

ORDINANCE NO. 2023-51

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 87, LAND DEVELOPMENT CODE, BY AMENDING SECTION 1.2. COMMON REVIEW PROCEDURES, SECTION 1.4.2. SPECIFIC APPLICATION REQUIREMENTS, SECTION 1.15.3. MINOR SITE AND DEVELOPMENT PLAN, TABLE 2.3.9. LAUREL WEST DEVELOPMENT STANDARDS, TABLE 2.3.10. LAUREL EAST DEVELOPMENT STANDARDS, TABLE 2.3.11. KNIGHTS TRAIL DEVELOPMENT STANDARDS, TABLE 2.3.12. KNIGHTS TRAIL TRANSITIONAL DISTRICT, SECTION 3.1.4. BUILDING PLACEMENT REQUIREMENTS, SECTION 3.1.6. SOIL AND FLOOD HAZARDS, SECTION 3.1.8. ACCESS MANAGEMENT REQUIREMENTS, SECTION 3.4.2. SIDEWALKS, SECTION 3.5.1. PROHIBITED SIGNS, COMBINING SECTION 3.5.2. EXEMPT SIGNS AND SECTION 3.5.3. TEMPORARY SIGNS INTO ONE SECTION, AMENDING AND RENUMBERING EXISTING SECTION 3.5.4. PERMITTED SIGNS, AMENDING SECTION 3.7.1. PURPOSE, INTENT AND APPLICABILITY, SECTION 3.7.2. PLANT MATERIALS, SECTION 3.7.3. IRRIGATION, CHAPTER 88, BUILDING REGULATIONS, SECTION 2.2.4. MINIMUM FLOOR ELEVATION, AND CHAPTER 89, ENVIRONMENTAL REGULATIONS, SECTION 2.8.4. CONSTRUCTION AND TECHNICAL STANDARDS, 3.2.2. EXEMPTIONS, SECTION 3.3.1. TREE PERMIT APPLICATION REQUIREMENTS, SECTION 3.4.1. PROTECTED TREES, 3.4.6. INCENTIVES-PRESERVATION OF EXISTING TREES/VEGETATION AND PLANTING OF NEW TREES, SECTION 3.5.2. REQUIRED BEST MANAGEMENT PRACTICES, AND SECTION 4.1. DEFINED TERMS, PURSUANT TO TEXT AMENDMENT PETITION NO. 23-70AM, TO CORRECT CLERICAL ERRORS, CLARIFY CERTAIN PROVISIONS, AND ADDRESS OTHER REGULATORY AND PROCEDURAL ISSUES; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on July 12, 2022, City Council adopted the new Land Development Regulations (LDRs) and official Zoning Map of the City; and

WHEREAS, the City submitted Text Amendment Petition No. 23-70AM to correct clerical errors, clarify certain provisions, and address other regulatory and procedural issues identified through the implementation of the LDRs; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, Venice City Council has duly designated the city's Planning Commission as the local planning agency for the City; and

WHEREAS, the Planning Commission held a duly noticed public hearing on November 7, 2023 regarding the Petition, and recommended approval to City Council of Text Amendment Petition No. 23-70AM; and

WHEREAS, City Council received and considered the report of the Planning Commission concerning Text Amendment Petition No. 23-70AM; and

WHEREAS, on December 12, 2023, and January 9, 2024, City Council held duly noticed public hearings on Text Amendment Petition No. 23-70AM in accordance with the requirements of the City's Code of Ordinances and has considered the information received at said public hearings; and

WHEREAS, City Council finds that Text Amendment Petition No. 23-70AM is in compliance with, and meets, the requirements of the city’s Land Development Code and Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Text Amendment Petition No. 23-70AM is hereby approved. Chapter 87 Land Development Code, Chapter 88 Building Regulations, and Chapter 89 Environmental Regulations, of the City’s Land Development Regulations, are hereby amended as shown on Exhibit “A”, which is incorporated herein by reference.

SECTION 3. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 4. If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 5. This ordinance shall become effective immediately upon its approval and adoption, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 9TH DAY OF JANUARY 2024.

First Reading: December 12, 2023
Second Reading: January 9, 2024

Adoption: January 9, 2024

Nick Pachota, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the City of Venice Council, a meeting thereof duly convened and held on the 9th day of January 2024, a quorum being present.

WITNESS my hand and the official seal of said City this 9th day of January 2024.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney

Exhibit "A"

SECTION 1. - ADMINISTRATION

1.2. - Common Review Procedures

A.-B. No change.

C. **Application Requirements.** All applications regulated by this LDR shall be submitted in accordance with the rules provided herein and be filed with City Planning and Zoning Department per their procedures and forms. Each application form shall clearly state all items required for review. Specific application requirements contained in each subsection must be provided, unless such requirement is clearly not applicable to the application under consideration, in which case, the Director, after making such a finding, may, in writing, waive the inapplicable requirement. All the following items are required for all applications, unless deemed not applicable by the Director:

1-7. No change.

