paid as a result of illegal tree removal shall also be placed into the Urban Forestry Line Item within the Replacement Tree Fund.
- II. The fees and charges applicable to payments into the Replacement Tree Fund in accordance with Article VII, Regulations of General Applicability; Division 3.1, Tree Protection, Section VII-324, B; shall be as follows:
 - A. For a tree removed when it is not feasible to provide the required replacement tree on the removal site or in close proximity to the removal site, as determined by the Director of Neighborhood and Development Services, the fee shall be: \$40.00 per 1" D.B.H. removed for a tree 4"-12" D.B.H.; \$50.00 per 1" D.B.H. removed for a tree 13"-23" D.B.H.; \$70.00 per 1" D.B.H. removed for a tree 24" D.B.H. or more.
 - B. For a tree removed when it is not feasible to provide the required replacement tree on the removal site or in close proximity to the removal site, as determined by the Director of Neighborhood and Development Services, and the construction project causing the tree to be removed qualifies as "housing sold to low and moderate income families", as defined in Sec. VII-322 of this Code, the fee shall be: \$5.00 per 1" D.B.H. removed for a tree 4"-12" D.B.H.; \$7.50 per 1" D.B.H. removed for a tree 13"-23" D.B.H.; \$12.50 per 1" D.B.H. removed for a tree 24" D.B.H. or more.
 - C. For the removal of any species of palm tree, a flat fee of \$200.00.

EXHIBIT "A"

- D. All future contributions to the Replacement Tree Fund shall be placed into the Urban Forestry Line Item to be used to fund a City tree inventory and other urban canopy protection programs, subject to any future action of the City Commission to allocate additional funds for affordable housing upgrades. The Urban Forestry Line Item Funds shall be utilized for conducting a tree survey and for any work related to tree preservation in the City including, but not limited to, utility bill reminders, design work, new tree planting, tree location, signage, irrigation, and pruning within the City rights of way, medians, parks and other City facilities.

EXHIBIT "A"

ORDINANCE NO. 16-5173

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE ZONING CODE (2002 EDITION) OF THE CITY OF SARASOTA BY AMENDING ARTICLE II, DEFINITIONS AND RULES OF CONSTRUCTION, BY AMENDING THE DEFINITION OF A DISEASED TREE; ARTICLE VI, ZONE DISTRICTS, DIVISION 1, BY INCREASING THE MINIMUM DIAMETER OF TREES REQUIRED FOR SINGLE-FAMILY DEVELOPMENT; AND ARTICLE VII, REGULATIONS OF GENERAL APPLICABILITY, DIVISION 3.1, TREE PROTECTION, BY MODIFYING EXISTING REGULATIONS AND PROVIDING ADDITIONAL REGULATIONS APPLICABLE TO THE PROTECTION AND REMOVAL OF TREES AND GRAND TREES AND MITIGATION TREES, BY ADDING TO THE LIST OF EXEMPT TREES AND BY MODIFYING REGULATIONS APPLICABLE TO THE REPLACEMENT TREE FUND; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 02-4357, which adopted a new Zoning Code for the City of Sarasota [hereinafter the Zoning Code (2002 edition)] was adopted by the City Commission on April 29, 2002; and

WHEREAS, Pursuant to instructions of the City Commission, the City Manager, by and through the Department of Neighborhood and Development Services has initiated Zoning Text Amendment No. 16-ZTA-01 to make amendments to various sections of the Zoning Code (2002 edition); and

WHEREAS, included within Amendment No. 16-ZTA-01 are several amendments to the tree protection regulations; and

WHEREAS, the Planning Board, acting in its capacity as the Local Planning Agency for the City of Sarasota, has held a duly noticed public hearing on April 13, 2016 in accordance with Article IV, Division 12, of the Zoning Code (2002 edition) to review the proposed Zoning Text Amendments contained herein and has made its recommendation to the City Commission as to which of such amendments satisfy the standards for review set forth in Section IV-1206, Zoning Code (2002 edition); and

WHEREAS, the City Commission hereby finds that based upon the foregoing recitals, it is in the best interest of the citizens of the City of Sarasota to amend the Zoning Code (2002 edition) as requested by Zoning Text Amendment Application No. 16-ZTA-01 and as approved herein; and

WHEREAS, the City Commission has held a duly noticed public hearing on June 6, 2016 to receive public comment, has considered the recommendations of the Planning Board and Planning staff and has found and determined that the adoption of the proposed amendments to the Zoning Code (2002 edition) as set forth herein would promote the public health, safety and welfare and the redevelopment of the City and would thus serve a valid public purpose.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

Section 1. Findings of Fact: The City Commission hereby finds that the recitations contained in the preamble to this Ordinance as set forth above are true and correct and adopts said recitations as findings of fact.

