

ORDINANCE NO. 2023-12

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING ARTICLE XX OF CHAPTER 22, ZONING, OF THE CODE OF ORDINANCES, PERTAINING TO TREES; AMENDING SECTION 22-20.08, TREE REPLACEMENT OR RELOCATION; AMENDING SECTION 22-20.13, ENFORCEMENT; AMENDING SECTION 22-20.16, APPROVED TREES; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City wishes to amend the regulations for the enforcement of the tree replacements or relocations; and

WHEREAS, the City Council has found this ordinance to be in the best interest, safety and welfare of the citizens of the city; and

WHEREAS, notice of this ordinance has been provided in accordance with State law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GULFPORT, FLORIDA, HEREBY ORDAINS:

Section 1. Section 22-20.08. of Chapter 22, Zoning, of the City Code of Ordinances is hereby amended as follows:

Sec. 22-20.08. Tree Replacement or Relocation.

As a condition of the granting of any tree removal permit for any tree located on private property, the applicant shall be required to replace any tree removed with a tree of a species listed in section 22-20.16. Said replacement tree shall be a minimum of two (2) inches DBH and eight (8) feet high at time of planting. If an applicant removes more than six (6) trees as part of any development, all required replacement trees in excess of six (6) shall be a minimum of two (2) inches DBH and eight (8) feet high at time of planting. If any removed tree meets the criteria for removal set forth in subsection 22-20.07(a), no replacement tree shall be required for said tree. Approved permits shall allow an applicant to delay replacement of any tree for up to six (6) months to take seasonal planting conditions into consideration. All permit applications for any parcel of property submitted within one (1) year of each other shall be treated as a single application for the purpose of determining the required replacement trees. If the applicant can demonstrate that the planting of replacement trees on a property would be impractical due to the existence of other trees of a type protected by this article within thirty (30) feet of all available land for the planting of trees on said property, the number of replacement trees may be reduced, and the applicant shall be required to pay to the city's tree bank account the sum of one hundred and twenty five dollars (~~\$400.00~~ \$125.00) for each inch of DBH of those replacement trees which are not required to be planted as a result.

Section 2. Section 22-20.13. of Chapter 22, Zoning, of the City Code of Ordinances is hereby amended as follows:

Sec. 22-20.13. Enforcement.

(a) The city shall withhold the issuance of any required certificate of occupancy, permit or inspection on any property until the provisions of this article, including all conditions of any permits issued under this article, have been complied with.

(b) If any tree, not meeting the removal criteria provided in section 22-20.07 of this article, has been removed in violation of the provisions of this article, said tree shall be replaced on a DBH inch-for-inch basis. The term "inch-for-inch" shall mean that for each DBH inch of tree improperly removed or destroyed, replacement trees having the minimum replacement tree size described in this article shall be required and the total DBH in inches of all replacement trees shall equal or exceed the combined DBH inches of all trees improperly removed. If the applicant can demonstrate that the planting of replacement trees on a property would be impractical due to the existence of other trees of a species protected by this article within thirty (30) feet of all available land for the planting of trees on said property, the number of replacement trees may be reduced, and the applicant shall be required to pay to the city's tree bank account the sum of one hundred and twenty five dollars (~~\$100.00~~ \$125.00) for each inch of DBH of those replacement trees which are not required to be planted as a result. Additionally, for each tree improperly removed a fine of one hundred dollars (\$100.00) shall be deposited into the tree bank account. The board of adjustment may grant variances from this subsection, subject to the standards specified in article XI of this chapter, and take into consideration whether the applicant meets the very low- and low-income standards as published by the county community development department.

(c) If any tree has been removed in violation of this article, and the property owner of the property from which said tree was removed can demonstrate that said tree was at the time of removal eligible for removal under section 22-20.07 of this article, a fine of one hundred dollars (\$100.00) per tree removed shall be deposited into the tree bank account.

(d) If a permit was not obtained as required pursuant to this article, the required permit may be issued after the tree work has been commenced by the property owner, and the fee for the same shall be one hundred fifty dollars (~~\$50.00~~ \$100.00). Nothing contained herein shall be construed to authorize the commencement of any tree work under this article without required permit for same.

(e) In addition to the remedies provided in this section, this article may be enforced as otherwise provided in this Code of Ordinances for the enforcement of any code violation

Section 3. Section 22-20.16. of Chapter 22, Zoning, of the City Code of Ordinances is hereby amended as follows:

Sec. 22-20.16. Approved trees.