~~8. Reserved.~~

~~9. Reserved.~~

~~10. 8. Land Use Compatibility Analysis.~~

~~a.(i)~~ Demonstrate that the character and design of infill and new development are compatible with existing neighborhoods. The compatibility review shall include the evaluation of the following items with regard to annexation, rezoning, height exception, conditional use, and site and development plan petitions:

~~A. i.~~ Land use density and intensity.

~~B. ii.~~ Building heights and setbacks.

~~C. iii.~~ Character or type of use proposed.

~~D. iv.~~ Site and architectural mitigation design techniques.

~~b.(ii)~~ Considerations for determining compatibility shall include, but are not limited to, the following:

~~A. i.~~ Protection of single-family neighborhoods from the intrusion of incompatible uses.

~~B. ii.~~ Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.

~~C. iii.~~ The degree to which the development phases out nonconforming uses in order to resolve incompatibilities resulting from development inconsistent with the current Comprehensive Plan.

~~D. iv.~~ Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.

D.-E. No change.

F. **Neighborhood Workshop.** These workshops are required for all applications except Annexations, Comprehensive Plan Text Amendments, LDR Text Amendments, Vested Rights, ~~and~~ Variances, and Administrative Applications in Section 1.15. Notice of the time and place of the workshop shall be given at least 15 calendar days in advance of the neighborhood workshop. The owner of land (or designated agent) shall be responsible for the notification and security measures as needed. A neighborhood workshop is required to be advertised both by mailed notice and publication according to the same procedures indicated in Sections 1.2.E.1 and 1.2.E.3. Both the mailed notice and published advertisement must include a description of the scope, nature, and purpose of the proposal(s) to be discussed. A workshop may be in-person, performed virtually over the internet, or in a hybrid format

and must occur within one year prior to the application date. Neighborhood workshops are not a public hearing, but must be conducted in the following manner:

1.-5. No change.

G.-J. No change.

1.4. - Annexations (Legislative Application)

1.4.1. No change.

1.4.2. *Specific Application Requirements*

A. No change.

1.-3. No change.

4. Property Information and Title Report (Ownership & Encumbrance Report).

~~4.~~ 5. A detailed narrative including:

- a. Reason for the Annexation;
- b. Whether the request is voluntary;
- c. Proposed City future land use designation and implementing City zoning designation;
- d. Statement of all existing uses, their locations on the subject property, and whether they will be in conformance with the proposed City future land use and zoning designations (uses not in conformance will be required to cease upon approval of the rezoning application or must be addressed through the annexation ordinance); and
- e. Potential impact to City or applicable County public facilities for the existing use/development of the property, the proposed development (if any), and the potential development permissible under the proposed future land use and zoning designations. This includes a Level of Service analysis of the potential increase in demand for public facilities against the current facility capacities and/or future year capacity of anticipated build out of property.

~~5.~~ 6. Statement and corresponding map addressing any potential creation of enclaves (if any);

~~6.~~ 7. Map showing property location and confirmation of contiguity to the existing City limits and reasonable compactness;

~~7.~~ 8. Map(s) depicting the existing Sarasota County future land use designation, and existing Sarasota County zoning designation, along with the jurisdiction, future land use, and zoning designations of adjacent property;

~~8.~~ 9. Revenue estimates for taxes and estimates for revenues for public facilities corresponding to Section A.4.e above; and

~~9.~~ 10. Draft pre-annexation agreement between the City and the applicant.

B. No change.

1.4.3. No change.

1.15. - Administrative Applications

A. No change.

1.15.1.-1.15.2. No change.

1.15.3. Minor Site and Development Plan

A.-B. No change.

C. No change.

1.-5. No change.

6. Color architectural elevations for all façades of each building in the development; and exact number of dwelling units, sizes and types, together with typical floor plans of each type.

~~6.~~ 7. Storm drainage, potable water and wastewater collection system plans.

D. No change.

1.15.4.-1.15.9. No change.

SECTION 2. - ZONING

2.3.9. Laurel West District

A. No change.

Figure 2.3.9.1. No change.

Figure 2.3.9.2. No change.

Table 2.3.9. Laurel West Development Standards

Laurel West Development Standards Table		
Standard		Measurement Requirement
Building Height		46' by right 75' through Height Exception
Building Placement (min/max) ^a	Front (Street)	15'/100'
	Side	10'/50'
	Rear	10'/ 50' None
Lot	Length (min)	100'
	Width (min)	50'
	Coverage (min/max)	10%/75%
Building Frontage Requirement	% Requirement	Not Restricted
	Encroachments	Maximum Length: 25' or 50% of building frontage, whichever is less Maximum Encroachment: 10' Minimum Clearance: 12'
	Active Use Area (AUA)	Active Use Areas defined by/as Design Alternative. As part of Design Alternative request, building placement and building frontage requirements may be modified to accommodate the Active Use Area.
	Entrances	Oriented to <u>primary</u> street. Direct pedestrian access is required from the public sidewalk to the primary street-facing entrance of the building.