Section 2. Adoption of Text Amendments: The Zoning Code (2002 edition) Article II, Definitions and Rules of Construction, Division 2, Definitions, Section II-201, Definitions, is hereby amended so as to set forth a modified definition of diseased tree. As amended, said Section II-201, Diseased Tree, shall provide as follows:

Sec. II-201. -- Definitions

* * *

Diseased tree: A tree determined by the director of building, zoning and code enforcement to be a that creates an immediate and real hazard to people, buildings or other existing improvements on the subject real property or to other trees or which has a 50 percent or greater crown loss.

* * *

Section 3. Adoption of Text Amendments: The Zoning Code (2002 edition), Article VI, Zone Districts, Division 1, General, Section VI-102, Zone District Map and General Regulations, is hereby amended so as to increase the minimum diameter tree required in the front yard of a new single-family dwelling or single-family dwelling in which an addition of at least

500 square feet has been added. As amended, said Section VI-102(u)(5) b. 2. ii. shall provide as follows:

Sec. VI-102. Zone district map, and general regulations.

* * *

- (u) Additional development standards applicable to single-family dwellings in RSF-E, 1, 2, 3, 4, RTD-9, and RMF-1, 2, 3 zone districts.

* * *

- (5) *Landscape plan required.*

* * *

b.

* * *

2. Minimum tree size for purposes of this section shall be:

* * *

- ii. Minimum diameter measured caliper six inches above the ground: two- four inches. If the tree planted to meet this requirement is a native pine tree, it must be a minimum of one and one-half (1 ½) inch caliper.

See section VII-308(f) (h(4)), zoning code for lists of acceptable trees for this purpose.

* * *

Section 4. Adoption of Text Amendments: The Zoning Code (2002 edition) Article VII, Regulations of General Applicability, Division 3.1, Tree Protection, Section VII-310, Grand Trees, is hereby amended so as to modify the regulations applicable to removal of a grand tree and require posting of a tree removal permit. As amended, said Section VII-310 shall provide as follows:

Sec. VII-310. - Grand trees.

(a)

The removal of a grand tree located upon public or private property is hereby prohibited unless exempted in accordance with subparagraph (b) below.

(b)

The Director of Neighborhood and Development Services may exempt a grand tree from subsection (a) above upon making one or more of the following findings:

(1)

A grand tree is in an advanced state of decline, as determined by a city-approved certified arborist or state-registered landscape architect. Unless the grand tree is obviously dead or diseased, the City approved certified arborist report must include a resistograph test or similar test which is approved by the City arborist for use in determining if the grand tree is in such an advanced state of decline as to justify removal of said grand tree.

(2)

A grand tree is located where an infrastructure improvement or structure which complies with all applicable codes is to be located and the applicant has made all reasonable efforts to relocate the infrastructure improvement or structure to preserve the grand tree.

(3)

In order to preserve the grand tree, it would be necessary for at least 25 percent of the parking area or buildable area to be rendered unusable or unbuildable.

(4)

An imminent safety hazard exists which can be mitigated by removal of the grand tree.

(c)

In determining whether an applicant has made a reasonable effort to relocate the infrastructure, improvements, or structure to preserve trees, the Director of Neighborhood and Development Services shall consider whether an applicant has considered design alternatives or has requested a variance from the terms of the zoning code from the board of adjustment (see section IV-606(f) of this Code). In making such a determination, the Director of Neighborhood and Development Services may consult with an independent state-registered landscape architect in regard to the reasonableness of any effort of the applicant to preserve trees. The cost of such a consultation shall be borne by the

applicant. The Director of Neighborhood and Development Services may require payment of an estimated fee for the consultation in advance by the applicant.