The following tree species are recognized as approved trees, pursuant to this article:

~~Deciduous Tree Species Common name (scientific name)~~

~~Bald cypress (Taxodium distichum)-~~
~~Blackgum (Myssa sylvatica v. biflora)-~~
~~Cherry laurel (Prunus caroliniana)-~~
~~Chicksaw plum (Prunus angustifolia)-~~
~~Coastal plain willow (Salix caroliniana)-~~
~~Coral tree (Erythrina spp.)-~~
~~Deciduous holly (Ilex dedidua)-~~
~~Dogwood (Cornus florida)-~~
~~Florida elm (Ulmus americana v. floridana)-~~
~~Florida maple (Acer saccharum)-~~
~~Fringe tree (Chionanthus virginicus)-~~
~~Goldentrain tree (Koelreuteria elegans)-~~
~~Gumbo limbo (Busera simaruba)-~~
~~Honeylocust (Gleditsia triacanthos)-~~
~~Laurel oak (Quercus laurifolia)-~~
~~Pignut hickory (Carya glabra)-~~
~~Pond cypress (Taxodium ascendens)-~~
~~Red maple (Acer rubrum)-~~
~~Redbud (Cercis canadensis)-~~
~~River birch (Betula nigra)-~~
~~Shumard oak (Quercus shumardii)-~~
~~Sweet gum (Liquidambar styraciflua)-~~
~~Sycamore (Platanus occidentalis)-~~
~~Tulip poplar (Liriodendron tulipifera)-~~
~~Water oak (Quercus nigra)-~~
~~Weeping willow (Salix spp.)-~~
~~Winged elm (Ulmus alata)-~~

~~Evergreen Tree Species Common name (scientific name)~~

~~American holly (Ilex opaca)-~~
~~Buttonwood (Conocarpus erectur)-~~
~~Dahoon (Ilex cassine)-~~

~~Florida bay, red bay (Persea borbonia)-~~
~~Live oak (Quercus virginiana)-~~
~~Loblolly bay (Gordonia lasianthus)-~~
~~Loblolly pine (Pinus taeda)-~~
~~Longleaf pine (Pinus palustris)-~~
~~Pigeon plum (Coccoloba diversifolia)-~~
~~Red cedar (Juniperus silicicola)-~~
~~Redbay (Persea borbonia)-~~
~~Sand pine (Pinus clausa)-~~
~~Slash pine (Pinus elliotii)-~~
~~Southern red cedar (Juniperus silicicola)-~~
~~Southern magnolia (Magnolia grandiflora)-~~
~~Sparkleberry (vaccinium arboreum)-~~
~~Sweet acacia (Acacia farnesiana)-~~
~~Sweetbay (Magnolia virginiana)-~~
~~Wax myrtle (Myrica cerifera)-~~
~~Yaupon holly (Ilex vomitoria)-~~

~~All of the above trees are native trees.-~~

Approved Native Species - Common name (scientific name).

Shade/Canopy Trees

Bald Cypress – (Taxodium distichum)
Buttonwood, Green – (Conocarpus erectus)
Buttonwood, Silver – (Conocarpus erectus var. sericeus)
Dahoon Holly – (Ilex cassine)
Live Oak – (Quercus virginiana)
Gumbo Limbo – Busera simaruba
Red Maple – (Acer rubrum)
Sand Pine – (Pinus clausa)
South Florida Slash Pine (Pinus elliotii var. densa)
Southern Red Cedar – (Juniperus silicicola)
Southern Magnolia - (Magnolia grandiflora spp.)
Sweetbay Magnolia - (Magnolia virginica)

Sweet Gum – (Liquidambar styraciflua)

Sycamore – (Platanus occidentalis)

Winged Elm - (Ulmus alata)

Approved Non-native Species - Common name (scientific name).

Shade/Canopy Trees

Jacaranda – (Jacaranda mimosifolia)

Purple Trumpet Tree - (Handroanthus impetiginosus)

Approved Native Tree Species Approved Non-native Species - Common name (scientific name).

Understory/Small Trees

Chickasaw Plum - (Prunus angustifolia)

Dwarf Southern Magnolia - (Magnolia grandiflora 'Little Gem')

Pond Cypress – (Taxodium ascendens) Sweet Acacia – (Vachellia farnesia)

Upright Yaupon Holly – (Ilex vomitoria)

Wax Myrtle – (Myrica cerifera)

Weeping Yaupon Holly – (Ilex vomitoria 'Pendula')

Approved Non-native Species - Common name (scientific name).

Understory/Small Tree

European Olive - (Olea europaea spp.)

Golden Trumpet - (Handroanthus chrysotrichus)

White Geiger – (Cordia boissieri)

Section 4. If any portion or part of this ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 5. All Ordinances, or parts of Ordinance in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 6. This Ordinance shall become effective immediately upon final passage.

FIRST READING: September 5, 2023-TABLED

2nd FIRST READING: November 21, 2023

PUBLISHED: November 26, 2023

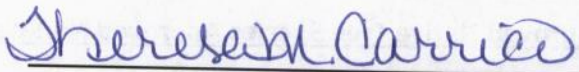
SECOND READING/
PUBLIC HEARING: December 5, 2023



Samuel Henderson, Mayor

I, Theresa M. Carrico, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of law and the City Charter this 5th day of December, 2023.

ATTEST:



Theresa M. Carrico, City Clerk