Architecture	Style	The following Venice Historic Precedent standards are preferred: 7.10.3. Facades and Exterior Walls 7.10.5. Roofs 7.10.7. Other Building Features (2 or more categories A—D)
	Blank Wall Area	Blank wall area is prohibited when the wall is adjacent to a street. Where applicable, design elements of the Venice Historic Precedent may be found in Secs. 7.10.6. through 7.10.7.
Parking	Placement	Not restricted On-street parking may be permitted on internal streets
	Percentage of Minimum Parking Required	100%
	Access	Side or rear access Access to internal street only; access directly into parking from Laurel Road prohibited
	Loading	Side/Rear

2.3.10. Laurel East District

A. No change.

Figure 2.3.10.1. No change.

Figure 2.3.10.2. No change.

Table 2.3.10. Laurel East Development Standards

Laurel East Development Standards Table		
Standard		Measurement Requirement
Building Height		35' by right 46' through Height Exception
	Front (Street)	15'/100'

Building Placement (min/max) ^a	Side	10'/50'
	Rear	10'/ 50' <u>None</u>
Lot	Length (min)	100'
	Width (min)	50'
	Coverage (min/max)	10%/75%
Building Frontage Requirement	% Requirement	Not Restricted
	Encroachments	Maximum Length: 25' or 50% of building frontage, whichever is less Maximum Encroachment: 10' Minimum Clearance: 12'
	Active Use Area (AUA)	Active Use Areas defined by/as Design Alternative. As part of Design Alternative request, building placement and building frontage requirements may be modified to accommodate the Active Use Area.
	Entrances	Oriented to <u>primary</u> street. Direct pedestrian access is required from the public sidewalk to the primary street-facing entrance of the building.
Architecture	Style	The following Venice Historic Precedent standards are required: 7.10.3. Facades and Exterior Walls 7.10.5. Roofs 7.10.7. Other Building Features (2 or more categories A—D)
	Blank Wall Area	Blank wall area is prohibited when the wall is adjacent to a street. Where applicable, design elements of the Venice Historic Precedent may be found in Secs. 7.10.6. through 7.10.7.
Parking	Placement	Not restricted. On-street parking may be permitted on internal streets.
	Percentage of Minimum Parking Required	100%
	Access	Side or rear <u>Access</u> to internal street only; access directly into parking from Laurel Road prohibited.
	Loading	Side/Rear

2.3.11. Knights Trail District

A. No change.

Figure 2.3.11.1. No change.

Figure 2.3.11.2. No change.

Table 2.3.11. Knights Trail Development Standards

Knights Trail Development Standards Table		
Standard		Measurement Requirement
Building Height		35' by right 46' through Height Exception
Building Placement (min/max)	Front (Street)	15'/100'
	Side	10'/50'
	Rear	10'/50'
Lot	Length (min)	100'
	Width (min)	50'
	Coverage (min/max)	10%/75%
Building Frontage Requirement	% Requirement	Not Restricted
	Encroachments	Maximum Length: 25' or 50% of building frontage, whichever is less
		Maximum Encroachment: 6'
		Minimum Clearance: 8'
Active Use Area (AUA)	Active Use Areas defined by/as Design Alternative. As part of Design Alternative request, building placement and building frontage requirements may be modified to accommodate the Active Use Area.	
Entrances	Oriented to <u>primary</u> street. Direct pedestrian access is required from the public sidewalk to the <u>primary</u> street-facing entrance of the building.	

Architecture	Style	The following Venice Historic Precedent standards are required: 7.10.3. Facades and Exterior Walls 7.10.5. Roofs 7.10.7. Other Building Features (2 or more categories A—D)
	Blank Wall Area	Blank wall area is prohibited when the wall is adjacent to a street. Where applicable, design elements of the Venice Historic Precedent may be found in Secs. 7.10.6. through 7.10.7.
Parking	Placement	Not restricted. On-street parking may be permitted on internal streets.
	Percentage of Minimum Parking Required	100%
	Access	Side or rear <u>Access</u> to internal street only; access directly into parking from Knights Trail prohibited where an alternative exists.
	Loading	See Section 3.6.5: Design Standards

2.3.12. Knights Trail Transitional District

A. No change.

Figure 2.3.12.1 No change.

Figure 2.3.12.2 No change.

Table 2.3.12. Knights Trail Transitional District

Knights Trail Transitional Development Standards Table		
Standard	Measurement Requirement	
	Residential Uses	Non-Residential Uses
Building Height	35' by right 75' through Height Exception	
	Front (Street)	20'
		20'

Building Placement (min)	Side	6' Minimum, 15' Combined	15'
	Rear	10'	15'
Lot	Length (min)	100 feet	N/A
	Width (min)	50 Feet	100 Feet
	Coverage (min/max)	10% minimum/75% maximum	
Building Frontage Requirement	% Requirement	N/A	N/A
	Encroachments	Maximum Length: 25' or 50% of Building Frontage (whichever is less) Maximum Encroachment: 6' Minimum Clearance: 8'	N/A
	Active Use Area (AUA)	Active Use Areas defined by/as Design Alternative. As part of Design Alternative request, building placement and building frontage requirements may be modified to accommodate the Active Use Area.	
	Entrances	Oriented to <u>primary</u> street. Direct pedestrian access is required from the public sidewalk to the primary street-facing entrance of the building.	
	Style	The following Venice Historic Precedent standards are preferred: 7.10.3. Facades and Exterior Walls 7.10.5. Roofs 7.10.7. Other Building Features (2 or more categories A—D)	
Blank Wall Area	Blank wall area is prohibited when the wall is adjacent to a street. Where applicable, design elements of the Venice Historic Precedent may be found in Secs. 7.10.6. through 7.10.7.		
Parking	Placement	Not Restricted. On-street Parking may be permitted on internal streets.	
	Percentage of Minimum Parking Required	100%	
	Access	Side or rear <u>Access</u> to internal street only.	