(d)

Any applicant who obtains a tree removal permit for a grand tree shall post said tree removal permit in a location visible from the right of way at the front of the property permitted for the tree removal no less than five (5) working days prior to removal of the grand tree unless the Director has determined that the grand tree is creating an imminent safety hazard. Additionally, said applicant shall identify the tree(s) to be removed with an orange plastic ribbon tied around the trunk of said tree commencing at least five (5) working days prior to removal of the grand tree unless the Director has determined that the grand tree is creating an imminent safety hazard to pedestrians, bicycles, vehicular traffic or public utility infrastructure.

Section 5. Adoption of Text Amendments: The Zoning Code (2002 edition) Article VII, Regulations of General Applicability, Division 3.1, Tree Protection, Section VII-312, Protection of Trees During Development, is hereby amended so as to require tree protection barriers, the identification of all trees to be removed with an orange plastic ribbon, and to provide regulations for tree protection and mitigation. As amended, said Section VII-312 shall provide as follows:

Sec. VII-312. - Protection of trees during development.

(a)

During the development of property, any person owning a legal interest in the real property under construction, the contractor who has been issued a tree removal permit and the contractor who has been issued a building permit shall be equally responsible for the erection of any and all barriers or protective guards necessary to protect any existing or installed trees from damage during construction in accordance with the tree protective barrier requirements and specifications detailed in the illustration and text labeled "tree protective barrier." ~~(A copy of the tree protection barrier is attached to Ordinance No. 02-4401 as exhibit "A" and made a part hereof by reference.)~~ (The tree protective barrier description included as Exhibit 9 in Section VII-308 is hereby deleted and replaced with the three (3) sketches labeled Tree Protective Barrier attached hereto and incorporated by reference herein as Exhibit A.) The property owners and contractors described above shall be subject to a \$250.00 initial penalty and a \$100.00 daily penalty if the tree protection barriers are not in place around all protected trees and grand trees prior to and

during any land clearing activity, demolition activity, construction staging activity or construction activity. Additionally, the work may be stopped by the building official, City arborist or their designees until appropriate tree protection barriers are in place.

(1) Barricades shall be installed a minimum of ten (10) feet from a protected tree or at the designated protected root zone as shown on the approved site plan. The City arborist may allow minor modifications to this standard based upon specific site configuration issues.

(2) Barricades shall be installed a minimum of twenty (20) feet from a grand tree or at the designated protected root zone as shown on the approved site plan and shall be chain link a minimum of six (6) feet in height. The City arborist may allow minor modifications to this standard based upon specific site configuration issues.

(3) No changes to the predevelopment conditions within the approved protected root zone are allowed during the construction process, but a barricade may be temporarily relocated to accommodate a construction issue if advance notice is provided to the City arborist.

(b)

Prior to and during land clearing, including grubbing, all trees to be removed shall be clearly marked with ribbons at 36 inches minimum above grade. All trees to be removed shall be identified by an orange plastic ribbon tied around the trunk of said tree prior to the onsite inspection of the City's arborist. The City shall provide the orange ribbon to the applicant at the time of application for the tree removal permit. If the orange ribbon is not located upon any tree at the time of inspection by the City arborist, the inspection will be rejected and a re-inspection fee shall be charged to the applicant.

(c)

Any excess soil, additional fill, vehicles, equipment, liquid waste, solvents or construction debris shall not be placed during construction within the protective barrier area surrounding a tree. The tree or its root system surrounded by a protective barrier shall not be otherwise damaged.

(d)

Any attachments or wires other than those of a protective or of a non-damaging nature shall not be attached to any trees.

(e)

Underground utility lines shall be routed around existing trees or otherwise placed by tunneling under the tree ~~by hand digging, or trench by the side of the tree, without cutting any major roots over three inches in diameter~~ at a minimum depth of thirty (30) inches by hand digging. Any roots affected must be cut according to guidelines set forth in this division. No roots over three (3) inches in diameter shall be cut. Fences or walls shall not be installed where they interfere with the root system of existing trees. Footings for walls shall end at the point where large roots (over three inches in diameter) are encountered. Post holes and trenches located close to trees shall be adjusted to avoid damage to major roots.

(1) All roots must be severed clean at the protected root zone of protected and grand trees to prevent root damage.

(2) Root pruning must be performed with an approved cutting type of equipment, such as a chainsaw, hand saw or other cutting equipment.

(3) Root pruning must be performed prior to any construction activities and inspected by the City arborist before requesting building permit inspections.

(4) This Section shall not apply to utility line maintenance or replacement.

(f)

Any person owning a legal interest in the real property under construction, the contractor who has been issued a tree removal permit and the contractor who has been issued a building permit shall be equally responsible for the maintenance of all trees planted or protected by this division while such property is under construction. This protection includes removal or unnecessary damage to trees or roots of trees on abutting properties. All transplanted trees on the site shall be maintained using acceptable horticultural practices. Any persons owning a legal interest in real property for which a tree removal permit has been issued shall be responsible for replacing any newly planted or transplanted trees on such property used to meet minimum requirements, as outlined in this division, which die or become so unhealthy so as to lose their aesthetic and functional requirement after the construction on such property has been completed.

(g)

All original or replanted trees required as tree mitigation shall survive for at least one (1) year from the date of final inspection for the tree permit. Any such tree that does not survive shall be replanted at the property owner's expense. Such replanted trees shall also be required to survive for a one (1) year period from the date of replanting. All

transplanted trees on the site shall be maintained using acceptable horticultural practices. Any person owning a legal interest in real property for which a tree removal permit has been issued shall be responsible for replacing any newly planted or transplanted trees on such property used to meet minimum requirements as outlined in this division which die or become so unhealthy so as to lose their aesthetic and functional requirement after the construction on such property has been completed.

(h)

The provisions of this Section shall not apply when the Director of Neighborhood and Development Services has determined that the protected tree or grand tree is creating an imminent safety hazard.

(i)

Any person owning a legal interest in the real property under construction, the contractor who has been issued a tree removal permit, and the contractor who has been issued a building permit, shall all be equally responsible for compliance with each and every requirement of this Section.

Section 6. Adoption of Text Amendments: The Zoning Code (2002 edition), Article VII, Regulations of General Applicability, Division 3.1, Tree Protection, Section VII-320, Criteria for Granting Permits, is hereby amended so as to add additional criteria regarding the removal of trees not qualified as grand trees. As amended, said Section VII-320 shall provide as follows:

Sec. VII-320. - Criteria for granting permits.

The director of neighborhood and development services shall make one or more of the following findings prior to granting a permit pursuant to this division:

(1)

Removal of trees not qualifying as grand trees:

a.

That the tree proposed to be removed creates a significant safety hazard to pedestrians, bicycles, vehicular traffic or public utility infrastructure.

b.

That the tree proposed to be removed prevents reasonable access to private property.

- c. That the tree proposed to be removed is a diseased tree which creates an immediate and real is-a hazard to people, buildings or other improvements on the subject real property or to other trees or which has a 50 percent or greater crown loss.
- d. That the tree proposed to be removed is dead, and is not presently being utilized for the nesting or harborage of avian species.
- e. That the tree is weakened by age, storm, fire or other injury and is dangerous to persons or property.
- f. That the public health, safety and welfare of the citizens of the city is promoted by the removal of the tree.
- g. That the tree proposed to be removed is a prohibited tree as defined by this Code.
- h. That the tree proposed to be removed prevents the reasonable development of a lot or parcel. It is the intent of this provision that no permit shall be granted for the removal of any tree where the applicant has failed to design and locate the proposed improvements to minimize the removal of trees. The director of neighborhood and development services may require an applicant for a tree permit to redesign the proposed structure or improvements or relocate the same on the site so as to maximize the preservation of existing trees and to provide space to transplant or establish replacement trees on the same parcel of land in which they are removed. The director of neighborhood and development services may consult with a city-approved certified arborist or state-registered landscape architect. The cost of such consultation shall be borne by the applicant. The director of neighborhood and development services may require payment of an estimated fee for the consultation in advance by the applicant.
- i. In making the findings required by subparagraph (1) of this section, the director of building, zoning and code enforcement shall be guided by the following:
 - 1. The existing or proposed locations of structures and improvements upon the lot or parcel and the impact thereon with reference to the preservation of trees.

2. The shape and dimensions of the lot or parcel.
3. The size, age, proximity, location, health and survivability of existing trees upon the lot or parcel.
4. The feasibility of transplanting trees upon the lot or parcel.
5. The feasibility of redesigning the proposed structure or improvements.
6. A comparison shall be made between existing trees within the buildable area of a lot and existing trees within setback areas. Existing trees within setback areas shall be given preferential consideration for protection.

j.

The property owner has produced a letter from his/her insurance carrier establishing that insurance coverage will be denied unless the protected tree is removed. Any tree removed pursuant to this Subsection shall be mitigated in compliance with the applicable chart set forth in Section VII-322(2).

k.