	Loading	See Section 3.6.5: Design Standards
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2.3.13. No change.

SECTION 3. - DEVELOPMENT STANDARDS

3.1. - General Development Standards

A. No change.

3.1.1-3.1.3. No change.

3.1.4. *Building Placement Requirements*

A. No change.

1. **Interior Lot.** A lot bounded by a street on only one side. For the purpose of setbacks and yards, the street yard shall be recognized as the front. An interior lot shall have one front yard, two side yards, and one rear yard. For single-family residential uses, ~~t~~The primary structure shall be oriented so the driveway and entrances are in the front yard.

Figure 3.1.4.1. No change.

2. **Corner Lot.** A lot which abuts two or more streets, other than an alley or easement. Each corner lot shall be required, either on its plat or building permit, to designate the street that will define its front yard, which shall dictate its front setback requirement. For single-family residential uses, ~~t~~The primary structure shall be oriented so the entrance is in the designated front yard. If the abutting streets are different street types, the front yard shall be on the lesser street type (e.g., local road instead of collector arterial).

Figure 3.1.4.2. No change.

3. **Through Lot.** A lot which has frontage on two parallel streets. Each through lot shall be required, either on its plat or building permit, to designate the street for its front yard, which shall dictate its front setback requirement. For single-family residential uses, ~~t~~The primary structure shall be oriented so the driveways and entrances are in the designated front yard. If the abutting streets are different street types, the front yard shall be on the lesser street type (i.e., local road instead of collector arterial).

Figure 3.1.4.3. No change

4. No change.

B. No change.

3.1.6. *Soil and Flood Hazards*

- A. Development shall be in accordance with Chapter 89: Environmental ~~and Chapter 98: Floods~~. All building sites shall be able to be used safely for building purposes, without interruption of access or other undue hazard from flood, adverse soil or foundation conditions.

3.1.7. No change.

3.1.8. *Access Management Requirements*

A.-B. No change.

C. **Driveway Width.**

1. No change.
 - a.-b. No change.

- 2. No change.
 - a. No change.
 - ~~b.~~ b. Design alternatives for width may be permitted.
- 3. For driveways divided by a median, each accessway will be measured individually.

3.1.9. No change.

3.2-3.3 No change.

3.4. Streets and Sidewalks

3.4.2. Sidewalks

- A. No change.
- B. **Standards.**
 - 1. No change.
 - 2. Required sSidewalks shall be at least six (6) feet in width.
 - 3.-7. No change.

C.-D. No change.

No change.

3.5. - Signs

A.-D. No change.

3.5.1. No change.

3.5.2. Exempt Signs

- A. No change.
 - 1.-12. No change.

~~3.5.3. Temporary Signs~~

AB. **Types of Temporary Signs.**

- 1. ~~Residential Yard Signs~~ **Properties Used for Residential Purposes.** Up to two (2) temporary yard signs ~~may be permitted~~ are allowed in residential yards, with neither to exceed three (3) square feet in area per sign.
- 2. ~~Non-residential Signs~~ **Properties Used for Non-Residential Purposes.** Limited to one (1) temporary sign per business of one (1) square foot per linear foot of building or twenty (20) square feet, whichever is less.
- 3. **Real Estate Signs.**
 - a. In residential districts, limited to one sign per lot or parcel except for corner lots which may have one sign per street frontage. Lots with navigable waterway may have one additional real estate sign in the waterfront yard or on a structure over water. Lots that abut a golf course may have one additional real estate sign in a yard that abuts the golf course. The size of a real estate sign for any lot shall not exceed four (4) square feet.
 - b. ~~Size of real estate sign for any lot shall not exceed four (4) square feet.~~

- ~~e.~~ b. Real estate signs shall be removed within forty-eight (48) hours of sale closing or lease start.
- ~~d.~~ c. Real estate signs advertising a developer's sale of vacant lots shall be limited to entrances to the subdivision from a public street and limited to sixteen (16) square feet in area and eight (8) feet in height.
- ~~e.~~ d. All signs in a development for an approved subdivision shall be removed when five percent of the total lots in the last phase of the subdivision remain.
- ~~f.~~ e. Real estate signs in nonresidential districts shall be non-illuminated and are limited to one sign per parcel. Corner lots may have one sign per street frontage. Each sign shall be a maximum thirty-two (32) square feet in area and shall be removed within forty-eight (48) hours of the sale closing or lease start.

4. **Construction Signs.** The sign shall not be erected before a building permit for trade work has been issued by the City, and must be removed immediately following final inspection of the trade work. If construction is not begun in sixty (60) days or if construction is not continuously and actively pursued to completion, such sign shall be removed. Construction signs shall not be illuminated. Construction signs must include 24-hour contact information.

a. No change.