The outermost bark of the main trunk of the tree proposed to be removed is within 36 inches or less from the main structure or garage on the property. Any tree removed pursuant to this Subsection shall be mitigated in compliance with the applicable chart set forth in Section VII-322(2).

(2)

Trees qualifying as grand trees: The applicant must meet the requirements of section VII-310 of this division.

(3)

Exempt trees: A tree qualifying as an exempt tree must meet the requirements of section VII-318 of this division.

(4)

Removal of trees within the right-of-way located within the boundaries of the Downtown Edge, Downtown Core and Downtown Bayfront zone districts.

In addition to making the findings required by subparagraph (1) of this section, the director of neighborhood and development services shall be guided by the following:

a.

The existing or proposed locations of awnings upon the building, lot or parcel and the impact thereon with reference to the preservation of healthy trees within the right of way.

b.

The size, age, proximity, location, health and survivability of the existing tree.

c.

The feasibility of redesigning the proposed awning.

d.

Whether the director of neighborhood and development services has recommended that an adjustment be pursued prior to granting a removal permit.

Section 7. Adoption of Text Amendments: The Zoning Code (2002 edition), Article VII, Regulations of General Applicability, Division 3.1, Tree Protection, Section VII-322, Permit Conditions, is hereby amended so as to provide broader mitigation options. As amended, said Section VII-322 shall provide as follows:

Sec. VII-322. - Permit conditions.

All persons issued permits pursuant to this division shall:

(1)

Post a weather-proof protected copy of the tree removal permit at the site proposed for the tree removal. The permit must be displayed on the site prior to the removal of any trees, and remain on the site until the tree removal or construction work is completed.

(2)

a.

When trees are removed with an approved tree removal permit for any commercial construction, new residential dwelling or a substantially remodeled residential dwelling (except for housing sold to low and moderate income families

as specified in Subparagraph (b)(ii) of this section), such trees shall be replaced as follows:

Existing Tree Size	Required Replacement Caliper Minimum	Ratio of Replacement Trees to Removed Trees
4"—15" D.B.H.	3"	1:1
16"—30" D.B.H.	5"	2:1
Over 30" D.B.H.	7"	3:1

The required replacement tree or trees shall be of like species or an alternative species approved by the director of neighborhood and development services based upon consideration of the site conditions (e.g., presence of overhead power lines). The replacement tree or trees shall not be less than 12 feet in overall height, three inches in caliper with a minimum four-foot spread, except as provided in subparagraph (2)b. of this section. Palms shall be a minimum of 12 feet overall height. Trees or palms shall otherwise meet or exceed the "Florida Department of Agriculture, Grades and Standards for Nursery Stock, Florida Number one Grade," as the same may be amended from time to time. Native trees are encouraged. A copy of said publication is on file at the office of the city auditor and clerk, and made part by reference. If a mitigation tree cannot be located on the removal site based upon site conditions (e.g. presence of overhead power lines or lack of space), mitigation trees may be placed upon nearby public property, right of way or other nearby private property. As a condition precedent to allowing placement on nearby private property, the owner of the removal site property must provide to the Director of Neighborhood and Development Services a map or listing of private locations where property owners have agreed to accept mitigation trees within a 1,000 foot radius of the removal site. The owner of the receiving site must provide to the Director a letter or some other written document agreeing to accept the mitigation tree(s) and to allow for said tree(s) to be watered and maintained until fully established.

b.

When trees are removed with an approved tree removal permit for the construction of a new residential dwelling or a substantially remodeled residential dwelling qualifying as housing sold to low and moderate income families¹, such trees shall be replaced as follows:

Existing Tree Size	Required Replacement Caliper Minimum	Ratio of Replacement Trees to Removed Trees
4"—15" D.B.H.	1.5"	1:1
16"—30" D.B.H.	2.5"	2:1
Over 30" D.B.H.	3.5"	3:1

¹For purposes of this division "housing sold to low and moderate income families" means families having under 80 percent of the county median income.