B. C. No change.

1.-4. No change.

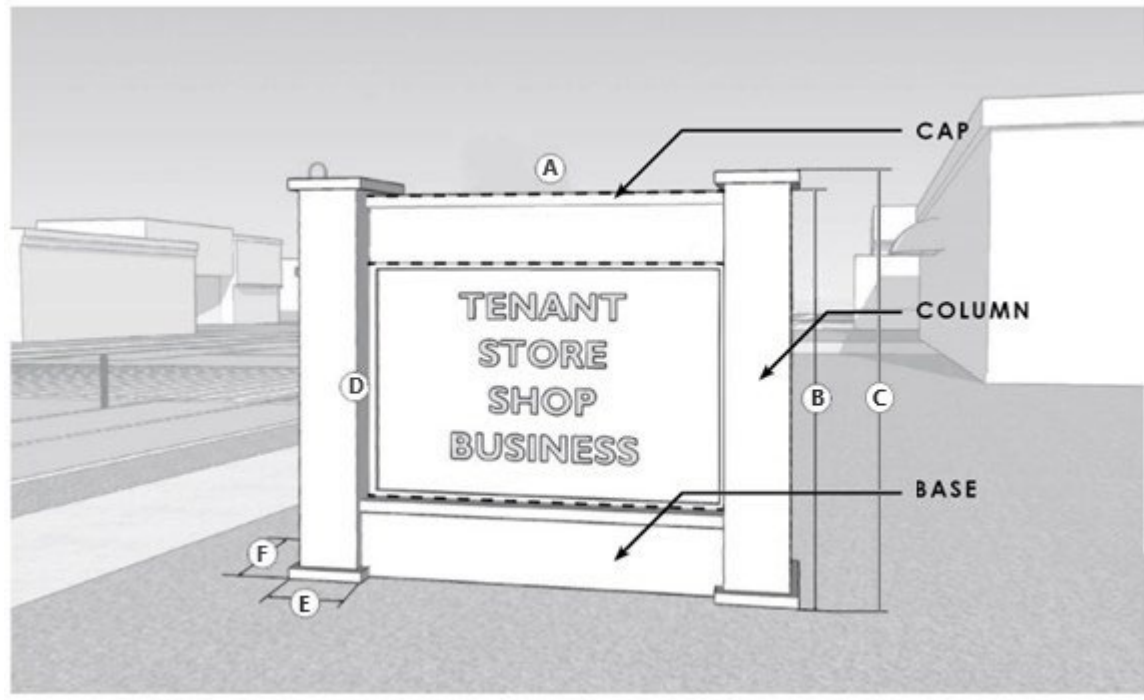
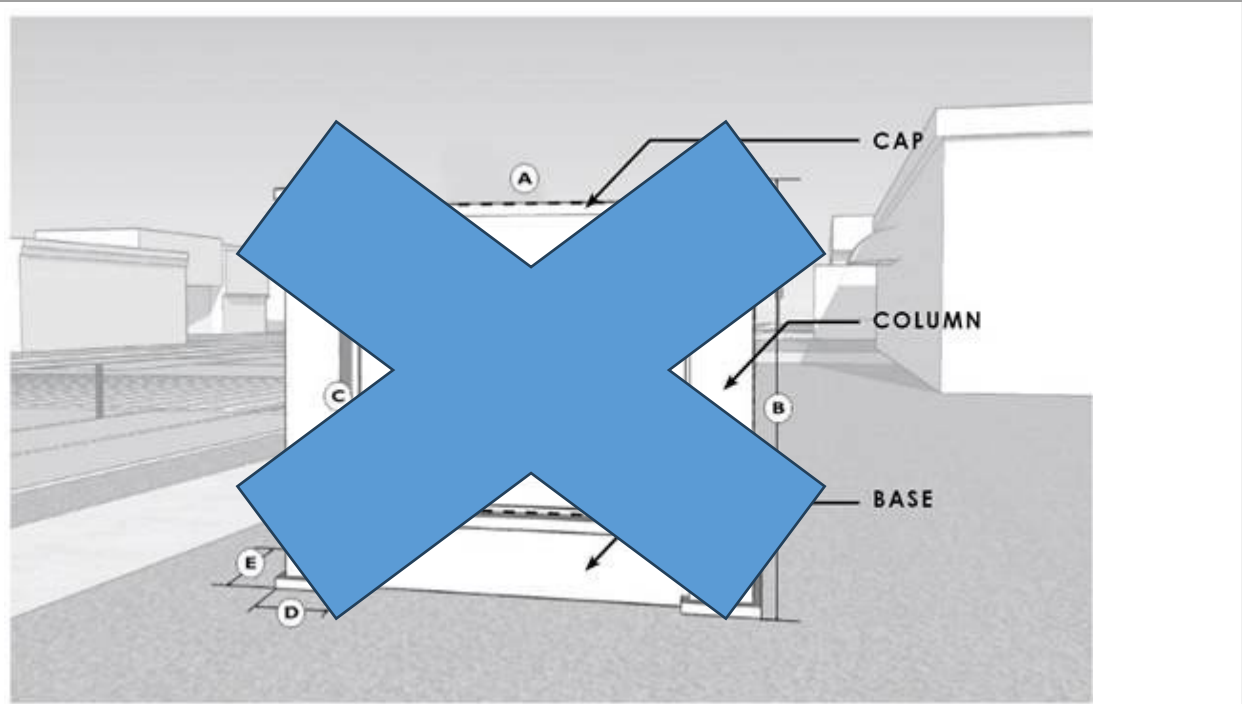
3.5.43. *Permitted Signs*

A. No change.

B. No change.

1. No change.

2. **Monument Signs.**



<p>1. Description</p>	<p>A freestanding ground sign with a supporting structure with two columns on the end of the sign. A monument sign is not attached, supported or suspended to or from any building or structure. All monument signs shall include three separate and distinct features: base, cap, and columns. Each of these features must be distinguishable by form, finish, or other means besides color. All ground signs</p>
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	shall be in the form of monument signs, except directory signs, and shall include the physical address on the sign.
2. Location and Number	1 sign per frontage maximum.
3. Size	<p>Sign Area and Height:</p> <p>A. Sign Width: Maximum 10'.</p> <p>B. Sign Height: Maximum 9' if adjacent to a roadway with a posted speed limit of 30 mph or less AND less than four lanes; otherwise, maximum 15', <u>measured from ground to top of cap.</u></p> <p>C. Column Height: Maximum 15' <u>No greater than 1' above the sign cap.</u></p> <p>D. Sign <u>Face</u> Area: Maximum 75 square feet.</p> <p>E. Column Width: Maximum 16".</p> <p>F. Column Length: Maximum 18".</p>

3.-7. No change.

C. No change.

3.5.~~54~~. No change.

3.5.~~65~~. No change.

3.5.~~76~~. No change.

3.6. No change.

3.7. - Landscaping

3.7.1. *Purpose, Intent and Applicability*

A.-B. No change.

C. No change.

1.-6. No change.

7. Complete plant schedule including common and scientific name, symbols with a legend, quantities, container size or tree caliper, container size ~~or diameter at breast height (DBH)~~ at installation, heights, spread, spacing and method of irrigation at installation. The location, size, and type of all protected, Venetian, Heritage, and Canopy trees as per Chapter 89, Section 3 Tree Preservation, Protection and Replacement shall also be provided;

8.-14. No change.

D.-I. No change.

3.7.2. Plant Materials

- A. **Selection of Materials.** Plant materials used to meet the requirements of this section must meet the standards for Florida No. 1 or better, as set out in Grades and Standards for Nursery Plants, Parts I and II, Department of Agriculture, State of Florida (as amended). Root ball and container sizes on all ~~transplanted~~ plant materials must also meet state standards.
1. No change.
 2. **Mulch Requirements.** Mulch material shall be consistent with Florida Friendly Landscaping™ recommendations. ~~consist of shredded softwood or hardwood chips, oak leaves, brick chips, and other alternate materials as approved by the City on a case by case basis.~~ Non-porous materials shall not be used as mulch. Mulch shall not be placed within six (6) inches of the trunks of trees. Mulch shall be placed to a minimum depth of two (2) inches and a maximum depth of four (4) inches. Individual trees shall be mulched consistent with requirements of Chapter 89, Section 3. ~~Each tree must have a ring of mulch no less than twenty four (24) inches beyond its trunk, and no greater than its dripline, in all directions.~~ The intention of these regulations is to allow mulch within a landscape design while not allowing an entire yard to only be covered with mulch.
 - a. No change.
 - 3.-7. No change.
 8. **Invasive Exotics.** ~~Highly Category 1~~ invasive exotic plants, as identified by IFAS Extension, must be removed from the development area. Methods to remove and control invasive exotic plants must be included on the development plans. Sites shall be maintained to ensure no invasive exotic plants occur on the site. For purposes of this subsection, invasive exotic plants include any additional species referenced by the most recent list of such plants provided by the Florida ~~Exotic Pest Plant Council (FLEPPC)~~ Invasive Species Council (FISC). A design alternative may be proposed to maintain invasive exotics.

3.7.3. Irrigation

- A. No change.
- 1-4. No change.
 5. Irrigation systems shall be operated by an automatic irrigation controller and/or timer, and with a rain or soil moisture sensor, or other device designed to prevent system operation when adequate soil moisture is available.
 - 6.-8. No change.
- B. No change.

Chapter 88 - BUILDING REGULATIONS

SECTION 1. No change.

SECTION 2. - ADMINISTRATION

2.1. No change.

2.2. - Permits and Fees

2.2.1.-2.2.3. No change.

2.2.4. *Minimum Floor Elevation* (~~Not in Special Flood Hazard Area; FIRM Zone X~~)

A.-C. No change.