The required replacement tree or trees shall be of like species or an alternative species approved by the director of neighborhood and development services based upon consideration of the site conditions (e.g., presence of overhead power lines). The replacement tree or trees shall not be less than eight feet in overall height, one and one-half inches in caliper with a minimum three-foot spread. Palms shall be a minimum of 12 feet overall height. Trees or palms shall otherwise meet or exceed the "Florida Department of Agriculture, Grades and Standards for Nursery Stock, Florida Number one Grade," as the same may be amended from time to time. Native trees are encouraged. In the event funding is received from the replacement tree fund (see section VII-324(b)) to provide for the minimum size of replacement trees as specified in section VII-322(2)a., then the specifications for the size of replacement trees in subparagraph (2)a. of this section shall be required.

c.

In implementing the tree mitigation described in Subsections (2) a. and b., above, palm trees may not be utilized as replacement mitigation trees when canopy trees have been removed. In the case of site specific conditions such as the presence of

overhead powerlines, understory trees or canopy trees that will mature to a lower height than the projected conflict structures shall be required. In the case of potential below ground utility conflicts, the Director may require Silva cells or similar technology. The prohibition of palm trees as a replacement mitigation tree shall not apply on Bird Key, St. Armands Key, and other barrier islands. Palm trees may be used as mitigation trees on said barrier islands when a protected canopy tree has been removed. Acceptable varieties of palm trees are Florida Friendly Palm varieties and must be replaced at a 3 to 1 ratio for each canopy tree removed.

e. d.

Mitigation for trees removed from the right-of-way within the downtown zone districts. The required replacement tree or trees shall be of like species or an alternative species approved by the director of public works. Replacement trees specified on the list titled "Recommended Street Tree List for Downtown Zone Districts" and maintained by the department of public works, shall be encouraged. However, in order to encourage diversity, the director of public works may allow other species as deemed appropriate. The replacement tree or trees shall be equal in caliper size as the tree removed. The permittee shall plant the replacement trees or palms required prior to the issuance of any required final inspection or certificate of occupancy by the city or within 45 days of tree removal if the tree removal is not related to other permitted construction activities on site.

(3)

The permittee shall plant the replacement trees or palms required prior to the issuance of any required final inspection or certificate of occupancy by the city or within 45 days of tree removal if the tree removal is not related to other permitted construction activities on site.

(4)

If a replacement tree cannot be planted on the removal site or within close proximity to the removal site, as determined by the director of neighborhood and development services, the applicant shall be required to pay a minimum fee into the replacement tree fund as identified in section VII-324 of this division. All fees owed shall be paid prior to the issuance of any building permit for the project.

(5)

For a tree removed without proper permits the required replacement D.B.H. or fee shall be tripled and a tree of like species shall be replaced at the same location or in close proximity to the site of the tree removal, as determined by the director of neighborhood and development services, in addition to paying the penalties specified in section VII-325.

(6)

A tree removal permit shall be valid for a period of no more than six months from the date of issuance and may be extended in the same manner as a building permit under the Florida Building Code. If the applicant fails to obtain an extension of the tree removal permit, a new tree removal permit will be required prior to commencing construction.

(7)

Credit for other plantings. Trees planted in compliance with the landscaping requirements of this Code may be used in whole or in part to satisfy the replacement tree requirements of this section as determined by the director of neighborhood and development services.

(8)

Trees removed from the city right of way shall be transplanted to another city right of way or city property so as to maximize the preservation of existing trees if such relocation is deemed viable by a city-approved certified arborist. The cost of such relocation and shall be borne by the permittee.

(9)

After removal of trees within the city right of way, the permittee shall repair the sidewalk to standards specified by the EDCM within one week of tree removal or prior to the issuance of any required final inspection or certificate of occupancy by the city if other sidewalk improvements are being made related to other permitted construction activities on site. The city engineer can direct that repairs be made at an earlier time if it is felt that there is any danger to the public and can order any interim safety measures.

Section 8. Adoption of Text Amendments: The Zoning Code (2002 edition), Article VII, Regulations of General Applicability, Division 3.1, Tree Protection, Section VII-324, Schedule of Fees and Charges, is hereby amended so as to change the reference to the appropriate City Department and so as to delete therefrom the regulations applicable to expenditures from the Replacement Tree Fund. As amended, said Section VII-324 shall provide as follows:

Sec. VII-324. - Schedule of fees and charges.

(a)

Tree removal permit fee: The fee schedule for tree removal permits shall be adopted by resolution of the city commission and a copy of the resolution shall be maintained at the department of ~~building, zoning and code enforcement~~ Neighborhood and Development Services and in the office of the city auditor and clerk.