SECTION 2. - ENVIRONMENTAL STANDARDS

2.8. - Coastal Waterway Management and Protection

2.8.4. *Construction and Technical Standards*

- A. No change.
- B. **Development Standards.** The construction of docks, piers, mooring piles, davits, boat lifts, shoreline protection devices, or other similar structures shall be subject to the minimum standards for issuance of a permit as described in this section. For major permits, the construction and technical standards within this section shall only be used as guidance for evaluating permit approval criteria of subsection 2.8.3.Q.9, above.
 - 1.-17. No change.
- C. No change.

SECTION 3. - TREE PRESERVATION, PROTECTION, AND REPLACEMENT

3.2. - Prohibitions and Exemptions

3.2.2. *Exemptions*

- A. The following are exempt from this section:
 - 1.-3. No change.
 - 4. ~~Removal of invasive plant, or diseased or infested trees upon receiving written confirmation from the City Arborist, Florida Forest Service, Professional Landscape Architect, or Certified Arborist.~~ Removal of trees listed by the Florida Invasive Species Council (FISC) as an invasive exotic tree species.
 - 5.-9. No change.

3.3. - Permitting

3.3.1. *Tree Permit Application Requirements*

- A.-B. No change.
- C. **Tree Protection and Replacement Plan.** Unless otherwise exempted, Tree Protection and Replacement Plans shall be prepared by a Professional Landscape Architect or Certified Arborist and must provide the following information:
 - 1.-2. No change.
 - 3. A copy of the site plan, showing proposed buildings, grading, streets, access ways, sidewalks, hardscape, proposed and existing utilities, and locations of tree protection barricades drawn to scale with dimensions depicted for the barricades.
 - 4. No change.

3.3.2-3.3.3. No change.

3.4. - Tree Planting, Preservation, Relocation, and Replacement

3.4.1. *Protected Trees*

- A. No change.
 - 1. No change.

2. Any tree over four (4) inches DBH, unless an invasive or exotic plant of concern identified by the ~~Florida Exotic Pest Plant Council (FLEPPC)~~ Florida Invasive Species Council (FISC).

3.-4. No change.

B. No change.

3.4.2-3.4.5. No change.

3.4.6. *Incentives—Preservation of Existing Trees/Vegetation and Planting of New Trees*

A. No change.

1.-3. No change.

~~4. New nursery grown large and medium trees six (6) to eight (8) inches caliper, and small trees three (3) to four (4) inches caliper shall result in a credit of one and one half (1½) times their diameter.~~

3.4.7-3.4.9. No change.

3.5. - Education and Best Management Practices

3.5.2. *Required Best Management Practices*

A.-C. No change.

D. Prior to commencing work and throughout the duration of the authorized activity, the owner, developer, contractor, or agent shall clearly mark with red flagging all trees proposed to be removed and shall erect barricades around all trees to be protected. The barricades must remain in place and be in good condition for the duration of the authorized activity.

E. Protective barricades for protected trees shall be installed no closer than the outer edge of the designated TPZ of the tree. Barricades shall be placed no closer than three (3) feet from the trunk of palms. Barricades shall be constructed in a post and rail configuration or with orange barrier fencing and be no less than four (4) feet in height. The upright posts shall be a minimum of a two by two-inch (2" x 2") wooden stake. Posts shall be implanted deep enough into the ground to be stable and extend a minimum height of four (4) feet above the ground. A minimum of a one (1) four-inch by one-inch by eight feet (1" x 4" x 8') in length wooden board shall be used to connect the upright posts. The maximum distance allowed between upright posts is eight (8) feet. Silt barriers, hay or straw bales, or similarly effective erosion control barriers may be substituted and required in any area where erosion or siltation may cause damage to TPZ upon approval by the City Arborist.

F. ~~Barricades that result in greater protection may be substituted with the approval of the City Arborist.~~ For Heritage trees, temporary chain-link fence or similar barricades that provide greater protection from intense or longer duration construction activity are encouraged and may be required by the City Arborist. In all cases, the barriers must remain in place until the final finish grade is established at the end of the project or project phase, and all construction activity is completed. Damage to protection barriers and encroachments into the TPZ will be subject to the fines and penalties established in Section 3.1.4 and Section 3.7. Signs shall be posted at fifty (50) foot intervals for single trees or tree clusters of twenty (20) trees or less and; 100-foot intervals for areas of more than twenty (20) trees; that clearly state potential fines and "Tree Protection Area, Keep Out".

E. G. Throughout the duration of the authorized activity, the owner, developer, contractor, or agent shall not cause or permit the cleaning of equipment or material or the storage or disposal of debris, fill, waste materials such as paints, oils, solvents, asphalt, concrete, mortar, or any other material within any TPZ.

F. H. No damaging attachment ropes or wires (other than supportive measures for a tree), signs, posters, handbills, tree permits, or other objects may be fastened to any tree except pursuant to authorization

under the provisions of this section. No gaseous, liquid, equipment exhaust or solid substance which may be harmful to trees shall come into contact with any portion of the tree.