(b)

Replacement tree fund:

(1) Fees collected in lieu of planting replacement trees on the removal site shall be deposited into a separate fund designated by the city as the replacement tree fund. The fee schedule for the replacement tree fund shall be adopted by resolution of the city commission and a copy of the resolution shall be maintained at the department of ~~building, zoning and code enforcement~~ Neighborhood and Development Services and in the office of the city auditor and clerk. ~~Expenditures from the replacement tree fund shall be made in accordance with the administrative regulations promulgated by the city manager, and may include, among other matters, the payment to enable projects qualifying as "housing sold to low and moderate income families" to increase the size of the replacement trees so as to meet the specifications of section VII-322(2)a. Prior to finalizing such administrative regulations, the city manager shall allow the planning board an opportunity to comment on the proposed administrative regulations.~~

(2) Fees collected for the removal of trees within the city right of way shall be placed into a separate fund designated by the city as the replacement tree fund as specified in subparagraph (1) of this section.

Section 9. Adoption of Text Amendments: The Zoning Code (2002 Edition), Article VII, Regulations of General Applicability, Division 3.1, Tree Protection, is hereby amended by the addition thereto of one new section. The new Zoning Code section shall provide as follows:

Sec. VII-328. -- Testing.

The City arborist is hereby authorized to request testing results from any applicant seeking to remove a tree. Specifically, the City arborist may request testing of

any tree or the soil around the perimeter of any tree if the City arborist finds any evidence or reason to believe that the tree requested to be removed has been poisoned. The purpose of said testing is to determine if any attempt has been made to poison the tree sought to be removed. Said test shall be funded by the City's Urban Forestry Line Item. In the event the Director determines that a tree has been poisoned, the procedures and penalties set forth in Section VII-325 shall apply.

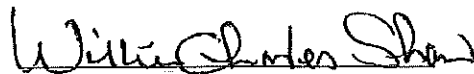
[Modifications are shown in "black line" format by which deletions from existing text are shown by ~~strike through~~ and additions to existing text are shown by underline.]

Section 10. Severability: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.


Section 11. Effective Date: This Ordinance shall take effect immediately upon second reading.

PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 6th day of June, 2016.

PASSED on second reading and finally adopted this 5th day of July, 2016.


Willie Charles Shaw, Mayor

ATTEST


Pamela M. Nadalini, MBA, CMC
City Auditor and Clerk

Yes Mayor Willie Charles Shaw
Yes Vice Mayor Shelli Freeland Eddie
Yes Commissioner Liz Alpert
Yes Commissioner Suzanne Atwell
Yes Commissioner Susan Chapman

tammy's files/ordinances/2016/16-5173 -- tree protection (7/6/16)

Proposed

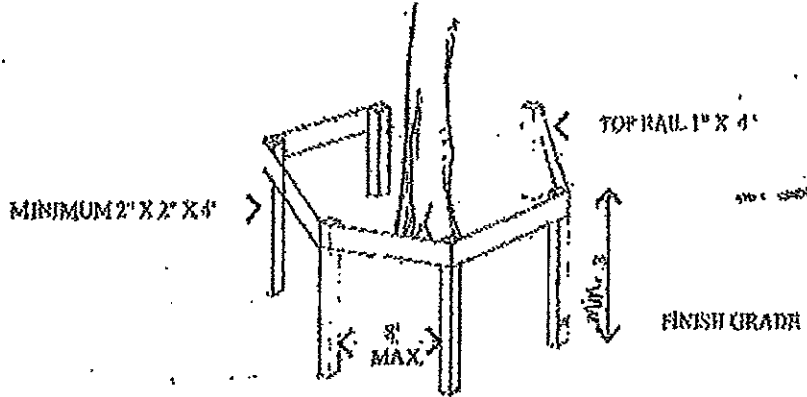
TREE PROTECTIVE BARRIER

Protective Barrier Requirements

1. Protect all above ground portions of trees from mechanical damage.
2. Protect soil near tree from compaction.
3. Provide physical and mental awareness of the presence of trees on the site to construction personnel.
4. Heavy equipment not allowed inside barrier; only hand labor.
5. Construction material and temporary soil deposits not allowed inside barrier area.

Protective Barrier Specifications

1. Uprights spaced at 4' intervals of not less than 2"x2" lumber with 1"x4" top rail.
2. Barriers to be erected around remaining trees before construction or nearby trees are removed.
3. Barriers to remain in place until all paving, construction and heavy equipment is out of area.