~~G.~~ I. Where elevation changes are proposed, within the TPZ, the applicant will be required to justify the need for the elevation change and install retaining walls and/or provide accommodations for drainage unless the applicant demonstrates that such protection would be impractical. Where elevation changes are proposed within the TPZ of any Protected tree as defined in Section 3.4.1, the applicant will be required to install retaining walls and/or provide accommodations for drainage unless the applicant demonstrates such protection would be impractical. These root protection measures shall be in place prior to the deposition of fill, or excavation of soil within the TPZ. Tree species' tolerances for grade changes, size and age will be considered when locating tree wells and retaining walls. Tree wells or retaining walls will be required as applicable when grade changes of more than six (6) inches are needed within more than twenty percent (20%) of the TPZ. Tree well and retaining wall distances from the face of the trunk range from three-quarters (0.75) feet for each one (1) inch DBH for a construction tolerant species to one and one-half (1½) feet for each one (1) inch DBH of mature or less tolerant species. The applicant will be required to present a report bearing the signature of a Certified Arborist or Professional Landscape Architect with a statement of minimal impact design. The applicant may also request a pre-application meeting with the City Arborist before submitting a design. Retaining walls shall be built with posts or pilings, shallow and small footers or footers of stone or sand to lessen the impact of cut or compacted roots. In cases where grade changes can be accomplished with less than 20 percent (20%) of the CRZ being impacted, the change should be as gradual and as far from the trunk face as possible with no more than six (6) inches of fill over 20 percent (20%) of the TPZ. Under no circumstances will fill be allowed over the root plate.

~~H.~~ J. The City Arborist may conduct periodic inspections of the site during land clearing and construction to ensure compliance with this Chapter.

~~I.~~ K. The City Arborist may allow certain activities to be conducted within the barricaded TPZ, upon a determination that the tree will not be adversely affected, such as driveways, swimming pool decks, and patio pavers.

~~J.~~ L. If temporary equipment or vehicle access into the TPZ is required for construction activity, steps must be taken to protect the TPZ from compaction and damage. For short-term temporary access of three (3) weeks or less, a six (6) to twelve (12) inch layer of organic mulch in the area of encroachment shall be installed and maintained. For longer periods the applicant will be required to install and maintain a four (4) inch layer of mulch and place three-quarter (¾) inch plywood on the mulch layer to create a path for equipment or vehicles. Under no circumstances should these access paths be placed on or where they may impact the root plate. The City Arborist shall be informed and approve of any alterations to the original approved Tree Protection Plan. Violations will be subject to fines and penalties as established in the schedule of fees and charges per this Section.

~~K.~~ M. The use of posts, pilings, or a similar system shall be used as the construction method for structures within the TPZ. Continuous footers and stem walls shall not be installed within the TPZ unless approved by the Director and/or Director's designee. These posts or pilings shall be engineered only as large as necessary to support the proposed structure. All efforts shall be made to reduce the impact to large roots and in no circumstances should the structure encroach on the root plate of a tree.

~~L.~~ N. No trenches are permitted within the TPZ without prior approval of the City Arborist. With approval of the City Arborist, hand dug trenches may be allowed and roots pruned cleanly as directed in "ANSI A (300) Part 8, Root Management Standard". All efforts should be made to bypass the TPZ with underground utilities and irrigation lines unless tunneling methods are used a minimum of thirty-six (36) inches below the existing grade.

~~M.~~ Q. **Soil Volumes—Required Soil Volumes for Newly Planted Trees.**

1.-2. No change.

3. Small tree species, less than thirty (30) feet in height:

a.-d. No change.

e.4. Exceptions to the space requirements for some individual species may be granted by the City Arborist.

4.5. The following are methods to achieve soil volume requirements for street trees in or near sidewalks, within plazas and parking lots:

a.-c. No change.

P. **Tree Mulch.** Trees not incorporated within a landscape bed shall be mulched with a minimum forty-eight (48) inch diameter mulch ring of approved Florida Friendly organic mulch. Mulch shall not be placed within six (6) inches of the trunks of trees. Mulch depth shall be a minimum of two (2) inches and a maximum of four (4) inches. Trees within landscape beds may be mulched with the approved landscape plan mulch meeting the requirements of Sec. 87.3.7.2.A.2.

Q. Trees shall be trimmed or pruned in such a manner so as to not alter their natural form, growth habit or character and shall not be pruned into "unnatural" shapes, including but not limited to, circles, ovals, or squares.

3.6-3.7. No change.

SECTION 4. - GENERAL DEFINITIONS

4.1 - Defined Terms

Agriculture-Hardwood Tree. No change.

Heritage Tree: Any 30-inch DBH single trunk or 45-inch DBH multi trunk Florida Friendly Tree that has been determined by the City Arborist to have the characteristics as outlined in this Chapter or any tree designated a Florida State Champion or Challenger Tree, United States Champion, or World Champion by the Florida ~~Forest Service~~ Department of Agriculture and Consumer Services Forestry Division or the American Forestry Association.

Historic Resource-International Society of Arboriculture (ISA). No change.

Invasive Plant: Any nonindigenous plant that grows aggressively enough to crowd out Native Plants. The List of Invasive Plant Species published by the ~~Florida Exotic Pest Plant Council (FLEPPC)~~ Florida Invasive Species Council (FISC), as it may be amended from time to time, is hereby adopted and incorporated herein by reference.

Irreparable Injury-Visible From the Beach. No change.