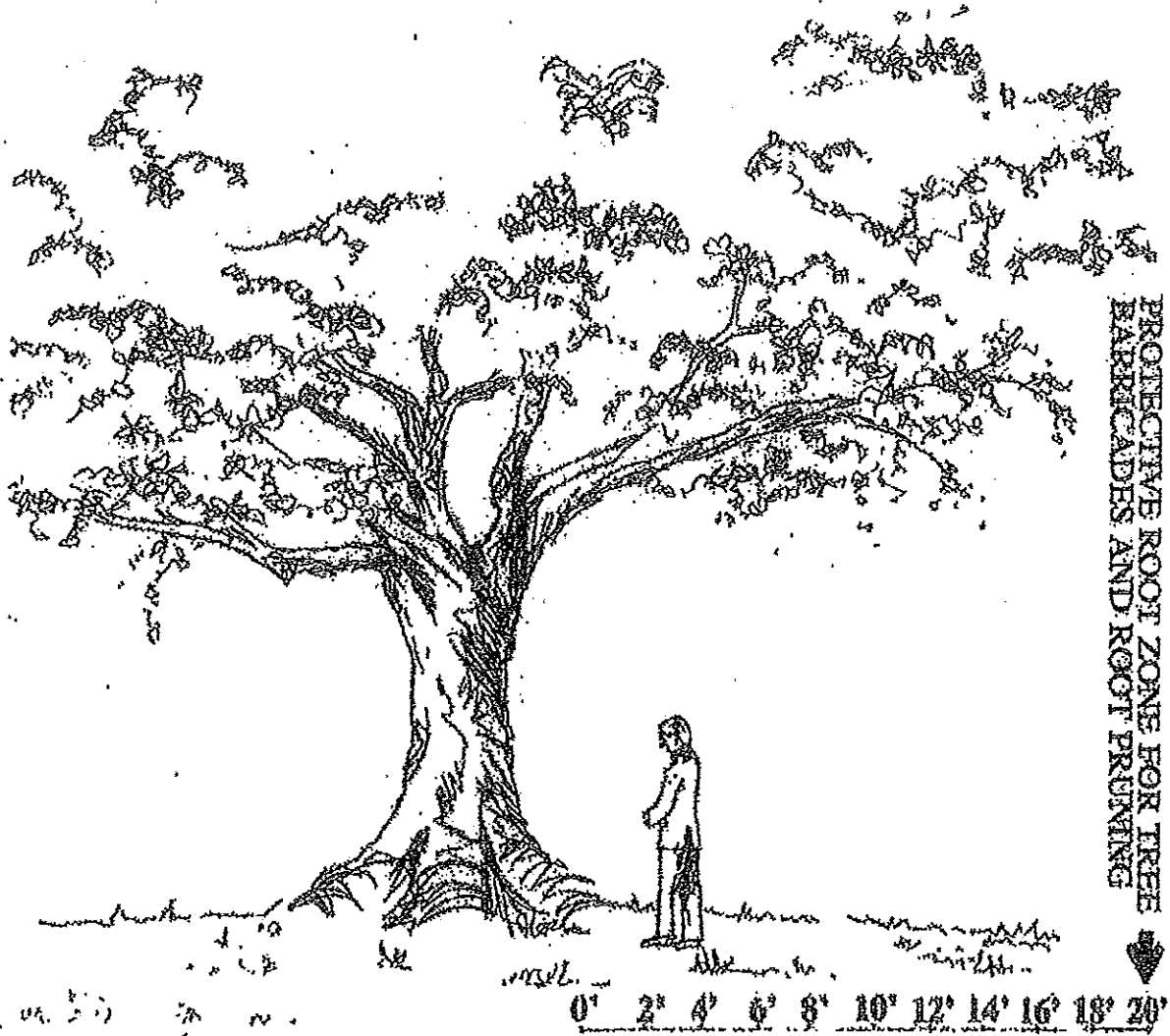


TREE BARRIER DETAIL

Not to Scale



**MINIMUM
PROTECTIVE ROOT ZONE REQUIREMENTS
FOR PROTECTED TREES**



**MINIMUM
PROTECTIVE ROOT ZONE REQUIREMENTS
FOR GRAND TREES**